

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

**RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS MAKING THE REQUIRED FINDINGS TO DENY THE APPEAL AND DENYING THE AVIATION PERMIT APN. 511-131-031**

**WHEREAS**, the Joseph Doty, appellant-owner sought permits for development of a second-story Accessory Dwelling Unit (ADU) above a new garage, at a height under 24 feet, replacing an existing structure footprint; and

**WHEREAS**, the appellant purchased the property in 2024, and sought to obtain permits to construct the new garage and second story ADU, but was told by the Planning and Building Department that the proposal was inconsistent with the County adopted Airport Land Use Compatibility Plan (ALUCP); and

**WHEREAS**, the parcel is zoned Residential Single Family (RS) with combining zones for Airport Safety Review (AP), and Noise (N). The AP combining zone requires a Safety Review under the ALUCP which in this case cannot be approved because the location is in the Runway Protection Zone which does not allow new structures or an expansion of structures; and

**WHEREAS**, Humboldt County Airport Land Use Compatibility Plan (ALUCP) establishes various safety zones for parcels located in approach zones based on statistical records for accident frequency and accident consequences; and

**WHEREAS**, the parcel is located within an airport approach zone designated as Safety Zone 1 of California Redwood Coast-Humboldt County Airport (ACV) pursuant to the ALUCP, which provides for zero percent (0%) increase in building expansion; and

**WHEREAS**, the Humboldt County Department of Aviation is charged with administering the ALUCP and reviewing Aviation Permits related to new construction and modifications to existing buildings in any of the areas covered by the ALUCP or in situations where development has the potential to penetrate protected air space as specified in Humboldt County Code Section 333-9; and

**WHEREAS**, the County Department of Aviation has determined that the subject site Assessor (Parcel Number 511-131-031) is situated within Safety Zone 1, which precludes further development on the property and furthermore a two-story structure has the potential to penetrate protected air space; and

**WHEREAS**, on October 2, 2025, the Department of Aviation and Board of Supervisors received an appeal of the determination that the garage and accessory dwelling unit cannot be constructed in accordance with the Appeal Procedures specified in Humboldt County Code Section 333-11; and

**WHEREAS**, the Board of Supervisors opened a public hearing, *de-novo*, at their meeting of March 3, 2026, and reviewed, considered, and discussed the application and appeal of the proposed development; and reviewed and considered all public testimony and evidence presented at the hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS THAT:**

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

**1. FINDING: PROJECT DESCRIPTION.**

Denial of an Appeal of an Aviation Permit, and Aviation Permit request to allow a two-story ADU above a garage with a height of 24 feet for a parcel addressed 3481 Central Avenue, located approximately 850 feet from the end of the runway for the Redwood Regional Airport and is in Safety Zone 1 of the Airport Land Use Plan.

- EVIDENCE:**
- a) The applicant/appellant has not submitted any applications but had undertaken conversations with the Department of Aviation and the Planning and Building Department about constructing the proposed ADU. This is being processed to provide the property owner with due process as staff has repeatedly informed the property owner that his request cannot be authorized under the existing regulations.
  - b) The property has a zoning designation of Residential Suburban with a Q zone overlay establishing density requirements for Accessory Dwelling Units and combining zones for Airport Safety and Noise. The Airport Safety overlay requires that all future developments comply with the Airport Land Use Compatibility Plan.
  - c) Humboldt County Code section 333-9 states that before any nonconforming structure may be replaced, substantially altered or rebuilt within any airport protected airspace, a permit must be secured authorizing such replacement or change. The property owner wishes to modify a non-conforming use of the property.

**2. FINDING: CEQA.** The requirements of the California Environmental Quality Act have been met. The project is exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines (Projects which are disapproved).

- EVIDENCE:**
- a) CEQA Guidelines section 15270 states that CEQA does not apply to projects which are denied

**3. FINDING:** The County of Humboldt has set up clear requirements for development on properties around airports and has clear processes for implementing those requirements. There is

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

appropriate public notification for the existence of these requirements.

