

CALIFORNIA COASTAL COMMISSION  
 NORTH COAST AREA  
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Filed:	January 14, 1998
49th Day:	Continued
Staff:	Bill Van Beckum
Staff Report:	May 28, 1998
Hearing Date:	June 11, 1998
Commission Action:	

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT:	County of Humboldt
DECISION:	Approval with Conditions
APPEAL NO.:	<b>A-1-HUM-98-08</b>
APPLICANT:	<b>RICHARD JONES</b>
PROJECT LOCATION:	807 Upper Pacific Drive, Shelter Cove, Humboldt County, APN 109-362-24.
PROJECT DESCRIPTION:	Development of a 1,352-square-foot manufactured home with three bedrooms and four on-site parking spots.
APPELLANT:	<b>Linda Yates</b>
SUBSTANTIVE FILE DOCUMENTS:	Humboldt County Local Coastal Program; Humboldt County Coastal Development Permit No. CDP-56-95.

SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed because the appellant has not raised any substantial issue with the local government's action and its consistency with the certified LCP.

Two of the issues raised are not valid grounds for an appeal as they do not concern the consistency of the project as approved with the policies of the LCP or Coastal Act public access policies. While the appellant has raised two other valid issues regarding the protection of visual and scenic resources and hazards, the project as approved by the County does not raise a substantial

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issue with regard to compatibility with the character of the surrounding area or the protection of the scenic and visual qualities of coastal areas. The project represents compatible, small-scale infill in a developing subdivision, in an area within the subdivision that is not in a public view area. Furthermore, the project will not interfere with any public coastal views. With regard to the appellant's concerns with possible risks in an area of high geologic and fire hazards, the several conditions attached to the County's approval of the project will ensure that geologic and fire hazards will be minimized.

The Motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 3.

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STAFF NOTES:

1. Appeal Process.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603.)

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed development is not designated the "principal permitted use" under the certified Humboldt County LCP.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a

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majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. Because the proposed development is not between the first road and the sea, if the Commission were to conduct a de novo hearing on the appeal, the only applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program, and not also whether it is in conformity with Coastal Act public access policies.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

## 2. Filing of Appeal.

The appellant filed an appeal (Exhibit 9) to the Commission in a timely manner on January 14, 1998, subsequent to the County's issuance of the Notice of Final Action, which was received in the Commission's offices on January 2, 1998.

Pursuant to Section 30261 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. In accordance with the California Code of Regulations, on January 5, 1998 staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. Consistent with Section 13112 of the California Code of Regulations, since the Commission did not timely receive all requested documents and materials, at the February 5, 1998 meeting, the Commission opened and continued the hearing. Subsequently, all of the remaining file materials have been transmitted to the Commission.

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## I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Pursuant to Section 30603(b) of the Coastal Act and as discussed in the findings below, the staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

### MOTION:

I move that the Commission determine that Appeal No. A-1-HUM-98-008 raises NO substantial issue with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act.

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Staff recommends a YES vote. To pass the motion, a majority vote of Commissioners present is required. Approval of the motion means that the County permit action is final.

II. Findings and Declarations.

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS

The Commission received an appeal of Humboldt County's decision to approve the project from Linda Yates. The project as approved by the City consists of development of a 1,352-square-foot manufactured home with three bedrooms and four on-site parking spots, on a vacant lot in the community of Shelter Cove in southern Humboldt County.

The appellant's contentions are summarized below, and the full text of the contentions are also included in the appeal submitted to the Commission (Exhibit 9). Included in Exhibit 9 are seven pages with the names of 113 Shelter Cove persons who signed a petition letter, "in opposition to manufactured/mobile homes being installed in Shelter Cove," filed with the County Planning Commission's September 4, 1997 meeting. Although the appellant states that, "This appeal is being made on behalf of (these) 113 Shelter Cove residents," only the appellant has signed the appeal. Therefore, the appeal is only in the name of the appellant, Linda Yates.

Correspondence dated April 20, 1998 from the appellant's attorney, David J. Larsen, is attached as Exhibit 8. Additional correspondence, in support of and in opposition to the project, received since the filing of the appeal, is attached as Exhibit 8.

The appellant contends that:

- a. factory built homes are prohibited within the Shelter Cove Subdivision by the subdivisions covenant's, conditions and restrictions (CC & Rs);
- b. the County committed a legal error by finding that this project was exempt from the California Environmental Quality Act (CEQA);
- c. the design of the proposed home is not compatible in design and scale, as required by design review procedures of the Coastal Zoning Ordinance, to the mostly 2-story homes in the subdivision;
- d. the proposed home is not designed to withstand Shelter Cove winds and seismic activity.

B. LOCAL GOVERNMENT ACTION

On September 4, 1997 the Humboldt County Planning Commission approved, on a 6-0 vote, a Coastal Development Permit, Conditional Use Permit and Special permit for the project, with conditions. The conditions required that an encroachment permit from the Dept. of Public Works be obtained, specific fire safety mitigations be provided and annually maintained, the project be connected to the public sewer system, the roof have a minimum roof overhang of 12 inches on all sides, exterior light be shielded, and new utilities be underground where feasible. The conditions also prohibited exterior walls and roofing materials comprised of unfinished metal or galvanized metal. This approval was appealed to the Humboldt County's Board of Supervisors, by the current appellant, for essentially the same reasons given in the current appeal. On December 2, 1997 the Board of Supervisors denied the appeal, thus upholding the Planning Commission's approval of the project.

The County then issued a Notice of Final Action on the Coastal Development Permit, which was received by Commission staff on January 2, 1998 (see Exhibit 7). The project was then appealed to the Coastal Commission in a timely manner on January 14, 1998, within the 10-working day appeal period.

C. PROJECT SETTING AND DESCRIPTION, AND HISTORY.

The project site is a vacant residential parcel measuring approximately 54 feet by 100 feet in the Shelter Cove subdivision. The site is approximately 1,000 feet from the ocean, and is separated from it by three of the subdivision's internal roads and several residential lots, not yet completely built out. (Exhibits 1-3). The site slopes toward the west, the direction of the coast, and contains several trees. There is no sensitive habitat on the site.

The proposed project is the development of a 1,352-square-foot manufactured home, that will include three bedrooms and two baths. Four uncovered parking spaces also are proposed. The site plan is attached as Exhibit 4.

Project elevations (Exhibit 6) show a moderately pitched roof and a maximum height of approximately 16 feet, 8 inches. Nearby residences range in height from approximately 15- to 25-feet according to a Neighborhood Design Survey submitted by the applicant to the Planning Department as required by the County permit application. Exhibit 5 includes an architectural rendering of the proposed structure.

D. SUBSTANTIAL ISSUE ANALYSIS.

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

1. Appellant's Contentions that are Not a Valid Grounds for Appeal

Two of the appellant's contentions, (a) and (b) discussed below, are not valid grounds for appeal because they do not relate to the project's consistency with the certified Local Coastal Program.

(a) The appellant contends that factory built homes are prohibited within the Shelter Cove Subdivision by the subdivision's CC & Rs. The appellant states that no mobile homes have been allowed in the subdivision since 1965 when the subdivision's original CC & Rs were created. The appellant further contends that:

During the local review and appeal process the Humboldt County Board of Supervisors and planning staff invalidated the importance of the required neighborhood design survey process based on section 714.5 of the California Civil Code that prohibits discrimination against off site or factory built homes under conditions, covenants and restrictions adopted on or after 1987.

Civil Code Sec. 714.5 states:

The covenants, conditions, and restrictions or other management documents shall not prohibit the sale, lease, rent, or use of real property on the basis that the structure intended for occupancy on the real property is constructed in an offsite facility or factory, and subsequently moved or transported in sections or modules to the real property. Nothing herein shall preclude the governing instruments from being uniformly applied to all structures subject to the covenants, conditions, and restrictions or other management documents.

This section shall apply to covenants, conditions, and restrictions or other management documents adopted on and after the effective date (1987) of this section.

The appellant states that the subdivision's CC & Rs have been in effect since 1965 and, "Therefore, it is arguable that section 714.5 of the civil code does not apply to this case given the legislative 1987 cut-off date limitation." In short, the appellant contends that since the County is not authorized or required under Section 714.5, because of the "1987 cut-off date," to review manufactured home proposals at Shelter Cove in the same way it would any permanent structure, the County acted inappropriately by reviewing the proposal as though it was no different than a permanent residential structure, instead of as a type of development not allowed by the subdivision's CC & Rs.

Discussion: The appellant has not specified how the County's approval of the project without consideration of provisions in the subdivision's CC & Rs is inconsistent with the certified local Coastal Program other than to assert that, "the design review requirements under the County's coastal zoning regulations were derived from the original CC & R's." This assertion, if

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correct, has no bearing on the manner in which the County implements its certified Local Coastal Program.

In any event, the County's findings for upholding the Planning Commission's approval of the project included the statement that, "It should be further noted that manufactured homes are permitted in all residential zones pursuant to Senate Bill No. 2827 passed by the California Legislature in 1988." The Commission reaches no conclusion regarding the appellant's contention that the County's action is inconsistent with the subdivision's CC & Rs and California Civil Code Sec. 714.5 other than that the contention does not relate to the project's consistency with the certified local Coastal Program.

(b) The appellant contends that the County committed a legal error by finding that this project was exempt from the California Environmental Quality Act (CEQA). The appellant's attorney, David J. Larsen, states (Exhibit 8) that:

I am informed that there are approximately 5,000 individual lots that have been subdivided in Shelter Cove, but that there are currently only several hundred single family residences actually constructed on these lots. The rest are vacant. CEQA does not allow use of the exemption for single family residences where the cumulative impact on the environment of successive projects of the same type in the same place over time is significant. The construction of thousands of additional single family residents (sic) in Shelter Cove cannot help but have a significant cumulative effect on the environment. Therefore, the proposed single family residence is not exempt from CEQA.

Discussion: The County found that "The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 (new construction or conversion of small structures) of the CEQA Guidelines." The contention that the County's CEQA determination was not the appropriate determination does not qualify as a valid ground for an appeal because it is not an allegation that the local government approval does not conform to the standards set forth in the certified LCP, even though the contention includes references to several South Coast Area Plan "new development" policies (see Exhibit 8).

The Commission's appellate jurisdiction is limited to the types of development described in Public Resources Code Section 30603(a) and the grounds described in Section 30603(b). Consequently, on appeal, the Commission considers only whether the appeal raises issues of consistency with the certified Local Coastal Program or, in specified cases, the public access policies of the Coastal Act. These are not the grounds asserted by the applicant in contention (b). Thus, the Commission finds that this contention, even if true, does not constitute a valid basis for appeal of the project.

The Commission therefore finds that neither contention (a) nor (b) constitutes a valid basis for appeal of the project, as neither addresses the project's compliance with policies of the LCP.

2. Appellant's Contentions that are Related to LCP (Valid Grounds for Appeal)

The other two contentions raised in the appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies or implementing measures of the certified LCP. These contentions involve (c) project design, and (d) geologic and wind hazards. However, the Commission finds that no substantial issue is raised by these contentions, for the reasons discussed below under the headings Visual Resources and Hazards.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question. (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County presents no substantial issue.



(c.) Visual Resources.

The appellant contends that the proposed manufactured home is not compatible in design and scale, as required by Coastal Zoning Ordinance design review procedures, to existing homes in the Shelter Cove Subdivision, "All (of which) ... are permanent and are not designed to be movable or temporary." The appellant states that the County's Coastal Zoning Regulations treat factory built homes as synonymous to mobile homes and therefore distinct from conventional site built permanent structures. The appellant also states that, "The vast majority of homes in Shelter Cove are two story structures with roof pitches significantly greater than the approximate 2/12 roof of the proposed mobile home," and that:

Based on the applicant's neighborhood design survey and a review of other homes closer to the applicant's building site (Copy Enclosed with Photographs) none of the comparable structures match the characteristics of a mobile home. Most structures are large two story, use natural wood siding, custom designed, sited perpendicular to lot length to take advantage of views, and are conventionally framed structures. In addition, the applicant's permit application does not include specific building plan information on color, siding type, roof type or other specific detailed design information to make an adequate comparison possible (See Attachment).

The applicant further states:

As the County states in its planning report, Shelter Cove architecture is diverse. Does this mean anything goes? ... The County, in approving the proposed mobile home project, has abused all reasonable compatibility analysis and acted in violation of its Coastal Zoning Plan in the name of existing design diversity.

LCP Provisions:

Humboldt County LCP provisions cited, by the appellant and her legal representative, in the appeal to the Commission include:

Visual Resource Protection Policy 30251 of the South Coast Area Plan (LUP), which states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed ... to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas ... New development in highly scenic areas ... shall be subordinate to the character of its setting.

Visual Resource Protection Policy 3.42A1.c.(1), which states:

A. Physical Scale and Visual Compatibility

1. No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall be determinative in establishing the compatibility of the proposed development:

c. for proposed development that is not the principal permitted use ... that the proposed development is compatible with the principal permitted use, and, in addition is either:

(1) No greater in height or bulk than is permitted for the principal permitted use, and is otherwise compatible with the styles and visible materials of existing development or landforms in the immediate neighborhood, where such development is visible from the nearest public road.

Coastal Zoning Ordinance Sec. A312-4, which states:

A312-4. DEFINITIONS, Building Type, Residential, Manufactured Home:

Manufactured Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, and which is built on a permanent chasis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; except that a manufactured home constructed to the standards required by the County Building Regulations for a Single Detached Residential Building shall be classified as a Single Detached Residential Building Type. The manufactured home building type includes mobilehomes. (emphasis added)

Coastal Zoning Ordinance Section A313-14(9)(a), which states, in the context of Secs. A313-14(B)(1) and (C)(9)(a):

Section A313-14. RM RESIDENTIAL MULTI FAMILY USE ZONE

B. Conditionally Permitted Uses.

(1) Residential Use Types:

Single Family Residential

Mobilehome Parks; subject to the Mobilehome park Regulations

C. Development Standards.

(9) Permitted Principal Building Types:

- (a) Single Detached (only one dwelling per lot), manufactured homes in mobilehome parks.

Coastal Zoning Ordinance Section A314-57.A.and (d), which state:

Section A314-57. (D - DESIGN REVIEW)

- A. Purpose. The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.

(d) Additional Standards Applicable to Shelter Cove Only

(1) Building Structural Design Standards

- (a) Residences must be constructed to a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences.

(b) Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to the slopes or site conditions shall be exempt from this provision.

(c) A minimum roof overhang of twelve (12) inches (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structure. Gable ends may be excluded when approved as part of the design review process.

(d) Exterior walls and roofing material of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer's warranty certifying a minimum life of fifteen (15) years. Flammable roofing material such as wood shakes or shingles are not recommended.

Coastal Zoning Ordinance Sections 315-5(c)(7)(8), (d)(1)(a), which state:

Section #15-5. DESIGN CONTROL COMBINING OR D ZONE

(c) Architectural Standards. In order that buildings, sites, structures, signs, landscaping, etc., will be in keeping with the findings stipulated in subsection (a) [Findings to Establish D Zone Regulations], the Reviewing Authority shall take the following items under consideration in approving plans within a D Zone:

....

- (7) The relationship to other buildings and/or uses in the area.
- (8) The architectural treatment as related to any historical buildings or structures.

(d) Additional Standards Applicable to Shelter Cove Only

(1) Building Structural Design Standards

- (a) Residences must be constructed to a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences.

Coastal Zoning Ordinance Section 315-7, which states:

Section 315-7. MOBILEHOME COMBINING OR T ZONE

The Mobilehome Combining or T Zone is intended to be combined with any residential or R Zone in which the location of mobilehomes is architecturally compatible with the existing development. The minimum land area to which a T Zone may be applied shall be four (4) acres or (four (4) city blocks.

Discussion:

The Shelter Cove Subdivision consists of lots on an open terrace adjacent to the ocean and wooded lots above the terrace to the east. The most visible residences at Shelter Cove are generally those on the terrace. The subject site is one of the upslope lots east of the terrace and east of the first public road parallel to the ocean. The site is not within any open coastal view area, and the proposed residence would not interfere with any public coastal views.

One of the appellant's main contentions is that the County's review of the project was not consistent with Local Coastal Program provisions regarding procedures relating to design review. According to the appellant, the County not only inappropriately reviewed the proposed residence, a manufactured home, as if it were a permanent residence rather than as a mobile home, but also that the "county staff declined to engage in traditional design review as

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normally done when a special permit is required, deciding instead to simply assure that the 'prescriptive' (e.g., objective) zoning ordinance criteria had been met."

According to the Board of Supervisors October 28, 1997 staff report, "all of the Building Structural Design Standards for Shelter Cove apply equally to conventional (stick built) and manufactured (factory built) housing." Furthermore, Coastal Zoning Ord. Sec. A312-4 specifies that "a manufactured home constructed to the standards required by the County Building Regulations for a Single Detached Residential Building shall be classified as a Single Detached Residential Building Type." Therefore, as provided by Coastal Zoning Ordinance Section A313-14, which regulates development in the Shelter Cove zoning district in which the subject site is located (RM Multi Family Use Zone - 'D' Combining Zone), the proposed manufactured residence, rather than being considered a conditionally permitted "manufactured home in mobile home park," qualifies as a conditionally permitted single family residential use (Sec. A313-14(B)(1)). As such, the project is subject to the same design review (D - Design Control -Combining Zone) requirements applicable to all other single family residential development in Shelter Cove.

Despite how the appellant refers to the proposed project as a "mobile home," the proposed residence would not be a mobile home, either in terms of how mobile homes are defined in the LCP or as they are commonly thought of (metal box with wheels underneath), but instead would be a manufactured home. Manufactured homes often include many of the same design amenities as stick-built homes (e.g. eaves, pitched roof, foundation) and are often hard to distinguish from regular homes.

The appellant's contention that in the review of the proposed project the County staff decided against "traditional" design review is not supported by the discussion in the Supervisors' staff report of how the project's design review was conducted. There is nothing in the discussion to suggest that the procedure followed for reviewing the project deviated in any way from how design review is conducted for other Shelter Cove development:

Virtually all parcels in Shelter Cove are subject to design review. In the absence of a standing design review committee, the responsibility for approving projects subject to design review rests with the Hearing Officer (Planning Commission). The Planning Commission is guided by the Building Architectural Design Standards contained in Section A314-57(h) of the Code which spell out roof overhang, building width, foundation anchoring and exterior building requirements for all construction in Shelter Cove. These are "prescriptive" standards which must be satisfied for all new development. The Code also requires that such factors as coastal view protection, grading of natural landforms, new sources of light and glare, signs, overhead utilities and landscaping be taken into consideration in the review of development plans. Since these design standards are not prescribed beforehand, and require a measure of judgment on an individual project basis, they fall into a

second category of "qualitative" standards. To aid the Hearing Officer's understanding of the site, information relative to buildings in the area is provided by the applicant in the form of a Neighborhood Design Survey.

As illustrated in the following table, Planning Division staff has determined that the proposed project, as conditioned, meets the prescriptive standards of the Design Review of 'D' combining zone.

<u>Requirement</u>	<u>Standard</u>	<u>Project</u>
Minimum Bldg. Width	20 feet	24 feet
Foundation System	Must meet UBC requirement for Seismic Zone IV	Condition of project
Roof Overhang	Minimum 12" overhang	12" overhang
Siding and Roofing Materials	No unfinished metal or galvanized material permitted	Asphalt shingle roof and wood siding

The above-referenced Neighborhood Design Survey, with photos of the three nearby residences surveyed, is attached to Exhibit 9 (the Appeal to the Commission) as Exhibit A. These three residences, two of which are two-story structures and the third an A-frame structure, exhibit a variety of style. At Shelter Cove, there is no typical style of home but rather a large variety of styles. It is also apparent that at Shelter Cove, as the appellant states, most homes are two-story structures. The appellant argues, in fact, that one reason the proposed project is not compatible with existing Shelter Cove development is because it is only a one-story structure.

The appellant also contends that "since 1965 no mobile homes have been allowed within the Shelter Cove Subdivision," and that "this is a precedent setting case, as it is the first application for manufactured housing to be filed for Shelter Cove." Staff, however, has observed several newer manufactured homes at Shelter Cove. Photographs of two of these are attached as Exhibit 11. Because the structures in the photos do not at all resemble the stereotyped image of an aluminum-sided mobile home resting atop wheels or above a camouflaging apron, and because one of the structures is in fact constructed as a two-story residence, it is not readily apparent that the two residences in Exhibit 11 are manufactured homes. Perhaps this is testimony to the effectiveness of the County's design review requirements. As noted in the Supervisors' staff report,

All residences and commercial buildings (in Shelter Cove) constructed since the inception of the design review standards have undergone design review.... All residences and commercial structures constructed in this time frame have been determined to meet all design standards prescribed

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by the 'D' combining zone, including those extra provisions (adopted in 1990) applicable to Shelter Cove only.

The Supervisors' staff report also discusses, in addition to the "prescriptive" design review standards considered while this project was under County review, the second category of "qualitative" standards that were considered.

With regard to the "qualitative" standards of Section A314-57(e) of the Coastal Zoning Ordinance, the project review did not raise any issues with the design standards in that 1) the project is not located in a designated Coastal View or Coastal Scenic Area, 2) the site is relatively flat and does not require extensive grading, 3) exterior lighting will be attached to the residence and directed with the parcel boundary, 4) normal landscaping will follow site development, 5) utilities will be underground, 6) setbacks are in accordance with zoning standards, and 7) no off premise signs are proposed.

The Commission finds that while the appellant has raised a valid issue, that of protection of visual and scenic resources, the project as approved does not raise a substantial issue with regard to compatibility with the character of the surrounding area or the protection of the scenic and visual qualities of coastal areas. The Commission has consistently determined that the protection of the scenic and visual qualities of coastal areas (Coastal Act Section 30251 of the Coastal Act, adopted also as policy in the Humboldt County South Area Plan) is of prime importance with regards to how these qualities are protected in and from public view areas. The proposed project represents compatible, small-scale infill in a developing subdivision, in an area within the subdivision that is not in a public view area. Furthermore, the project will not interfere with any public coastal views. The Commission finds that the impacts of the proposed development do not rise to regional or statewide significance. Consequently, the Commission concludes that the appeal raises no substantial issue with respect to conformance of the approved project with LCP provisions regarding visual and scenic resources.

(d.) Hazards.

The appellant contends that the proposed manufactured home is not designed to withstand Shelter Cove winds and seismic activity:

Humboldt County also acted in violation of Section 1.65852-4 of the State of California Government Code which states that requirements placed on manufactured homes be identical to those imposed on conventional single family residences (See Attachment). No seismic, wind speed or other structural requirements have been placed on the proposed mobile home project which have been placed on conventional framed homes located throughout the Shelter Cove subdivision. In addition by not making these necessary structural requirements to address known environmental hazards, Humboldt County has not met its

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most basic responsibility under its coastal zoning regulations to protect public health and safety....

In addition, existing homes have been required by the county to withstand coastal weather, high wind load and significant seismic activity. The proposed mobile home is generic and is not designed to meet these unique environmental hazards. The San Andreas fault runs through Shelter Cove and wind speeds do exceed 100 MPH. The county is only requiring a seismic Zone IV foundation and no structural requirements.

LCP Provisions:

Humboldt County LCP provisions cited, by the appellant and her legal representative, in the appeal to the Commission include:

Hazards Policy 30253 of the South Coast Area Plan (LUP), which states in part:

New development shall:

1. Minimize risks to life and property in areas of high geologic, flood and fire hazards.
2. Assure stability and structural integrity, and neither create nor contribute significantly to ... destruction of the site....

Hazards Policy 30253 B.1. of the South Coast Area Plan (LUP), which states in part:

Hazards Review -- The County shall ... require soil engineering and geological engineering investigations, prepared by a registered geologist or by a professional civil engineer with expertise in soil mechanics or foundation engineering, or by a certified engineering geologist, for classes of development and hazard areas as shown in Table 1.... Waivers from this report requirement may be granted by the Chief Building Inspector outside the areas designated in Appendix E. The developments permitted in the hazard areas shall be sited and designed to assure stability and structural integrity for their economic lifespans while minimizing alteration of natural land forms.

