

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 22-  
Record Number PLN-2022-17799  
Assessor's Parcel Number: 400-071-025**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Graydon Coastal Development Permit and Variance**

**WHEREAS**, Dawn Graydon, submitted an application and evidence in support of approving the Coastal Development Permit and a Variance; 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 and 15303 - New Construction or Conversion of Small Structures of the CEQA Guidelines;

**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-2022-17799); and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly noticed public hearing on **October 6, 2022**, and reviewed, considered, and discussed the application for the CDP and 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 Coastal Development Permit for the remodel of an existing 1,034 square foot, single-story, single-family residence, with a 300 square foot attached garage. The proposed addition will include an approximately 522 square foot second story consisting of two bedrooms between 127 and 140 square feet, a 51 square foot bathroom, and a 55 square foot office. The proposal also includes the construction of a 192 square foot rear deck on an existing concrete slab and an 80 square foot front deck in a pre-disturbed location. A Variance is required pursuant to Humboldt County Code §313-132.5.1 due to the structural alterations proposed for an existing nonconforming structure. The existing residence and proposed additions are located within 5 feet of the interior side setback for properties zoned Residential Single Family. Minimal grading is required. The new height of the residence will be approximately 24 feet and 2 inches tall and served by Manila Community Services District for sewer and water.

**EVIDENCE:**   a)   Project File: PLN-2022-17799

- 2. FINDING:**                   **CEQA:** The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA).

**EVIDENCE:** a) The proposed project is exempt from environmental review pursuant to Categorical Exemption Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.

#### **FINDINGS FOR COASTAL DEVELOPMENT PERMIT**

**3. FINDING:** The proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

**EVIDENCE:** a) The Residential Single Family Principally Permitted Use includes the following uses: Single Family Residential, Second Residential Unit, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. The project proposed additions to the existing single-family residence and does not propose any new uses.

b) RS-5 indicates a minimum parcel size of 5,000 square feet. The subject parcel is approximately 10,000 square feet and will remain this size. There will be no increase in ground coverage.

c) The existing residence does not meet property line setbacks and is classified as legal nonconforming. The structural development proposed as part of this Coastal Development Permit requires a variance due to development standards that otherwise limit the developability of the lot. The variance has considered the requirements according to §312-3.2.

d) The Manufactured Homes (M) Combining Zone is used to modify the principal zone to allow manufactured homes to be placed on any lots within the zone. The CDP does not propose the placement of a manufactured home.

e) The Archaeological Resource Area Outside Shelter Cove (A) Combining Zone is used to provide for reasonable mitigation measures where development would have an adverse impact upon archaeological and paleontological resources. The proposal does not include the expansion of the floor area for the existing residence and the new decks are proposed over an existing concrete slab and in a predisturbed location where a deck was previously located. The project has been referred to all responsible tribal agencies in the vicinity and received responses from NWIC and the Blue Lake Rancheria. NWIC recommended consultation with other tribes. Blue Lake Rancheria has expressed no concerns with the proposed development. Standard Inadvertent Discovery Protocols will be included as an informational note should there be archaeological resources found during construction activities.

f) The Beach and Dune Areas (B) Combining Zone of these regulations is to ensure that any development permitted in coastal beach and dune areas, as designated in the Coastal Land Use Plan Resource Protection Maps, will not detract from the area's natural resource value or their potential for providing recreational opportunity. The subject parcel is not designated with a Natural Resources (NR) land use designation and therefore is not restricted to the permitted development listed in

Humboldt County Code §313-17.1.5. The proposed development does not present a negative impact to beach and dune areas adjacent to the subject parcel.

**4. FINDING:** The proposed development is in conformance with all applicable policies and standards of the Humboldt Bay Area Plan (HBAP).