- EVIDENCE:**
- a) Chapter 333 of the Humboldt County Code regulates and restricts the height of structures and objects of natural growth and otherwise regulates the use of property in the vicinity of airports and assigns responsibility for conformance review to the Department of Aviation.
  - b) Chapter 333 of the Humboldt County Code implements Article 6.5 of Chapter 2, Part 1, Division 1, Title 5 of the Government Code of the State of California, otherwise known as the “Airport Approaches Zoning Law,” for the purpose of promoting the public health, safety and general welfare of the inhabitants of the County.
  - c) Implementation of Chapter 333 of the Humboldt County Code often results in the dedication of avigation easements on property that provides appropriate restrictions on the property and notifies future buyers that restrictions exist.
  - d) The County has adopted an Airport Land Use Compatibility Plan (ALUP) in 2021 identifying compatibility zones for development around the Airport.
  - e) The 2021 ALUCP was developed using Guidelines prepared by the California Department of Transportation contained in the California Airport Land Use Planning Handbook as well as Guidance from Federal Aviation Administration Circulars and Opinions. .
  - f) Areas affected by the Zones within the ALUCP are given an “AP” – Airport Safety Review zoning overlay on the zoning map. Any potential buyer or developer would be able to look at the zoning and see that the zoning overlay implements the ALUCP.

- 4. FINDING:** The house and accessory structures on the property at 3511 Central Avenue are nonconforming structures relative to the Airport Land Use Compatibility Plan and may remain and be maintained in their current configuration but may not be expanded or increased in height.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

- EVIDENCE:**
- a) The subject parcel was created in 1978, with an Avigation easement that notified the property owner of height restrictions to protect air space.
  - b) The house was constructed on the property in 1975, prior to the property being subdivided.
  - c) Chapter 333 of the Humboldt County Code was substantially updated in 2020 to address FAA requirements.
  - d) The first Airport Land Use Compatibility Plan was adopted in 1993 designating the area of this property as a runway protection zone. This designation would not allow construction of a single-family residence at this location making the use and structures on the property nonconforming.
  - e) The Airport Land Use Commission was established on May 19, 1981, and the first Airport Land Use Compatibility Plan was adopted on May 25, 1993.
  - f) In the 1993 ALUCP the subject property was identified in Zone A, which prohibited all structures except ones with location set by aeronautical function, assemblages of people and anything that would be a hazard to flight.
  - g) The 2021 ALUCP identified this parcel as being in Safety Zone 1, the Runway Protection Zone, which had the same limitations of not allowing development as the 1993 plan. Safety Zone 1 does not allow any structures to be constructed on property due to the danger posed by the location at the end of the runway.
  - h) Nonconforming uses and structures may remain and be maintained in the existing configuration. Expansion of a nonconforming use is not allowable, including but not limited to, increases in structure height that penetrate protected airspace and increases in unit density within an established safety zone.

- 5. FINDING:** The Department of Aviation finds the addition of a garage and Accessory Dwelling Unit does not meet the requirements of the Airport Land Use Plan because the property is in Compatibility Zone 1, which does not allow any new development. New or expanded residential development is not allowed under the Airport Land Use Plan and poses a danger to the public health,

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

safety and Welfare.

- EVIDENCE:**
- a) Compatibility Zone 1 is the Runway Protection Zone which is an area extending out from the end of a runway and is the most restrictive of all the Safety Zones.
  - b) Compatibility Zones are developed based upon the guidelines in the California Airport Land Use Planning Handbook developed by Caltrans. According to this reference nothing is compatible within Safety Zone 1.
  - c) The Safety Zones were developed by considering
    - Accident Frequency: Where and when aircraft accidents occur in the vicinity of an airport;and
    - Accident Consequences: Land uses and land use characteristics that affect the severity of an accident when one occurs
  - d) Residential development is incompatible in Safety Zone 1. This is reflected in GP-23 which states: *Other than in Safety Zone 1 (the runway protection zone), construction of a single-family home, including a second unit as defined by state law, on a legal lot of record as of the date of adoption of this ALUCP, if such use is permitted by local land use regulations.*

**6. FINDING:** The Proposed development of a new garage with an ADU above is not consistent with the Humboldt County Code section 314-16 regulations for Airport Safety Zone because the addition of the ADU and new garage structure are inconsistent with the Airport Land Use Compatibility Plan.