Coastal Zoning Ordinance Section A311-11, which states:

Section A311-1. No Relief from Other Provisions. Unless otherwise specifically provided, no provision of these Zoning Regulations shall be construed as relieving any party to whom a development permit, license, or variance is issued, from any other provision of State or Federal law or from any provision, ordinance, rule, or regulation of Humboldt County requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use. (emphasis added by appellant)



Discussion:

The appellant contends that "Unstable seismic conditions and unusually high winds make this area a high geologic and fire hazard," and that in approving the project, "Humboldt County has not met its most basic responsibility under its coastal zoning regulations to protect public health and safety." With regard to the appellant's contention that the County failed to adequately address concerns of how well the proposed development might withstand Shelter Cove's high winds, staff notes that none of the LUP's Hazards policies address the issue of hazards associated with winds. In other words, while the appellant's concerns may be well founded, there are no Local Coastal Program requirements regarding hazards associated with wind that the County, or the Commission on appeal, must determine the project meets. The appellant also maintains that:

The foundations on manufactured housing are very important and that the county had an obligation to look at the detail of the foundation, placement of the unit on the lot, and related issues, in order to assure stability and structural integrity. Instead, the Planning Director and County Counsel erroneously advised the Board of Supervisors that appellants' safety issues were not within the provenance of the county. Rather, the Planning Commission and Board of Supervisors were limited to addressing design review questions. As a result, virtually no safety or engineering issues were addressed.

Staff is unable to shed any light on the question of whether or not the Board of Supervisors was "erroneously advised" on structural safety issues, because the appeal does not substantiate this contention. In any event, the contention that "virtually no safety or engineering issues were addressed" simply is not borne out by the record. For example, The Board of Supervisors staff report notes that:

All applicable Uniform Building Code standards will be enforced by the Building Inspection Division. This includes the setup of the manufactured home and the foundation which must meet Seismic Zone IV standards, as do all foundations in Humboldt County.

The Planning Commission staff report does acknowledge that "The project site is located in an area of High geologic instability as indicated on the Geologic Hazard maps of Volume 1 of the Humboldt County General Plan." However, although the project site is included within the area covered by the LUP's "Shelter Cove Geologic Report Requirement Map" (Appendix E of the Humboldt County South Coast Area Plan), the site is in an area where the LUP's geologic report requirement may be waived, pursuant to Hazards Policy 30253 B.1. of the South Coast Area Plan. As stated in the Planning Commission staff report, the County did in fact waive the geologic report requirement based on:

- 1) a site inspection and favorable evaluation by the Building Division,

APPEAL NO.: **A-1-HUM-98-08**  
APPLICANT: **RICHARD JONES**  
Page 18

- 2) the unlikely potential for the development to affect adjacent property or improvements,
- 3) the small degree of public exposure to risk, and
- 4) the small scale of the proposed project.

The appellant correctly notes that the Hazards Review waiver was granted by the Planning Director, rather than by the Chief Building Inspector as required by Hazards policy 30253 B.1. Staff does not see the issue of this procedural discrepancy as one that rises to the level of a "substantial" issue, however, especially since the Chief Building Inspector responded to the Planning Department's request for comments on the proposed project by writing, on May 22, 1997, that "I see no problem with the proposed Conditional Use Permit, Coastal Development Permit and Special Permit at this time" (attachment to Planning Commission staff report).

The Planning Commission staff report also addresses the "fire hazard" issue, noted in the subsequent appeal:

The project site is located in an area of high fire hazard as indicated on the Flood/Fire Hazard maps of Volume 1 of the Humboldt County General Plan. The California Department of Forestry and Fire Protection has requested that the applicant have access to the January 1, 1992 document "Project Review Input Basic to All Development Projects." Furthermore, CDF has stated that the project can meet the intent of the fuel modification-setback standards if it adheres to the "Checklist for Providing Fuel Modification Mitigations on Small Parcels Existing Prior to January 1, 1992." This (adherence to the checklist) has been included as a condition of approval in Exhibit A.

The County's review of the project neglected neither the fire safety nor "structural integrity" considerations required by the South Coast Area Plan's Hazards policies.

The Commission finds the project as approved does not raise a substantial issue with regard to the avoidance of risks in areas of high geologic and fire hazards. The several conditions attached to the County's approval of the project will ensure that geologic and fire hazards will be minimized. Furthermore, the Commission finds that the impacts of the proposed development do not rise to regional or statewide significance. Consequently, the Commission concludes that the appeal raises no substantial issue with respect to conformance of the approved project with LCP provisions regarding hazards.

APPEAL NO.: **A-1-HUM-98-08**  
APPLICANT: **RICHARD JONES**  
Page 19

EXHIBITS

1. Regional Location Map
2. Site Location Map
3. Street Map
4. Site Plan
5. Architectural Rendering
6. Elevations
7. County Approvals
8. Appeal Supplement
9. Appeal
10. Correspondence
11. Shelter Cove Manufactured Homes' Photos

9824p



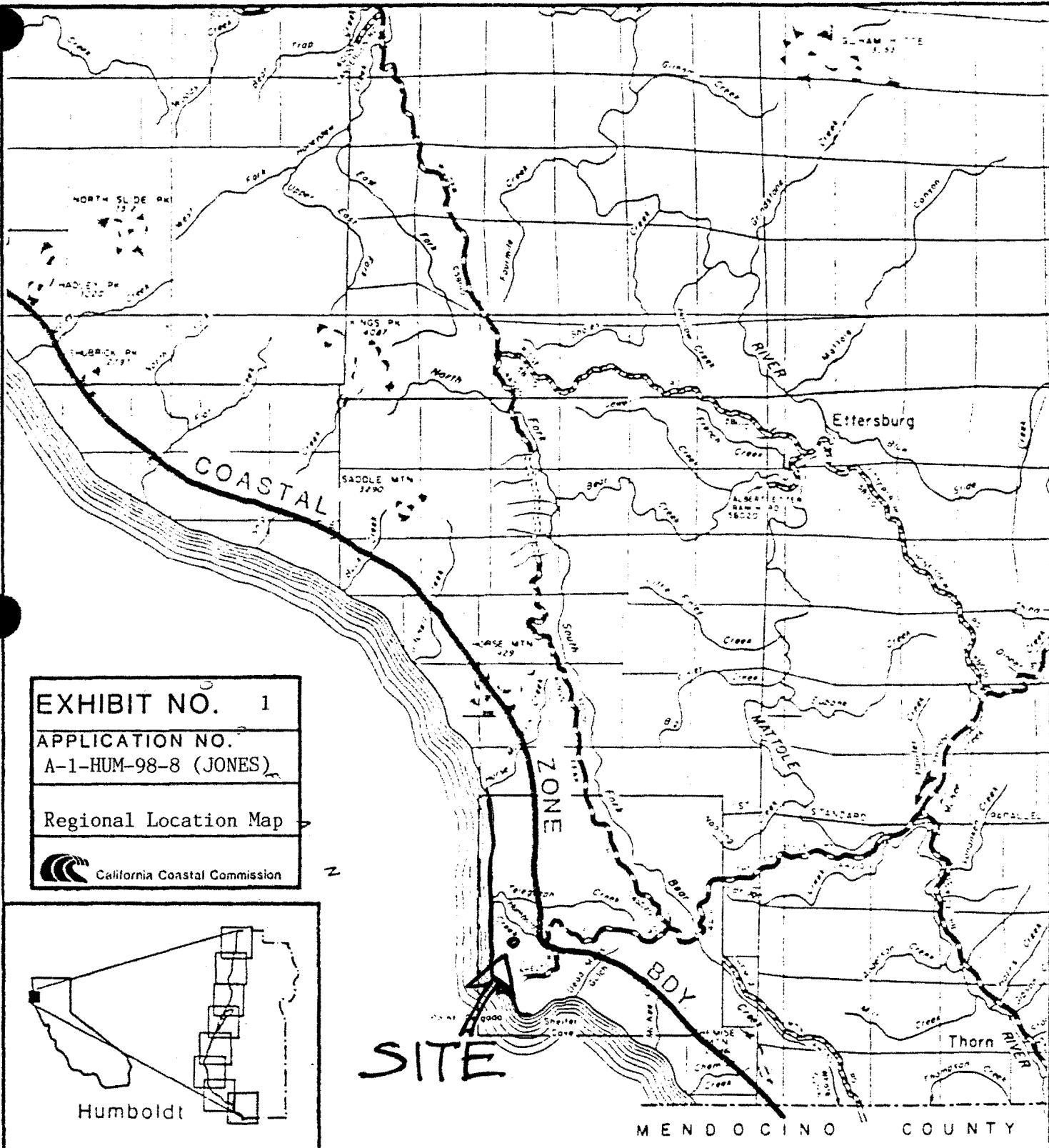

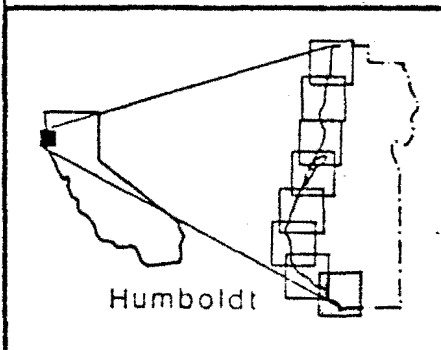



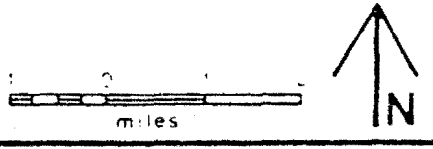
EXHIBIT NO. 1  
 APPLICATION NO.  
 A-1-HUM-98-8 (JONES)  
 Regional Location Map  
 California Coastal Commission

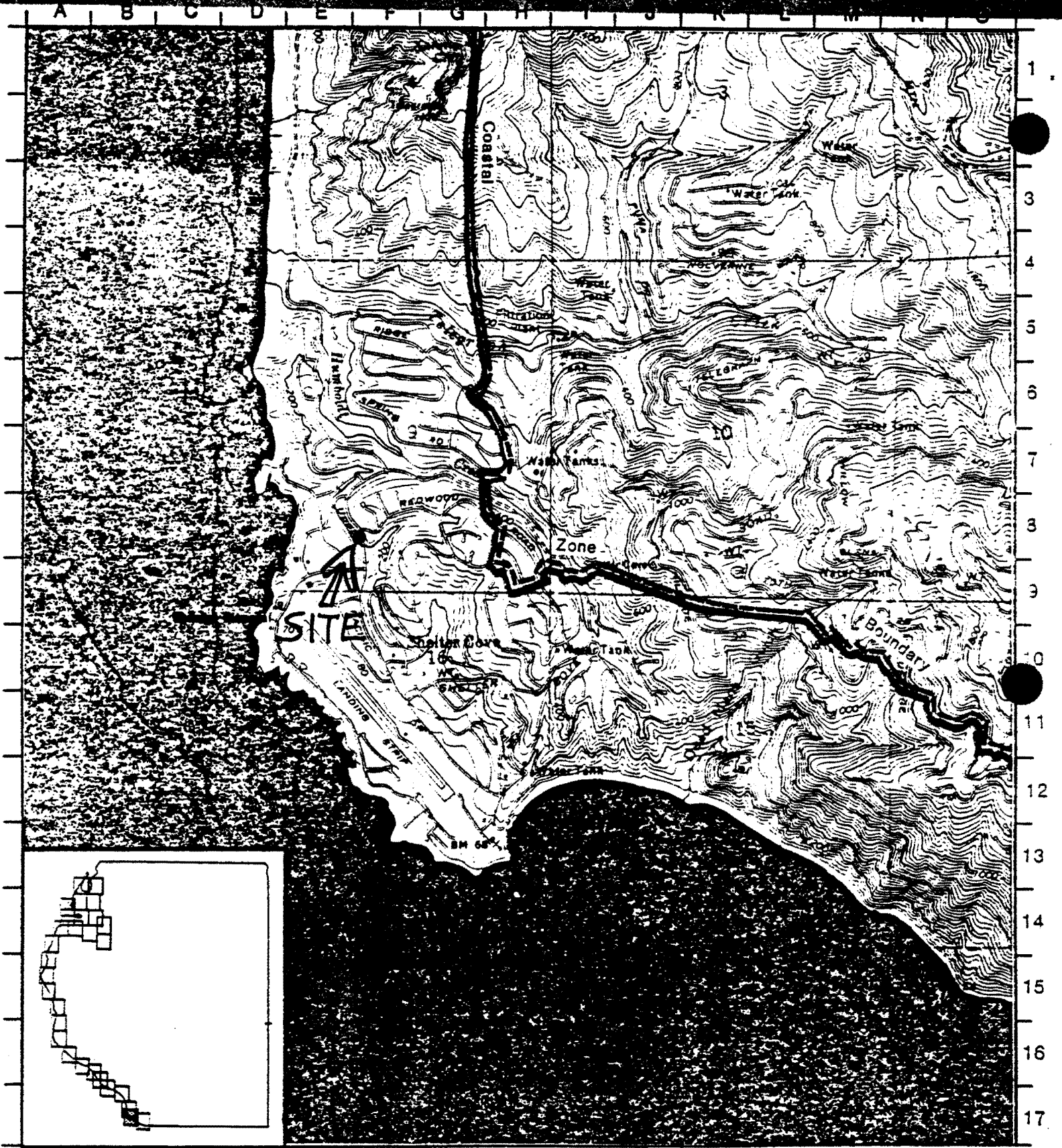


MENDOCINO COUNTY

 California Coastal Commission

LOCATION MAP



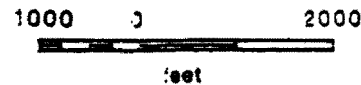


 California Coastal Commission

EXHIBIT NO. 2

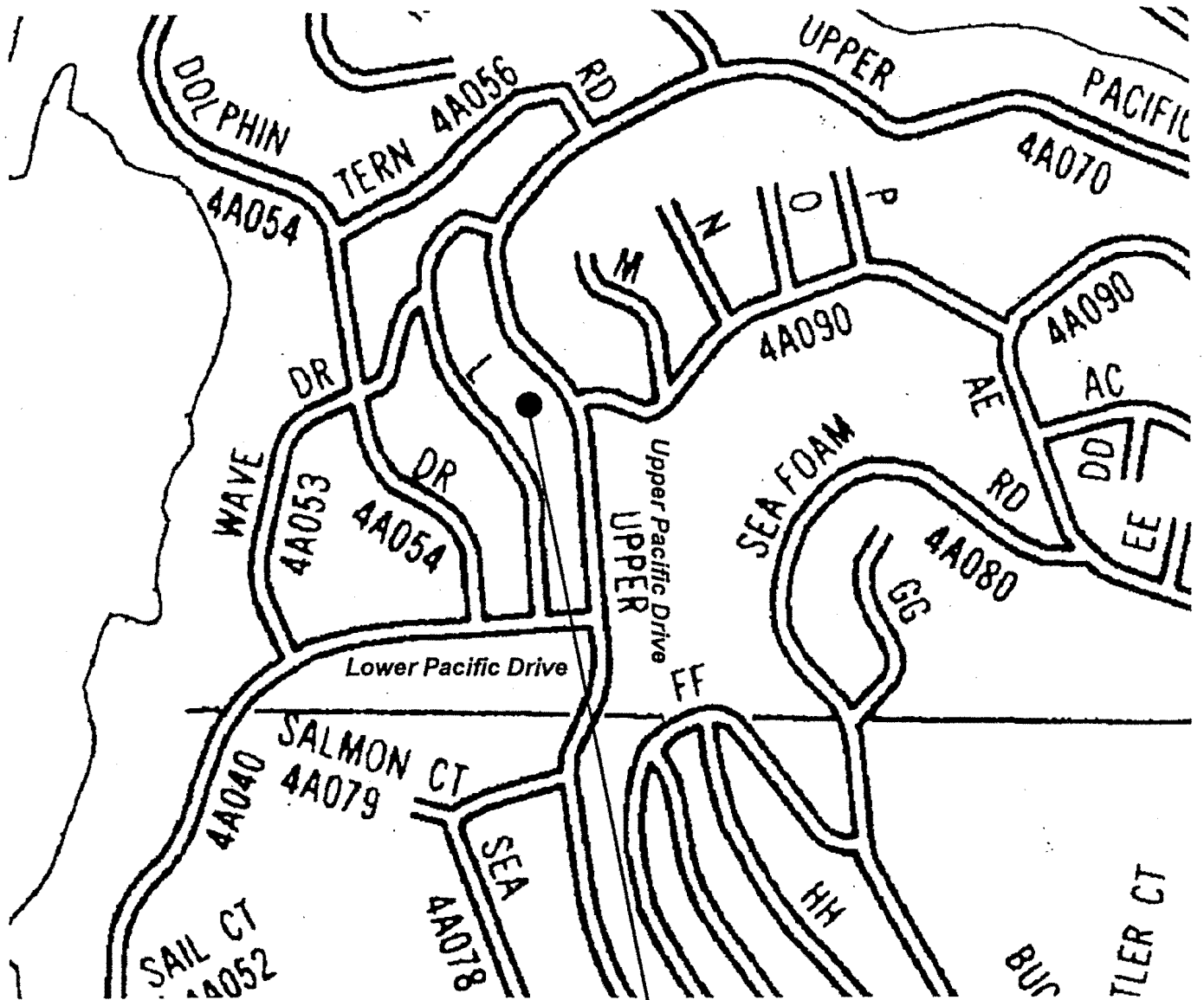
APPLICATION NO. A-1-HUM-98-8 (JONES)

Site Location Map



County of Humboldt

Sheet 55 of 56

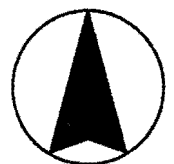


**Project Site**

Proposed Jones Conditional Use/Coastal Devel./Special Permits  
 Shelter Cove Area CUP-34-96/CDP-56-96/SP-53-96  
 APN: 109-362-28 Section 9 T5S R1E H.B.&M.

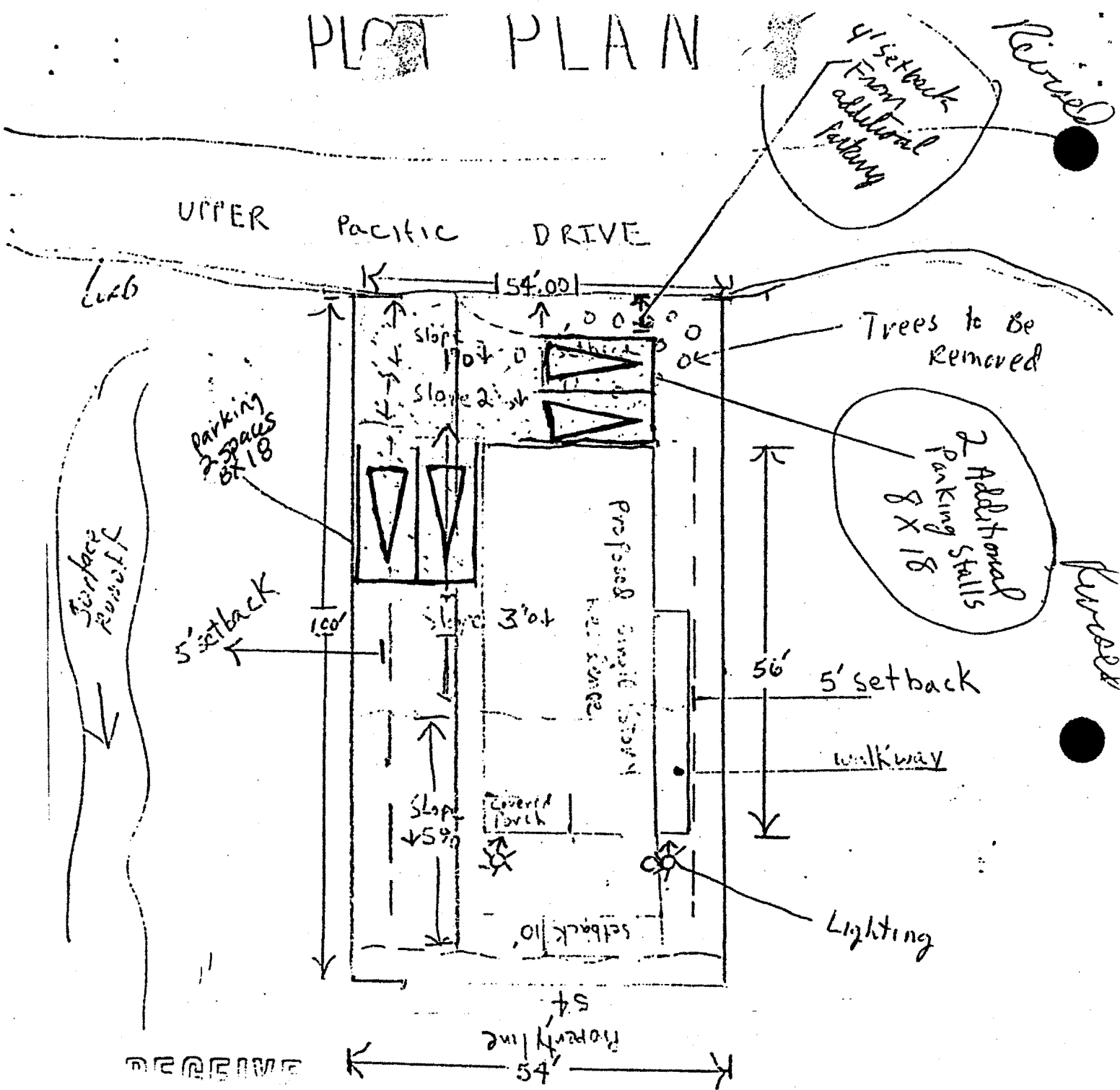
# Location Map

EXHIBIT NO.	3
APPLICATION NO.	A-1-HUM-98-8 (JONES)
Street Map	



Scale: N.T.S.

