

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

Resolution Number: 26-036

Record Number: PLN-2025-19240

Assessor's Parcel Number: 016-112-027

Making the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Stone Special Permit.

WHEREAS, John Stone submitted an application and evidence in support of approving the Special Permit to reduce the wetland setback; 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, the lead Department pursuant to Section 202 of Resolution No. 77-29 of the Humboldt County Board of Supervisors, has determined that impacts of the project were analyzed and addressed during preparation of Environmental Impact Reports (EIR) for the 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on January 15, 2026, and reviewed, considered, and discussed the application for the Special Permit, 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:

A Special Permit (SP) to reduce the setback of Streamside Management Area to a wetland associated with a Less Than 3-Acre Conversion Exemption and to facilitate the development of multifamily units. The wetland buffer will be temporarily reduced to zero for the removal of trees and replacement of a culvert, and the buffer will be permanently reduced to 30 feet for future residential development. The tree removal will facilitate the removal of a subterranean squatter encampment associated with Code Enforcement case CE24-2357 and the development of

Multifamily Housing consistent with the Qualified Zone established by Ordinance No. 2460. Ordinance 2460 and the approved Housing Element in the Humboldt County General Plan requires that the parcel be developed to a minimum density of 19 units and a maximum density of 24 units.

EVIDENCE: a) Project File: PLN-2025-19240

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act (CEQA) have been complied with. The project is exempt from environmental review per CEQA Exemption Sections: 15183 – Projects Consistent with a Community Plan or Zoning.

EVIDENCE: a) Section 15183 of the CEQA Guidelines acknowledges CEQA's mandate that projects should not be subject to additional environmental review when consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified, noting that subsequent environmental review is only necessary where the Lead Agency determines any of the following circumstances apply:

Project-specific environmental effects:

- are peculiar to the project or the parcel on which it is located
- are significant and were not analyzed as such in a prior EIR
- are off-site and/or cumulative and were not discussed in the prior EIR
- were identified in a prior EIR as significant but due to substantial new information (not known at the time the EIR was certified) are determined to have a more severe adverse impact than what was disclosed.

The residential density specified in the Qualified Zone established by Ordinance No. 2460 was included in the analysis conducted during the development of the Environmental Impact Report prepared for the current 2017 Humboldt County General Plan, which includes all the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the General Plan in 2017 (SCH# 2007012089).

- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. The adopted General Plan allows for reductions in SMA buffers when prescribed buffer would prohibit development of the site for the principal use for which it is designated. It is not peculiar to have site constraints that require flexibility in order to accommodate principally permitted uses. Appropriate protective measures are being required as contemplated by the Humboldt County General Plan.
- c) Potential Impacts such as those common to the project were analyzed and addressed during preparation of the Programmatic Environmental Impact Report (SCH #2007012089) certified during adoption of the 2017 General Plan.
- d) There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above referenced EIR (SCH #2007012089). The proposed buffer reduction is necessary to facilitate build-out consistent with planned densities and applicable policies and standards found in the most recently adopted General Plan.
- e) There is no substantial new information that would cause the project to result in a more severe adverse impact than what was known and disclosed at the time the General Plan EIR was certified.
- f) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment as conditioned.
- g) The project site is not located within a scenic vista area and will not impact visual resources within the County.
- h) To date no cultural resources have been documented on the project site or its vicinity. The "Inadvertent Archaeological Discovery Protocol" condition has been placed on the project, as requested by Tribal agencies. Project referrals were sent to both the Northwest Information Center and the Tribal Historic Preservation Officers (THPO's) for the Wiyot Tribe, Blue Lake

Rancheria, and Bear River Band of the Rohnerville Rancheria. Per referral comments, recommended conditions include adherence to standard protocols for handling inadvertent discovery of cultural resources encountered during future ground disturbance.

- i) The project site is not included on a list of hazardous material sites, nor does the proposed project involve routine transport, use or disposal of hazardous materials.
- j) The subject parcel is located within a Local Responsibility Area for fire protection and is served by the Humboldt Bay Fire Protection District, who provides structural fire protection as well as responding to medical emergencies. The Department finds no evidence that the project will create, or expose people or property to, hazardous materials, or impair implementation of or physically interfere with, an adopted emergency response plan.
- h) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Standard conditions require the implementation of low impact development (LID) stormwater improvements.
- i) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. The proposal will allow for a reduction in the wetland buffer which will have no impact on transportation.

3. FINDING:

The project is consistent with the development policies of the Eureka Area Plan (ECP) and the Humboldt County General Plan.

EVIDENCE:

- a) Land Use 4.8(GP): Residential/Medium Density (RM): Purpose is to make effective use of limited urban land and provide areas for

residential use of mobile homes in urban areas, consistent with availability of public services.

The proposed project is located within the ECP land use designation Residential/Medium Density (RM): this designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, apartments, and manufactured homes. The reduction in the wetland setback facilitates and is necessary to allow for the construction of a principally permitted use.