- EVIDENCE:**
- a) Section 314-16.1 is to maintain compatibility between the operation of the airport and development around the airport (subsection 314-16.1.1.)
  - b) Development must be found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) (Subsection 314-16.1.2.).
  - c) The expansion of any residence, including addition of an Accessory Dwelling Unit, is inconsistent with Safety Zone 1 and

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

thus is not permitted by the Airport Safety Review Combining Zone.

**7. FINDING:** The Proposed development of a new garage with an ADU above is not consistent with the Humboldt County Code section 333 which was adopted for the purpose of promoting the public health, safety and general welfare of the inhabitants of the County, because the proposed development has the potential to penetrate protected airspace and increase risk to airport operations , thereby creating hazards for both air travelers and persons on the ground.

**EVIDENCE:** a) There is an avigation easement on the property that rises 1 foot for every 50 feet of distance from the runway. The location of the proposed development is approximately 856 feet from the runway.

b) Section 333-9 states before any nonconforming structure may be replaced, substantially altered or rebuilt within any airport protected airspace, a permit must be secured authorizing such replacement or change. Such permits shall be granted except where the granting thereof would allow the establishment or creation of an airport hazard or permit a nonconforming use or structure to be made or become higher or become a greater hazard to air navigation than existed on the effective date of the applicable regulation thereunder. The request under consideration would replace a nonconforming structure with a new structure that would be taller and place more people on this property which would violate this provision in the code.

**FINDINGS FOR APPEAL**

**8. FINDING:** Appeal Argument 1: “Inconsistency with HCD and State Guidelines” The property owner’s contention that the denial of the permit and variance for the ADU is not consistent with HCD and state guidelines is not correct.

**EVIDENCE:** a) While it is true that the California Department of Housing and Community Development (HCD) seeks to see more housing built in the form of Accessory Dwelling Units, it is not true that this

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

extends to allowing housing in areas that would put the residents or others in a potentially unsafe location. In this case the regulations contained in the Airport Land Use Compatibility Plan would not allow even a single-family residence to be constructed on this site due to safety concerns at the end of the runway.

- b) By California Law, an ADU is considered part of the single-family dwelling for purposes of calculating density. ADUs are allowed where single family residences are allowed. Since a single-family residence is not allowed on this property (see findings above relative to Safety Zone 1 in the ALUP), the existing structure is legal nonconforming. It cannot be expanded to include an ADU.
- c) Denial of the aviation permit aligns with HCD regulations and state ADU law. Government Code § 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed ADU and preserves local authority to deny an ADU where a specific, unmitigable adverse impact on public health or safety would occur including conflicts with airport safety zones. Humboldt County implements state ADU law through HCC §§ 314-69 et seq., which expressly incorporates airport-compatibility requirements. Under HCC § 314-69.05.6.1.2, ADUs and JADUs may not be approved in areas where they would be incompatible with airport safety zones. The appellant’s property lies within such an area, and the proposed second-story ADU would intensify an existing nonconforming condition, exceed the allowable density increase for Safety Zone 1 (which is 0%), and exacerbate an airport hazard. As such, the Project directly conflicts with both state law and the County’s airport-compatibility ordinance, denial is required.
- c) The existing house was installed in 1975 prior to creation of the ALUC or adoption of the ALUCP. It is a legal structure, and can be maintained, but it cannot be expanded

**9. FINDING:** Appeal Argument 2: “Neighboring Properties Received Approvals” Neighboring properties have not received approvals that are in violation of either Safety Zone 1 or the height limitations established by the FAA.

**EVIDENCE:** a) A review of the County Permitting system shows that no permits have been issued for new construction. There have been

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

residential permits issued to re-roof buildings, install new water heaters, and install solar panels but no residential permits have been issued to construct a new building or to enlarge an existing nonconforming building.