# PLOT PLAN



DRIVE

JUN 11 1997

CONSULTING  
PLANNING COMM

← North

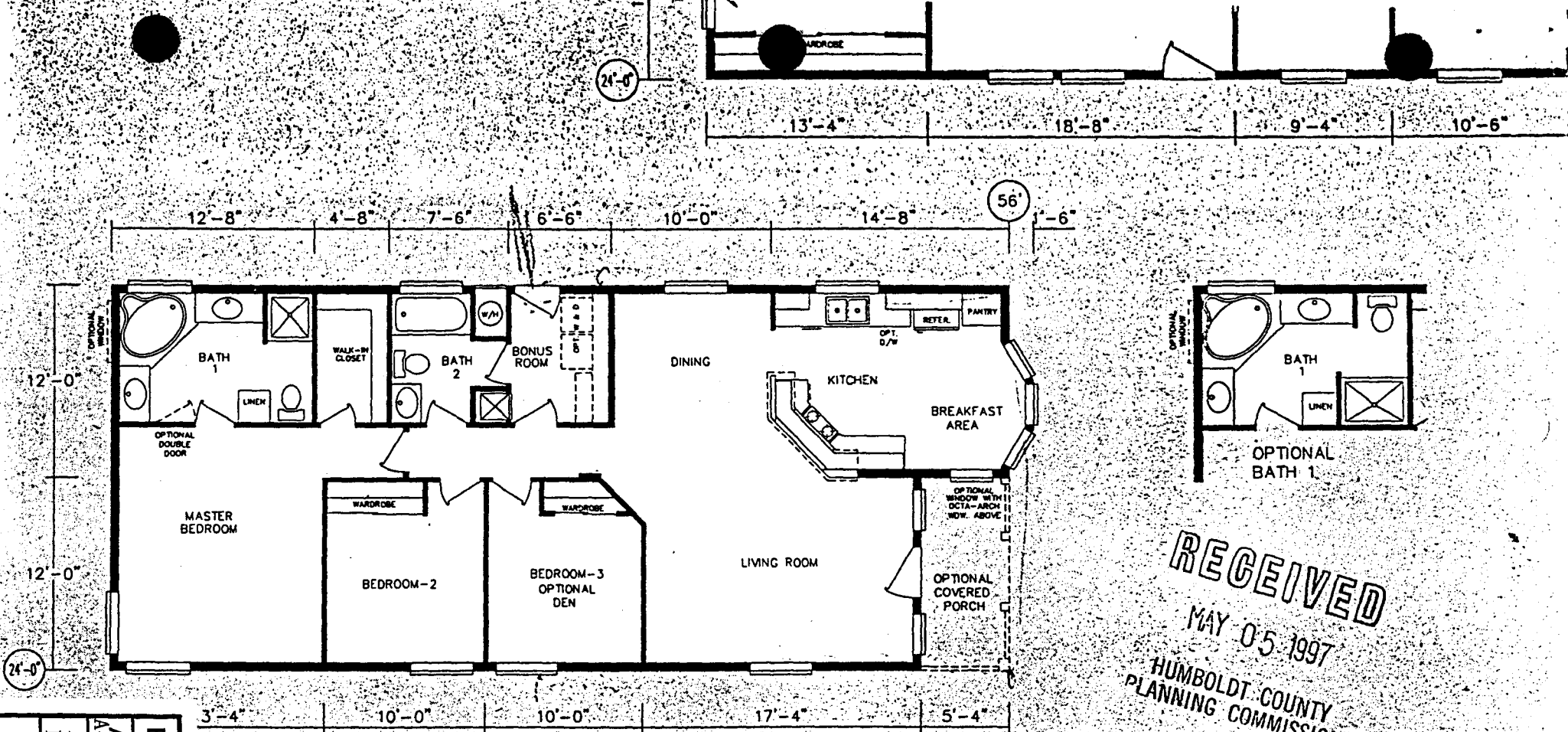
4-29-97

Scale 1" = 20'

Richard W + Hazel M Jones  
 second Home  
 1352 Sq. Feet w/ porch  
 1288 without porch

EXHIBIT NO.	4
APPLICATION NO.	A-1-HUM-98-8 (JONES)
Site Plan	





RECEIVED

MAY 05 1997

HUMBOLDT COUNTY  
PLANNING COMMISSION

EXHIBIT NO.	5
APPLICATION NO.	A-1-HUM-98-8 (JONES)
Architectural Rendering	

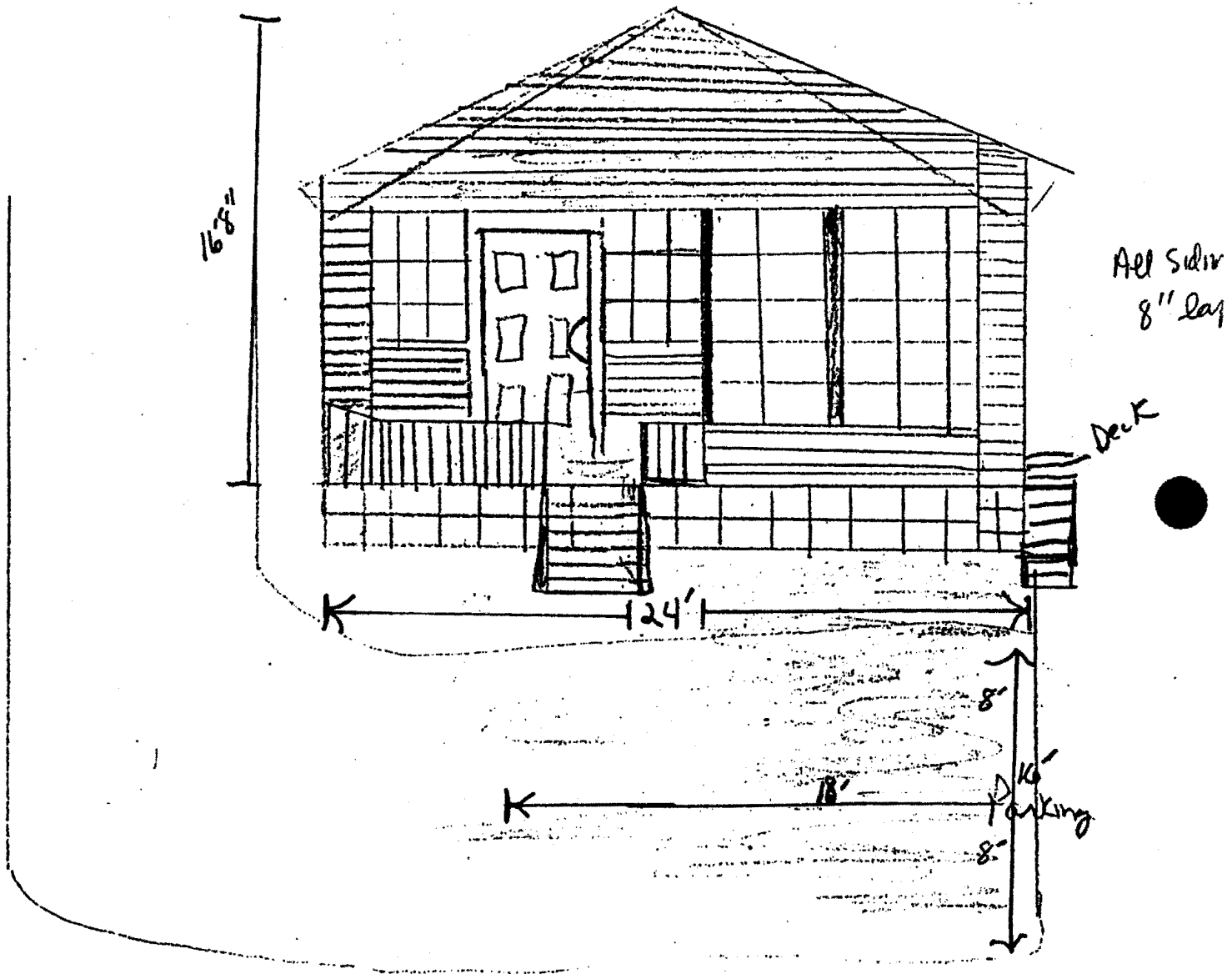
# Plan W-69

Three Bedrooms, Two Bathrooms  
 Appox. 1288 sq. ft. Without Optional Porch  
 Appox. 1352 sq. ft. With Optional Porch  
 Optional Tower Dormer shown with additional window



24

# REAR Elevation



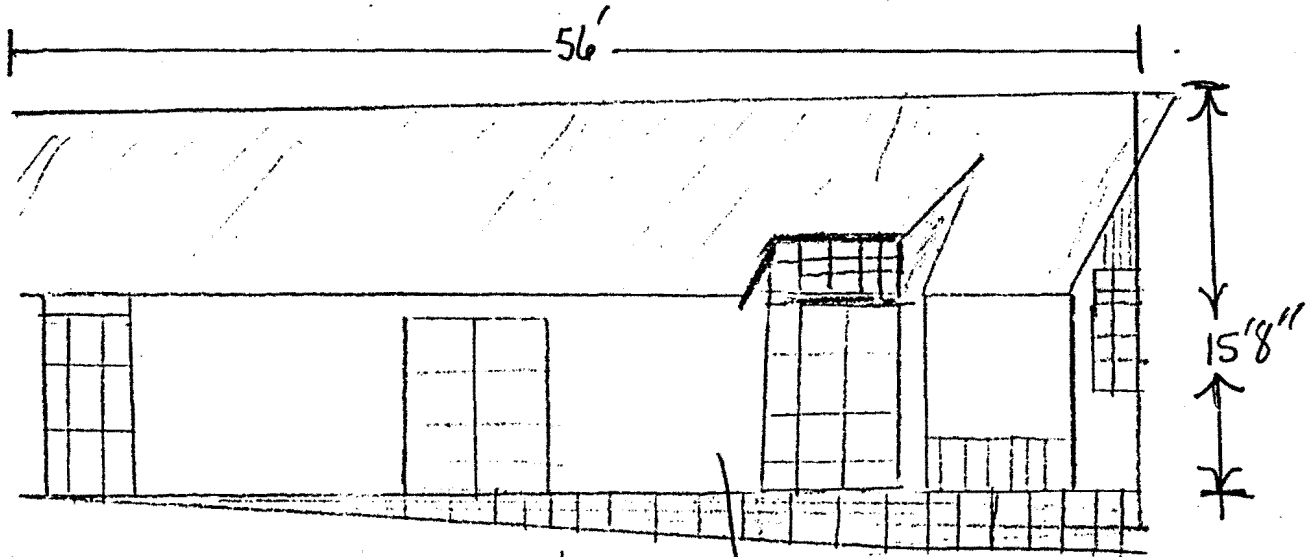
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MAY 05 1997

HUMBOLDT COUN  
PLANNING COMMIS

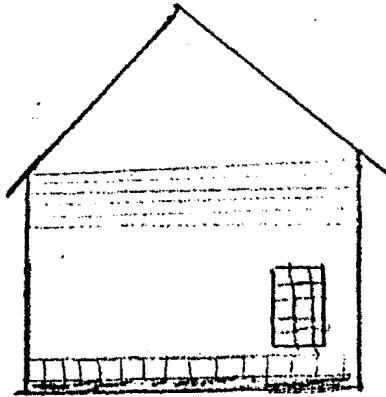
EXHIBIT NO.
APPLICATION NO. A-1-HUM-98-8 (JONES)
Elevations
(page 1 of 4)

# Architectural Elevations



Right Elevation

ALL Siding 8" Lap



FRONT  
12' 4"

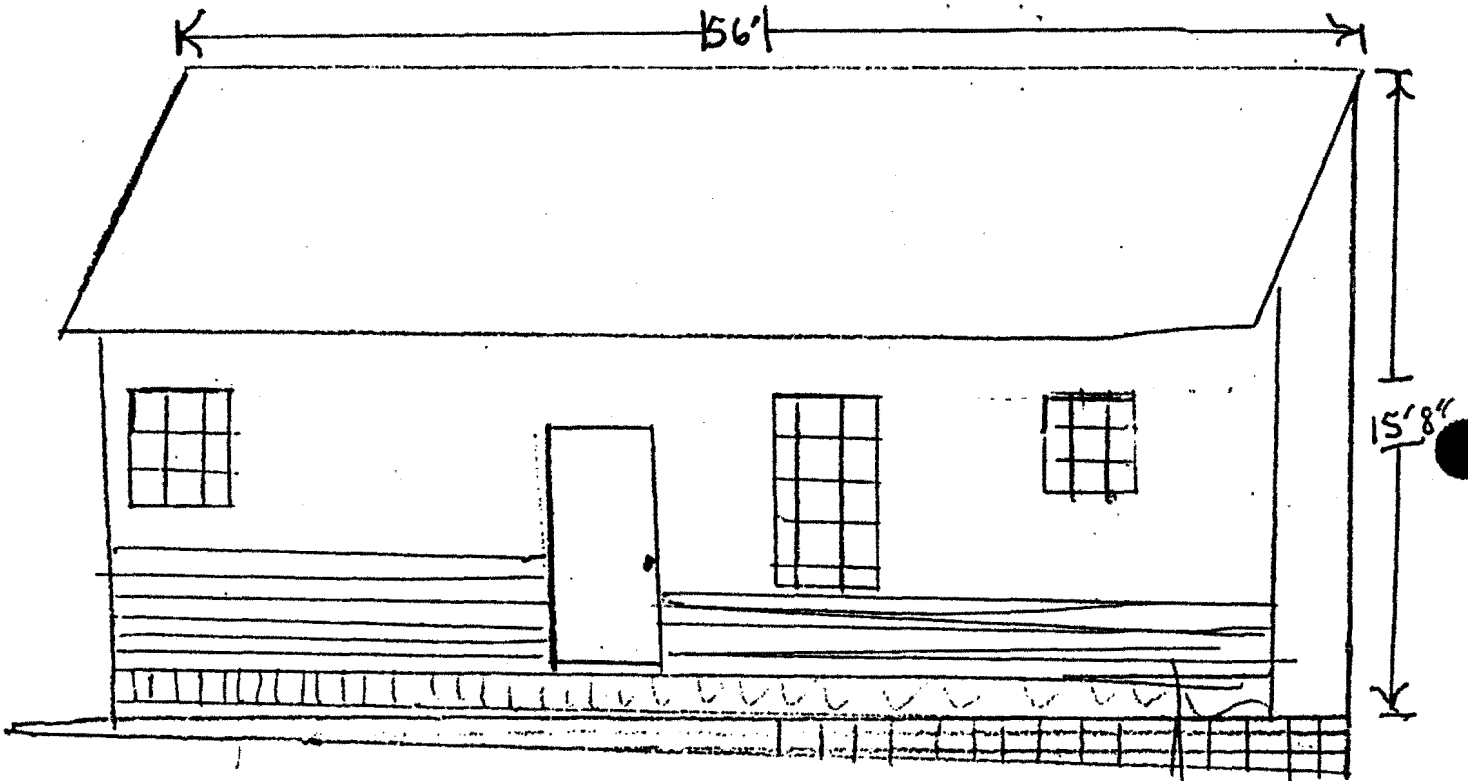
RECEIVED

MAY 05 1997

HUMBOLDT COUNTY  
PLANNING COMMISSION

23

Left Side



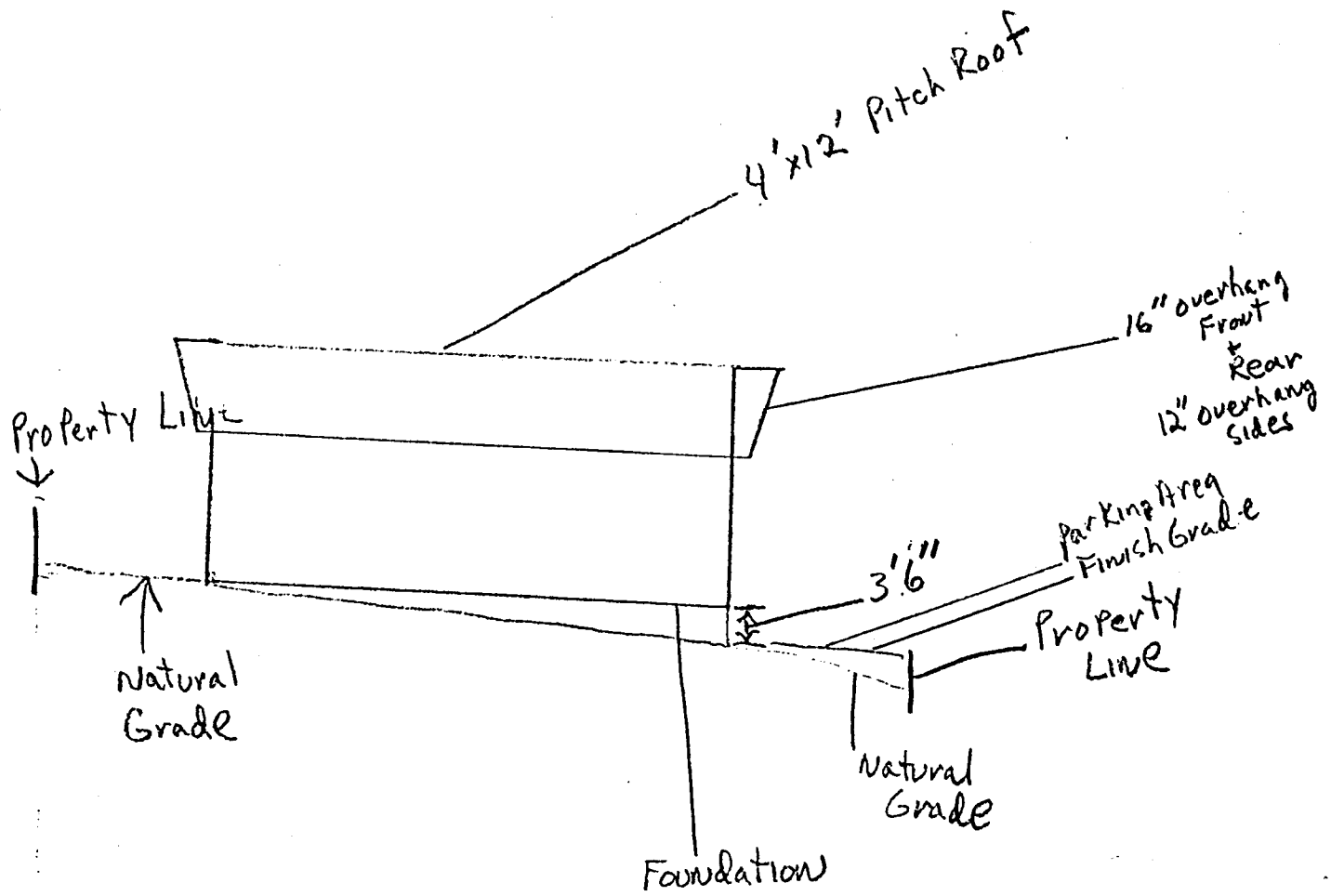
All Siding  
8" Lap

RECEIVED

MAY 05 1997

HUMBOLDT COUNTY  
PLANNING COMMISSION

# SITE Sectional Drawing



1" = 20'

North  
↓

RECEIVED

MAY 05 1997

HUMBOLDT COUNTY  
PLANNING COMMISSION

**Inter-Office Memo  
HUMBOLDT COUNTY  
Planning Division**

**RECEIVED**  
JAN 02 1998

CALIFORNIA  
COASTAL COMMISSION

**Date:** December 30, 1997  
**To:** Bob Merrill, California Coastal Commission  
**From:** Yvette Tucker, Senior Office Assistant  
**Subject:** Richard Jones, Shelter Cove Area; AP109-362-24; CDP-56-96,  
CUP-34-96 and SP-53-96 (DWT).

---

Bob,

Enclosed is a copy of the Board Order indicating that the Board of Supervisors upheld the Planning Commission approval and denied the Appeal.

Also enclosed is another copy of the Planning Commission approval letter.

I apologize for the delay in getting this to you. And of course, if this project is appealed to your Commission, let us know. Thank you.

EXHIBIT NO.	7
APPLICATION NO.	A-1-HUM-98-8 (JONES)
County Approvals	

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of Tuesday, December 2, 1997

**SUBJECT:** APPEAL OF PLANNING COMMISSION APPROVAL OF PERMIT APPLICATION NOS. CUP-34-96, CDP-56-96 & SP-53-96; APN 109-362-24; CONDITIONAL USE PERMIT, COASTAL DEVELOPMENT PERMIT, AND SPECIAL PERMIT FOR THE DEVELOPMENT AND DESIGN REVIEW OF A 1,352 SQUARE FOOT MANUFACTURED HOME; SHELTER COVE; L. YATES, APPELLANT; R. JONES, APPLICANT

**ACTION:**

1. Opened the public hearing and received the staff report..
2. Received testimony from the appellant, applicant, and general public.
3. MOTION BY Supervisor Kirk, second by Supervisor Dixon, to close the public hearing.
4. MOTION BY Supervisor Rodoni, second by Supervisor Kirk, to uphold the Planning Commission's decision and deny the appeal.

**AYES:** Supervisors Dixon, Rodoni, Woolley, Neely, and Kirk  
**NAYS:** None  
**ABSENT:** None  
**ABSTAIN:** None

STATE OF CALIFORNIA )  
County of Humboldt )

I, LORA CANZONERI, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

pc: Applicant  
Appellant  
County Counsel  
Planning and Building

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

LORA CANZONERI

Clerk of the Board of Supervisors of the County of Humboldt, State of California

RECEIVED

DEC 08 1997

HUMBOLDT COUNTY  
PLANNING COMMISSION

(H-2)

  
December 2, 1997

AGENDA ITEM NO. \_\_\_\_\_

COUNTY OF HUMBOLDT

For Meeting of October 28, 1997

DATE: Monday, September 29, 1997

TO: Board of Supervisors

FROM: *Kirk A. Girard*  
Kirk A. Girard, Director of Planning and Building

SUBJECT: Richard Jones, Shelter Cove area; a Conditional Use Permit, Coastal Development Permit, and Special Permit for the development and design review of a 1,352 square foot manufactured home. CASE NO. CUP-34-96/CDP-56-96/SP-53-96; FILE NO. APN 109-362-24.

RECOMMENDATION

That the Board of Supervisors:

1. Open the public hearing and receive the staff report and public comment; and
2. Uphold the Planning Commission's decision and deny the appeal; and
3. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

Prepared by: *D. W. Tilley*  
David W. Tilley  
Planner I

CAO Approval: \_\_\_\_\_

REVIEW:

Auditor \_\_\_\_\_ County Counsel \_\_\_\_\_ Personnel \_\_\_\_\_ Risk Manager \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other

cc:

PREVIOUS ACTION/REFERRAL

Board Item No. \_\_\_\_\_  
Meeting of \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT  
Upon the motion of Supervisor \_\_\_\_\_  
seconded by Supervisor \_\_\_\_\_  
and unanimously carried by those members present,  
the Board hereby adopts the recommended action  
contained in this report.

Dated: \_\_\_\_\_  
Lora Canzoneri, Clerk of the Board

by: \_\_\_\_\_  
Deputy



## SUMMARY

On September 4, 1997, the Humboldt County Planning Commission on a 6-0 vote approved the referenced Conditional Use Permit, Coastal Development Permit, and Special Permit for the development and design review of a 1,352 square foot manufactured home in Shelter Cove. The approval was appealed to the Board of Supervisors by Linda Yates on September 18, 1997. Ms. Yates has argued that, 1) the proposed manufactured home is "not compatible with existing residences;" as required by the design review provisions of the Coastal Zoning Ordinance; 2) that property values in the area will be devaluated; 3) and that a manufactured home cannot withstand the wind velocities common in Shelter Cove.

Staff disagrees and believes that the Staff Report and the Conditions of Approval (Exhibit "A"), when viewed in light of the entire record, demonstrates that the project as described and conditioned does satisfy the requisite findings of County Code for approval of a Conditional Use Permit, Coastal Development Permit, and Special Permit and that the project will not result in a significant adverse impact on the environment. On this basis, staff recommends that your Board uphold the Planning Commission's decision and deny the appeal.

## DISCUSSION

### Staff Analysis

The Planning Commission's approval was appealed by Ms. Yates on September 18, 1997. A copy of the appeal letter is Attachment #1 to this report. In short, Ms. Yates has argued that the proposed project does not meet the design review provisions of the Coastal Zoning Ordinance, that neighboring property values will be adversely affected, and that a manufactured home is not structurally capable of withstanding the wind velocities commonly found in Shelter Cove.

Staff disagrees and believes that the whole of the record supports the conclusions reached by the Planning Commission. A summary of these points and staff's analysis follows. The Planning Commission Staff Report (Attachment #2) includes a more detailed explanation of these issues.

### *Design Review*

Virtually all parcels in Shelter Cove are subject to design review. In the absence of a standing design review committee, the responsibility for approving projects subject to design review rests with the Hearing Officer (Planning Commission). The Planning Commission is guided by the Building Architectural Design Standards contained in Section A314-57(h) of the Code which spell out roof overhang, building width, foundation anchoring and exterior building material requirements for all construction in Shelter Cove. These are "prescriptive" standards which must be satisfied for all new development. The Code also requires that such factors as coastal view protection, grading of natural landforms, new sources of light and glare, signs, overhead utilities and landscaping be taken into consideration in the review of development plans. Since these design standards are not prescribed beforehand, and require a measure of judgment on an individual project basis, they fall into a second category of "qualitative" standards. To aid the Hearing Officer's understanding of the site, information relative to buildings in the area is provided by the applicant in the form of a Neighborhood Design Survey.

As illustrated in the following table, Planning Division staff has determined that the proposed project, as conditioned, meets the prescriptive standards of the Design Review of 'D' combining zone.

Requirement	Standard	Project
Minimum Building Width	20 feet	24 feet
Foundation System	Must meet UBC requirement for Seismic Zone IV	Condition of project
Roof Overhang	Minimum 12" overhang	12" roof overhang
Siding and Roofing Materials	No unfinished metal or galvanized metal permitted	Asphalt shingle roof and wood siding

With regard to the "qualitative" standards of Section A314-57(e) of the Coastal Zoning ordinance, the project review did not raise any issues with the design standards in that 1) the project is not located in a designated Coastal View or Coastal Scenic Area, 2) the site is relatively flat and does not require extensive grading, 3) exterior lighting will be attached to the residence and directed with the parcel boundary, 4) normal landscaping will follow site development, 5) utilities will be underground, 6) setbacks are in accordance with zoning standards, and 7) no off premises signs are proposed.

In her appeal, Ms. Yates has not taken issue with any of the design review standards except for the language contained within section A314-57(h)(1)(a), which states that "residences must be constructed to a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences." The proposed manufactured home will be twenty-four (24) feet wide and therefore complies with this requirement. Planning views this language as a prescriptive standard: the narrowest dimension of any building must be at least 20 feet in width. The second part of this sentence ("to be compatible with existing residences") expresses the reason that the Board imposed this minimum dimensional requirement. The appellant views this section as mandating a 20 foot minimum width, and requiring a separate showing that the proposed building is "compatible" with others in the zone.

In her documentation submitted to the Planning Commission on September 4, 1997, Ms. Yates included photographs of a few residences in Shelter Cove. Staff would agree that there are a variety of sizes and styles of residences and commercial buildings in Shelter Cove. There are large homes in excess of 1,500 square feet; there are small bungalows that are less than 1,000 square feet. There are A-frame residences as well as at least one geodesic dome residence existing in the Shelter Cove area. One could argue that few if any of the existing residences are necessarily compatible with each other, or that the styles are indicative of a unified design theme. However all residences and commercial buildings constructed since the inception of the design review standards have undergone design review, either by the Shelter Cove Design Review Committee, the Planning Director or the Planning Commission. All residences and commercial structures constructed in this time frame have been determined to meet all design standards prescribed by the 'D' combining zone, including those extra provisions applicable to Shelter Cove only.

