

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

**Resolution Number: 24-026**

**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

## CONDITIONS OF APPROVAL

APPROVAL OF THE LOT LINE ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE LOT LINE ADJUSTMENT:

1. Per the Department of Public Works Memo dated May 10, 2024, the angle points of the new property lines shall be monumented pursuant to County Code Section 325.5-9. The requirement for setting monuments may be waived by the County Surveyor if any one of the following findings can be made:
  - a. The new boundary line(s) are already adequately monumented of record.
  - b. The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
  - c. The new boundary line(s) can be accurately described and located from existing monuments of record.
  - d. The new boundary is based upon physical features (i.e., roads, creeks, etc.) which themselves monument the line.
2. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
  - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
  - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
  - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
  - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$445.00 per notice plus \$300.00 for each additional legal description plus applicable recordation fees).



3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$108.00 per parcel) as required by the County Assessor shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division." The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, if applicable.
6. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.*
7. The applicant shall provide an adequate right-of-way for PG&E's existing electric and gas distribution service over proposed Parcel 2, currently serving proposed Parcel 1, as indicated on the Lot Line Adjustment Map for a twenty-foot (20') utility easement.



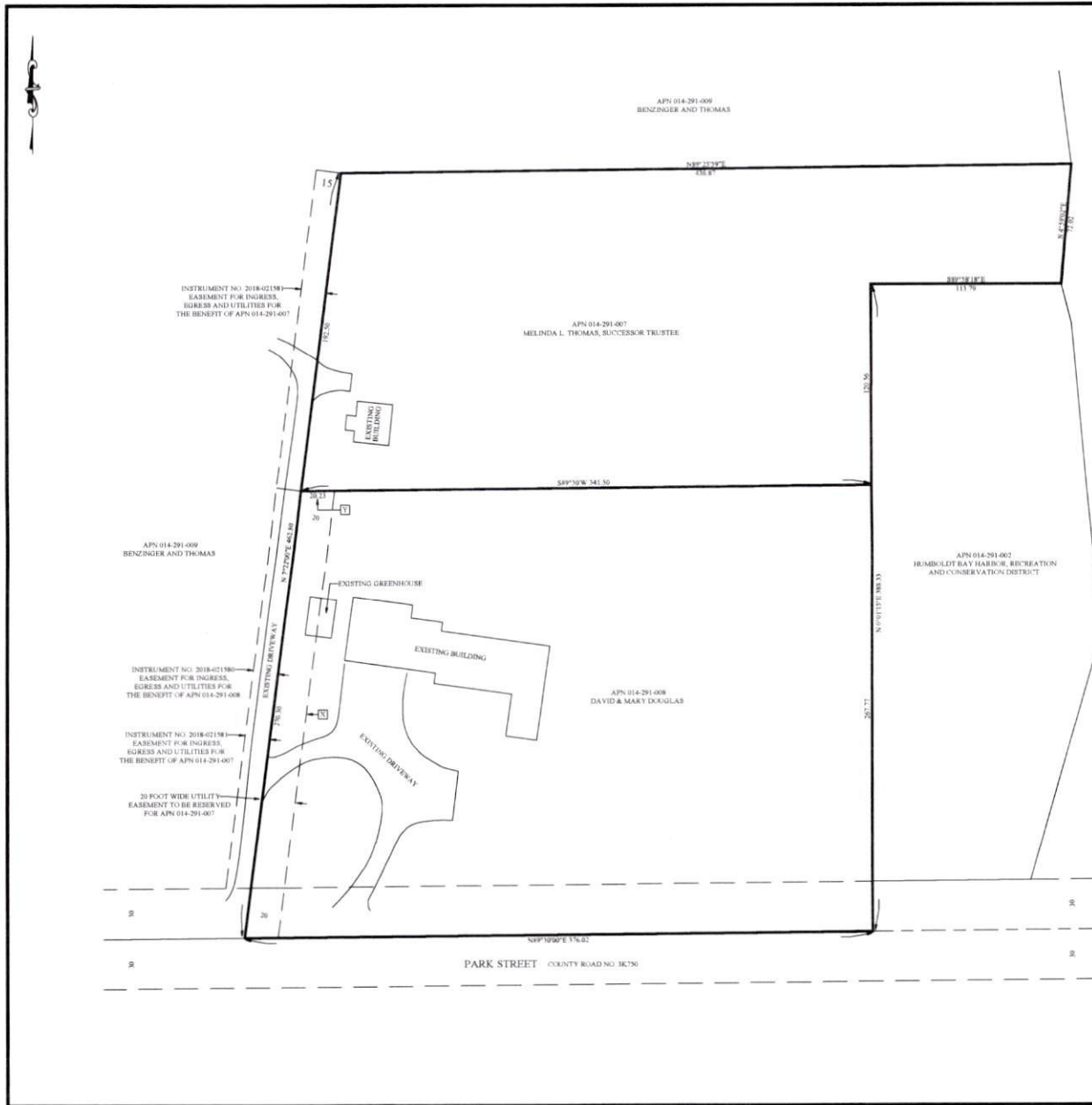
### Informational Notes:

1. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed. Issuance of a building permit will require demonstration of all applicable development standards at the time a permit is requested.
2. Per State Revenue and Taxation Code Section 606, when any tract of land is situated in two or more revenue districts, the part in each district shall be separately assessed.
3. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: items 1 – 7 above) as a package at least four (4) weeks before the desired date for recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is no charge for the first post project approval meeting. Please contact the Planning Division at (707) 445-7541 for copies of all required forms and written instructions.
4. This permit shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.
5. **The following is applicable to future ground disturbing activity on any of the parcels resulting from this Lot Line Adjustment:** 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, groundstone 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 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

The applicant is ultimately responsible for ensuring compliance with this condition.



APN 014-301-002  
HUMBOLDT BAY HARBOUR RECREATION  
AND CONSERVATION DISTRICT



#### NOTES

1. THIS TENTATIVE MAP PROPOSES A LOT LINE ADJUSTMENT BETWEEN TWO EXISTING PARCELS RESULTING IN TWO PARCELS.
2. APN 014-291-007 WATER AND SEWER - HUMBOLDT COMMUNITY SERVICES DISTRICT (HCD)
3. APN 014-291-008 WATER AND SEWER - HUMBOLDT COMMUNITY SERVICES DISTRICT (HCD)
3. NO TOPOGRAPHIC INFORMATION WAS COLLECTED OR SHOWN ON THIS MAP.
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES SHOWN HEREON ARE PER BOOK 74 OF SURVEYS, PAGE 14.
5. THE PURPOSE OF THIS LOT LINE ADJUSTMENT IS TO ADD LAND TO APN 014-291-008 TO INCLUDE IMPROVEMENTS APPROPRIATE TO SAID PARCEL.

#### LOT LINE ADJUSTMENT SUMMARY

- ☒ LINE TO BE DELETED BY LOT LINE ADJUSTMENT
- ☒ LINE TO BE ADDED BY LOT LINE ADJUSTMENT

PARCEL	BEFORE L.L.A.	AFTER L.L.A.
APN 014-291-007	1.75 ACRES ±	1.83 ACRES ±
APN 014-291-008	2.18 ACRES ±	2.20 ACRES ±

PARCEL ORIGIN INFORMATION:  
APN 014-291-007 BOOK 289 O.R., PAGE 455 EXCEPTING BOOK 1007  
O.R., PAGE 382  
APN 014-291-008 BOOK 1007 O.R., PAGE 382

AGENT/SURVEYOR  
MICHAEL J. O'HERN  
KELLY-O'HERN ASSOCIATES  
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OWNER  
APN 014-291-007  
MELINDA L. THOMAS, SUCCESSOR TRUSTEE  
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OWNER  
APN 014-291-008  
DAVID & MARY DOUGLAS  
3525 PARK STREET  
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(707)636-8714

APN 014-291-007-008  
LOT LINE ADJUSTMENT MAP  
FOR  
DAVID & MARY DOUGLAS AND  
MELINDA L. THOMAS, SUCCESSOR TRUSTEE  
IN  
S 1/2 SE 1/4 SECTION 24 T3N, R1W, HUMBOLDT MERIDIAN  
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
MARCH 2024 SCALE 1" = 32'

HUMBOLDT COUNTY  
STATE OF CALIFORNIA  
KELLY-O'HERN ASSOCIATES  
EUREKA, CALIFORNIA

