



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Hearing Date: August 4, 2022

To: John H. Ford, Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Morin Coastal Development Permit Modification**
Case Number: PLN-2022-17644
Assessor's Parcel Number: 400-041-023
Manilla Area

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Please contact Cade McNamara, Planner II, at 268-3777, or by email cmcnamara@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 4, 2022	Coastal Development Permit Modification	Cade McNamara

Project: A Modification to a previously approved Coastal Development Permit (CDP-05-03) for the addition of a sauna (approx. 9x10'), detached accessory storage shed (10'x12'), and 17' diameter dome residential greenhouse to the property. The sauna has plumbing connected to municipal water and sewer. This is an after the fact CDP, submitted by the new property to permit all structures and bring the property into compliance. No removal of trees, grading, or fill is proposed.

Project Location: The project is located in Humboldt County, in the Manila area, on the East side of Keyes Street, approximately 430 feet from the intersection of Lupin Avenue and Keyes Street, on the property known 1844 Keyes Street.

Present Plan Land Use Designation: Residential Low Density (RL). Humboldt Bay Area Plan, 2017 General Plan. Density: 1-8 units per acre, Slope Stability: Relatively Stable (0)

Present Zoning: Residential Single Family (RS-5) - Manufactured Home Development Standard (M) / Airport Safety Review (A), Special Building Site (B)

Record Number: PLN-2022-17644

Assessor's Parcel Number: 400-041-023

Applicant:

Andrew Morin
1844 Keyes Street
Manilla, CA 95521

Owner:

Same as applicant

Agent:

N/A

Environmental Review: The project is exempt from environmental review pursuant to Categorical Exemption Section 15301(Existing Facilities) 15303 (New Construction or Conversion of Small Structures), of the CEQA Guidelines.

Major Issues: None

State Appeal Status: Project is appealable to the California Coastal Commission.

Morin Coastal Development Permit Modification

Record Number: PLN-2022-17644

Assessor's Parcel Number: 400-041-023

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

Find that the Zoning Administrator has considered project as Categorically Exempt from environmental review pursuant to Section 15301 and 15303 of the CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit and adopt the Resolution approving the Morin Coastal Development Permit Modification as recommended by staff subject to the recommended conditions.

Executive Summary: The project is a Modification to a previously approved Coastal Development Permit (CDP-05-03) for the addition of a sauna (approx. 9x10'), detached accessory storage shed (10'x12'), and 17' diameter dome residential greenhouse to the property. The sauna has plumbing connected to municipal water and sewer. This is an after the fact CDP, submitted by the new property owner to permit all structures and bring the property into compliance. No removal of trees, grading, or fill is proposed. These structures were existing when the property owner purchased the parcel. In CDP-05-03, it was identified that the existing residence was to be converted to a garage/storage in order for the current residence to be built. This did not happen, and the property owner has worked with the Planning and Building Department to remedy the conditions of the original CDP prior to pursuing the retroactive permitting of the proposed modifications. Additionally, the three sheds located on the southern property line were permitted under CDP-05-03.

The parcel is located within the Appeals Jurisdiction of the California Coastal Commission and therefore requires a public hearing. The Coastal Commission did provide comment on the project with concerns of neighboring wetlands and applicable setbacks to those wetlands. Staff acknowledges that the current structures are located within the 100-foot setback from wetlands and has identified that the as-built structures are located on gravel brought in as a part of CDP-05-03, existing cement foundations, or have been in existence in excess of a year. Removing these structures would contribute to further ground disturbance. The fence to the northern property boundary separates the subject parcel from potential wetlands located on the parcel to the north. If future development is proposed, a preliminary biological assessment will be required to address presence of flora/fauna and re-evaluate the current wetland buffer to ensure that no coastal resources are impacted.