Even if your Board were to agree with the appellant that a separate showing of "compatibility" is needed, staff believes that the issue would rest on whether the proposed 1-story, 1,352 square foot residence, which happens to be a manufactured home, falls with the range of

existing development within the Cove. Staff would contend that it does based on the findings of the Neighborhood Design Survey.

It should further be noted that manufactured homes are permitted in all residential zones pursuant to Senate Bill No. 2827 passed by the California Legislature in 1988. In the referenced Civil Code Section 714.5, Ms. Yates' own document states clearly that restrictions shall not be applied "on the basis that the structure intended for occupancy...is constructed in an offsite facility or factory, and subsequently moved or transported in sections...to the real property." The County's Design Review Regulations are consistent with this provision in that all of the Building Structural Design Standards for Shelter Cove apply equally to conventional (stick built) and manufactured (factory built) housing. Moreover, the County Housing Element of the General Plan requires the provision of affordable housing as well as adequate sites for all types of residential development. Manufactured housing has been shown to fulfill a segment of this need and is viewed by the Housing Element as an acceptable alternative housing type.

#### *Property Values*

The appellant has argued that neighboring property values will decline if Mr. Jones is allowed to develop his manufactured home. No evidence is given to support this claim, and it is not an issue relative to the findings for approval of the Conditional Use Permit. The most closely related finding is Section A315-14D, which requires that to be approved a project must not be "detrimental to the public health, safety, or welfare." Staff believes that this finding can be made in this case based on the neighborhood survey found at page 13 of the Staff Report (Attachment #2). This survey shows that within a 2 to 3 block radius, residences exist of a similar in size, architectural style, height, roof covering and siding materials to the proposed residence (see Attachment #2, page 24 for perspective view).

#### *Wind Concerns*

Pursuant to the Uniform Building Code, all of Humboldt County is subject to minimum wind speeds of eighty miles per hour. Shelter Cove is not excepted from the 80 mph standard. Mr. Jones has submitted documentation that his unit will be constructed to withstand 100 mph winds. Shelter Cove is not treated any differently with relation to wind speed and manufactured homes are installed throughout Humboldt County. In terms of wind velocities, Shelter Cove is not any different than anywhere else in the County. If the proposed manufactured home can be demonstrated to withstand a minimum of 80 mph, then the wind issue is moot. The documentation provided by the manufacturer of the Mr. Jones' unit clearly demonstrates that the Uniform Building Code standards can be met. The setup of the unit per the manufacturer's instructions will be inspected by the Building Inspection Division. All applicable Uniform Building Code standards will be enforced by the Building Inspection Division. This includes the setup of the manufactured home and the foundation which must meet Seismic Zone IV standards, as do all foundations in Humboldt County.

#### *Recommendation*

Staff recommends that the appeal be denied and the Planning Commission's decision to approve the Conditional Use Permit be upheld.

### **FINANCIAL IMPACT**

None; costs for this appeal have been paid by the appellant.

## OTHER AGENCY INVOLVEMENT

The Building Inspection Division will have to approve the foundation for the manufactured home and the setup required by the manufacturer.

## ALTERNATIVE TO STAFF RECOMMENDATIONS

Your Board could determine that the proposed project does not meet the design review standards prescribed by the 'D' combining zone. In this scenario, you could direct the applicant to submit additional information in order for the Planning Division to redo the design review portion of the project. Staff would recommend against this alternative because the proposed project as conditioned does meet the design review standards. Furthermore, a manufactured home cannot be specifically excluded from any residential zone pursuant to State law.

## ATTACHMENTS

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

Attachment 1	Appeal Letter received September 18, 1997
Attachment 2	Planning Staff Report
Attachment 3	Materials submitted at Planning Commission Hearing
Attachment 4	'D' combining zone text
Attachment 5	Wind Speeds Map from Uniform Building Code
Attachment 6	Manufacturer's "Features" sheet describing roof materials on proposed unit



PLANNING DIVISION  
OF THE PLANNING AND BUILDING DEPARTMENT  
**COUNTY OF HUMBOLDT**  
3015 H STREET  
EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

DATE: September 5, 1997

APPEAL STATUS: Appealable

CALIFORNIA COASTAL COMMISSION  
North Coast District  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

SUBJECT: Coastal Development Permit  
NOTICE OF ACTION TAKEN

CONTACT: David W. Tilley, Planner I

Applicant: Richard Jones  
Address: 20225 Cooley Road  
Bend, OR 97701

Case No. CDP-56-95

File No. APN 109-362-24

Following a noticed public hearing, the Humboldt County Planning Commission approved the referenced application on September 4, 1997.

Sincerely,

HUMBOLDT COUNTY PLANNING DIVISION  
HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT

  
David W. Tilley, Planner I

Attachments: Agenda Item Transmittal  
✓ Staff Report  
✓ Exhibit A - CONDITIONS  
Plot Plan  
Location Map

/ak

(conv226/sub1/memo.

## JONES STAFF REPORT

This application is for a Conditional Use Permit, Coastal Development Permit, and Special Permit for the development and design review of a new 1,352 square foot, three bedroom, manufactured home. §313-14(B)(1) of the Humboldt County Code (H.C.C.) indicates that a single family residence is a conditionally permitted residential use type. Pursuant to §A315-3(A) of the H.C.C. a Coastal Development Permit is required for any development within the Coastal Zone. Pursuant to §A314-57(c) of the H.C.C., a Special Permit is required for design review.

### Required Findings for Conditional Use Permit, Coastal Development Permit, and Special Permit

The Appendix to Title III, Division 1, §A315-14 of the H.C.C. specifies the findings that must be made to grant the Conditional Use Permit, Coastal Development Permit, and Special Permit. Basically, the Hearing Officer may grant the Conditional Use Permit, if, on the basis of the application, investigation and submitted evidence, the following findings are made:

1. *The proposed development is in conformance with the General Plan; and*
2. *That the use is consistent with the purposes of the zone in which the site is located; and*
3. *The proposed development conforms with all applicable standards and requirements of these regulations; and*
4. *That the proposed location of the use 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 properties or improvements in the vicinity.*

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA.

- a) *The project either is categorically or statutorily exempt; or*
- b) *There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or*
- c) *An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.*

### Recommendation:

The required findings can be made based on the following analysis.

### Staff Analysis and Findings for Conditional Use Permit, Coastal Development Permit, and Special Permit.

#### 1. **General Plan**

The proposed development is in conformance with the County General Plan.

### Land Use

The subject parcel is located in the Shelter Cove area and is designated as Residential/Medium Density (RM) in the South Coast Area Plan (SCAP). The RM designation is intended make efficient use of available land for residential purposes. Principle uses include single family homes, duplexes, and guest houses. Conditional uses include hotels, motels, boarding houses, mobile home development, single family residences, guest houses, office and professional private institutions, and neighborhood commercial. It is Staff's contention that single family residential uses are conditionally permitted under this land use designation when it is located in a Residential Multi Family Use zoning district.

### Geologic Hazards

The project site is located in an area of high geologic instability as indicated on the Geologic Hazard maps of Volume I of the Humboldt County General Plan. No geologic or soils report has been required by the Building Inspections Division. Section A314-16E(3) of Humboldt County Code (H.C.C.) (Discretionary Report Requirements) allows the Planning Director to waive geologic report requirements in areas of high geologic instability. The Planning Director has waived geologic report requirements for this project based on 1) a site inspection and favorable evaluation by the Building Division, 2) the unlikely potential for the development to affect adjacent property or improvements, 3) the small degree of public exposure to risk, and 4) the small scale of the proposed project. Furthermore, the project location has been determined to be located in a geologic report waiver area based on a review of the Shelter Cove Geologic Report Requirement Map, included in the SCAP as Appendix E.

### Fire/Flood Hazards

The project site is located in an area of high fire hazard as indicated on the Flood/Fire Hazard maps of Volume I of the Humboldt County General Plan. The California Department of Forestry and Fire Protection has requested that the applicant have access to the January 1, 1992 document "Project Review Input Basic to All Development Projects." Furthermore, CDF has stated that the project can meet the intent of the fuel modification-setback standards if it adheres to the "Checklist for Providing Fuel Modification Mitigations on Small Parcels Existing Prior to January 1, 1992." This has been included as a condition of approval in Exhibit A.

The subject parcel is located in Flood Zone "D" on the Flood Insurance Rate Map (Community Panel number 060060 1800B, effective July 19, 1982) prepared by the Federal Emergency Management Agency. Flood Zone "D" is defined as "areas of undetermined, but possible, flood hazards." The Building Inspection Division has not required the preparation of a flood elevation certificate.

### Natural Resource Protection/Biological Resources

Review of the South Coast Area Plan Resource Protection maps indicates the subject parcel is not subject to any resource protection policies nor are there any known significant biological resources on or in the vicinity of the site.

## 2. Zoning

The proposed development is consistent with the purposes of the existing zone in which the site is located. The subject parcel is currently zoned Residential Multi Family Use, thirty (30) dwelling units per acre maximum, with Development Standard, Qualifying and Design Review

combining zones (RM-30-S1-Q/D). The RM zone classifies residential use types- single family residential"as a conditionally permitted use. The proposed project includes the development of three bedroom single family manufactured home. Staff believes that a single family residential use of the subject parcel is acceptable due to the small lot size and small building area for multi-family developments. Group residential types, which include sorority houses, retirement homes, and boarding houses, are principally permitted building types in the RM zone. However given the resort/vacation destination nature of Shelter Cove and also the small lot area, it is unlikely that a group residential use would be feasible on the subject parcel.

**Provisions of the Combining Zones**

The Design Review combining zone provides design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural, or scenic values. Staff has reviewed the submitted Neighborhood Design Survey, and has determined that the proposed project will be compatible with the surrounding neighborhood because it will have similar exterior construction materials, architectural style, and height. Information submitted by the applicant indicates several uses in the neighborhood have wood siding and shingle roofing, a contemporary architectural style, and range in height from 15 feet to 25 feet. The proposed project will have a contemporary architectural style and will be approximately 16 feet, 8 inches (16'8") in height. Included as a condition of approval in Exhibit A is a minimum 12 inch roof overhang, pursuant to section 314-57(h)(1)(c) of the H.C.C.

The Qualifying combining zone in this case prohibits development of secondary dwelling units, temporary or recreational housing, accessory buildings, and open storage. None of these construction types is being proposed in this case.

The Development Standard combining zone in this case reduces the front yard setback to a minimum of two feet (2') where it otherwise would have been twenty feet (20').

**3. Development Standards**

Section A313-14(C) specifies the development standards for the RM zone. The Development Standard combining zone reduces the front yard setback to two feet (2') instead of the normal twenty feet (20').

	H.C.C. requirement	Proposed Project
Minimum Parcel Size:	5,000 square feet	± 5,485 square feet
Lot Coverage:	60%	±24.6%
Yard Setbacks:		
<i>Front</i>	2' min.	4'
<i>Rear</i>	10' min.	20'
<i>Sides</i>	5' min.	north: 15'; south: 5'
Building Height:	max. 45'	16'8"
Parking:	4 spaces min.	4 spaces



#### 4. *Public Health, Safety, and Welfare*

Staff has determined that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved or conditionally approved the proposed project design. As conditioned, the proposed project is consistent with the general plan and zoning ordinances; and the proposed project will not cause significant environmental damage.

##### Referrals From Other Agencies

##### a) *Land Use Division of Public Works*

The Land Use Division has stated that all parking must be constructed on-site. All parking must be constructed prior to occupancy of the building. The applicant must also apply for an encroachment permit for the driveway. The permit will require the driveway entrance to be surfaced with asphalt concrete or portland cement concrete.

##### b) *Division of Environmental Health (DEH)*

Approval was recommended by DEH. The applicant will have to submit verification of connection to public water and sewer from the Resort Improvement District #1.

##### c) *Building Inspection Division (BID)*

No problem with the proposed project.

##### d) *Northwest Information Center, Sonoma State University*

Study #295 identified no historical resources in the project area and further study for historical resources is not warranted in this case.

##### e) *Natural Resources Division of Public Works*

There is no record of any archaeological resources at the project location.

##### f) *California Department of Forestry & Fire Protection (CDF)*

The subject parcel is located in a high fire hazard area, as indicated above. CDF has requested that the applicant have access to the January 1, 1992 document "Project Review Input Basic To All Development Projects." This has been made an informational note in Exhibit A. CDF also commented that the applicant must meet the intent of the fuel modification standards of the Fire Safe Ordinance. A checklist provided by CDF for meeting this intent will be made available to the applicant.

No other referral agencies had comments or recommendations.

#### 5. *Potential For Environmental Impact*

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 (new construction or conversion of small structures) of the CEQA Guidelines.

**EXHIBIT A**

APPROVAL OF THE CONDITIONAL USE PERMIT, COASTAL DEVELOPMENT PERMIT, AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE BUILDING PERMITS MAY BE ISSUED:

**Conditions of Approval:**

1. The applicant shall apply for and obtain an encroachment permit from the Department of Public Works.
2. The parcel is conditioned to initially provide fuel modification and building construction mitigations described in the "Checklist for Providing Fuel Modification Mitigations on Small Parcels Existing Prior to January 1, 1992."
3. Connection to the public sewer system is required prior to occupancy of the structure to the satisfaction of the Resort Improvement District and the Division of Environmental Health.
4. The roof shall have a minimum overhang of 12 inches on all sides.

**On-Going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:**

1. Exterior light shall be shielded so it is not directed beyond the property boundaries.
2. Annual maintenance of the fire safe mitigations described in #2 above shall be employed.
3. Exterior walls and roofing materials comprised of unfinished metal or galvanized metal are prohibited.
4. Where feasible, new utilities shall be underground.

**Informational Notes:**

1. The January 1, 1992 document "Project Review Input Basic to All Development Projects" is considered part of input from the California Department of Forestry and Fire Protection (CDF) on this project. CDF requires 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.

**BERDING & WEIL**  
ATTORNEYS AT LAW

DAVID J. LARSEN

REPLY TO  
ALAMO OFFICE

April 20, 1998

**RECEIVED**  
APR 22 1998

**VIA FACSIMILE & U.S. MAIL**

Mr. Robert Merrill  
California Coastal Commission  
North Coast Area  
45 Fremont St., Ste. 2000  
San Francisco, CA 94105-2219

CALIFORNIA  
COASTAL COMMISSION

**Re: Appeal No. A-1-HUM-98-08**

EXHIBIT NO.	8
APPLICATION NO.	A-1-HUM-98-8 (JONES)
Appeal Supplement	
(page 1 of 6)	

Dear Mr. Merrill:

My firm was recently retained to represent the Shelter Cove Homeowners Association in the above-referenced appeal. Please consider this a supplement to that appeal. This supplement is sent to further discuss previously identified standards and requirements in the certified local coastal plan itself that have not been met by the proposed single family residence. This is a precedent setting case, as it is the first application for manufactured housing to be filed for Shelter Cove. There were serious irregularities and omissions in the county process which must be rectified to assure the goals and objectives of the local coastal plan are met.

**CEQA Compliance**

Appellants maintain that it is not possible to make all of the findings required in § 3.21B 3. or assure other standards in South Coast Area Plan have been met, without analyzing the cumulative effects of all anticipated single-family residences on the environment in the manner contemplated by the California Environmental Quality Act ("CEQA"). Appellants also maintain that the county committed a legal error by finding that this project was exempt from CEQA.

I am informed that there are approximately 5,000 individual lots that have been subdivided in Shelter Cove, but that there are currently only several hundred single family residences actually constructed on these lots. The rest are vacant. CEQA does not allow use of the exemption for single family residences where the cumulative impact on the environment of successive projects of the same type in the same place over time is significant. The construction of thousands of additional single family residents in Shelter Cove cannot help but have a significant cumulative effect on the environment. Therefore, the proposed single family residence is not exempt from CEQA.

3240 Stone Valley Road West  
Alamo, CA 94507  
Telephone: 510 838-2090  
Fax: 510 820-5592

2200 Sunrise Boulevard  
Suite 220  
Rancho Cordova, CA 95670  
Telephone: 916 851-1910  
Fax: 916 851-1914

3600 Pruneridge Avenue  
Suite 130  
Santa Clara, CA 95051  
Telephone: 408 556-0220  
Fax: 408 556-0224

516 West Shaw Avenue  
Suite 200  
Fresno, CA 93704  
Telephone: 209 221-2556  
Fax: 209 221-2558

**Mr. Robert Merrill**

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The South Coast Area Plan expressly contemplates an evaluation of the significant effects on the environment. Thus, § 30250 (a) says:

“New development . . . shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or . . . in other areas with adequate public services and where it will not have *significant adverse effects, either individually or cumulatively*, on coastal resources.”

The South Coast Area Plan further provides:

“The development of lands within the Urban Limit for the uses indicated in the Area Plan Map, and division of lands within the Urban Limit to the densities indicated in the Land Use Designations, are contingent on the ability of the area to accommodate that development or density. More specifically, no lands within the Urban Limit . . . shall be developed . . . as allowed by the Area Plan, unless the following findings are made:

a. That water supply and adequate provision for sewage disposal, as required by the use at the density permitted in the Area Plan, are available to the development or division;

b. That the carrying capacity of major roads and of coastal access corridors is sufficient for all permitted uses, or that improvements to an adequate level can be provided at a cost affordable within the reasonable expectation of the County, or of an unincorporated city where the Urban Limit surrounds the City.

c. That the proposed development . . . meets all standards for the use designated in the Area Plan, as set forth in Chapter 5 of this document.

Moreover, zoning of lands within the Urban Limit shall not allow such developments or divisions until such time as these findings can be made.”

It is impossible to make the above findings and establish they are supported by substantial evidence in the record as required by law without analyzing the cumulative effects of build out over time. By exempting each single-family residence in Shelter Cove from compliance with CEQA, the county is systematically avoiding a cumulative impact analysis in violation of the law. As a result, the county is shirking its responsibility to assure thorough compliance with standards and

Mr. Robert Merrill

April 20, 1998

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requirements in the South Coast Area Plan and otherwise that the environment in Shelter Cove will not be jeopardized by future growth.

There is no substitute for requiring the county to subject this project to the requirements of CEQA so that a cumulative impact analysis can be conducted in order to assure that South Coast Area Plan standards and requirements intended to protect the environment are fully met by this and similar projects in the future. This is so, whether we are discussing safety issues (infra); aesthetic issues (infra); or other issues required by the South Coast Area Plan.

### Safety Standards

#### A. Wind pressure requirements

The Coastal Act requires that all development be subject to standards designed to protect natural and cultural resources and to assure public safety. Standards to satisfy these requirements are found in §3.40 of the South Coast Area Plan.

Specifically, § 30253 says:

“New development shall:

1. Minimize risks to life and property in areas of high geologic, flood and fire hazards.
2. Assure stability and structural integrity, and neither create nor contribute significantly to . . . destruction of the site . . . .”

The county staff report makes clear that the proposed single family residence will be in a hazardous area. Unstable seismic conditions and unusually high winds make this area a high geologic and fire hazard. (Id.). Accordingly, the applicant should have been required to submit soil and geological engineering investigations prepared by a registered engineer. (See South Coast Area Plan § 30253 B.1.). The only exception is if the Chief Building Inspector waives this report requirement under specified circumstances. (Id.).

In our case, the Chief Building Inspector merely indicated “I see no problems with the project” after which the *Planning Director*, not the Chief Building Inspector, waived this requirement. To compound matters, there were a number of misstatements made by county staff and others during the public hearings before the Planning Commission and Board of Supervisors,

Mr. Robert Merrill

April 20, 1998

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concerning the applicability of local safety standards. Notably, county staff erroneously stated that the proposed single family residence will meet the county's wind pressure requirements; that the Planning Commission need not concern itself with this requirement because that was within the jurisdiction of the Building Department; that the state regulates wind pressure standards for manufactured housing; and that H.U.D. regulates wind pressure standards. Appellants maintain that the proposed manufactured housing unit will not meet the applicable local wind pressure standards and that the county has a duty to assure that it does before it issues a coastal permit in order to "minimize the risk to life and property" in this hazardous area, and to "assure stability and structural integrity" of the proposed development, both of which are required by the South Coast Area Plan (supra).

#### B. Foundation requirements

§ 30253 of the South Coast Area Plan also requires that:

"The developments permitted in the hazard areas shall be sited and designed to assure stability and structural integrity for their expected economic lifespans while minimizing alteration of natural land forms."

Appellants maintain that the foundations on manufactured housing are very important and that the county had an obligation to look at the detail of the foundation, placement of the unit on the lot, and related issues, in order to assure stability and structural integrity. Instead, the planning Director and County Counsel erroneously advised the Board of Supervisors that appellants' safety issues were not within the provenance of the county. Rather, the Planning Commission and Board of Supervisors were limited to addressing design review questions. As a result, virtually no safety or engineering issues were addressed.

#### Aesthetic Standards

§ 30251 of the South Coast Area Plan provides:

"The *scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas . . . shall be subordinate to the character of the setting.*"

**Mr. Robert Merrill**

April 20, 1998

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County planning staff may not have been far off the mark in insisting that the "key" to this application was design review. Especially because this was the first manufactured housing application in Shelter Cove, design review and compatibility with the surrounding area were very important.

But, despite the fact that the county ordinance says design review "shall" apply to lands (such as the subject lot) designated "D" in the zoning maps, and in the event there is no neighborhood design review board (such as in Shelter Cove) the planning director "shall" be the reviewing authority, - - and despite the fact that subjective as well as "prescriptive" issues are traditionally dealt with when reviewing design, county staff declined to engage in traditional design review as normally done when a special permit is required, deciding instead to simply assure that the "prescriptive" (e.g., objective) zoning ordinance criteria had been met.

In response to Ms. Linda Yates' insistence that county staff assure that this proposal was "compatible" with the surrounding area, county staff erroneously concluded that it was not required to assure such compatibility (see pp. 3-4 of staff report). In fact, as quoted above from the South Coast Area plan, *permitted development must be sited and designed to be visually compatible with the character of the surrounding area.* (supra).

As a result of the county's failure to conduct design review, the "treated" elevations face the ocean, while the "non-treated" elevations are visible from the public thoroughfare. Typical design review would require "treated" elevations on both sides under such circumstances. Instead of being sited on the lot in a manner that is visually compatible with other structures in the area, this structure will be placed on a foundation that may be ten feet high in places. One of the primary aesthetic issues associated with manufactured housing is the nature of the foundation. If the unit is appropriately placed on the site, or conditions are imposed requiring the foundation not to exceed a maximum height or to be masked by plantings, etc., a manufactured home can be made to "blend" with its natural surroundings to a much greater degree.

#### Summary

Because manufactured housing is relatively inexpensive, and because it cannot be prohibited by law, it is likely to become the wave of the future if local entities take the position that they have no authority over safety issues and can do no more than confirm that prescriptive zoning standards are met, rather than subjecting applications for manufactured housing to the more traditional (and rigorous) design review process. If that occurs, the differences between manufactured housing and stick-built housing will be magnified both from a safety and aesthetic standpoint, rather than minimized. In order to advance the cause of low cost housing, while also insuring the structural

**Mr. Robert Merrill**

April 20, 1998

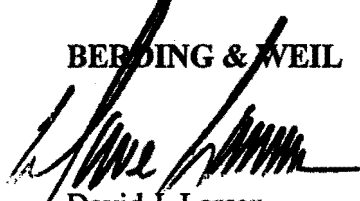
Page 6

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integrity of single family housing units, Humboldt County cannot afford to miss this opportunity to address the safety and aesthetic issues it is properly charged to address, as a part of issuing a coastal permit.

Very truly yours,

**BERDING & WEIL**



David J. Larsen

DJL:eps

cc: Board of Directors, Shelter Cove HOA

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CALIFORNIA COASTAL COMMISSION  
NORTH COAST AREA  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
904-5260



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Linda Yates  
P. O. Box 537, 326 Blueridge Road  
Whitethorn, CA. 95589 (707) 986-7647  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Humboldt County Board of Supervisors

2. Brief description of development being appealed: A manufactured home to be located at 807 Upper Pacific Drive, Shelter Cove, California.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 807 Upper Pacific Dr., Shelter Cove, California, APN #109-362-24.

