

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

Resolution Number: 25-

Record Number: PLN-2025-19165

Assessor's Parcel Number: 109-291-019

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

WHEREAS, Ashley Puhl submitted an application and evidence in support of approving the Coastal Development Permit and Special Permit; 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 Humboldt County Zoning Administrator held a duly-noticed public hearing on May 15, 2025, and reviewed, considered, and discussed the application for the Coastal Development Permit and 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:** An after-the-fact Coastal Development Permit (CDP) for historic grading that occurred within the Coastal Zone without the benefit of County review at the property identified as Assessor's Parcel Number (APN): 109-291-019 and located at 499 Humboldt Loop Road in the unincorporated community of Shelter Cove. The purpose of the CDP application is to resolve existing code violations as specified in the "Service of Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty", issued by the County on March 23, 2023. A Special Permit (SP) is required for Design Review. No other development is proposed at this time.

EVIDENCE: a) Project File: PLN-2025-19165.

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act (CEQA) have been complied with. The project is exempt from environmental review per section 15304 of CEQA.

EVIDENCE: a) As lead agency, the Planning and Building Department found the project to be categorically exempt pursuant to CEQA guidelines. The proposed project is for historic grading of approximately 40 cubic yards. Section 15304 of the CEQA guidelines exempts Minor Alterations to the Land.

3. FINDING: The project is consistent with the development policies of the South Coast Area Plan (SCAP).

EVIDENCE: a) Land Use 5.20: The purpose of the Residential Low Density (RL) zone district is to allow the development of homeowner residential uses making conservative use of urban land where adequate services are available. The project is an after-the-fact Coastal Development Permit (CDP) for historic grading that occurred within the Coastal Zone without the benefit of County review. The purpose of the CDP application is to resolve existing code violations. A Special Permit (SP) is required for Design Review. No development is proposed currently, however, the subject lot is principally permitted under RL zoning for development of a single-family residence and adequate services would be available to support development.

b) Hazards 3.28: Minimize risks to life and property in areas of high geologic, flood and fire hazards. The subject parcel is located in an area of high geologic instability. The parcel is mostly flat except at the northern parcel boundary, which drops approximately 40 feet in elevation at nearly 50 percent slopes towards a utility road for Shelter Cove Resort Improvement District. According to a soils report from Whitchurch Engineering in 2004 in which two test holes were dug and observed, there is no indication in the immediate surrounding area of any geologic instability, earthquake faults, or ground water that would be detrimental to this site. The results of the submitted soils report indicate that the site is capable of providing adequate support for development of a single family residence, as is principally

permitted within this zone. Additionally, LACO and Associates visited the site in both August 2023 and October 2024 and observed that the existing after the fact grading resulted in less than an estimated 40 cubic yards of earthwork moved. The existing cut slopes are less than five feet in height. Most of the disturbed areas appear revegetated and the graded area appears stabilized. The elevation at the property is approximately 260 feet above sea level. This project was referred to the Humboldt County Building Department and they require obtaining permits for the grading work done. All recommended measures listed in the soils report and any subsequent reports shall be followed in the building and grading plans. The parcel is not located in a flood hazard zone.

The parcel is located within a State Responsibility Area for fire protection and within a high fire hazard severity zone. The parcel is also served by the Shelter Cove Volunteer Fire Department, operated by the Resort Improvement District #1, which provides structural fire protection and responds to medical emergencies.

c) Archaeological and Paleontological Resources 3.29 and 3.39: The proposed project is not anticipated to impact any cultural resources or Tribal cultural resources. The project was referred to the NWIC and the Bear River Band. NWIC expressed a concern for potential undiscovered archaeological sites and recommended referral to the other tribes. The Bear River Band has determined that the activities of the project do not appear to represent a source of significant impacts on cultural resources for the after-the-fact Coastal Development Permit and Special Permit.

d) Housing 3.26 and 3.37: New housing in the Coastal Zone shall be consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element. The subject parcel was not included in the 2019 Adopted Housing Element Inventory. The project does not add or subtract from the housing inventory.

e) Natural Resource Protection Policies and Standards 3.40 and 3.41: 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.