The project is consistent with the Humboldt Bay Area Plan (HBAP) for the following reasons: 1) the after-the-fact development is authorized with the Modification as accessory to the permitted residential use in the Residential Single Family Zone; 2) the proposed development complies with applicable development standards of the zone, 3) All referral agencies have recommended approval or conditional approval of the project, and 4) There is no evidence that the proposed development will negatively impact the environment. The project is Categorically Exempt from environmental review pursuant to 15301 Existing facilities, and 15303(a) New Construction or Conversion of Small Structures of the CEQA Guidelines, because the project is for the after-the-fact permitting of small structures that are accessory to the residence.

Staff Recommendations: Based upon a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit Modification.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permit if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

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

Resolution Number 22-

Record Number PLN-2022-17644

Assessor's Parcel Number: 400-041-023

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Morin CDP Modification.

WHEREAS, Andrew Morin, submitted an application and evidence in support of approving the Coastal Development Permit Modification; 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 project is exempt from environmental review pursuant to Section 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) of the CEQA guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Case Number: PLN-2022-17644); and

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on August 4, 2022 and reviewed, considered, and discussed the application for the Modification reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all of the following findings:

- 1. FINDING:** **Project Description:** A Modification to a previously approved Coastal Development Permit (CDP-05-03) for the addition of a sauna (approx. 9x10'), detached accessory storage shed (10'x12'), and 17' diameter dome residential greenhouse to the property. The sauna has plumbing connected to municipal water and sewer. This is an after the fact CDP, submitted by the new property to permit all structures and bring the property into compliance. No removal of trees, grading, or fill is proposed

EVIDENCE: a) Project File: PLN-2022-17644

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the project to be exempt from environmental review pursuant to Section 15303 of the CEQA guidelines.

EVIDENCE: a) The project is Categorically Exempt from environmental review pursuant to 15301 – Existing Facilities, 15303(a) - New Construction or Conversion of Small Structures of the CEQA Guidelines, because the project is for the after-the-fact permitting of small structures, including the addition of a sauna (approx. 9x10'), detached accessory storage shed (10'x12'), and 17' diameter dome residential greenhouse to the property.

- 3. FINDING** The project, as conditioned, is consistent with the development policies of the Local Coastal Plan, the Humboldt Bay Area Plan.

EVIDENCE

- a) The purpose of the Residential Low Density (RL) designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types including townhouses and common-wall clustered units. The property is developed with a Single-Family Residence and accessory structures compatible with the land use designation.
- b) The project complies with the County's Housing Element and will not increase the number of residential units on the parcel.
- c) The parcel is located within a relatively stable geologic area and does not require a soils report for residential accessory structures. The property is not adjacent to coastal bluffs

The parcel is not within a designated flood area. The parcel is located within a high fire hazard severity area, and within the States Responsibility Area (SRA) for fire response. Due to the small parcel size, the project is subject to the Small Parcels Exception and subject to zone setbacks.

As conditioned, the project is not expected to increase risks of hazards.

- d) According to the California Natural Diversity Database (CNDDDB), there are several reported rare species that may occur within the vicinity of the project area. Given the majority of the lot is developed, and the small structures would not extend into undeveloped areas, it is highly unlikely these species will be affected by the proposal.

The property is adjacent to coastal wetlands identified on the aerial imagery. There is a fence separating the subject parcel from the parcel to the north where wetlands are located. The subject parcel is entirely developed with a gravel driveway, cement patio areas, residential foundations, and ornamental lawn. The greenhouse and sauna have been in their current locations since June of 2016 and is located on gravel that was brought in in 2006 with the approval of the CDP-05-03 (the greenhouse was not a part of that application). There was no biological assessment completed at that time. The only additions are the sauna located to the southern property line, the shed to the northern property line, and a shed just north of the existing garage on an existing cement pad. Both sheds have been existing for over a year now and are located on ornamental lawn/gravel and an existing cement pad. These are within the 100 feet setback to mapped wetlands but do not pose potential impacts to ESHA. Removing them could be additional ground disturbance. There was no grading associated with the sheds/sauna.