- b) Safety Element - Chapter 14 HCGP Minimize loss and prevent unnecessary exposure to areas of geologic instability, flood hazards, tsunami run-up areas, high risk wildland fire areas and airport areas. The subject parcel is in an area that has a Low Instability (1) rating, is not within a fault hazard zone, is outside of the tsunami hazard area, is not within an area of potential liquefaction and outside the identified 100-year Flood Zone (A). The subject parcel is within the Local Response Area with Humboldt Bay Fire providing structural fire protection as well as responding to medical emergencies. Humboldt Bay Fire did not respond with any concerns regarding the project.

- c) Archaeological and Paleontological Resources Chapter 10.6. The proposed project is not anticipated to impact any cultural resources or Tribal cultural resources. The project was referred to Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, NWIC, and the Wiyot tribe. The Bear River Band responded that the activities did not appear to represent a source of significant impacts on cultural resources. They requested that inadvertent archaeological discovery protocols be in place for any ground-disturbing activities that will take place in the future. NWIC recommended consulting with local tribes. The standard inadvertent discovery protocols have been included within the conditions of approval for this project.

- d) Housing Element – Chapter 8. New housing shall be consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element. The subject parcel was included in the 2011 Adopted Housing Element Inventory with the requirement that it be developed with no less than 19 housing units. The development of these units would not be able to occur without allowing for a reduction in the prescribed wetland buffer.

- e) Biological Resources - Chapter 10.3. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas. According to the California Natural Diversity Database (CNDDB) which identifies rare or endangered species, the subject parcel is within range of the western lily, a California endangered plant. Even though the project is within this identified range, a site visit conducted by the California Department of Fish and Wildlife indicated that the site does not provide suitable habitat. The site contains a seasonal wetland and an intermittent watercourse, and the tree removal is proposed to occur up to the edge of both areas, along with a permanent setback of 30 feet from the wetland and intermittent watercourse for future multi-family development. Policy BR-S10 identifies that the setback from seasonal wetlands is 50 feet. Policy BR-S5 of the General Plan specifies that the streamside management area setback may be reduced or eliminated where the county determines that the reduction will not significantly affect the biological resource, and when the buffer would prohibit development of the site for its principally permitted use. In this instance the tree removal resolves a code enforcement case related to a homeless encampment and allows for the property to be cleaned up, removing waste and the attractive nuisance that has contributed to adverse biological impacts. The reduced buffer of 30 feet for future residential development is necessary to allow the site to be developed with the principally designated minimum density of 19 units. Conditions of approval have been developed with the California Department of Fish and Wildlife (CDFW) to ensure that these reductions will not significantly affect the biological resources of the SMA. Removal

of the homeless encampment and replanting with native vegetation will improve the quality of the SMA.

4. FINDING: §312-1.1.2 Legal Lot Requirement Development: permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) APN 016-112-027 is made up of three legal parcels (parcel 3, 4, and 5) as identified in a Certificate of Subdivision Compliance (2006-36284-2).

5. FINDING: The proposed development conforms with all applicable standards and requirements of these regulations.

EVIDENCE: a) The project is for a setback reduction to allow for the removal of trees and a homeless encampment and to facilitate multi-family housing. Multifamily housing is principally permitted within the R-3 zone and the Q zone applying to the property specifically requires the property be developed with a minimum of 19 residential units.

b) Section 314-61.1.7.6.6 of the Humboldt County Code (Streamside Management Area and Wetlands Ordinance) requires a minimum setback of 50 feet from seasonal wetlands, per section 61.1.7.6.3.2 setbacks may be reduced or eliminated based on site specific information and consultation with the California Department of Fish and Wildlife. The removal of trees is important to allow for both the removal of the homeless encampment and facilitate the development of the site for its principally permitted use of multi-family housing. The front property line is approximately 115 feet from the edge of the wetland, and a 50-foot wetland buffer combined with the 20 foot front yard setback would leave a limited area available to develop. Given that the Q zone overlay applicable to the property requires a minimum of 19 units, a buffer reduction is necessary to accommodate the allowable development. Consultation with CDFW has occurred and resulted in conditions of approval that will ensure that the habitat value of the wetland and watercourse is not adversely affected. CDFW did not raise objections to the

project.

6. 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 properties or improvements in the vicinity.

EVIDENCE: a) The proposed development will result in the removal of an illegal and unauthorized homeless encampment and solid waste disposal site. The condition of the property is currently a detriment to public health and safety. The subterranean homeless encampment is an attractive nuisance that is a hazard to trespassers on the parcel. Waste from trespassers can enter the class two watercourse. The removal of the trespassers, trees, and the restoration of the watercourse's natural flow will resolve this situation. The reduced wetland buffer will also allow for the development of the site for its principally intended use consistent with the zoning requirements that are intended to protect public health, safety and welfare. Conditions have been applied requiring revegetation the area with native vegetation and implementation of low impact development (LID) stormwater improvements.

6. FINDING: The proposed development 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.

EVIDENCE: a) The project is a Streamside Management Area setback exemption to facilitate the development of up to 28 multi-family dwellings but not less than 19 units. The setback reduction is required to allow the development of the parcel to the housing density required by the Department of Housing and Community Development through the County's approved 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 Special Permit to reduce the setback of a Streamside Management Area to a wetland associated with a Less Than 3-Acre Conversion Exemption and future development of multifamily units. subject to the conditions of approval attached hereto as Attachments 1A and incorporated herein by reference.