4. Description of decision being appealed:
- a. Approval; no special conditions: \_\_\_\_\_
  - b. Approval with special conditions: \_\_\_\_\_
  - c. Denial: Appeal heard on 12/2/97 by Board of Supervisors

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-HUM-98-008

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

CALIFORNIA COASTAL COMMISSION

JAN 14 1998

VED

EXHIBIT NO.	9
APPLICATION NO.	A-1-HUM-98-8 (JONES)
Appeal	

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission
- b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: December 2, 1997

7. Local government's file number (if any): CUP 34-96, CDP 56-96  
and SP 53-96.

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Richard and Hazel Jones  
20225 Cooley Road  
Bend, Oregon 97701

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Richard Carpenter (name appears on petition) (Also spoke at Board  
312 Redwood Dr., Shelter Cove of Supervisors)  
Whitethorn, CA. 95589
- (2) Frances Aldridge (name appears on petition & also spoke before  
66 Bambi Drive, Shelter Cove the Board of Supervisors)  
Whitethorn, CA. 95589
- (3) Jay and Mary Raftery (names appear on petition)  
50 Parkview Road, Shelter Cove  
Whitethorn, CA. 95589
- (4) William Reed (name appears on petition)  
P. O. Box 3  
Whitethorn, CA. 95589

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached and exhibits A thru K.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

*Linda Gates*

Signature of Appellant(s) or Authorized Agent

Date January 13, 1998

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

## REASONS FOR APPEAL -

This appeal is being made on behalf of 113 Shelter Cove residents deeply concerned that the proposed mobile home project is not compatible with existing permanent structures within the Shelter Cove subdivision. Humboldt County in opposition to this concern approved the proposed project based on its interpretation of Section 714.5 of the California Civil Code and because of existing design diversity the proposed mobile home is architecturally compatible with existing development within Shelter Cove.

During the local review and appeal process the Humboldt County Board of Supervisors and planning staff invalidated the importance of the required neighborhood design survey process based on section 714.5 of the California Civil Code that prohibits discrimination against off site or factory built homes under conditions, covenants and restrictions adopted on or after 1987. The Shelter Cove subdivision and original CC & R's were created in 1965. These CC & R's have set a 37 year precedent for development within Shelter Cove. Also, the design review requirements under the County's coastal zoning regulations were derived from the original CC & R's. Therefore, it is arguable that section 714.5 of the civil code does not apply to this case given the legislative 1987 cut-off date limitation.

Humboldt County also acted in violation of Section 1.65852-4 of the State of California Government Code which states that requirements placed on manufactured homes be identical to those imposed on conventional single family residences (See Attachment). No seismic, wind speed or other structural requirements have been placed on the proposed mobile home project which have been placed on conventional framed homes located throughout the Shelter Cove subdivision. In addition by not making these necessary structural requirements to address known environmental hazards, Humboldt County has not met its most basic responsibility under its coastal zoning regulations to protect public health and safety.

The Proposed Mobile Home is Not Architecturally Compatible for the Following Reasons:

- 1) Since 1965 no mobile homes have been allowed within the Shelter Cove Subdivision. All homes in the Shelter Cove subdivision are permanent and are not designed to be moveable or temporary. Planning staff has indicated that used mobile homes up to ten years in age can be allowed within the Shelter Cove subdivision. Also, The County's Coastal Zoning Regulations treat factory built homes as synonymous to mobile homes and therefore distinct from conventional site built permanent structures. The local building inspector noted this difference in his project evaluation by stating that "there are no other trailers in this area!" (See Attachment)
- 2) The vast majority of homes in Shelter Cove are two story structures with roof pitches significantly greater than the approximate 2/12 roof of the proposed mobile home. In addition, existing homes have been required by the county to withstand coastal weather, high wind load and significant seismic activity. The proposed mobile home is generic and is not designed to meet these unique environmental hazards. The San Andreas fault runs through Shelter Cove and wind speeds do exceed 100 MPH. The county is only requiring a seismic Zone IV foundation and no structural requirements.
- 3) Based on the applicants neighborhood design survey and a review of other homes closer to the applicants building site (Copy Enclosed with Photographs) none of the comparable structures match the characteristics of a mobile home. Most structures are large two story, use natural wood siding, custom designed, sited perpendicular to lot length to take advantage of views, and are conventionally framed structures. In addition, the applicant's permit application does not include specific building plan information on color, siding type, roof type or other specific detailed design information to make an adequate comparison possible (See Attachment).

4) As the County states in its planning report, Shelter Cove architecture is diverse. Does this mean anything goes? General themes do exist to define comparability. These themes include custom design, conventional framing, two story view orientation, engineering for high wind load and earthquake safety, building materials suitable for natural environmental hazards such as high wind and rain, as well as general design requirements set down in the County Coastal Zoning Regulations. The County, in approving the proposed mobile home project, has abused all reasonable compatibility analysis and acted in violation of its Coastal Zoning Plan in the name of existing design diversity.

Exhibits to Appeal, APN 109-362-24, Case No. CUP-34-96/CDP-56-96/SP-53-96:

Exhibit A: Neighborhood Design Survey, photographs of houses listed.

Exhibit B: Photographs of other homes in closer proximity to proposed project.

Exhibit C: Drawing of proposed project submitted by applicant.

Exhibit D: Notification Form submitted and signed by Greg Webster, Building Inspector, dated 5/22/97.

Exhibit E: Excerpts from the Coastal Zoning Regulations, Appendix to Title III Division 1, of the Humboldt County Code. A311-11, 312-4,313-14 (9)(a).

Exhibit F: Notification of updated Zoning Ordinance from County of Humboldt, 10/30/90: 315-5(a)(1), 315-5(c)(7)(8); 315-5(d)(1)(a); 315-7.; A314-57A.

Exhibit G: Humboldt County General Plan, Volume II, South Coast Area Plan of the Humboldt County Local Coastal Program, April 1990: 3.42A1.c.(1); 4.23C.

Exhibit H: Letter from Nashua Homes of Idaho, Inc., stating a 15 pound wind load, which is the minimum under Federal Regulations.

Exhibit I: Chart from the Codes and Standards Division of the State of California, showing Humboldt County under a minimum wind load factor of 20 pounds per square foot. Upon entering the State of California, the State Regulations supersede Federal Regulations. Under the County Zoning Regulations, A311-11, No Relief From Other Provisions, specifically states "no provision of these Zoning Regulations shall be construed as relieving any party to whom a development permit, license, or variance is issued, from any other provisions of State or Federal Law..."

Exhibit J: Petition in opposition to project signed by 113 property owners and residents of Shelter Cove.

Exhibit K: Chapter 1572, Section 1.65852.4 of the Government Code.

# EXHIBIT A

Neighborhood Design Survey

Your project is being reviewed for compatibility with neighborhood design. A finding required for approval of your secondary dwelling unit is that the new development is compatible with the character of the neighborhood.

To assist the Planning Department in our review of your project, please complete the following Survey for representative samples of existing development within a two or three block radius of your property. Please include the developed parcels nearest your project site in your neighborhood survey.

1. Assessor Parcel No. or Address of survey site: 109-362-24  
 Use of Building<sup>1</sup>: R Number of Stories: 1 Approx. Height: 15' 8"  
 Exterior Building Material: Siding: 8" Lap O.C. Masonite Roofing: 30Lb 100mph  
 Approximate floor area (sq. ft.): 1352 No. bedrooms: 3  
 Architectural Style<sup>2</sup>: Contemporary

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2. Assessor Parcel No. or Address of survey site: 797 Upper Pacific  
 Use of Building: R Number of Stories: 2 Approx. Height: 25'  
 Exterior Building Material: Siding: wood siding Roofing: Shingle (comp.)  
 Approximate floor area (sq. ft.): 1100 No. bedrooms: 2  
 Architectural Style: Contemporary

---

3. Assessor Parcel No. or Address of survey site: 870 Upper Pacific  
 Use of Building: R Number of Stories: 2 Approx. Height: 25'  
 Exterior Building Material: Siding: wood siding Roofing: Comp Shingle  
 Approximate floor area (sq. ft.): 1500 No. bedrooms: 2  
 Architectural Style: Contemporary

---

4. Assessor Parcel No. or Address of survey site: 104 Sea View  
 Use of Building: R Number of Stories: 1 Approx. Height: 25'  
 Exterior Building Material: Siding: wood siding Roofing: Comp roof  
 Approximate floor area (sq. ft.): 1200 No. bedrooms: 2  
 Architectural Style: Contemporary

RECEIVED

MAY 05 1997

HUMBOLDT COUNTY  
PLANNING COMMISSION

RECEIVED

MAY 05 1997

Note: Photographs of the above developments will be accepted and are encouraged, but are not a substitute for this survey.

<sup>1</sup> Project Use Codes: (R) = residential; (C) = commercial; (I) = industrial; (O) = other

<sup>2</sup> What is the architectural impression of the building, for example: Cape Cod, Spanish, bungalow, cabin, Victorian, contemporary, etc.



7 9 7 U P P E R P A C I F I C D R.





8 7 0   U P P E R   P A C I F I C   D R .



1 0 4   S E A V I E W  
( l e f t   s i d e )



1 1 4   S E A V I E W  
( r i g h t   s i d e )

**EXHIBIT B**



7 SALMON CT.  
(corner of Salmon & Seaview)



56 SEAVIEW

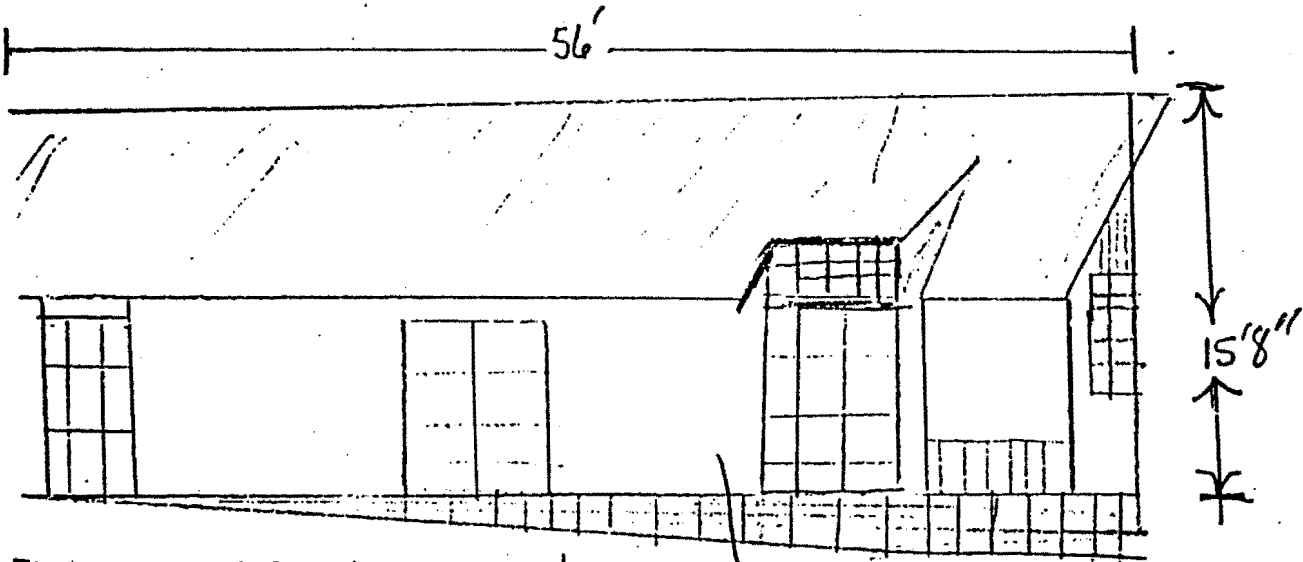


8 SALMON CT.

(corner of Salmon Ct. & Seaview)

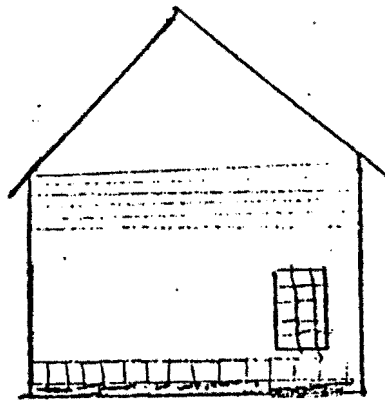
# EXHIBIT C

# Architectural Elevations



Right Elevation

ALL Siding 8" Lap



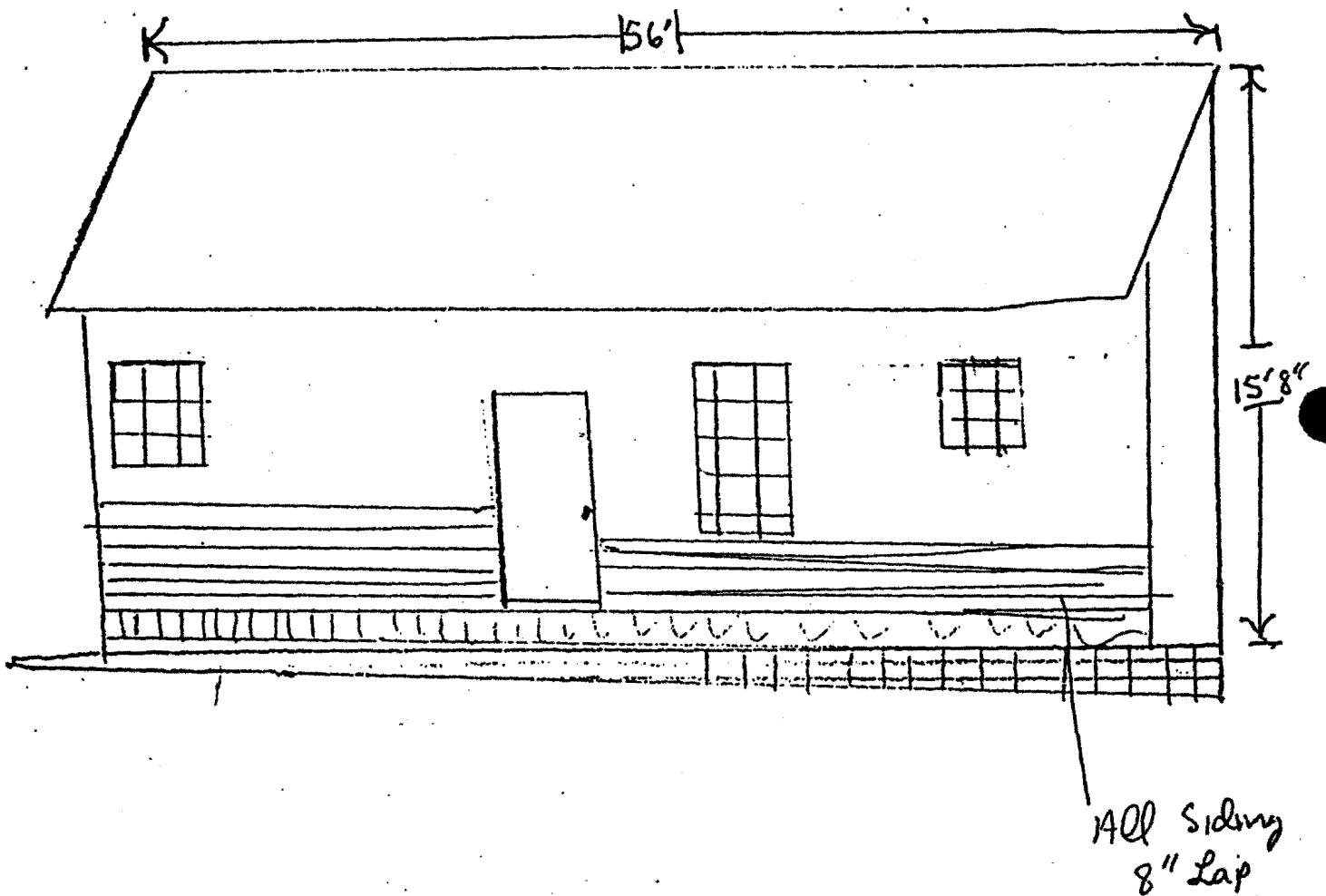
FRONT  
12'

RECEIVED

MAY 05 1997

HUMBOLDT COUNTY  
PLANNING COMMISSION

Left Side



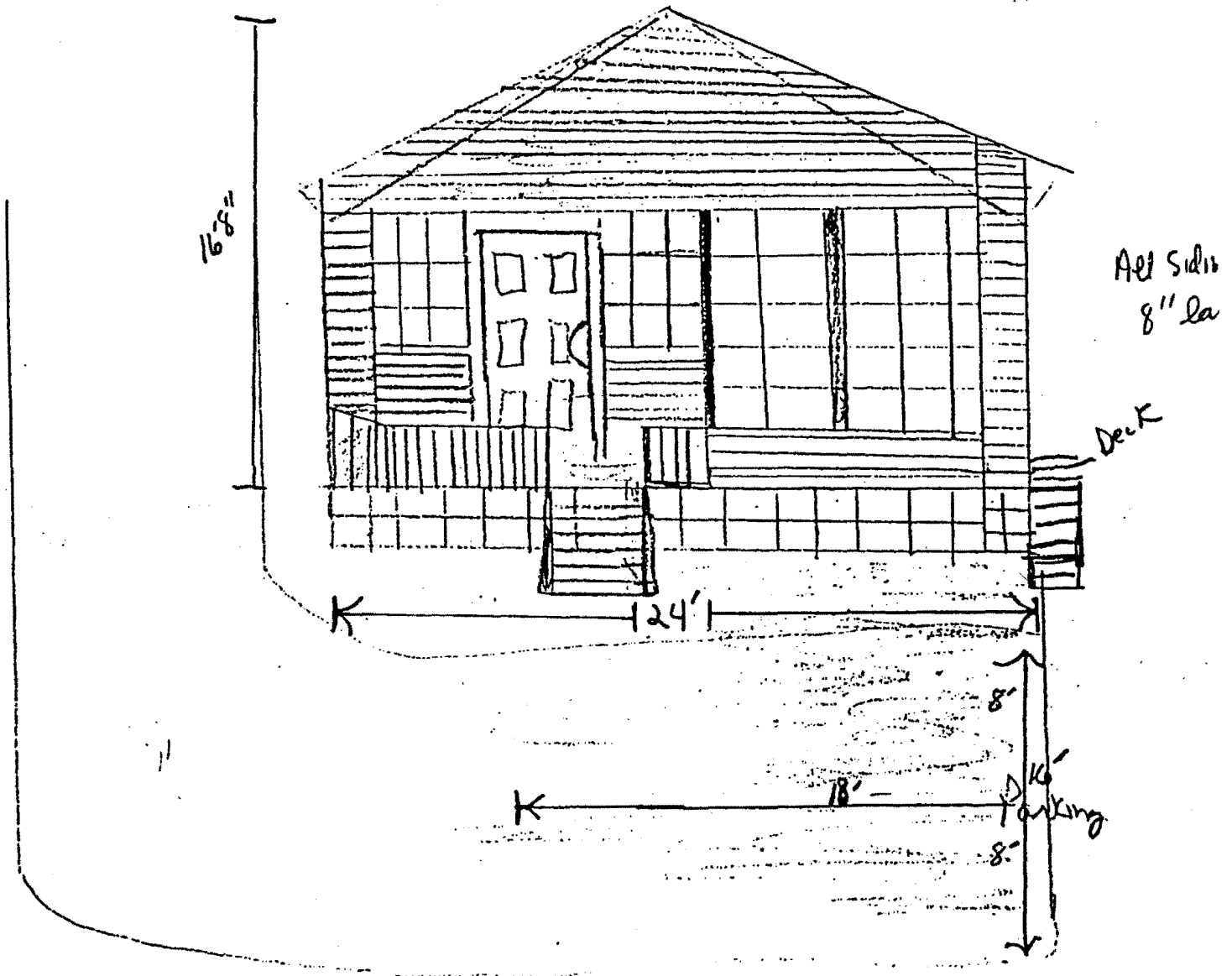
RECEIVED

MAY 05 1997

HUMBOLDT COUNTY  
PLANNING COMMISSION



# REAR Elevation



RECEIVED

MAY 05 1997

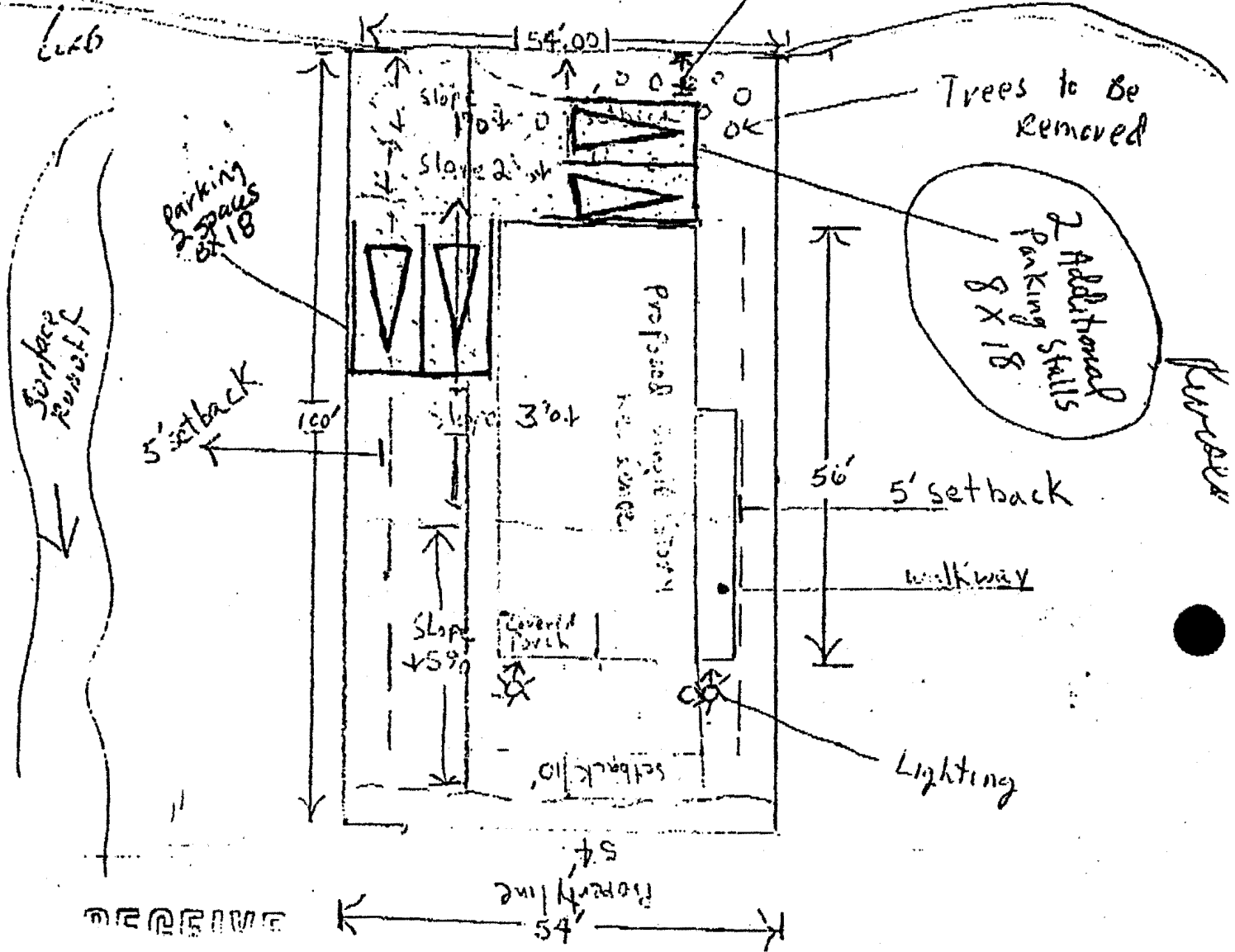
HUMBOLDT COUNTY  
PLANNING COMMISSION

# PLAN PLAN

UPPER PACIFIC DRIVE

4' setback from lateral parking

Retained



Trees to be Removed

2 Additional Parking Stalls 8x18

Runoff

Parking 2 spaces 8x18

5' setback

56' 5' setback

walkway

Lighting

JUN 11 1997

PLANNING COMMISSION

← North

4-29-97

Scale 1" = 20'

Richard W + Hazel M Jones  
 second Home  
 1352 Sq Feet w/ porch  
 1288 without porch

**EXHIBIT D**

COUNTY OF HUMBOLDT  
PLANNING DIVISION  
of the Planning & Building Department  
3015 H Street, Eureka, CA 95501-4484  
Telephone: (707) 445-7541

RECEIVED  
MAY 08 1997  
HUMBOLDT COUNTY  
BUILDING DEPT

May 8, 1997

- To:
- Building Inspection Division
  - Environmental Health Division
  - Land Use Division
  - Assessor's Office
  - Supervising Planner / Asst. Director
  - Pacific Bell
  - Pacific Gas & Electric
  - County Counsel
  - Sonoma State University
  - Resort Improvement District No. 1
  - Fire Protection District
  - Calif. Dept. Forestry & Fire Protection  
Garberville (Area)
  - Calif. Dept. of Fish & Game (see F& G Note)-Eureka
  - California Coastal Commission
  - Calif. Dept. of Fish & Game-Redding
  - Shelter Cove Homeowners Association

Subject PROPOSED JONES CONDITIONAL USE PERMIT, COASTAL DEVELOPMENT PERMIT, AND SPECIAL PERMIT  
APN109-362-24 Shelter Cove Area

The Planning Division is currently studying the above application. If a reply is not received within 15 days of receipt, it shall be assumed that the project does conform to your requirements.