The project was referred to the California Coastal Commission (CCC) and CDFW. Coastal staff did not discuss species impacts in their comments. The CCC did discuss potential impacts to wetlands. After deliberation with staff, the CCC concurred with the findings previously mentioned.

- e) The parcel is not within a designated Coastal Scenic Area. The development, as proposed is not expected to have any negative impacts on the visual quality of the area. No threats to visual resources are anticipated. The project is consistent with the physical scale and visual compatibility of the neighborhood. The project is consistent with the Visual Resources policies in the HBAP.
- f) The project was referred to the Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe. The Bear River Band of the Rohnerville Rancheria responded with no comment. The Blue Lake Rancheria initially requested an archeological survey due to proximity to potential cultural resources, but after learning that all the work has already occurred and after performing a site visit, they rescinded their request. The Wiyot Tribe concurred with Blue Lake Rancheria's recommendations. The standard inadvertent archaeological discovery protocol has been added to the Conditions of Approval.

4. FINDING

The proposed development is consistent with the purposes of the existing R-S-5-M/A/B zones in which the site is located.

EVIDENCE

- a) The purpose of the Residential Single Family (R-S-5) zoning is intended for sites suitable for the development of residential homes, with a minimum parcel size of 5,000 SF. Single-family residences and accessory structures are principal uses in the R-S-5 Zone. The project is consistent with the R-S-5 land use. There are combining zones applied to the parcel of (M) Manufactured Homes, (A) Archeological Combining zone outside of Shelter Cove, and (B) Beach and Dune Areas. The site is currently developed, with minor additions that are being retroactively permitted. The size is compatible for manufactured homes, but the project does not involve one. Beach and Dune areas are in proximity but are not applicable as the site is historically developed. A representative of the Blue Lake Rancheria conducted a site visit with staff to conduct a search for cultural resource potential. No cultural resources were identified and inadvertent discovery protocol is in place, though the project will not involve further development.

5. 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 parcel is located within an area of low geologic instability. The addition of a greenhouse and ancillary sauna and shed that were existing when the property owner purchased the parcel will not put at risk the public health, safety, or welfare.

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 parcel is developed with an existing residential structure that was originally permitted (CDP-05-03). The proposed project would not add or reduce the number of houses in the County.. The project is consistent with the Housing Element.