- b) The property owner referred to the Hooven Building located immediately south of the subject site as an example of the county allowing new development in Zone 1 of the Land Use Compatibility Zone. A Building Permit was issued to add an addition to the front of the building. The primary concern from Public Works in review of that Building Permit was ensuring the building does not penetrate the protected airspace surfaces. This was addressed on the approved plans. There is no record of addressing compliance with the 1993 Airport Land Use Compatibility Plan which would not have allowed expansion of this building as it was nonconforming at the time relative to the ALUP. This must be understood to have been an error.
- c) A single erroneous permit authorizing expansion of a nonconforming building does not establish precedent and does not create any right to future expansion. Given the significant public-safety implications associated with potential penetration of protected airspace and development within Safety Zone 1, the County cannot rely on a past oversight to justify new development that increases risks to aircraft operations. The County remains obligated to apply current ALUCP standards.
- d) It is not the County practice to issue permits for new development or expansion of existing development in the runway protection zone (Zone A in the 1993 ALUCP and Zone 1 in the 2021 ALUCP.)

**10. FINDING:**

Appeal Argument 3: “Decisions Should Be Based on FAA Studies”  
The argument that the decision should be based on FAA studies ignores the fact that the property is located within Zone 1 which does not allow new development. No additional studies are needed.

**EVIDENCE:**

- a) FAA guidelines, as grounded in FAA Advisory Circulars and supporting safety studies, formed the basis for the development,

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

adoption, and enforcement of the Airport Land Use Compatibility Plan (ALUCP). The appellants' proposed development lies within restricted safety zones where structures are prohibited. ALUCP Policy 1.4.1 and Figure 1.2 identify Assessor Parcel Number 511-131-031 as located in Review Area 1. Figure 4.2 places the property within Safety Zone 1 (Runway Protection Zone or RPZ) and Safety Zone 3 (Inner Turning Zone). Policy SP-8 prohibits structures in Safety Zone 1, and Policy SP-12 requires that Safety Zone 1 remain free of structures and assemblages of people, consistent with FAA Advisory Circulars 150/5300-13A and 150/5300-13B, which set forth the FAA's recommended standards for runway and taxiway geometry, approach and departure surfaces, Object Free Areas, Runway Protection Zones, and building-restriction lines.

- b) The FAA Advisory Circular 150/5300-13A Section 310 establishes that the Runway Protection Zone (RPZ) exists to "enhance the protection of people and property on the ground," and Section 310.a(1) specifies that clear zones should be kept free of structures and any development that would create a place of public assembly. FAA design standards therefore prohibit structures within the RPZ. Appendix I-3 traces these restrictions to the 1952 Doolittle Commission report, which first emphasized the need to keep approach and departure areas unobstructed for safety. Current FAA guidance continues to reinforce this principle by recommending that RPZs remain free of structures and development. Appendix I-3.2 further advises airport owners to remove above-ground objects from RPZs and, where feasible, acquire sufficient property interests to maintain full control of RPZ land.
- c) Taken together, FAA standards, policies, and safety studies demonstrate that the proposed second-story development is incompatible with established federal safety practices and ALUCP requirements. The project would introduce prohibited structures into Safety Zone 1, increase exposure of people to aircraft-related hazards, and conflict with FAA-recognized airspace-protection and land-use-compatibility principles.
- d) While the ALUCP allows for some development in other Safety Zones, outside of Zone 1, with further land use and compatibility

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

studies, this property is in Zone 1, which precludes all development. No further studies are warranted where any and all development is precluded.

- e) FAA guidance reinforces this conclusion. FAA Advisory Circular 150/5190-4B outlines expectations for airport sponsors, including FAA Policy 1.6.1, which recognizes that incompatible land uses threaten aircraft and public safety, and FAA Policy 1.6.1.4, which explains that incompatible development constrains airport operations and regional economic potential. FAA policies further seek airport sponsors to eliminate or mitigate existing incompatible land uses (Policy 2.2.5.5.1), prevent proposed incompatible land uses and secure control of RPZ land where feasible (Policy 2.2.5.6), and maintain safe airport operations to comply with FAA grant assurances (Policy 3.6.4.2).
- f) See Findings and Evidence 5 for a discussion on ALUCP Zone 1.

**11. FINDING:**

Appeal Argument 4: “Incorrect Decision-Making Authority” and “No Proper Notice of Rezone” The appellant’s argument that the administrative deciding authority rested with the Humboldt County Department of Transportation when the Zoning allowed for the existing development and was subsequently rezoned without proper notice to affected property owners of interest is incorrect, because the zoning does not allow the use requested and the property has not been rezoned.