Your response should be directed toward both the land use and environmental implications of the project as well as the development conditions or requirements which should be imposed.

**F&G NOTE:** Please document all costs associated with your environmental review of this application, and return this documentation with your referral. Also identify any partial or whole fee waivers that are approved by your Department.

[ ] NOTE: The Planning Division has tentatively scheduled this project for a decision by the [ ] Planning Commission [ ] Planning Director on \_\_\_\_\_. If no response is received, it will be assumed to meet your department's requirements.

If you have any questions concerning the project, please contact: David W. Tilley, Planner I, ext 08.

Enclosures:

To: Planning Division

Date: 5-22-97

We have reviewed the above application and recommend the following:

*I see no problem with the proposed CUP, C-D.P. & S.P. at this time - If you have any questions please notify me - Thank you.*

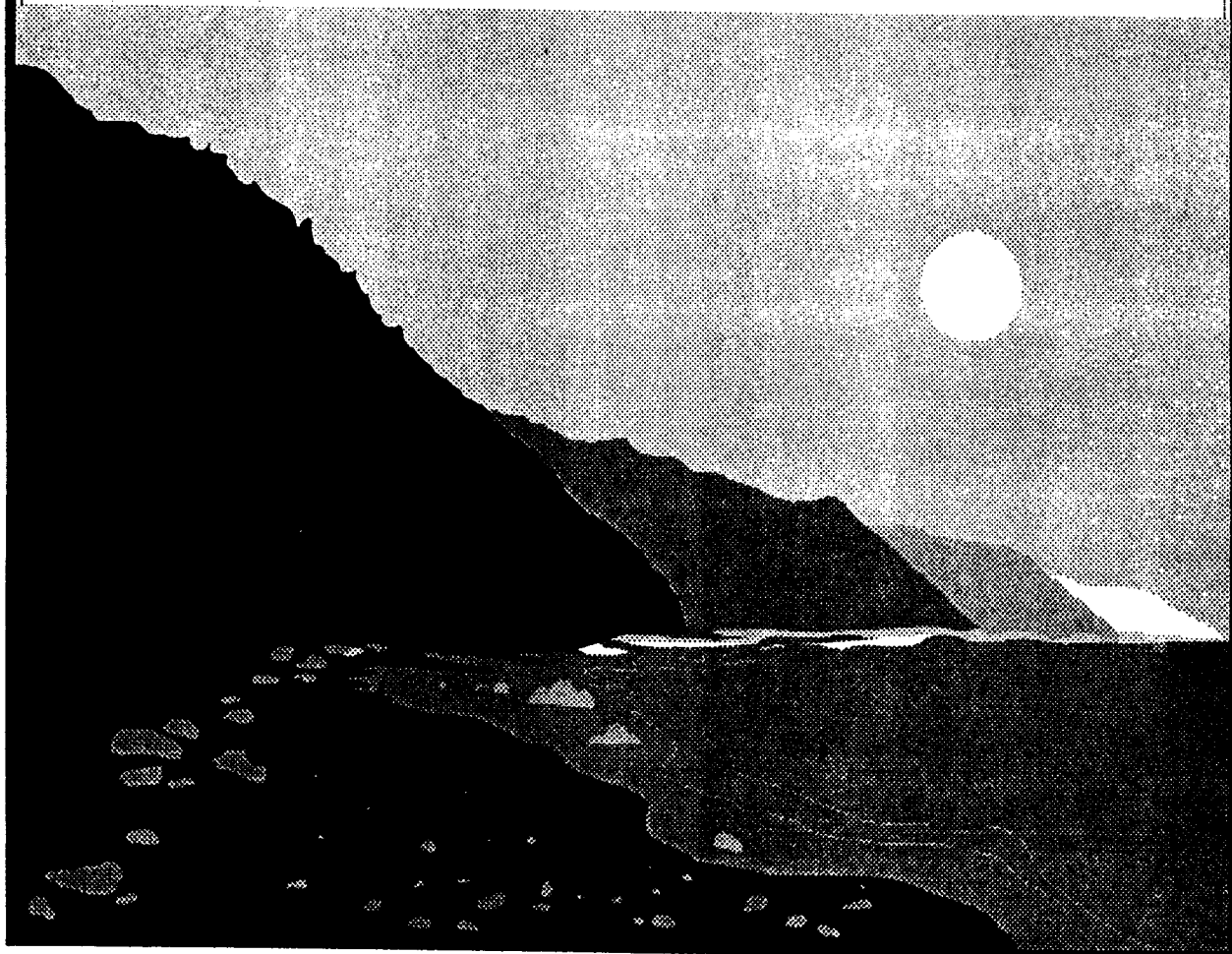
Signature *[Handwritten Signature]*

*There are no other trailers in this area!*

EXHIBIT E

***COASTAL ZONING REGULATIONS***

***Appendix to Title III  
Division 1  
of the Humboldt County Code***



district or districts of the adjoining property on either side of said vacated or abandoned street or alley centerline.

(d) Where a boundary line follows: the bank of a watercourse, it shall be construed as following the top edge of the nearest bank, or if there is no identifiable bank, the stream transition line.

(e) Where a boundary line is indicated as following a watercourse, it shall be construed as centerline of the watercourse.

(f) Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the Zoning Map and the purposes set forth in the Principal Zone district regulations.

**A311-11. NO RELIEF FROM OTHER PROVISIONS.**

Unless otherwise specifically provided, no provision of these Zoning Regulations shall be construed as relieving any party to whom a development permit, license, or variance is issued, from any other provision of State or Federal law or from any provision, ordinance, rule, or regulation of Humboldt County requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use.

**A311-12. SEVERABILITY OF PROVISIONS.**

If any section, subsection, sentence, clause or phrase of these regulations is for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations. It is hereby expressly declared that this ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**A311-13. ZONING REGULATIONS SUPERSEDE EXISTING ZONING CODE.**

These Regulations, supersede the existing zoning regulations, as amended, of the County of Humboldt, for land which lies within the County Coastal Zone. If any provisions of these Regulations should be determined to be inapplicable, the provisions of the pre-existing zoning regulations shall continue to apply. Nothing in these Regulations shall be construed as validating or legalizing any land use or building or structure conducted, constructed, erected, or maintained in violation of any Federal, State or Humboldt County ordinance. Insofar as the provisions of these regulations impose the same regulations as imposed by existing zoning regulations, this ordinance shall be construed as a continuation of said regulations and not as a new enactment.

**A311-14. COMPLETION OF EXISTING BUILDINGS.**

These regulations do not require any change in the plans, construction or designated use of a building or structure for which a coastal development permit has been issued by the Coastal Commission, or to any permit issued by the County prior to the effective date of these Regulations or any amendment of these regulations, provided that actual construction of such building or structure is commenced within 120 days after the date of issuance of the

building site or portion thereof which may be either occupied or unoccupied by other main buildings.

**Multiple/Group:** Two (2) or more main buildings, which may be attached, freestanding or both, located on a lot or building site or portion thereof, which may be either occupied or unoccupied by other main buildings.

**Building Type, Residential:** That group of building types comprising the following:

**Single Detached:** One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or building, located on a lot or building site which is unoccupied by any other dwelling unit or main building.

**Duplex:** Two (2) dwelling units placed side by side with at least ten (10) feet of a common wall, structurally separated from any other dwelling unit or building and located on a lot or building site which is unoccupied by any other dwelling unit or main building.

**Multiple Unit:** A building containing at least three (3) dwelling units in any vertical or horizontal arrangement, located on a lot or building site which is unoccupied by any other dwelling unit or main building.

**Manufactured Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, and which is built on a permanent basis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; except that a manufactured home constructed to the standards required by the County Building Regulations for a Single Detached Residential Building Type. The manufactured home building type includes mobilehomes.

**Ancillary Residential:** A dwelling which is not the principal residence or main building on a lot or parcel, such as a second residential unit, guest house, caretaker's residence, farm laborer's residence, etc.



RESIDENTIAL ZONE DISTRICTS

A313-14. RM RESIDENTIAL MULTI FAMILY USE ZONE.

A. Principal Permitted Uses.

- (1) Residential Use Types
  - Multi Family Residential
  - Group Residential
- (2) Civic Use Types
  - Minor Utilities

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types
  - Single Family Residential
  - Mobilehome Parks; subject to the Mobilehome Park Regulations.
- (2) Civic Use Types
  - Essential Services
  - Community Assembly
  - Non-Assembly Cultural
  - Public Recreation and Open Space
  - Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
  - Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.
- (3) Commercial Use Types
  - Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations.
  - Transient Habitation
  - Private Recreation
  - Neighborhood Commercial (Permitted with a use permit only in the Coastal Zone)
  - Office and Professional Service
  - Private Institution
- (4) Commercial Timber Use
  - Timber Production
- (5) Natural Resources Use Types
  - Fish and Wildlife Management
  - Watershed Management
  - Wetland Restoration
  - Coastal Access Facilities

C. Development Standards

- (1) Minimum Lot Size: 5,000 square feet.

- (2) **Maximum Density:** The maximum density as specified on the adopted zoning maps. A minimum of one (1) dwelling unit per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeded if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.
- (3) **Minimum Lot Width:** 50 feet.
- (4) **Maximum Lot Depth:** Three (3) times the lot width.
- (5) **Minimum Yard Setback:**
  - (a) **Front** Twenty (20) feet;
  - (b) **Rear:** Ten (10) feet;
  - (c) **Interior Side:** Five (5) feet;
  - (d) **Exterior Side:** Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street).
  - (e) **Double Frontage Lots:** Front and rear--twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.
  - (f) **For Flag Lots,** the Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- (6) **Minimum Setbacks Between Detached Multiple Unit Dwellings:** On building sites containing more than one (1) main detached multiple unit residential building, the required distances between such buildings apply:
  - (a) **Minimum distance between buildings:** Ten (10) feet;
  - (b) **Minimum distance between the front of any dwelling unit in a building and any other building on site:** Twenty (20) feet
  - (c) **Minimum distance between the front of any dwelling unit and any side lot line:** Twelve (12) feet;
  - (d) **Minimum distance between buildings exceeding two (2) stories:**

§ A313-14

two (2) feet increase, over setbacks specified in (a), (b) and (c) above, for each additional story.

- (7) Maximum Ground Coverage: Sixty Percent (60%)
- (8) Maximum Structure Height: Forty-five (45) feet;
- (9) Permitted Principal Building Types:

§ A313-14

- (a) Single Detached (only one dwelling per lot), manufactured homes in mobilehome parks;
- (b) Duplex, multiple dwellings, and multiple dwelling groups;
- (c) Limited Mixed Residential-Nonresidential;
- (d) Non-Residential Detached, or Multiple/Group.

EXHIBIT F



PLANNING DEPARTMENT  
**COUNTY OF HUMBOLDT**

3015 H STREET  
EUREKA, CALIFORNIA 95501      PHONE [707] 445-7541

DATE: November 20, 1990  
TO: Users of the Humboldt County Coastal Zoning Ordinance  
FROM: Joel Canzoneri, Planning Department *J. Canzoneri*  
RE: Update of the Coastal Zoning Ordinance relating to Design Review Standards in the Shelter Cove Area

On October 30, 1990, the Board of Supervisors adopted Ordinance No. 1913 amending sections 315-5 and A314-57 of the Humboldt County Code relating to design review standards in the Design Control Combining (D) zones of Humboldt County. This amendment imposes special building structural design standards applicable to the Shelter Cove Area only. It requires: 1) that residences be a minimum of 20' wide; 2) that foundations meet UBC seismic zone IV standards; 3) a roof overhang of at least 12 inches be provided; and 4) prohibits use of unfinished or galvanized metal on the exterior.

Copies of the revised pages are available from the County Planning Department for the cost of reproduction. Please be advised that if you have purchased your documents over two years ago and have not kept them up to date with adopted revisions, you may wish to purchase an updated copy.

Please contact our office by phone or letter if you want to continue receiving notice of future updates. Ask for Joel.

TDC:JC:dh

ORDINANCE NO. 1913

AMENDING SECTION 315-5 OF CHAPTER 5 OF DIVISION 1 OF TITLE III,  
AND SECTION A 314-57 OF THE APPENDIX TO DIVISION 1  
OF TITLE III, OF THE HUMBOLDT COUNTY CODE,  
RELATING TO DESIGN REVIEW STANDARDS

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Section 315-5 of Division 1 of Title III of the Humboldt County Code is hereby amended as shown on the attached pages 172, 173, 174 and 175.

SECTION 2. Section A 314-57 of the Appendix to Division 1 of Title III of the Humboldt County Code is hereby amended as shown on the attached pages 200.220 and 200.221.


SECTION 3. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this 30th day of October, 1990, on the following vote to wit:

AYES: Supervisors: Dixon, Pritchard, Eddy, and Neely

NOES: Supervisors: None


ABSENT: Supervisors: Sparks

  
\_\_\_\_\_  
Chairman of the Board of Supervisors  
of the County of Humboldt, State of  
California.

(SEAL)

ATTEST:

J. BRUCE RUPP  
Clerk of the Board of Supervisors  
of the County of Humboldt, State  
of California.

By   
\_\_\_\_\_  
Lora Frediani, Deputy  
82/315-5.ord

(G-1b)

as may be required to show:

- (1) Topography of the land and contour intervals.
- (2) Proposed access, traffic and pedestrian ways.
- (3) Lot design and easements.
- (4) Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses.
- (5) Areas proposed for commercial uses, off-street parking, multiple and one-family dwellings, and all other uses proposed to be established within the zone.
- (6) Proposed location of buildings on the land including all dimensions necessary to indicate size of structure, setback and yard areas.
- (7) Proposed landscaping, fencing and screening.
- (8) Such other detailed elevations, plans and other information as may be required by the Planning Commission to enable it to evaluate adequately the proposed development.

(c) All uses shall conform to the height, area, width, depth, ground coverage and yard regulations normally required for such uses except where the overall development will be improved by a deviation from such regulations. In all cases each structure shall conform to the precise development plan which shall be made a part of the approved use permit. (Ord. 519 Sec. 515, 5/11/65)

#### 315-5. DESIGN CONTROL COMBINING OR D ZONE.

It is the purpose of the Design Control Combining or D Zone to be combined with any principal zone to provide controls and safeguards to preserve and enhance areas of historical, scenic, civic or cultural values of the County. The D Zone is also combined with principal zones to preserve and enhance architectural and recreational aspects of designated areas of the County. Such appearance and design of buildings, sites, structures and signs should form a substantial contribution to the desirability of the zone for uses permitted therein.

(a) Findings to Establish D Zone Regulations. The following criteria shall be used in establishing D zone regulations. To qualify as a D Zone, the areas within the County should meet one (1) or more of the following categories:

- (1) Areas of special or unique natural beauty and aesthetic interest forming a basic resource in the economy of the County, the preservation of which would enhance the tourism industry.
- (2) Sites, buildings, structures, or uses which have special historical interest.



(3) Maintenance of architectural and recreational aspects of designated areas.

(b) Reviewing Authority. The member of the Board of Supervisors in whose district a D Zone is established may select any person(s) or organization who, in the opinion of the Board member, is qualified to act as the Reviewing Authority of a D Zone. Such person(s) or organization must be devoid of any and all financial interest in the application under consideration. The representatives of any D Zone shall not exceed five (5) persons. Local representation (i.e., property owners and residents within the D Zone) shall be given first priority to serve on the Reviewing Authority. In the absence of any Board member's approved representatives, the Planning Director shall be the Reviewing Authority. (Amended by Ord. 1443 Sec. 1, 1/13/81)

(c) Architectural Standards. In order that buildings, sites structures, signs, landscaping, etc., will be in keeping with the findings stipulated in subsection (a), the Reviewing Authority shall take the following items under consideration in approving plans within a D Zone:

- (1) The height, bulk and area of buildings.
- (2) All setbacks from property lines.
- (3) The color, textures and materials of exterior walls.
- (4) The type, pitch and material of roofs.
- (5) The type, size and location of signs.
- (6) Landscaping and parking lot layout.
- (7) The relationship to other buildings and/or uses in the area.
- (8) The architectural treatment as related to any historical buildings or structures.
- (9) The location and treatment of the site as related to its natural setting including grading, cut and fills and preservation of trees and natural ground cover.

(d) Additional Standards Applicable to Shelter Cove Only

(1) Building Structural Design Standards

(a) Residences must be constructed to a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences.

(b) Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to the slopes or site conditions shall be exempt from this provision.

(c) A minimum roof overhang of twelve (12) inches (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structure. Gable ends may be excluded when approved as part of the design review process.

(d) Exterior walls and roofing material of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer's warranty certifying a minimum life of fifteen (15) years. Flammable roofing material such as wood shakes or shingles are not recommended.

(e) Procedure. When property is to be developed in a D Zone, the applicant shall submit the required data in accordance with subsection (c) to the Planning Department. The application shall be accompanied by a fee in the amount as established by Ordinance or Resolution of the Board of Supervisors.

The Reviewing Authority is empowered to approve and conditionally approve projects. Denials of any project by the Authority shall be referred to the Planning Commission for action.

If the applicant is not satisfied with the Reviewing Authority's action on any conditional approval, the application shall be referred to the Planning Commission for decision. The decision of the Planning Commission may be appealed to the Board of Supervisors as provided for in this section. (Amended by Ord. 1280 Sec. 2, 10/10/78)

(f) Building Permit Issuance. In no event shall building permits be issued in a D Zone until such plans have been approved or conditionally approved by the Reviewing Authority, Planning Commission, or Board of Supervisors. Designated local authorities shall notify the Planning Director on action taken on projects. The Planning Director shall take appropriate action to release building permits or refer to the Planning Commission.

(g) Destruction or Alteration of Designated Historical Buildings. No historical buildings as officially designated by the Board of Supervisors or their authorized County representatives in any D Zone shall be demolished, altered, improved, or otherwise changed in exterior appearance except as hereinafter provided:

(1) If any historical building is damaged by any act of God (including but not limited to earthquake or fire), the owner thereof may repair such building if he secures a permit from the Reviewing Authority.

(2) Any owner making any exterior alterations to a historical building shall submit plans and secure approval from the Reviewing Authority prior to construction.

(3) Any owner planning to demolish any historical building (as officially designated) shall provide notice of intention to the Board sixty (60) days in advance of any work on the project. Within the sixty (60) day period the Board shall determine whether Federal, State or local agencies or organizations can acquire the building and site or make other suitable arrangements with the owner.

(h) Annual Report. Designated Reviewing Authorities shall prepare an annual report to the County Planning Commission indicating the number of applications acted upon and a general description of the project. The annual report should be submitted to the Planning Director during the month of January. (Ord. 1058 Sec. 1, 12/16/75)

315-6. QUALIFIED COMBINING OR Q ZONE.

The Qualified Combining or Q Zone is intended to be combined with any principal zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the principal zone shall not be allowed with or without a use permit. The qualified uses shall be specified in the ordinance applying the Q Zone to specific property. (Ord. 1103 Sec. 1, 9/21/76)

315-7. MOBILEHOME COMBINING OR T ZONE.

The Mobilehome Combining or T Zone is intended to be combined with any residential or R Zone in which the location of mobilehomes is architecturally compatible with the existing development. The minimum land area to which a T Zone may be applied shall be four (4) acres or four (4) city blocks. The following regulations shall apply in the zone with which it is combined:

(a) Principal Permitted Uses:

- (1) All principal permitted uses for the zone with which it is combined.
- (2) Mobilehome when used in lieu of dwelling as provided in principal zone.

(b) Other Regulations:

- (1) Mobilehomes shall be completely enclosed at the ground level by suitable skirting or screening.
- (2) Adequate outdoor enclosure for miscellaneous material, supplies and storage.
- (3) Property shall be landscaped or maintained with attractive natural vegetation. (Ord. 519 Sec. 530 as added by Ord. 697 Sec. 2, 11/4/69; Ord. 1086 Sec. 16, 7/13/76)

## Section A314-57. D - DESIGN REVIEW

- A. **Purpose.** The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.
- B. **Applicability.** These regulations shall apply to lands designated "D" on the Zoning Maps. Solar collectors for on-site use are exempt from the design review requirements of this section.
- C. **Special Permit Required.** A Special Permit is required for all development subject to these regulations. The application for the permit shall be accompanied by a fee in the amount as established by ordinance or resolution of the Board of Supervisors.
- D. **Appointment and Composition of the Design Review Committee.** The Board of Supervisors may select any person(s) or organization who, in the opinion of the Board, is qualified to serve on the committee. Such person(s) must be devoid of any and all financial interest in the development application under consideration. The representatives of the Design Review Committee shall not exceed five (5) persons. In the absence of any Board of Supervisors' approved representatives, the Planning Director shall be the reviewing authority.
- E. **Design Review Standards.** Buildings, sites, structures, signs, landscaping, and similar development will be consistent with the policies of the General Plan and this Division, and the Design Review Committee shall take the following items under consideration in reviewing development plans:
- (1) The project is consistent and compatible with applicable elements of the General Plan.
    - (a) Within designated Coastal Scenic Areas, as mapped, measures are included in the project design so that it will be subordinate to the character of the surrounding setting;
    - (b) Within designated Coastal View Areas, as mapped, and where views from the public roads to the coast or coastal waterways are of concern, the height, width, and siting of structures, including setbacks from roads and parcel lines will be considered to retain as much of the existing view as possible; views from public trails, beaches, or public recreation areas into the development site will also be considered.
    - (c) Within Shelter Cove designated Coastal View areas, building heights may be increased one (1) foot for each two (2) feet of total additional side yard that is provided in excess of the required five (5) feet side yards, to a maximum allowable height of 24 feet; or, in order to provide an alternate method of providing view corridors, one side yard may be reduced to a minimum of zero feet where:
      - i. The opposite side yard provided equals ten (10) feet; and
      - ii. The adjacent property owner along the side yard being reduced agrees to a similar reduction along the common lot line; and
      - iii. The adjacent dwellings can meet building and energy code requirements for structures which are separated by less than ten (10) feet.

- (2) Protection of natural land forms through minimizing alterations caused by cutting, filling, grading or clearing, except to comply with fire hazard reduction laws.
  - (3) Exterior lighting that will be compatible with the surrounding setting and will not be directed beyond the boundaries of the parcel.
  - (4) Screening or softening the visual impact of new development through the use of vegetative plantings; if appropriate, species common to the area should be used. Known fire resistive plants should be considered where appropriate.
  - (5) Where feasible, new utilities should be underground. When above-ground facilities are the only feasible alternative, they should be sited as unobtrusively as possible.
  - (6) Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area.
  - (7) Off-premises signs, which are needed to direct visitors to permitted commercial recreation areas should be attractively designed in keeping with the surrounding setting and clustered at appropriate locations.
- F. Restrictions Applicable Within Designated Coastal View Areas. Within Coastal View Areas, as designated by the General Plan, new off-site signs are prohibited.
- G. Required Findings for Designated Coastal Scenic and Coastal View Areas. A Coastal Development Permit for development located within a designated Coastal Scenic or Coastal View Area shall only be approved if the applicable Resource Protection Impact Findings in Chapter 5 are made.
- H. Additional Standards Applicable to Shelter Cove Portions of South Coast Area Plan.
- (1) Building Structural Design Standards
    - (a) Residences must be constructed to a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences.
    - (b) Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to slopes or site conditions shall be exempt from this provision.
    - (c) A minimum roof overhang of twelve (12) inches (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structure. Gable ends may be excluded when approved as part of the design review process.
    - (d) Exterior walls and roofing materials of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer's warranty certifying a minimum life of fifteen (15) years. Flammable roofing material such as wood shakes or shingles are not recommended.

**EXHIBIT G**

**3.41G. SEPTIC SYSTEMS**

Sewage disposal systems placed on existing and proposed lots must meet all of the requirements of the Humboldt-Del Norte Department of Public Health and the Regional Water Quality Control Board.