DECISION

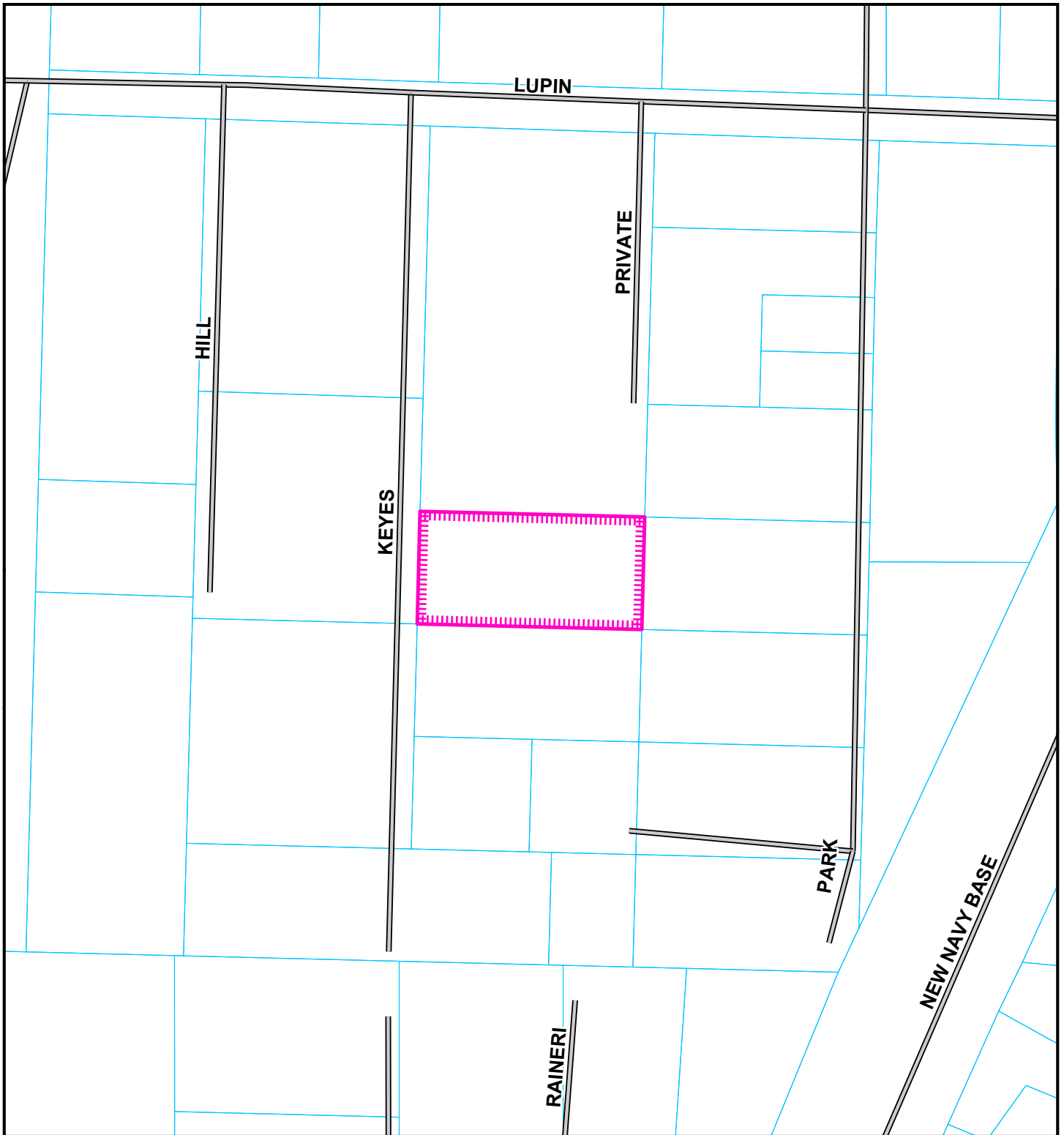
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Morin Coastal Development Permit Modification based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **August 4, 2022.**

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



LOCATION MAP

PROPOSED ANDREW MORIN
MODIFICATION
MANILA AREA
PLN-2022-17644
APN: 400-041-023

T05N R01W S03 HB&M (Eureka)

