

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

Resolution Number: 23-

Record Number: PLN-2023-18251

Assessor's Parcel Numbers: 108-111-027-000

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Coastal Development Permit, Conditional Use Permit, and Special Permit.

WHEREAS, The Shelter Cove Resort Improvement District submitted an application and evidence in support of approving a Coastal Development Permit, A Conditional Use Permit, and a Special Permit for Design Review; 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 found that the project qualifies for exemptions found in Section 15303(e) (New Construction or Conversions of Small Structures) ; and

WHEREAS, Attachment 3 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit, Conditional Use Permit, and Special Permit (Record Number PLN-2023-18251); and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on November 16, 2023, and reviewed, considered, and discussed the application for the Coastal Development Permit, Conditional Use 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:** Project Description: The applicant is seeking a Coastal Development Permit to construct a 2000 square foot accessory storage building for the existing Fire Department, a Conditional Use Permit for Essential Services Civic Use Type, and a Special Permit for Design Review

EVIDENCE: a) Project File: PLN-2023-18251

2. FINDING: **CEQA:** The project complies with the requirements of the California Environmental Quality Act (CEQA). The project is exempt from environmental review per Section 15303(e) (New Construction or Conversions of Small Structures) California Environmental Quality Act (CEQA).

EVIDENCE: a) As Lead Agency, the County of Humboldt determined the project is exempt per §15061(b)(2) of the CEQA Guidelines, finding exemption under CEQA Section 15303 (e) (New Construction or Conversion of Small Structures), which applies to accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Furthermore, none of the exceptions to a Categorical Exemption pursuant to Section 15300.2 apply to the project.

3. FINDING: The project is consistent with the South Coast Area Plan.

EVIDENCE: a) The property is designated Residential/Medium Density (RM) in the South Coast Area Plan. It is necessary for the benefit of health, safety, and productivity that Civic Use Essential Services are permitted across all land use designations. As the storage building is an accessory use to an existing permitted fire station and it enhances the essential service, the project is consistent with the South Coast Area Plan.

b) 2.20 Coastal Act Goals and Policies: To assure orderly, balanced utilization and conservation of Coastal Zone resources considering the social and economic needs of the people of the State, the expansion of the RID Fire Department serves the need for fire protection in an area with moderate to very high fire hazard severity.

c) 3.28 Hazards: The new development minimizes risks to life and property in areas of high geologic, flood and fire hazard by expanding the capabilities of the fire response and taking measures to prevent erosion.

d) The subject parcels are located within an area of high 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 located within a State Responsibility Area for wildfire protection and within a high fire hazard severity zone. The parcels are also within the Shelter Cove Resort Improvements District #1 response

jurisdiction, who provide structural fire protection as well as emergency medical response. Development is not projected to increase hazard risk.

- e) The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. NWIC responded recommending consultation with local tribe but did not recommend additional study because the area has a low likelihood of archaeological resources. The Bear River Band THPO recommended the inadvertent discovery protocol and the Intertribal Sinkyone Wilderness Council did not respond.
- f) Although the California Natural Diversity Database (CNDDB) indicates the possible presence of some rare plant species, the proposed development site is a heavily impacted, paved plot of land, and the site is not environmentally sensitive. The project was referred to the California Department of Fish and Wildlife but they have provided no response.

6. FINDING: **Zoning:** The project is consistent with the purposes of the Residential Multi-Family, Shelter Cove Qualified, and Design Review (R2-Q/D) zones.

EVIDENCE: a) Proposed development conforms with the allowable uses in the RM zone, as the Civic use type Essential Services is a conditionally permitted use (HCC §313-6.2). The project is the development of a 2000 square foot storage building for the existing Fire Department; the building is an accessory to the essential fire services.

The project will not inhibit principally permissible uses because the maximum lot coverage far exceeds the current developed footprint, and mixed residential dwelling units could still be constructed following this development.

- b) Per HCC Section 313-171.5, The Essential Services Use Type includes uses which are necessary to support principal development. Typical Essential Services uses include fire and police stations. Per HCC Section 313-6.2, The Civic Use Type “Essential Services” is a conditionally permitted use. Civic Use Types include the performance of utility, educational, recreational, cultural, medical, Protective, governmental, and similar uses of importance to the public.

- c) The project meets minimum parcel size, lot width, yard setbacks, and maximum lot depth requirements.
- d) Qualified Zone: The purpose of Ordinance 1914 Shelter Cove was to protect neighboring property from inappropriate recreational residential development and to Protect the existing water system and public roads from becoming over-burdened by the development of secondary dwelling units on existing lots in a subdivision that was originally planned for development of no more than one dwelling unit per lot. Although the proposed storage building is an accessory structure being constructed on a parcel without a residential structure, it is being constructed for an established, permitted use. The storage building does not cause nuisance to the neighboring properties as an inappropriate recreational or residential use and does not impact the existing water system nor public roads because it serves an essential service beneficial to the Shelter Cove community.
- e) Design Review: The development is consistent with the Humboldt County Code's Design Review Standards (313-19.1.5). Exterior walls and roofing materials will not be unfinished metal or galvanized metal. The exterior finish of any metal material will have a manufacturer's warranty certifying a minimum life of fifteen years (15yr). Flammable roofing material such as wood shakes or shingles will not be included. All other design considerations are met. New development may be screened or softened by vegetative plantings. If appropriate, species common to the area and resistive to fire should be planted.

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 project supports an essential service, the duty of which is to protect public safety and health in the event of a fire.
- b) The project will be an accessory to an established, vested use. There will be no extraordinary nuisance caused by the storage of firefighting-related equipment which would affect health, safety, or welfare in a negative way.

- c) All reviewing referral agencies that responded to the County have approved or conditionally approved the proposed project. The application is complete. Parcels to be developed are found to comply with the Subdivision Map Act. The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances.

8. FINDING:

Residential Density: 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:

- a. The reduction is consistent with the adopted General Plan including the housing element; and
- b. The remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and
- c. 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) Although the parcel is zoned for residential use, the parcel included in this project is not included in the 2009 Adopted Housing Element Inventory, and the potential reduction in residential density is consistent with the General Plan. The County can continue to accommodate its share of the regional housing need.

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
- Conditionally approves the Shelter Cover Resort Improvement District's Coastal Development Permit, Conditional Use Permit, and Design Review Special Permit. (Record No. PLN-2023-18251) subject to the Recommended Conditions of Approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **November 16, 2023**.

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.

John H. Ford
Zoning Administrator
Planning and Building Department