**EVIDENCE:**

- a) Under Humboldt County Code, Section, state law, and FAA guidance, decisions related to airport land use and safety are made by the property owner: Humboldt County Board of Supervisors and its Department of Aviation.
- b) The Airport Safety Review Overlay zone has been on the property since 2002 in its current form. For context the appellant purchased the property in 2024 The AP overlay requires that a Safety Review be conducted under the authority granted in Humboldt County Code Section 333 which assigns implementation responsibility to the Department of Aviation.
- c) The overlay zone requires compliance with the Airport Land Use Plan. The ALUCP was adopted in 2021 and shows this property in

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

Zone 1 which does not allow development. The 2021 ALUCP was adopted after CEQA conducted, public hearings, and notice as required per law. Prior to 2021 the site was subject to the 1993 compatibility plan which showed the site in Zone A which also would not have allowed new development or an expansion of an existing structure. Landowners are presumed to know the zoning designation of their property at time of purchase as such information is publicly available.

- d) Humboldt County provided proper notice and followed all procedural requirements in adopting Ordinance No. 2644, which enacted Humboldt County Code §§333-1 et seq. The ordinance was introduced on June 16, 2020, and adopted by the Board of Supervisors on June 23, 2020, following a public hearing process and first and second readings as required by California law. Notice of the ordinance was provided to the general public. The adoption process explicitly noted that the former County Code sections, originally adopted on August 29, 1955, did not align with current Federal Aviation Administration (FAA) airspace protection standards set forth in Title 14 of the Code of Federal Regulations, Part 77, governing the safe and efficient use and preservation of navigable airspace. Ordinance No. 2644 was intended to align Humboldt County's airport zoning regulations with FAA standards and moved administrative responsibility from the Department of Public Works to the Department of Aviation. The legislative history of this ordinance is documented in the County of Humboldt Board Agenda Items (COH BAI) File Nos. 20-684 and 20-686.
- e) ALUC has determined that the Department of Aviation is the entity responsible for administering the policies contained in the ALUCP. In addition, for any obstructions within airport approach zones, Humboldt County Code § 333-1 et seq. assigns the Department of Aviation the authority and duty to administer and enforce the Airport Approaches Zoning Law.

**12. FINDING:**

Appeal Argument 5: "Legal Nonconforming designation" The property owner retains rights to maintain a nonconforming structure; however, the property owner cannot increase its intensity or level of nonconformity. The appellant is incorrect that this results in an "Incurable Obsolescent" on the property

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

which severely reduces property values and could be construed as a “taking Eminent Domain” without compensation.

**EVIDENCE:** a) GP-22 Existing Nonconforming Uses contained with the ALUCP states:

*A nonconforming use describes a lawful use existing before the effective date of a new land use restriction that has since continued without conformation. Existing uses (including a parcel or building) not in conformance with this Compatibility Plan are subject to the nonconforming use restrictions contained in state law and each local agency's respective land use regulations and zoning.*

Nonconforming uses may remain on the property if they are not expanded or changed to a more intensive use.

Humboldt County Code Section 333-6 states: The regulations prescribed in Section 333-5 shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations.

It is up to the property owner whether to maintain the property and buildings as configured on the site.

**13. FINDING:** Appeal Argument 6: “Constitutional Taking” Denial of Appellant’s permit does not constitute a compensable taking under either federal or California law. Under both the Fifth Amendment to the U.S. Constitution and Article I, Section 19 of the California Constitution, a regulatory taking generally requires denial of all economically beneficial or productive use of property.

