

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

Resolution Number 24-012

Record Number PLN-2023-18272

Assessor's Parcel Number: 400-121-007-000

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

WHEREAS, Roland Zee., submitted an application and evidence in support of approving a two-year extension of an approved Coastal Development Permit and Special Permit (Original Applications CDP-04-094XMXDXXXMXX and SP-05-087XXXXXXX) associated with the construction of a new residence in the Manilla area;

WHEREAS, A Mitigated Negative Declaration of Environmental Impact (SCH# 2006062069) adopted July 6, 2006 and no changes to the project are proposed in association with this extension; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **March 7, 2024,** and reviewed, considered, and discussed the application for the requested Coastal Development Permit and Special Permit Extension 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 two-year extension of a Coastal Development Permit and Special Permit to construct a new single-family residence originally approved on July 6, 2006 (Original Applications CDP-04-094XMXDXXXMXX and SP-05-087XXXXXXX) and modified on March 1, 2007 and again on August 18, 2016. The previously approved modification allowed the building footprint to be increased to 1,650 square feet, for a total of 2,590 square feet of living space. The Special Permit was required to reduce from 100 feet to 81 feet the wetland setback for placement of the residence. The approximately 3-acre parcel is currently developed with a shed. No trees are proposed to be removed and minimal grading is required for this project. The Manila Community Services District will provide water and sewer services. No changes to the modified project are proposed. If approved, the extension will expire on August 4, 2026.

EVIDENCE: a) Project File: PLN-2023-18272

2. FINDING: **CEQA:** Pursuant to section 15073 of the CEQA Guidelines an Initial Study and Mitigated Negative Declaration of Environmental Impact (SCH# 2006062069) adopted July 6, 2006. An addendum to the document was adopted August 18, 2016. No changes to the original project are proposed and no evidence has arisen to indicate that additional review under CEQA is necessary.

EVIDENCE: a) Initial Study and Mitigated Negative declaration State Clearinghouse Number 2006062069 has not changed.

FINDINGS FOR EXTENTION OF AN APPROVAL OF A DEVELOPMENT PERMIT OR VARIANCE

3. FINDING: The parcel's zoning, for which conformance findings were made, has not changed.

EVIDENCE: a) Residential Single Family - Minimum parcel size 20,000 square feet, Manufactured Home, Beach and Dune Areas combining zones (RS-20-M/B). The zoning designations have not changed from when the project was previously approved.

4. FINDING: The General Plan Land Use designation for which a consistency finding was made, has not changed.

EVIDENCE: a) Residential Estates (RE). Humboldt Bay Area Plan (HBAP). Density: 0 to 2 units per acre. Slope Stability: Moderate and Low Instability (A0;A2). Note: All proposed development is within the low instability area and none of these designations have been changed for the affected property.

5. FINDING: All other standards and requirements to which the project is subject and as administered by other departments or agencies have not changed.

EVIDENCE: a) The project was referred to all applicable county departments and state agencies and all either did not respond or responded with recommendations for approval of the extension. There is no evidence indicating that any applicable standards or requirements have changed in any manner which would impact the ability to carry out the project.

DECISION

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

Conditionally approves the Zee Coastal Development Permit and Special Permit Extension subject to the conditions of approval attached.

Adopted after review and consideration of all the evidence on March 7, 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.



John H. Ford, Zoning Administrator
Planning and Building Department

ORIGINAL CONDITIONS OF APPROVAL (CDP-04-097XMXDXXXM, SP-05XXXXXX)

Approval of the Coastal Development Permit and Special Permit Modification is conditioned upon the following terms and requirements which must be fulfilled before work is initiated. The original Conditions of Approval with corrective updates are below:

1. Applicant shall submit verification of connection to community water and sewer from the Manila Community Services District prior to occupancy of the structure.
2. Four (4) non-tandem, independently accessible parking spaces, outside of the front yard setback, shall be constructed on-site before a "final" is issued for the building permit. This requirement shall be clearly identified on the plot plan submitted for the building permit.
3. Driveway access shall be improved with a surface of gravel or better in order to support a 58,000 pound fire apparatus and shall be maintained for the life of the project.
4. All portions of the residence must be within 150 feet of access road.
5. The applicant shall provide two (2) copies of a site mitigation plan to be approved by the Planning Director in consultation with the California Department of Fish and Wildlife. The plan shall identify a qualified specialist who will monitor construction activities to insure that the following mitigation measures have been incorporated:
 - Recommendations contained in the geologic evaluation;
 - Minimized disturbances to vegetated dunes;
 - Planting of native trees to increase the vegetation buffer of the slough wetland areas;
 - Exterior lighting is not illuminating the dune areas beyond the site improvement;

The plan shall also contain a provision for a report to be filed with the Planning Division after completion of each construction phase stating that the work has been performed in compliance with the mitigation plan. Approval of this report by the Planning Division shall satisfy this requirement.

6. Within five (5) days of the effective date of the approval of this permit, the applicant shall submit a check to the Planning Division in the amount of \$50.00 (document handling fee) pursuant to Section 711.4 of the Fish and Game Code.
7. The applicant shall make an irrevocable Offer to Dedicate to the County of Humboldt for public use the portions of the Peninsula Drive trail as depicted in Attachment 6 consistent with Section 313-95.1 of the Coastal Zoning Regulations. In order to allow for pedestrian and equestrian use, the easement may have a width of 20 feet.
8. All recommendations in the R-2 Engineering and Geologic Report (LACO Associates, 2005) shall be followed to the satisfaction of the Building Inspections Division.
9. This parcel, as well as all others in the Manila area, are shown on the Planning Scenario for a Great Earthquake on the Cascadia Subduction Zone (CSZ, CDMG, 1995, Map S-1) as being within the zone of potential inundation by a tsunami. As part of the project proposal, the applicant is voluntarily contributing to the Tsunami Ready Program Fund for the Manila area. Evidence of applicant's contribution to the Tsunami Ready Fund administered by

the County Office of Emergency Services (OES) and the National Weather Service shall be provided prior to building permit issuance. Use of the funds shall include but not be limited to installation of an active warning system (i.e., warning sirens) or for other Tsunami Ready activities such as tsunami education, identification of evacuation routes, and signage.

10. The applicant shall submit an engineering report/letter demonstrating compliance with the following mandatory mitigation measures for development in Coastal Wetland Buffer areas: 1) the release rate of stormwater shall not exceed natural rate for runoff for a 50 year storm of 10 minute duration; 2) stormwater outfalls to be dissipated; and 3) development to minimize cut and fill and provide erosion/sediment controls. This requirement shall be clearly identified on the plot plan submitted for the building permit.
11. The applicant filed a request for a two-year extension in 2023. The two-year extension period would have extended the permit to August 4, 2016. Per HCC Section 312-11.3.1, the application extends the permit until final action is taken by the hearing officer. Due to the lengthy processing time for this project (due to project changes and seasonal biological reports required) this modification will make the current permit valid for a period of three years ending on August 4, 2015.

On-going Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. Exterior lighting shall be shielded so as to not illuminate the dune areas beyond the site improvement.
2. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.

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, 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 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. This permit shall expire and become null and void at the expiration of **August 2, 2025** (see Condition 11 above); 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.
4. The January 1, 2004 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts which describe that document are available from the Planning Division.
5. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139 of the Humboldt County Code (H.C.C.), shall require a coastal development permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.
6. Nothing in this permit shall be construed to constitute a waiver of any public rights established through use which may exist on the parcel itself or on the designated easement.
7. 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 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.