

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

**Resolution Number 25-**

**COASTAL DEVELOPMENT PERMIT  
PROJECT NUMBER PLN-2023-18080  
ASSESSOR PARCEL NUMBER 400-031-013**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE MUCHIRU  
COASTAL DEVELOPMENT PERMIT**

**WHEREAS**, the owner submitted an application and evidence in support of approving a Coastal Development 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 Planning Division as the Lead Agency has determined that the project qualifies for a categorical exemption found in Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines; and

**WHEREAS**, the Planning Division staff report includes evidence in support of making all of the required findings for approving the Coastal Development Permit (Case Number PLN-2023-18080); and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly-noticed public hearing on April 03, 2025, and reviewed, considered, and discussed the application for a Coastal Development Permit and reviewed and considered all evidence and testimony presented at the hearing; and

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Zoning Administrator that:

## FINDINGS FOR COASTAL DEVELOPMENT PERMIT

**1. FINDING:** A Coastal Development Permit (CDP) to construct a perimeter fence along the property boundary, as well as an unpermitted portion of fence that exists along approximately 25% of the property boundary. The CDP will remedy Code Enforcement Record Number CE21-0989. The property is located in the Coastal Zone and within a wetland ESHA. The fence was constructed to prevent public access onto the property and is needed to prevent litter and waste from accumulating via illegal dumping. There is no residential development on the parcel but it is served by the Manila CSD.

**EVIDENCE:** a) Project File: PLN-2023-18080

**2. FINDING:** CEQA: The requirements of the California Environmental Quality Act have been met. The Humboldt County Zoning Administrator has considered the project and finds the proposed project is exempt from environmental review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines.

**EVIDENCE:** a) The Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

b) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply, however, none of these exceptions apply to the proposed project.

**3. FINDING:** The proposed development is in conformance with all applicable policies and standards in the Humboldt Bay Area Plan.

**EVIDENCE:**

- a) §3.11 Urban Limit – The proposed development is located contiguous with existing developed areas able to accommodate it and will not have significant adverse effects on coastal resources. There are no residences on the property but the property is served by Manila CSD (water and sewer) and is designated Residential Low Density (RL) with a density of 3-7 units per acre. Construction of a perimeter fence is a permitted use and will not have any impact on the carrying capacity of nearby roads and/or access corridors.
- b) §3.16 Housing – The proposed construction of a perimeter fence does not have any impact on the potential to establish housing opportunities on this property and will not directly impact the official County Housing Inventory.
- c) §3.17 Hazards – Per review of WebGIS, the subject parcel is located in an area of relative stability, with slopes on the parcel below 15%. The site is not located within any earthquake fault hazard zones but is within an area of potential liquefaction. The project site is located in a tsunami hazard area; site does not reside within an area susceptible to coastal inundation related to sea level rise (1 meter) and the parcel is not located within a FEMA 100-year Flood Zone.

The subject parcel is located within a Local Responsibility Area for fire protection and is served by the Arcata Fire Protection District, who provides structural fire protection as well as responding to medical emergencies. Construction of a perimeter fence will not have any impacts to the stability of the site or adjacent areas, nor contribute to potential hazardous situations. No residential development is proposed as part of this project.

- d) §3.18 Archaeological and Paleontological Resources – The project was referred to NWIC, the Wiyot Tribe, Blue Lake Rancheria and the Bear River Band of the Rohnerville Rancheria. There were no initial concerns with the project details, however inadvertent archaeological discovery protocols were requested to be in place for any ground-disturbing activities that may take place and are conditioned

in Attachment 1A. There are no historic buildings or other artifacts that will be impacted by the proposed project.

- e) §3.30 Natural Resources – The CNDDDB identifies the western bumble bee and western snowy plover as potentially present on the applicant's property, however, the property is adjacent to residential development and too far from habitat that would be suitable for snowy plovers. The footprint of a fence is not expected to have any significant impacts on potential western bumble bee habitat or populations.

The property is also mapped primarily as wetland habitat and is contiguous with a natural wetland area adjacent to Manila Park. In subsections 30240 (a) and (b), ESHA's are afforded protection from potential development in order to avoid significant disruption of habitat values and to prevent impacts that would significantly degrade such areas.

The property in question lies adjacent to Mill Street. There is a roughly 6-foot vegetated shoulder separating the paved surface of Mill Street from the wetlands, which are roughly 4 feet below the elevation of the street. Presently, there is a large amount of dumping that occurs due to the lack of any barrier between the road/shoulder and wetland below, allowing vehicles to approach the drop-off to the wetland and unload their waste with ease.