**EVIDENCE:** a) The subject property retains substantial economic use under its existing RS-Q-AP-N zoning designation, including the ability to maintain the current residence.

b) The denial only prohibits an expansion of the residence including an Accessory Dwelling Unit and associated structural expansion within an airport Safety Zone 1, which is a reasonable exercise of the County’s police power to protect public safety.

c) Federal law recognizes a categorical taking only when a regulation deprives a property of all economically beneficial use (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003). Where some economic use remains, courts apply the *Penn*

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

*Central* balancing test, which considers economic impact, interference with investment-backed expectations, and the character of the government action. Here, the property retains its primary residential use and other RS-Q-AP-N permitted uses, and the denial is based on legitimate public safety concerns related to air navigation hazards. Similarly, California law applies the same principles and allows inverse condemnation only where government action substantially impairs property use. California courts have consistently held that denial of an intensification or expansion of a nonconforming use does not constitute a taking (*Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533). The County’s action is consistent with Humboldt County Code §§333-1 et seq. and §314-16.1, which have long been in effect and provide constructive notice of airport safety restrictions (*Selby Realty Co. v. City of San Buenaventura* (1973) 10 Cal.3d 110). Because the property retains economically viable use and the regulation serves a critical public safety purpose, denial of the proposed second-story addition does not result in a compensable taking under either federal or state law

**14. FINDING:**

Appeal Argument 7: “Mitigation Could Allow ADU Over Garage”  
The Appellant incorrectly contends that there is mitigation that could be provided to allow installation of the garage and second floor ADU. Safety Zone 1 of the ALUCP prohibits any increase in development regardless of proposed mitigation.

**EVIDENCE:**

- a) Safety Zone 1 of the Airport Land Use Compatibility Plan (ALUCP) prohibits any increase in development regardless of proposed mitigation measures.
- b) See Finding and Evidence 5 above.
- c) Further consultation or consideration of mitigation is not feasible because no amount of mitigation can overcome the presumption that increased inhabitation in Safety Zone 1 poses an inherent risk to life and property.
- d) Appellant’s proposal to disassemble an existing radio tower to reduce its height does not mitigate the hazard; substituting a non-life-supporting structure with a structure intended for human habitation increases the intensity of nonconformity

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

rather than reducing it.

- e) Mitigation is only allowed where reasonable measures would lessen an adverse impact, and no reasonable measure exists that could lessen the impact of this development, which creates an aviation hazard through obstruction and poses a risk to aircraft navigability and on-ground human life.

**15. FINDING:**

Appeal Argument 8: “FAA Policy Supports Compensation.” The applicant questions why the FAA has not reviewed the Directors discretion and questions why an effort has not been made to purchase the property or compensate the property owner for lack of use.

**EVIDENCE:**

- a) County Code assigns the Department of Aviation responsibility to determine whether a project is consistent with the regulations in effect (HCC 333-7). The Department’s actions are following the regulations put in place to protect areas around the airport to not endanger public safety.
- b) The issue is not whether the site should be purchased, but whether a new garage and second floor accessory dwelling unit can be added.
- c) As both the airport property owner and the land use authority, the County of Humboldt is properly exercising this control through zoning regulations and is not required to acquire ownership of Appellant’s property to enforce airport safety standards.
- d) While FAA policy encourages ownership when airport authority differs from land use authority, that policy does not apply here because the County serves as both. Although ultimate acquisition may be considered in the future, the Department of Aviation operates as an enterprise fund intended to be self-supporting through user fees and currently lacks sufficient resources to acquire Appellant’s property. The current financial landscape does not provide sufficient resources to acquire the same. Therefore, denial of the proposed development is consistent with FAA policy and does not trigger any obligation for compensation or immediate acquisition.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

- e) For a discussion on eminent domain see Findings and Evidence 12 and 13.

**NOW, THEREFORE, BASED ON THE ABOVE FINDINGS AND EVIDENCE, THE BOARD OF SUPERVISORS DOES HEREBY:**

- a. Deny the appeal submitted by Joseph Doty; and
- b. Denies the Aviation Permit submitted by Joseph Doty.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 3, 2026, by the following vote:

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Mike Wilson*, Chair  
 Humboldt County Board of Supervisors

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

AYES: Supervisors --  
 NAYS: Supervisors --  
 ABSENT: Supervisors --  
 ABSTAIN: Supervisors --

STATE OF CALIFORNIA     )  
 County of Humboldt        )

I, TRACY DAMICO, 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.

\_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 3, 2026

RESOLUTION NO. 26-\_\_

By Kaleigh Maffei  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California