Adopted after review and consideration of all the evidence on **January 15, 2026.**

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, Director
Planning and Building Department

CONDITIONS OF APPROVAL
PLN-2025-19240

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. General Conditions

1. All development shall conform to the approved Project Map, **Attachment 1B** to the staff report.
2. Any development resulting from the issuance of this permit shall result in not less than 19 housing units and not more than 29 housing units.
3. The applicant shall conduct tree removal outside of the nesting bird season (generally March 15 – August 15). Alternatively, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall survey for active bird nests no more than seven days prior to the start of any project-related activities with the potential to impact nesting birds. If an active nest is found, the permittee shall consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist shall re-survey the area before work resumes.
4. The applicant shall submit a buffer enhancement plan for the remaining wetland/stream buffer prepared by qualified biologist, which includes a list of native species, planting specifications, maintenance, basic performance standards, and monitoring. The buffer enhancement plan shall include invasive species management. It will be necessary to prepare the area for planting and prevent invasive plants from taking over. The plan shall prioritize eradication of English ivy, jubata grass, Himalayan blackberry and French broom, as well as any other species ranked “Moderate” or “High” on the Cal-IPC Inventory. The planting palette for the buffer enhancement shall consist of locally appropriate native shrubs and herbaceous species, with an emphasis on creating dense, year-round screening (e.g., wax myrtles) and ground cover to filter stormwater runoff
5. The applicant shall have the property monitored for a period of three years or greater or until such time success criteria are met. The monitoring shall include the following:
 - a. Invasive species cover should be comparable to or less than that observed in nearby undisturbed riparian and forested habitat. Monitoring shall include the continued eradication of targeted invasive plant species until this performance measure is met.

- b. Native plantings in the buffer enhancement area shall be monitored for plant survival. If 75% survival rate is not met, additional plants will need to be added and monitored for survival until the 75% survival rate is met.
6. The applicant shall remove the flex pipe, shown on the Project Map **Attachment 1B**, on the intermittent stream, in consultation with CDFW. The short section that conveys water beneath a fill berm at the top of the drainage may be retained, if necessary, but the remainder of the pipe should be removed. The applicant shall notify CDFW and work under their direct supervision to design the project to avoid and minimize impacts to aquatic resources.
7. The applicant shall submit at least one copy of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and include the following notes and details:
 - A. Mapping
 - 1) All property lines and zoning setbacks; and
 - 2) The location of the wetland and intermittent stream, labeled appropriately, and the setback as approved by this Special Permit.
 - B. Notes
 - 1) Development of these properties shall result in not less than 19 housing units and not more than 29 housing units.
 - 2) Prior to the issuance of any building permits for multifamily development the applicant shall improve Moore Avenue to a minimum width of 40 feet along the frontage of parcel 016-112-027.
 - 3) To minimize trespass light in the adjacent wetland and gulch, exterior lighting should use motion-activated sensors, low-color-temperature LEDs, and fully shielded directional fixtures.
 - 4) The applicant shall ensure development includes appropriate stormwater management to address runoff and associated pollutants using low-impact development (LID) practices, such as vegetated bioswales, rather than underground retention basins. LID features should be planted with locally appropriate native species such as those listed in the Humboldt County LID Manual.
 - 5) The applicant shall conduct tree removal outside of the nesting bird season (generally March 15 – August 15). Alternatively, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall

survey for active bird nests no more than seven days prior to the start of any project-related activities with the potential to impact nesting birds. If an active nest is found, the permittee shall consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist shall re-survey the area before work resumes.

- 6) The applicant shall notify Underground Services Alert (USA) by dialing 811 a minimum of two working days prior to commencing ground-disturbing work.
 - 7) The use of invasive species in landscaped areas is prohibited. The Cal-IPC Inventory and Humboldt County WMA have lists of the most problematic species.
 - 8) 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.
8. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
9. The Applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the Applicant after the Zoning Administrator decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

Informational Notes:

1. 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, ground stone 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 PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

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





2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. Before any digging or excavation occurs, the applicant shall contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work to ensure that all existing underground utilities are identified and marked on-site.
4. The Coastal Development Permit and Special Permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

Moore Avenue Project




Project Map

-  Property Boundary
-  Conversion Boundary
-  Structure


Watercourses


-  Class I
-  Class II
-  Culvert
-  Intermittent Wetland

Buffers Legend

-  Class I Riparian (100' No harvest or development Proposed)
-  30' SMA (No development, tree and vegetation removal only)
-  Standard 50' SMA



 Encampment (To be removed)
Approximately 2,750 sq ft

 Invasive Removal/Native Planting
Approximately 4,700 sq ft



Located in Section 23, T5N, R1W,
HB&M, Humboldt County, from the
Eureka 7.5' USGS Quad.

Scale: 1" = 1,000'

Contour Interval: 2 ft lidar