**H. BEACH AND DUNES**

1. The use of beach and dunes is restricted to the following uses:
  - a. Nature study;
  - b. Resources restoration;
  - c. Passive recreation uses and development of minor recreational facilities such as hunting blinds; and
  - d. Vehicle use except as otherwise excluded by this document and that vehicle use shall not be permitted on vegetated dunes.

**3.42 VISUAL RESOURCE PROTECTION**

\*\*\* 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

\*\*\* 30253. New development shall:

- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

**A. PHYSICAL SCALE AND VISUAL COMPATIBILITY**

1. No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall be determinative in establishing the compatibility of the proposed development:
  - a. for proposed development within an urban limit as shown in the Area Plan, that such development meets all standards and zoning for the principal permitted use as designated in the plan
  - b. for proposed development not within an urban limit as shown in The Area Plan that such development meet all standards for the principal permitted use as designated in the plan and zoning, where such principal use is for detached residential, agricultural uses, or forestry activities

- c. for proposed development that is not the principal permitted use, or that is outside an urban limit and for other than detached residential, agricultural uses, or forestry activities, that the proposed development is compatible with the principal permitted use, and, in addition is either:
- (1) No greater in height or bulk than is permitted for the principal use, and is otherwise compatible with the styles and visible materials of existing development or landforms in the immediate neighborhood, where such development is visible from the nearest public road.
  - (2) Where the project cannot feasible conform to paragraph 1, and no other more feasible location exists, that the exterior design and landscaping be subject to a public hearing, at which the following findings shall be made:
    - (a) There is no less environmentally damaging feasible alternative location.
    - (b) That the proposed exterior design and landscaping are sufficient to assure compatibility with the physical scale established by surrounding development.

#### 3.42B. PROTECTION OF NATURAL LANDFORMS

1. Natural contours, including slope, visible contours of hilltops and treelines, bluffs and rock outcroppings, shall suffer the minimum feasible disturbance compatible with development of any permitted use, and the following standards shall at a minimum secure this objective:
  - a. Under any permitted alteration of natural landforms during construction, mineral extraction or other approved development, the topography shall be restored to as close to natural contours as possible, and the area planted with attractive vegetation common to the region.
  - b. In permitted development, land form alteration for access roads and public utilities shall be minimized by running hillside roads and utility corridors along natural contours where feasible, and the optional waiving of minimum street width requirements, where proposed development densities or use of one-way circulation patterns make this consistent with public safety, in order that necessary hillside roads may be as narrow as possible.

C. (Deleted prior to certification)

#### 3.42D. COASTAL VIEW AREAS

West of Lower Pacific Drive between Abalone Court and the drainage immediately north of Gull Point, no structure shall be over 20 feet in height unless expanded side yard view corridors are provided, as set forth by ordinance. Rear yard setbacks should be consistent with the present subdivision CCR (covenants, codes and restrictions). (Amended by Res. No. 85-81, 8/20/85).



#### 4.22 EXISTING USES

##### A. "NORTH" SOUTH COAST

This area, primarily agricultural land with a mixture of timbered areas, has a history of agricultural use that extends over more than the last century. This area has a number of agricultural (Williamson Act) preserves and is typically made up of large ranches in excess of 700 acres held by the same families that settled the area. Although there are some new owners (having been around for less than 50 years), the ownership pattern has remained stable with little or no subdivision of these lands to date.

The existing large parcel sizes reflect the nature of these agricultural operations. Using non-prime soils, stock grazing operations require much larger farm units than prime soils. Stock predation by coyotes and dogs has changed the stock mix towards more beef and less sheep and have reduced the return to the operator.

##### B. KING RANGE NATIONAL CONSERVATION AREA

From the Mattole River south to the County line, the Bureau of Land Management (BLM) is responsible for over 50,000 acres of land designated for multiple use through a zone management program developed and administered by the Bureau of Land Management. Recreational, agricultural and timber related uses are combined in this area to provide maximum benefit to all users while protecting and enhancing sensitive resources. There is an ongoing acquisition/exchange program to bring the remaining private lands into Federal ownership, and the management plan is revised and updated on a regular basis.

##### C. SHELTER COVE

This is the single urban scale area in this coastal Planning Area. There have been three subdivisions at Shelter Cove consisting of 20, 1,138 and 21,000 acres respectively, all of which are highly undeveloped. There are presently 62 dwellings in the Coastal Zone portion of this area with two motels, two restaurants, a recreational vehicle park and a developing harbor under the control of the Humboldt Bay Harbor Recreation and Conservation District. Initial improvements to the harbor facilities have recently been completed and the Shelter Cove Harbor Planning Committee is presently working on a mooring program and assessing needs for on-shore support facilities.

The Humboldt Resort Improvement District #1 is the service provider for this entire area as a result of the recent annexation of lands around the Cove itself. The District provides water, sewer, electrical power, fire and rescue protection, and recreation. The District is authorized, but currently does not provide, police protection, mosquito abatement and garbage collection.

#### 4.23 PROPOSED LAND USES

The Land Use proposals for this area are based entirely on the existing uses and the application of the policies in Chapter 3 to provide protection for agricultural lands from inappropriate development (primarily rural subdivision), the continued management of public lands and the continuing development of the urban area at Shelter Cove.

##### A. "NORTH" SOUTH COAST

The application of larger minimum parcel sizes will preclude subdivision of these grazing lands and the intrusion of rural development which has caused major problems for agricultural

operators in the past. The expanded definition of permitted development will remove some, if not most, of the permit requirements for uses that are agriculture related, including the provision of "cottage industries." The overall intent is to provide increased protection from outside interference with agriculture by eliminating both rural subdivisions and unnecessary permit requirements.

#### B. KING RANGE NATIONAL CONSERVATION AREA

The proposals, primarily contained in the Chapter 3 policies, provide additional guidance for the continued management of the area by the Bureau of Land Management (BLM). The shoreline area is designated as the Coastal Trail and BLM has been delegated the responsibility to coordinate with other agencies to provide for the management, consistent with these plan policies, of other Federal lands within this planning area (Cape Mendocino Lighthouse). BLM stream rehabilitation projects are permitted in the Chapter 3 policies, and specific guidance for the continuing acquisition program is also included.

#### C. SHELTER COVE

The Land Use Plan for the Shelter Cove Sea Park subdivision and other urban areas was largely left the way it was proposed in 1965.

These policies are based on a compromise to provide multiple use for significant archaeological protection, coastal view protection and access enhancement. One area adjacent to BLM ownership at Big Black Sand Beach was proposed for acquisition and management to increase access while decreasing the existing conflict with private property through the inappropriate and largely uncontrolled use of this area. The other major Land Use change is the redesignation of present General Commercial areas (CG) to Commercial Recreational (CR) to provide for coastal dependent recreational, visitor serving and harbor related development.

#### 4.30 ACCESS: South Coast Access Inventory and Development Recommendations

Consistent with the requirements of the California Constitution and the Coastal Act of 1976, "maximum access and recreational opportunities shall be provided for all the people." Based on the inventory and mapping of actual and potential access provided by the Coastal Commission, the review of access ways provided in Chapter 3 and the discussion generated in the workshops, the South Coast Access Component is included herein.

66. Cape Mendocino - The public land at Cape Mendocino should be improved under the management of BLM to provide vista point and historical interest site improvements, including, but limited to: access road and parking improvements and fencing.
67. Singley Creek to McNutt Gulch - This site is located where southbound Mattole Road drops down to the ocean shoreline at Singley Creek and stays near the shoreline for six miles before bearing eastward up McNutt Gulch. In a recent out-of-court settlement of an access suit, the land owner has provided for four vertical access points ranging from 20 to 50 feet wide. All other areas have private property between the road and the sea. The area is generally flat and 5-10 parking places could easily be established at each access point. Pedestrian access to the primarily sandy beach could be reached all along the six-mile stretch from the selected sites scattered along the distance.

# EXHIBIT H




November 24, 1997

Ms. Linda Yates  
P.O. Box 537  
Whitethorn, California 95589

Linda,

This letter is to follow up our conversation of November 21. Homes built by Nashua Homes of Idaho, Inc. are constructed to withstand a wind load rating of 15 pounds per square foot. This translates to a wind blowing approximately 73 miles per hour. If there are any further questions please feel free to contact this office.

Sincerely,



Kenneth L Nash  
Engineering Manager  
Nashua Homes of Idaho, Inc.

# EXHIBIT I

MINIMUM DESIGN LOADS (PSF)

COUNTY	ADDRESS	TELEPHONE	CHIEF BUILDING OFFICIAL	REGION	MINIMUM DESIGN LOADS (PSF)					LOCAL MHP ENF
					MIN ELEVATION	MAX ELEVATION	SNOW	AREA	WIND	
CALIFORNIA S. DORADO (CONT.)			Pilot Hill 25#				70	Pacific House		
							260	Union Valley		
							145	Tahoe Basin Central		
							300	Strawberry		
							145-	Tahoe Basin -		
		185	So. & W. Shore							
RESNO	2220 Tulare, 6th. Floor Fresno 93721	(209) 453-5029	Ray G. Collier	2		8170	250	Tamarack	70	No
							27	Courtright	70	
							50	Miramonte	70	
							150	Hume Lake	70	
						7200	225	Huntington Lake	70	
							50	Meadow Lake	70	
							150	Sequoia Lake	70	
						5370	150	Shaver Lake	70	
							275	Wishon Village	70	
							100	Camp Sierra	70	
	Below	3000	20	Balance Co.	15					
ELLEN	125 South Murdock Willows 95988	(916) 934-6546	William L. Quint	1	137	5500	20	All Areas	15	No
UMBOLDT	3015 H St., Rm. 2 Eureka 95501	(707) 445-7245	Todd Sobolik	1	0	2000	20		20	No
					2001	3000	25		20	
					3000	4000	30		20	
					4001	5000	35		20	
IMPERIAL	939 Main Street El Centro 92243	(619) 339-4236	Jurg Neuberger	1		-100/4000	20		20	Yes
INYO	207 West South Street Bishop 93514	(619) 873-7858	Ralph Denio	2		-282/14495	0	Death Valley	15	Yes
							20	Little Lake	15	
							10	Independence	15	
	Inyo Co. Courthouse 168 North Edwards Street P.O. Box 9	(619) 878-0215	Michael S. Conklin				40	Big Pine	15	
							40	Bishop	15	
							40	Starlite	15	

# EXHIBIT J

PETITION OPPOSING MANUFACTURED/MOBILE HOMES IN SHELTER COVE

THIS PETITION IS IN OPPOSITION TO MANUFACTURED/MOBILE HOMES BEING INSTALLED IN SHELTER COVE FOR THE FOLLOWING REASONS: IN DIRECT CONFLICT WITH SECTION A314-57 DESIGN REVIEW, NOT COMPATIBLE OR CONSISTENT WITH EXISTING STRUCTURES; COUNTY ZONING: THIS IS NOW A 315-7 MOBILEHOME COMBINING OR T-ZONE; WIND ZONE AREA: WINDS IN SHELTER COVE CAN EXCEED 100MPH; ZONING CLASSIFICATION: THIS IS A R-3 ZONED AREA; DEVALUATION OF PROPERTY VALUES; FIRE SAFETY ISSUES.

<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
P. ROBERT AMERIS	<i>P. Robert Amaris</i>	32 Seafair Rd. S.E.
ALMAN L. HOFFEMAN	<i>Alman L. Hoffeman</i>	173 Seafair Rd. S.E.
W. H. TOBELER	<i>W. H. Tobeler</i>	181 SEAVIEW
JEAN TOBELER	<i>Jean Tobeler</i>	✓ ✓
Peter Macken	<i>Peter Macken</i>	601 Redwood Rd.
KENN DART	<i>Kenn Dart</i>	5880 CAMINO RD
KEN WEBSTER	<i>Ken Webster</i>	554 Redwood Rd
Cynthia Telfer Smollett	<i>Cynthia Telfer Smollett</i>	461 Machi Road
David Telfer Smollett	<i>D. TELFER Smollett</i>	461 Machi Rd
LES WANDEL	<i>Les Wandel</i>	905 LOWER PACIFIC
Ruth WANDEL	<i>Ruth Wandel</i>	905 Lower Pacific
MARTIN H. MANNING JR	<i>Martin H. Manning Jr</i>	8141 SHELTER COVE RD
MARY RAFFERTY	<i>Mary Rafferty</i>	50 PARKVIEW
TEMPER ASHWOOD	<i>Temper Ashwood</i>	578 HILLSIDE DR
Reba E Selk	<i>Reba E Selk</i>	36 S. Hoken Rd
JOE LOPES	<i>Joe Lopes</i>	96 SHAKER RD
JANET LOPES	<i>Janet Lopes</i>	96 SHAKER RD
William Rourke	<i>William Rourke</i>	55 Ridgeway Circle
MARY LEE ROURKE	<i>Mary Lee Rourke</i>	55 Ridgeway Cir.
Sandra Selby	<i>Sandra Selby</i>	73 Ridgeway Cir
Diane Turner	<i>Diane Turner</i>	631 Redwood Dr.









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<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
Gerald Vonderthe	Gerald Vonderthe	1066 Lower Pacific
Kathleen Vonderthe	Kathleen Vonderthe	Same
JAY S. RIFEY	Jay S. Rife	50 PARKVIEW RD
BLUCE WIKSTER	Bluce Wikster	391 Lower Pacific Dr.
Carly Cole	Carly Cole	21 Madrone
DENISE PAYNE	Denise Payne	31 ANTLER COURT
MARKEN PAYNE	Marken Payne	31 Antler Ct. S.
IONE M LEAP	Ione M Leap	75 Pine Ct
FRED LUNOGUIST	Fred Lunogvist	160 MADRONE RD
Pearl HURT	Pearl Hurt	274 Hobble Rd.
DICK VANDERPOOL	Dick Vanderpool	36 DULHARD DR
Jim Mitchell	James Mitchell	689 - Beach Rd
David Selby	David Selby	73 Redglen Cir.
DICK CARPENTER	Dick Carpenter	312 Redwood St
Carol Carpenter	Carol Carpenter	312 Redwood St
Toby Toteler	Toby Toteler	181 Seaview
Bra Vanderpool	Bra Vanderpool	36 Dulhard
Marilyn Machi	Marilyn Machi	245 Machi Rd
WILLIAM WEDEL	W. Wedel	30 Seaview Point
HERMINA WEDEL	Hermina E. Wedel	30 Seaview Point
Ben Anderson	Ben Anderson	260 Tauldis Ct

PETITION OPPOSING MANUFACTURED/MOBILE HOMES IN SHELTER COVE

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PRINTED NAME

SIGNATURE

ADDRESS

<u>WALTER PRINCE</u>	<u>[Signature]</u>	<u>18269 BOUCELAND / THORN RD. WHITEHOCK NJ 08552</u>
<u>KATHY PRINCE</u>	<u>[Signature]</u>	<u>" " "</u>
<u>ROBERT PRINCE</u>	<u>[Signature]</u>	<u>" " "</u>
<u>NANCY A RICE</u>	<u>[Signature]</u>	<u>539 MUSTGRAT 3201 VIA GRANDE</u>
<u>VAN C. FOSTER</u>	<u>[Signature]</u>	<u>539 MUSTGRAT</u>
<u>PAREN H. SHEETS</u>	<u>[Signature]</u>	<u>2057 BURTON ST #20</u>
<u>RONALD L. CLARK</u>	<u>[Signature]</u>	<u>322 PARKVIEW RD</u>

HERE ARE THE ADDITIONAL NAMES OF PROPERTY OWNERS WHO SIGNED  
THE ORIGINAL PETITION LETTER FILED WITH THE SEPTEMBER 4, 1997  
PLANNING COMMISSION MEETING:

Earl and Ruth Baccus, 73 Cattle Court, Shelter Cove

R. Kevin Dyer, 290 Hemlock Road, Shelter Cove

James Schmitt, 148 Dolphin Drive (owner of the Ocean Inn Bed & Breakfast), Shelter  
Cove

FloAnn Ghigliazza, 9409 Shelter Cove Rd., Shelter Cove

Barbara and James Huggins, 61 Vance Road, Shelter Cove

Don and Carole Estes, 76 Bambi Drive, Shelter Cove

Thomas and Yvonne Bellamy, 153 Seaview Road, Shelter Cove

Roy C. McKenna, 589 Spring Road, Shelter Cove

Melvin and Arlyne Gruenhagen, 870 Upper Pacific Dr. (owner of one of the homes listed  
as a comparable on the Neighborhood Design Survey)

D. D. Ewoldt, Sr., 40 High Court, Shelter Cove

Don Lowell Johnson, 124 Shaker Road, Shelter Cove

John Fitzgerald, 280 Bambi Drive, Shelter Cove

LaDonna Byers, 10 Telegraph Creek Road, Shelter Cove

Dr. David Hubbell, M. D. and Rosemary Hubbell, 505 Sea Court, Shelter Cove

Todd and Pamela Phelps, 877 Lower Pacific Drive, Shelter Cove

EXHIBIT K

the discretion of the local legislative body, the city or county may preclude installation of a manufactured home in zones specified in this section if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the mobilehome in the affected zone. In no case may a city, including a charter city, county, or city and county, apply any development standards which will have the effect of precluding manufactured homes from being installed as permanent residences.

(b) At the discretion of the local legislative body, any place, building, structure, or other object having a special character or special historical interest or value, which is regulated by a legislative body pursuant to Section 37361, may be exempted from this section provided the place, building, structure, or other object is listed on the National Register of Historic Places.

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#### CHAPTER 1572

An act to add Section 65852.4 to the Government Code, relating to land use.

[Approved by Governor September 30, 1988. Filed with Secretary of State September 30, 1988.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 65852.4 is added to the Government Code, to read:

65852.4. A city, including a charter city, a county, or a city and county, shall not subject an application to locate or install a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on a lot zoned for a single-family residential dwelling, to any administrative permit, planning, or development process or requirement, which is not identical to the administrative permit, planning, or development process or requirement which would be imposed on a conventional single-family residential dwelling on the same lot. However, a city, including a charter city, county, or city and county, may require the application to comply with the city's, county's, or city and county's architectural requirements permitted by Section 65852.3 even if the architectural requirements are not required of conventional single-family residential dwellings.



RECEIVED  
MAY 26 1998

CALIFORNIA  
COASTAL COMMISSION

May 24, 1998

Mr. Robert Merrill, Chief of Permits  
California Coastal Commission  
North Coast Area  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Dear Mr. Merrill:

RE: Appeal No. A-1-HUM-98-008, APN #109-362-24

Only a few months ago winds of over 100mph ripped through Shelter Cove, uprooting huge trees and causing damage to many homes. Unfortunately such high winds are not a rare fluke of nature, but a common occurrence here.

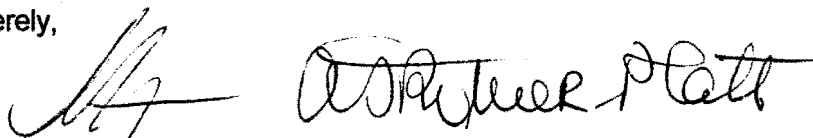
So far, strict building regulations and Coastal Commission requirements have prevented unsafe structures from being erected in Shelter Cove. But somehow a mobile home plan slipped through the various agencies at the County, and we face the risk of this becoming a dangerous precedent.

All over the country mobile home parks are the first victims of nature's disasters. Numerous people have been injured and killed when high winds tore apart their prefab homes.

We strongly urge you to deny approval of the construction of a mobile home in Shelter Cove. This area is highly prone to earthquakes as well as gale-force winds. Let's prevent tragedies.

Development has been slow in Shelter Cove. This was not the intention of the planners of the community, but it turned out to be the best way. A building frenzy would undoubtedly have created an overgrown city with its share of monstrosities. Shelter Cove has developed gently and slowly. The homes that have been built over the last few years are nice homes that do not conflict with nature and the beauty of the ocean. We would like to keep it that way. Let's not turn Shelter Cove into a Long Beach mobile home park, or a beach bum dump.

Sincerely,



Janine and Alan Platt  
Lot 16 Wave Drive  
Shelter Cove, CA

152 Virginia Lane  
Alamo, CA 94507

EXHIBIT NO.	10
APPLICATION NO.	A-1-HUM-98-8(JONES)
Correspondence	

GERMAINE A. MICHELS

Phone (408)384-7908

347 Carmel Avenue, Space 9  
Marina, California 93933

May 8, 1998

Bob Merrill,  
California Coastal Commission  
45 Fremont St, Ste. 2000  
San Francisco, CA 94105-2219

RECEIVED  
MAY 13 1998  
CALIFORNIA  
COASTAL COMMISSION

RE: LONG BEACH HEARING: SCPOA (of HUMBOLDT COUNTY) held April 1998

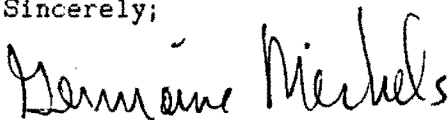
Dear Mr. Merrill;

I have learned that you officiated at the hearing held by SCPOA (Shelter Cove Property Owners Assoc.) of HUMBOLDT COUNTY with regard to allowing a Mobile Home less than 10 years old into the Shelter Cove Community. The hearing was to be held in Long Beach some time in April of this year.

I contacted your voice mail in April to let you know that I was opposed to their action. I also am a Shelter Cove property owner, pay the same assessments as the residents do so would have liked a voice in the decision, but realize that it may be too late at this point. I am far from being the only SCPOA member opposed to the purpose of their hearing, of trying to force a gentleman from moving his manufactured home into the community. As you know, State Law allows it as long as all conditions are met and his plans to move it on to his lot already were passed by the county.

I would like a mailing of the decision reached and the reasons for the decision to my above address. I understand that I am within my rights in requesting this information

Sincerely;



Germaine Michels  
(owner, lot 2, blk 236, Shelter Cove)

May 6, 1998  
1162 A Waring Street  
Seaside, CA 93955-6020  
408-393-1679

RECEIVED  
MAY 08 1998  
CALIFORNIA  
COASTAL COMMISSION

Chairman Rusty Areias  
California Coastal Commission  
1400 "N" Street, Suite 9  
Sacramento, CA 95814

✓ California Coastal Commission  
North Coast and Headquarters  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

California Coastal Commission  
Legislative Office  
926 "J" Street, Suite 416  
Sacramento, Ca 95814

Dear Chairman Areias and Commissioners,

This letter is in reference to an item on your May 12, 1998 meeting agenda, now shown as postponed:

Appeal No. A-1-98-8 (Jones, Humboldt Co.) Appeal by Linda Yates from decision of County of Humboldt granting permit with conditions to Richard Jones for 1,352 sq.ft. manufactured home with four on-site parking spots, at 807 Upper Pacific Drive, Shelter Cove, Humboldt County.  
(RSM-E) [POSTPONED]

I have owned property at Shelter Cove since 1969, with hopes of building there some day. I am very much against the inclusion of manufactured homes. Please consider closely what manufactured homes can do to this pristine area. For many years, our CC&Rs prevented this type of structure. I will be attending the Shelter Cove Property Owners Association meeting this month, and sincerely hope we can reinstate the CC&Rs to once again disallow anything that is not 2/3 exterior wood.

Please contact me if you need any further information on my status as property owner in Humboldt County. I am also a property owner in Monterey County.

Sincerely,

  
Stephanie Booth

RECEIVED

MAY 04 1998

CALIFORNIA  
COASTAL COMMISSION

April 28<sup>th</sup>, 1998

Dear Coastal Commissioners

My name is Robert Porteous and I am writing this letter to state my full support for Richard Jones Case # A-1-98-8 and his request for permission to complete his plans and dreams to have installed on his property. A manufactured home.

I believe that a person has the right to do with their property what they choose, as long as they comply with the building requirements of Humboldt County.

At a prior hearing on this applicant, Richard Jones, there was opposition to his project. The speaker Linda Yates stated, "it would be a blight to the area." Her property is so far removed from this project's location, they would never have to see it.

I believe now that this same Linda Yates is president of a group called "Shelter Cove Property Owners Association (SCOPA)". Let me say this group (SCOPA) does not speak for or represent the owners of property in Shelter Cove. It is a group with name only and an agenda to do what the president & officers call "in our best interest". This is not so.

Ms. Yates sells real estate and her live in partner is a handyman in the cove, their self-interest speaks for itself.

In Shelter Cove we now have many manufactured homes and they have been here many years. We even have a mobile home here not even on a foundation; but, piers built out of stepping stones and cinder blocks (no cement)

My question to Ms Yates and her (Scopa) group is this, "What is a manufactured home?"