Despite the entirety of the fence proposed to be located either within the wetland buffer or traversing areas of the ESHA, the proposed alignment will serve as a protective device for the wetland as it will prevent illegal dumping and trespassing onto the property, which has caused substantial damage to habitat values over the past couple of years. The proposed fencing would not impede the natural drainage of the wetland. Both the CA Coastal Commission and CDFW provided comments that support the construction of the proposed fence as it will provide protection to the wetlands that will otherwise not be provided.

- f) §3.40 Visual Resources – The proposed project is not within a Coastal Zone Scenic View Area, nor within a Coastal Zone Scenic Area, as depicted on the County’s GIS database, therefore there will be no visual impact concerns. The proposed construction of a perimeter fence will not cause detrimental physical alterations to the land that may impact any views or visual compatibility with the neighborhood.
- g) §3.50 Access – The proposed project will not interfere with right of access to the sea, as there are no coastal access points on the subject parcel.
- h) §4.10 Land Use – The Residential Low-Density designation allows the development of homeowner residential uses making conservative use of urban land where adequate services are available. While there is not a residence on the property, Manila CSD provides sewer and water service to the site.

**4. FINDING:**

§313-6.1 Residential Single Family – The proposed development is consistent with the purposes of the Residential Single Family (RS-5) zone, as well as the Manufactured Homes (M) and Coastal Wetland Areas (W) combining zones in which the site is located.

**EVIDENCE:**

- a) The subject parcel has been determined to be one legal parcel as Lot 8A of Lot 1 Bayshore Acres in BK 12 Maps Pages 85-86.
- b) Residential Single Family is a principally permitted use within the RS-5 zone, and a perimeter fence is an allowable development pertinent to a residential structure.
- c) The proposed project consists of constructing a fence measuring 6 feet tall which is not considered a structure in terms of setbacks and density requirements.
- d) “M” combining zone allows for the development of a manufactured home however there are no residential elements associated with the proposed project.

- e) “W” combining zone provides that any development in coastal wetlands will not degrade the wetland but will maintain optimum populations of marine or freshwater organisms and, where feasible, will enhance wetland resources. Despite the entirety of the proposed fence to be located either within the wetland buffer or traversing areas of the ESHA, the proposed alignment will serve as a protective device for the wetland as it will prevent illegal dumping and trespassing onto the property, which has caused substantial damage to habitat values. The proposed fencing would not impede the natural drainage of the wetland, does not include dredging, diking or filling, and thus does not require mitigation measures. Both the CA Coastal Commission and CDFW provided comments that support the construction of the proposed fence as it will provide protection to the wetlands that will otherwise not be provided.

**5. FINDING:** §312-17.1.4 Public Health, Safety and Welfare – There is no indication that the proposed construction of a perimeter fence will be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE:** a) The proposed project includes the construction of a perimeter fence and complies with all development standards of the zone district. No detrimental conditions to public health, safety or welfare have been identified nor is the proposed project expected to have a detrimental effect on neighboring property values.

**6. FINDING:** §312-17.1.5 Housing Element Densities – The proposed project will not reduce the residential density of this parcel.

**EVIDENCE:** a) The parcel is currently listed as Residential Low Density under the Humboldt Bay Area Plan and was included in the County’s Housing Element Inventory; the proposed project would not change or modify the possibility of meeting the goals established by the County’s housing inventory and is consistent with the goals, policies, and standards of the Humboldt County Housing Element.

## **SUPPLEMENTAL COASTAL RESOURCE PROTECTION IMPACT FINDINGS**

**7. FINDING:** §312-39.8 Coastal Natural Drainage Courses – The proposed alignment of the fence will not impede the natural drainage pattern or have significant adverse effects on water quality or wildlife habitat.

**EVIDENCE:** a) The proposed fence will be located above the drainage feature within the wetland area on the property. Gaps between sections of fence, as well a gap beneath the fence line will allow for passage of wildlife. The overall footprint of the fence will not have negative impacts on the wetland habitat.

**8. FINDING:** §312-39.14 Coastal Wetland Areas – There is no less environmentally damaging feasible alternative than the proposed fence.

**EVIDENCE:** a) The proposed project is sited and designed to prevent impacts which would significantly degrade wetland habitat areas. By providing a barrier between the road and the wetland area, dumping into and trampling of wetland vegetation will be greatly reduced. Boulders, bollards, signage, and other similar treatments would not provide an adequate barrier to prevent dumping and trespassing activities.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

1. Adopts the findings set forth in this resolution; and
2. Conditionally approves the Coastal Development Permit (Record Number: PLN-2023-18080), and subject to the recommended conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **April 03, 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.

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John H. Ford, Director  
Planning and Building Department