Project Area = 

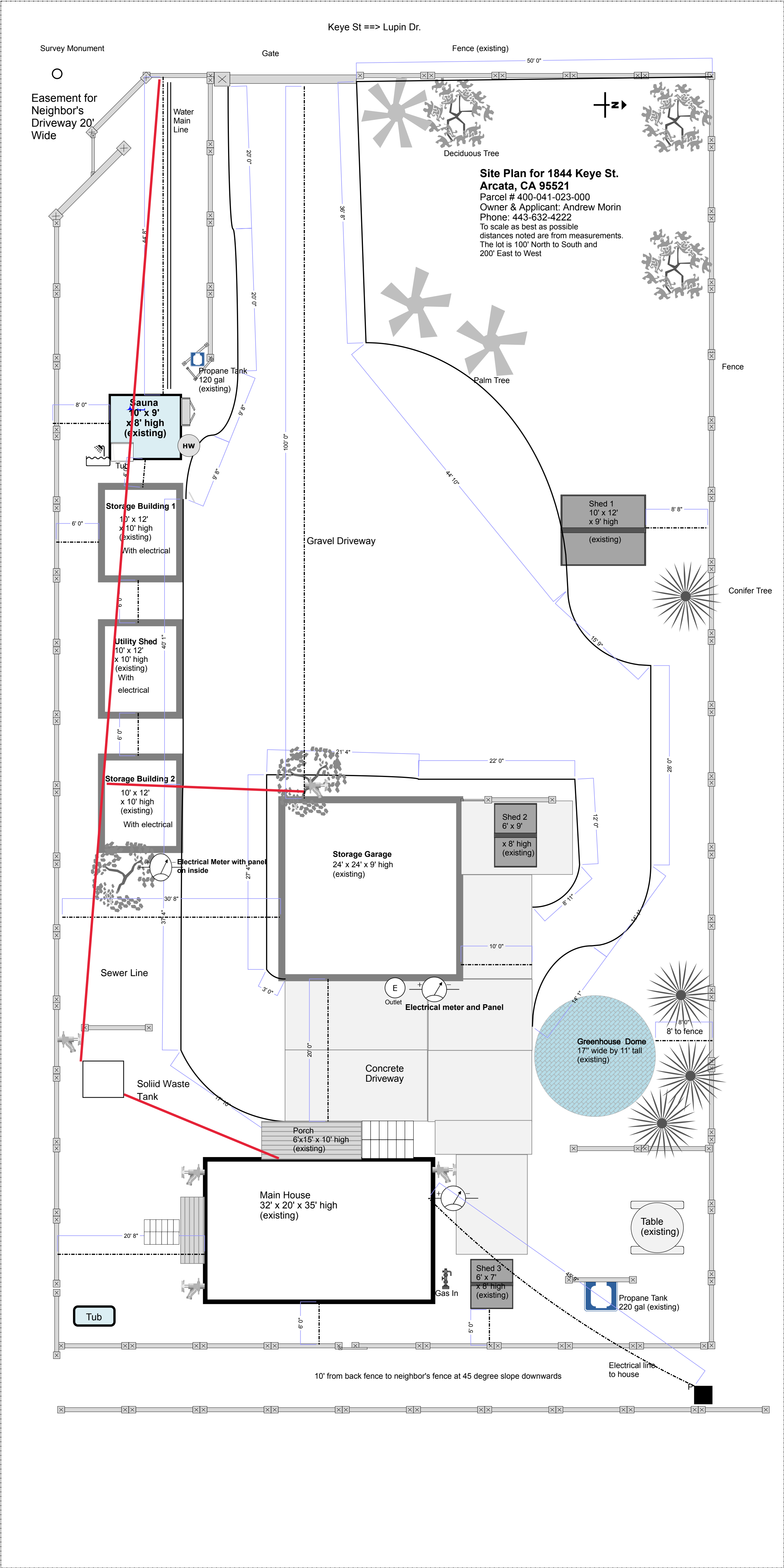
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 100 200 Feet



Keye St ==> Lupin Dr.



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE WORK IS INITIATED:

A. General Conditions

1. The applicant is required to obtain building permits for the sauna, sheds and greenhouse associated with this CDP.
2. The applicant is responsible for receiving all necessary permits and/or approvals from state and local agencies.
3. 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

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. This permit shall expire and become null and void at the expiration of one (1) year 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 commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.
2. If the applicant proposes future development, the development will require a preliminary biological assessment for flora/fauna potentially on site, in addition to a re-evaluation of the northern property boundary for potential encroachment of wetlands to ensure appropriate coastal development parameters are met.

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

ATTACHMENT 2
APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

The following materials are on file with the Planning Division.

1. Application form (On file)
2. Plot Plan (**Attached**)
3. Grant Deeds (On file)

ATTACHMENT 3
Referral Agency Comments and Recommendations

The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	On File
Public Works, Land Use Division	✓	Approval	✓
Building Inspection Division	✓	Conditional Approval	✓
Division of Environmental Health	✓	Approval	✓
Arcata Fire	✓	No Comment	✓
Manila CSD		No Comment	
Bear River Band of the Rohnerville Rancheria	✓	No Comment	✓
Wiyot Tribe	✓	Conditional Approval	✓
Blue Lake Rancheria	✓	Conditional Approval	✓
California Coastal Commission	✓	Conditional Approval	✓
County Counsel		No Comment	
CDFW		No Comment	