- EVIDENCE:**
- a) The project is a CDP to allow the remodel and addition to an existing single-family residence. The proposed project will not increase health and safety risks. The project area is in a relatively stable area with a moderate fire hazard severity. The project area is not in a flood zone.
  - b) The project area is located within the Tsunami Hazard Area. According to HBAP §3.17 (Hazards), Section B3, new subdivisions or development projects which could result in one or more additional dwelling units within a potential tsunami run-up area shall require submission of a tsunami vulnerability report which provides a site-specific prediction of tsunami run up elevation resultant from a local Cascadia subduction zone major earthquake. The proposal does not include the construction of additional dwelling units and therefore is not required to submit a tsunami vulnerability report.
  - c) This project was referred to NWIC, the Bear River Band, the Blue Lake Rancheria, and the Wiyot Tribe for input. NWIC does is not aware of any archaeological resources in this area and has requested that the project be reviewed by the associated tribal agencies and is conditioned with the standard inadvertent discovery protocol. Blue Lake Rancheria is not aware of any archaeological resources in the project area and is satisfied with the proposed development.
  - D) The purpose of the Residential Low Density (RL) zone is to allow the development of homeowner residential uses making conservative use of urban land where adequate services are available. This project conserves the use of urban land by expanding the existing residence upwards. The parcel is already developed and has water and sewer services provided by the Manila Community Services District.
  - e) The proposal is consistent with the requirements of Section 3.30 of the HBAP. Because the existing residence pre-dates the Humboldt Bay Area Plan and is located within the required wetland buffer and setback area, no additional principal development can occur without it occurring within this prescribed area. The prescribed buffer would therefore prohibit development of the site for the principle use for which it is designated. All proposed work will remain within the footprint of the existing residence and will not create any disturbance of habitat modification to either the wetland areas or the areas between the existing residence and wetland. The proposed additions to the existing residence will not degrade the wetland or detract from the natural resource value. The new development will retain a maximum setback feasible of 20.4 feet, consistent with the existing footprint. The project has been conditioned with the mitigation measures listed in the HBAP Section 3.30.B.6.f(1-6).

**5. FINDING:** The proposed development will not adversely impact the environment, and will not be detrimental to the public health, safety or welfare and will not be materially injurious to properties or improvements in the vicinity.

**EVIDENCE:** a) This project will not impact other properties or improvements, all work is proposed on the parcel. The Coastal Development Permit will have no impact on health, safety and welfare of others.

**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 project will not conflict with any provisions of the County Housing Element. The proposed development will not increase or decrease the amount of available housing.

#### **FINDINGS FOR VARIANCE**

**7. FINDING:** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same zone in the vicinity.

**EVIDENCE:** a) The position of the existing legally constructed residence on the subject parcel does not meet side yard setback requirements. Any additions to the residence in its current position would require a variance.

**8. FINDING;** The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

**EVIDENCE:** a) The strict interpretation and enforcement of §313-132.5.1 would result in practical difficulty for the applicant to make any additions to their primary residence or to construct a second floor above the existing footprint, which are typical privileges enjoyed by owners of other properties in the same zoning district.

**9. FINDING:** That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

**EVIDENCE:** a) The granting of this variance would not constitute a grant of special privileges inconsistent with limitations on other properties since they would also be eligible to make additions to their homes in the same zoning district.

**10. FINDING:** That granting the variance, or its modification will not be materially detrimental to the public health, safety or welfare.

**EVIDENCE:** a) The granting of the variance would not be materially detrimental to the public health, safety or welfare because the proposed work will remain within the existing footprint of the single-family residence and will not impact natural resources.

**11. FINDING:** The development for which the variance is proposed will be in conformity with the Coastal Land Use Plan.

**EVIDENCE:** a) The proposed development conforms with the HBAP given that the proposed use will remain the same as the existing use. The subject parcel is zoned Residential Low Density and the proposed development is to construct a second story addition to the existing residence.

**RESOURCE PROTECTION IMPACT FINDINGS: COASTAL DUNE AND BEACH AREAS**

**12. FINDING:** Development shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

**EVIDENCE:** a) The proposed project will occur within the existing footprint of the residence. The proposed porches will be constructed in predisturbed locations on the subject parcel. A Natural Environment Report was prepared by the applicant, who is a qualified environmental scientist. The results of the report found that no special status plant species were located on the parcel. The subject parcel supports potential habitat for several special status wildlife species, although no direct or indirect impacts to these species would occur as a result of the proposed project. There will be no expansion of the existing house footprint, no trees will be removed, and there would be no increase in intensity of use.

**13. FINDING:** There is no less environmentally damaging feasible alternative.

**EVIDENCE:** a) The proposed development is the least environmentally damaging option. Alternatives to the proposed project would require expanding the footprint of the existing footprint and potentially disturbing the natural environment.

**14. FINDING:** The development will not interfere with the protection of dredge spoils disposal locations designated on the Humboldt Bay Area Plan Resource Protection Maps.

**EVIDENCE:** a) The subject parcel is not located within a dredge spoils disposal location.

## 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 Coastal Development Permit and Variance 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 October 6, 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.

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John H. Ford, Zoning Administrator,  
Planning and Building Department