The subject parcel is located in an area that requires special attention in regard to sensitive and critical resource habitats since the entire parcel is within a Streamside Management Area (SMA). A Notice of Violation was issued by the Humboldt County Building Department due to unpermitted grading on the subject parcel and the proximity to this sensitive area. A Biological Assessment Report was completed by Area West Environmental, Inc in June 2023. A biological survey was conducted to describe the terrestrial animal and plant species occurring in the project parcel disturbance area, as well as determining whether habitat exists for special status species. No special status species were observed within or near the project parcel during the site visit, and it was determined that there were no impacts to the SMA or special status species withing the SMA during the unpermitted grading. No restoration plan is required. As recommended by LACO and Associates and is a condition of approval, should the owner observe any signs of instability, sliding or scarping at the site, a registered engineer or geotechnical consultant should be consulted. There is no new development associated with this project and therefore it is not anticipated to impact natural resources.

f) Visual Resource Protection 3.42: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The subject parcel is not within Coastal Zone Scenic Views or Areas. There is no new development associated with this project and therefore it is not anticipated to impact visual resources.

g) Urban Limits 3.21: New development shall be located within existing developed areas or in areas with adequate public services. The subject parcel is currently vacant, but the parcel is surrounded by developed parcels. The property is served by community sewer and water by the Shelter Cove Resort Improvement District #1.

4. FINDING: The proposed development is consistent with the Humboldt County Coastal Zoning Code.

EVIDENCE: a) The proposed after-the-fact Coastal Development Permit is for

historic grading that occurred within the Coastal Zone without the benefit of County review. The purpose of the Coastal Development Permit application is to resolve existing code violations. The parcel is zoned Residential Single Family (RS), with a minimum lot size of 5,000 square feet, with combining zones Standard (S), Qualified (Q), Alquist Priolo Fault Hazard (G), and Design Review (D).

The subject parcel is over 6,000 square feet. The Standard (S) combining zone is intended to allow modifications of specific development standards and the Qualified (Q) combining zone helps more precisely implement the General Plan. The proposed project is an after-the-fact Coastal Development Permit, where no development is proposed. The Alquist-Priolo (G) combining zone identifies the proximity to the Alquist-Priolo Fault Hazard Zone, however the subject property is over 100 feet away from this zone and over 400 feet away from the identified fault line. The D combining Zone is for Design Review and a Special Permit is required. No other development is proposed at this time and therefore will be consistent with the Humboldt County Coastal Zoning Code after approval.

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

EVIDENCE: a) The proposed project will conform with all applicable standards and requirements with the approval of the after-the-fact Coastal Development Permit and Special Permit. Development of a single-family residence is a principally permitted use within the RS zone district, where grading could be allowed. Grading permits are required for over 50 cubic yards of disturbance. The after the fact grading is estimated at 40 cubic yards of disturbance. With the approval of the Coastal Development Permit and Special Permit, the project conforms to all standards and requirements of the zoning ordinance and the South Coast Area Plan have been met.

6. FINDING: The project and the 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 project is for a Coastal Development Permit and Special Permit for historic grading that occurred within the Coastal Zone without the benefit of County review. The purpose of the Coastal Development Permit is to resolve existing code violations as specified in the "Service of Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty", issued by the County on March 23, 2023. A Special Permit (SP) is required for Design Review. No other development is proposed at this time. Based on staff analysis and the findings, there is no evidence that the proposed historic grading will be materially injurious to properties or improvements in the vicinity.

7. 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 subject parcel was not included in the 2019 Adopted Housing Element Inventory and will not reduce the residential density below that utilized by the Department of Housing and Community Development.

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 after-the-fact Coastal Development Permit and Special Permit for historic grading, based upon the Findings and Evidence and 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 **May 15, 2025**.

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