Many of these homes mentioned above are kit home, some have trusses built elsewhere and trucked in, some are log homes made elsewhere and trucked to the cove and some are packaged homes. To sum up this paragraph, Oregon, Washington and even California have plenty of manufactured homes build to code and trucked to their final resting place along the coast.

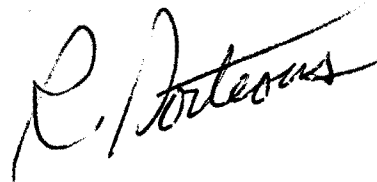
Many months ago, Ms. Yates drove past the home I was building and asked me to sign a petition stating that I was against a mobile home in the cove. After she showed me a picture of Mr. Jones future home, I refused to sign her petition against him as I saw the picture was not a mobile home or trailer as she had stated.

My property ( see enclosed map) is very close to Mr. Jones property. There are some closer, but none of the (SCPOA) officers are close to Mr. Jones property.

I have never met Mr. Jones or anyone who speaks or represents him, but I ask the Coastal Commission to do your job. Don't be swayed by an angry mob or an attorney trying to earn their retainer.

Thank you,

A shelter Cove Resident  
Robert Porteous  
111 Albatross Road  
Shelter Cove, CA 95589  
707-986-7443



P.S. I hate writing letters. I just had to state my feelings. I also hope you do not have to make this letter public, as I would hate to see rocks through my windows and my tires slashed.



February 5, 1998

Dear Property Owner:

You may or may not be aware of a project underway, to be located on Upper Pacific Drive, said project to be the installation of a manufactured home, AKA mobile home. This project has been protested both at the Planning Commission level and the Board of Supervisors level. At this time, the project is being appealed to the California Coastal Commission, which is in the process of reviewing the entire application. The Public Hearing before the Coastal Commission is scheduled for March, at the earliest.

Our original C C and R's prohibited development of this nature. The Planning Commission and Board of Supervisors conditionally approved of this project based upon a California Civil Code 714.5 and Assembly Bill 2827, which states in part that subdivisions cannot discriminate against manufactured homes. However, this subdivision was created in 1965, long before these laws went into effect. Among many other arguments presented to both entities, they declined to listen to any of the facts presented to them.

We feel that action must be taken as soon as possible, and the property owners are in need of legal representation to insure all possible avenues have been taken to protect and preserve our rights, i.e. our right to C C & R's that run with the land, our right to protect our property values, and our right to maintain our community integrity. If we do not prevent this precedence from occurring, and the law is taken in its literal translation, up to 10 year old mobile homes would be allowed. What happened to structural requirements, design standards, and building codes? **ANYTHING GOES NOW?!**

On February 19th the Property Owners Association Board of Directors will be meeting at 1580 Upper Pacific Dr., in the Porter Building, at 7pm. On the Agenda will be a presentation of the facts so far obtained, bring the board up to date, and request that an attorney be employed to represent us at the Coastal Commission hearing. We would ask that anyone interested in this very important meeting and subject, please attend. All of your input, ideas, and concerns are welcome and appreciated. This is our home, where we all decided to build our lovely homes, to live in an area so pristine. Let us not forget this, and our rights. Please attend this very important meeting. Remember, it is your Cove too!

If you cannot attend, you can address your concerns in writing and send to: Shelter Cove Property Owners Association, 9126B Shelter Cove Rd., Whitethorn, CA. 95589.

**FEB. 19, 7PM, PORTER BLDG.**

RE APN 109-362-24  
Humboldt Co.

Mrs. W. G. Toland  
10 Madeleine Lane  
San Rafael, California 94901

RECEIVED  
MAR 19 1998

Coastal Commission  
45 Fremont St. - Suite 2000  
San Francisco Ca 94105-2219

CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Merrill

Thank you so much for  
returning my call so promptly.

I am enclosing the letter  
which was sent out to some  
members of the <sup>Shelton Cove</sup> Property Owners  
Association. I am a member.

Dues are delinquent March 1 of  
each year. I was a current  
member.

note there is no sender  
address although 'concerns' can  
be written to Sh. Cove Prop. Assoc.  
The implication is that Property  
owners associations send the  
message. It did not.

note line 2 "AKA Mobile  
Homes"

I am also enclosing a copy of the Shelter Cove Property Owners Association news letter. I have underlined what may be of interest to you on page 1, page 3 and 4.

Page 1 delicately describes the meeting on Feb 19<sup>th</sup> 1998.

Page 3 + top of 4 concern membership when it says current paid Household Members: this is not "houses in Shelter Cove. This is membership including houses and lot owners. There are about 180 - 200 houses in Shelter Cove now some of which are "spec" houses for sale and others regular sale houses by owner. The second member is a husband or wife or "significant other" or anyone else who lives at this address.

The interesting figure is that only 42 members plus 3 T 2<sup>nd</sup> members have Shelter Cove zip addresses. Two members from the same address have 2 votes; 3 have 3 votes  
Page 4 shows resignations of board members after the meeting.



Mrs. W. G. Toland  
10 Madeleine Lane  
San Rafael, California 94901

Wish my hand writing was better.  
hope you have been able to  
read this.

And I hope this helps  
you to come to some  
reasonable solution for these  
problems.

It seems to me that  
the real test should be the  
integrity of the building and  
if the owners want it - an  
architectural review board.  
Altho in the present climate  
I'm not sure who would  
take this on except our  
resident architect Robert  
Lamorris who <sup>according to my friend</sup> was one of  
the vociferous ones at the  
meeting! -

Sincerely,

Mary Toland

I am sending an unmarked copy (over)

in case you need to make copies  
with your own notations

RECEIVED

MAR 03 1998

CALIFORNIA  
COASTAL COMMISSION

March 3, 1998

Mr. Robert Merrill  
California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA. 94105-2219

RE: Appeal No. A-1-HUM-98-08

Dear Mr. Merrill:

I am sending additional information for your review on the above appeal as follows:

Hurricane and Natural Disaster Brochure, taken from the Internet, and published by the National Oceanic and Atmospheric Administration, stating mobilehomes are particularly vulnerable to hurricane winds, which are 74 miles per hour or more. Recent and past history clearly shows that our area is definitely vulnerable.

A letter, sent by P. Robert Lameris, licensed Architect, to Mr. Kirk Girard, Planning Director, dated December 30, 1997.

A Bulletin issued by the Resort Improvement District No. 1, dated February 1, 1998, second paragraph states the present condition of the existing sewer plant at full capacity. A mass development of the mobilehome type may prove to have a negative impact on Shelter Cove.

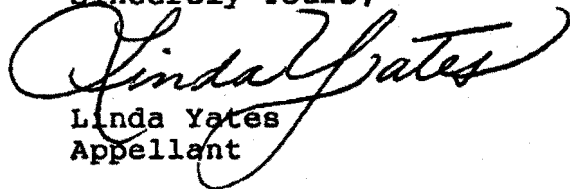
I would like to ask the following questions.

1. Have you received the tapes of the Planning Commission Meeting of September 4, 1997 and the Board of Supervisors Meeting of December 2, 1997? I ordered a tape last Monday, and I received a telephone call from the Clerks office, stating the tape is ready. I will pick my copy up on Friday, however, the time was one week in preparing this tape.

2. When will be the deadline for submitting additional information to you for preparing Staff Report to be submitted to the Coastal Commission?

Thank you, in advance, for your attention to these questions. My office and fax number is 707-986-7647. I look forward to hearing from you at your earliest convenience.

Sincerely Yours,

A handwritten signature in cursive script that reads "Linda Yates". The signature is written in dark ink and is positioned above the typed name and title.

Linda Yates  
Appellant

ly  
enc.

**NOAA Miami Library****Hurricane and Natural Disaster Brochures**

**NOAA Miami Regional  
Library at the National  
Hurricane Center/Tropical  
Prediction Center**

**Hurricanes....unleashing nature's fury: A PREPAREDNESS GUIDE**

These brochures were produced by the National Oceanic and Atmospheric Administration and The National Weather Service in cooperation with the American Red Cross and FEMA. The NOAA Miami Regional Library administers the National Hurricane Center Library

**WINDS**

The winds of a hurricane by definition 74 miles an hour or more can be very dangerous. For some structures, wind force is sufficient to cause destruction. Mobile homes are particularly vulnerable to hurricane winds. Some hurricanes spawn tornadoes which contribute to incredible destruction. The greatest threat from a hurricane's winds is their cargo of debris, a deadly barrage of flying missiles such as lawn furniture, signs, roofing, and metal siding.

**ACTION CHECKLIST**

Here is a list of the many things to consider before, during and after a hurricane. Some of the safety rules will make things easier for you during a hurricane. All are important and could help save your life and the lives of others.

**Stay or Leave?**

When a hurricane threatens your area, you will have to make the decision whether you should evacuate or whether you can ride out the storm in safety at home.

If local authorities recommend evacuation, you should leave! Their advice is based on knowledge of

the strength of the storm and its potential for death and destruction.

In general:

If you live on the coastline or offshore islands, plan to leave.

If you live in a mobile home, plan to leave.

If you live near a river or in a flood plain, plan to leave.

If you live on high ground, away from coastal beaches, consider staying. In any case, the ultimate decision to stay or leave will be yours. Study the following list and carefully consider the factors involved especially the items pertaining to storm surge.

**At Beginning of Hurricane Season (June) Make Plans for Action**

Learn the storm surge history and elevation of your area

Learn safe routes inland

Learn location of official shelters

Determine where to move your boat in an emergency

Trim back dead wood from trees

Check for loose rain gutters and down spouts

If shutters do not protect windows stock boards to cover glass.

**When a Hurricane Watch is Issued for Your Area**

Check often for official bulletins on radio, TV, or NOAA Weather Radio

Fuel car

Check mobile home tie-downs

Moor small craft or move to safe shelter

Stock up on canned provisions

Check supplies of special medicines and drugs

Check batteries for radio and flashlights

Secure lawn furniture and other loose material outdoors

Tape, board, or shutter windows to prevent shattering

Wedge sliding glass doors to prevent their lifting from their tracks

**When a Hurricane Warning is Issued for Your Area**

Stayed turned to radio, TV, or NOAA Weather Radio for official bulletins

Stay home if sturdy and on high ground Board up garage and porch doors

Move valuables to upper floors

Bring in pets

Fill containers (bathtub) with several days supply of drinking water

Turn up refrigerator to maximum cold and don't open unless necessary

Use phone only for emergencies

Stay indoors on the downwind side of house away from windows

Beware of the eye of the hurricane

Leave mobile homes

Leave areas which might be affected by storm tide or stream flooding

Leave early in daylight if possible

Shut off water and electricity at main stations

Take small valuables and papers but travel light

Leave food and water for pets (shelters will not take them)

Lock up house

Drive carefully to nearest designated shelter using recommended evacuation routes.



**P. Robert Laméris**

M. Sc. Arch.

M. Arch. Urban Design

Healing House Design

32 Seafoam Road  
Shelter Cove, CA 95589  
707-986-7398

Shelter Cove,  
December 30, 1997

Mr. Kirk Girard, Planning Director  
County of Humboldt  
3015 H Street  
EUREKA  
CA. 95501

Re: Trailered Structures in Shelter Cove.

Dear Kirk,

I am impressed with the Housing Element package, which awaits approval by the Planning Commission. Several of the measures make a lot of sense. I generally am in favor of all common sense improvements to regulations, and I provide feedback on existing Zoning Ordinances, which are my guidelines for design.

With regard to "Permanent Trailered Structures" the following comments may be of assistance:

- a. Permanent trailered structures do not meet applicable County Building Regulations. They do not meet the Uniform Building Code, cannot be processed by the Building Department except for the foundation design, and are inferior in quality and structural integrity to built to UBC custom structures.
- b. Because of the slope of terrain the "Trailered Structures" often require unusually high foundation walls, which set these structures apart from custom buildings adapted to topography and site conditions. Therefore these structures, in a subdivision setting, present quite a different image than other existing buildings.
- c. Existing Coastal Zoning Regulations and Design Review procedures should be adequate-with proper care- to handle "Permanent Trailered Structures". In addition some design review regulations should be added. They should deal with exposed foundation wall heights, roof slopes and quality of materials. Configuration on site is harder to touch sensibly.
- d. The issue of "Permanent Trailered Structures" is important to the community of Shelter Cove, because of devaluation of property values. But it is a limited issue, since the King Range is prohibitive to transport of lengthy structures.

Therefore I propose that Manufactured Housing, Mobile Homes or other Trailers be screened properly in accordance with existing regulations, and be prohibited under the following conditions:



1. The Q zone protects neighboring property and existing water and public road systems from inappropriate recreational and residential development. No temporary or recreational housing accessory buildings, or open storage are allowed. In this sensitive setting trailered structures also project an inappropriate image, because of poor site adaptation, high foundation walls, etc.
2. Over ten(10) percent slope on site, the resulting foundation walls will run above six(6) feet. Mitigation by introducing fill material to the site is limited, since the site dimensions (50 x 100 ft) leave not enough room for extensive mitigation. Many of the sites in Shelter Cove have terrain with more than 15 % slope. The Building Inspector notes this in his Pre-Site Inspection Form. Slopes of that magnitude result in eight(8) to ten(10) feet high foundation walls on the far end of the trailered structures. This is hard to conceal.
3. Therefore Design Review cannot equal Trailered Structures with any other building type. Trailers are unique in their character, and quite separate from even the clumsiest of other structures. When the Building Inspector notes: "no other trailers in Shelter Cove", the message is that you are dealing with a unique proposal, which should be adequately documented and can be rejected for non-compatibility with existing structures. Permanent trailered structures are best located in special trailer/mobile home parks. Shelter Cove was not intended to serve as such, not in part and not as a whole.

How Permanent Trailered Structures should be processed by the Planning Department may be not clear. The Coastal Zoning Regulations Section A314-25. NON CONFORMING USES AND STRUCTURES applies to all non-conforming uses and structures constructed in conformance with applicable County Building Regulations.

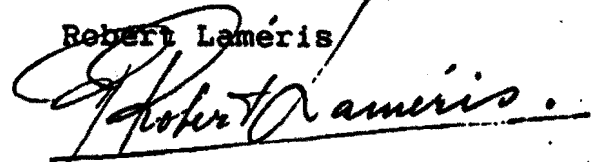
The Industry Factsheets show clearly that Trailered Structures do not meet Uniform Building Code structural requirements. Walls are made to withstand 15 psf windloads, while coastal exposure requires 25 psf, or within one quarter mile from the ocean 30.7 psf. Theoretically beefed-up Structures could make the trailers qualify for the Non-Conforming Structures category. The Building Department may have their requirements for the trailers inland and maybe on the coast.

In other jurisdictions the screening of Trailered Structures has been given to specialists. The screening is equal to built to Code structures. The material submitted is comparable to plan-check drawings, and discloses in honesty the real features.

Hopefully these observations are helpful towards adequately processing Trailered Structures. If you have further questions or if I can be of reference to your Department, please do not hesitate to call on me.

With my very best wishes ,

Robert Laméris



**RESORT IMPROVEMENT DISTRICT NO. 1  
SHELTER COVE**

**WASTEWATER TREATMENT AND DISPOSAL FACILITY IMPROVEMENT  
PROPERTY OWNER INFORMATION**

February 1, 1998

Information Letter No. 2

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Our October 1997 mailing to you covered the need, site selection, design and funding process. This correspondence is offered in response to your comments and to provide further information.

There are two major reasons for building a new sewer plant: The first is that the current plant is functioning at full capacity and a building moratorium may face property owners who have not yet built; the second is the hazardous location of the current plant—it is subject to catastrophic failure, primarily by ocean effects, which could shut down the entire system.

We have worked very hard to minimize costs by pursuing State grants and low-interest loans, and repayment costs must be borne by all those who benefit.

Currently, the total project cost is estimated to be \$3.5 Million based on a 90% design completion. State grant and low-interest loan commitments are anticipated to be: \$1.5 Million from grant money, \$1 Million from a State low-interest (2.8%) loan, and \$1 Million at approximately 7% (to cover costs not eligible for grant or loan monies). The low-interest loan and non-eligible costs will be repaid through the assessment we are seeking.

The existing Golf Course Clubhouse will be remodeled and incorporated into the new sewer plant control building. A new Clubhouse will be constructed using existing District funds. New Clubhouse construction costs are not included in the proposed assessment.

You will soon receive a formal assessment notice and ballot for each parcel you own in the sewered area of Shelter Cove. It is important that you take the time to vote because the success or failure of this project depends on the ballots returned.

The assessment may be paid in full, in cash, or it will appear on the property's tax bill (with interest) for approximately twenty years.

It should be noted that we have an unusual opportunity to obtain grant money this fiscal year. This opportunity may not come again. If this assessment ballot fails to pass, cost of the project to the community will be significantly higher. The need for a new plant will have to be addressed again if we are to continue being able to build on lots in the sewered area. Fines for non-compliance with State Water Resources Control Board standards can be imposed. Fines can be severe and can drastically impact the monthly service fees charged to the community.

We appreciate your comments concerning the wastewater treatment needs of the community. We are committed to the construction and operation of a cost-efficient Wastewater Treatment and Disposal Facility that will carry our community well into the 21st Century.

February 18, 1998

**RECEIVED**

FEB 18 1998

CALIFORNIA  
COASTAL COMMISSION

Mr. Robert Merrill  
California Coastal Commission  
North Coast Area  
45 Fremont St., Suite 2000  
San Francisco, CA. 94105-2219

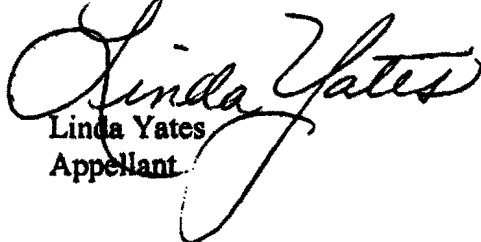
Dear Mr. Merrill:

We are sending to you additional information to be included with our appeal. In addition, we would ask the following:

1. Are there provisions for either the Applicant or the Appellant to request a postponement of the Hearing before the Coastal Commission to the next subsequent meeting? If so, are there procedures that need to be followed to accomplish this? Where is the meeting to be held for the month of April?
2. Have you received the entire transcribed minutes of both the Planning Commission and Board of Supervisors meetings, or tapes of same?
3. Have you received the entire package from both the Planning Commission and the Board of Supervisors that we had provided to them, which included Exhibits?
4. Did the Commission open and continue the public hearing, as staff recommended, at the February 5th meeting?

Please let me know the answers to the above at your earliest convenience. My office and fax number is 707-986-7647. Thank you very much.

Sincerely,

  
Linda Yates  
Appellant

February 18, 1998

California Coastal Commission  
North Coast Area  
45 Fremont, Suite 2000  
San Francisco, CA. 94105-2219

ATTN: Mr. Robert Merrill

RE: Appeal No. A-1-HUM-98-08

Dear Mr. Merrill:

On February 6, 1998, Shelter Cove endured a weather event, which has not been the first, and most certainly will not be the last. We are attaching an additional exhibit, which is a newspaper article that appeared in the February 17th issue of the Life and Times. In this article, winds speeds in excess of 100 mph are reported, in addition to the office of Emergency Services reporting 95 mph. In our appeal to the decision by the Board of Supervisors to the Coastal Commission, we presented evidence that mobilehomes/manufactured homes are built to Federal Regulations, which was in a wind zone 1 area, 15 psf wind load, which computes to approximate wind speeds of 73 mph. Wind speeds that exceed 110 mph are classified to be a wind zone 3 area, which calculates to  $\pm 47$  psf, per Section 3280.305 of the Manufactured Home Construction and Safety Standards, H.U.D.

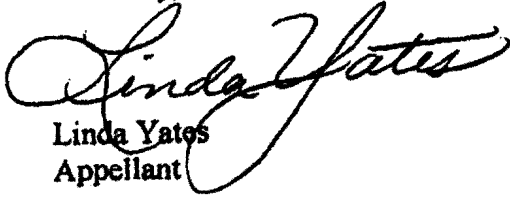
In addition, California Health and Safety Code Regulation, Section 18550, states: "It is unlawful for any person to use or cause, or permit to be used for occupancy, any of the following manufactured homes, mobilehomes, or recreational vehicles, wherever the manufactured homes, mobilehomes, or recreational vehicles are located:

- d. Any manufactured home or mobilehome in an unsafe or unsanitary condition.
- e. Any manufactured home, mobilehome or recreational vehicle that is structurally unsound and does not protect its occupants against the elements".

If mobilehomes are allowed to be installed in Shelter Cove, we contend that these are substandard structures, thereby causing risk to public health and safety, in addition to fire safety issues. One of the main reasons that structures were not damaged as much as they could have, is due to the strict building codes and requirements that have been imposed in the past. A home located off of Lower Pacific Dr., APN #111-251-32, was required by Humboldt County Building Inspection Report dated 12/11/89, "Lateral Bracing: Wind Speed 120mph, Seismic Zone 4". The requirements had not changed for conventional, stick-built homes, and the recent weather event is exactly the purpose for these codes.

The above is additional information that we wish to have added to our appeal process.  
The original article will be forthcoming by regular mail.

Sincerely,

A handwritten signature in cursive script that reads "Linda Yates". The signature is written in black ink and is positioned above the printed name and title.

Linda Yates  
Appellant

# Shelter Cove Devastated By Record High Winds

The howling winds that whipped through Humboldt County on February 6 wreaked havoc in Shelter Cove where dozens of businesses and homes suffered catastrophic damages during what many local residents firmly believe may have actually been a hurricane or a twister.

Several Shelter Cove residents personally witnessed the brute force of the gale force winds that swept through their tiny town eleven days ago, destroying homes and uprooting hundreds of trees throughout the quiet ocean-front community which has his-

torically been known as a sheltering haven in a storm.

Bruce Picton at the Shelter Cove Campground and Deli said sixteen large trees in his campground were uprooted by the ferocious winds, completely destroying two mobile homes and causing varying degrees of damage to many others.

Several hundred other mature trees throughout the Shelter Cove area - including madrone, oak, eucalyptus, and pine - toppled like matchsticks as fear-stricken residents kept watch the stormy night, hoping for the best. Miracu-

lously, no one was seriously injured.

Picton said that nearly forty solid redwood picnic tables which had been situated throughout the Shelter Cove Campground were picked up by the wind during the height of the storm and flung as far as 300 feet, most smashed to bits in the process.

A 40-foot sailboat and its trailer - which had been stowed near the campground - were found upside down the following morning, smashed into a cyclone

Continued on page 6



## ...Shelter Cove

(Continued from page 1)

fence at Mal Coombs Park.

Elsewhere in the Shelter Cove Campground, windows were broken out, power lines were ripped from their poles, and a telephone booth was literally torn out of the ground and redeposited in the middle of the street — along with its 5-foot-by-6-foot concrete base, four inches thick and an estimated 400 pounds.

"It was the worst storm I have ever seen in my life," remarked Picton, who was in Shelter Cove when 100 mph winds were recorded last winter.

There are unconfirmed reports from some local residents who believe that gusty winds in Shelter Cove may have exceeded 135 mph on February 6. The official Shelter Cove wind gauge at Happy Landing topped out at 99 mph, unable to record wind forces in excess of that magnitude.

Roofing contractor Gene Minikel estimated that — in addition to other construction damages — at least one-third of the homes in the Shelter Cove area suffered some degree of roof damage as a result of the winds. Preliminary estimates on roof damage alone may exceed \$50,000.

Minikel and other witnesses report seeing dozens of tile shingles that were simply ripped off of their homes by the gusty winds, flung over the ridgetops of the houses, and then thrown back against the other side in a circular pattern, destroying the ten-penny tiles in the process.

"I've been in this area since 1959," said Minikel, "and this is the worst I've seen."

Residents in Shelter Cove also report witnessing an unusual wind force on Upper Pacific Drive that broke out a front-facing window on one side of a home, whipped through the house, and then exited the structure out of an adjacent front-facing window, depositing a mattress outside in the process.

Over at the Shelter Cove Ocean Bed and Breakfast Inn on Dolphin Road, a newly installed 54-foot vinyl boathouse with galvanized metal ribs blew out to sea and disappeared, carrying the 28 concrete piers and the rebar that had been installed with it.

Master Plan Construction Services owner Parks McCant estimated that the missing boathouse weighed in excess of 2,000 pounds, including the piers, and had a value of \$5,000. The structure was warranted by the manufacturer to withstand winds of up to 100 mph.

McCant calculated that approximately 22,000 pounds of lift would be required to move an

object the size and weight of the metal-reinforced boathouse that blew out to sea. The whereabouts of that structure remain unknown.

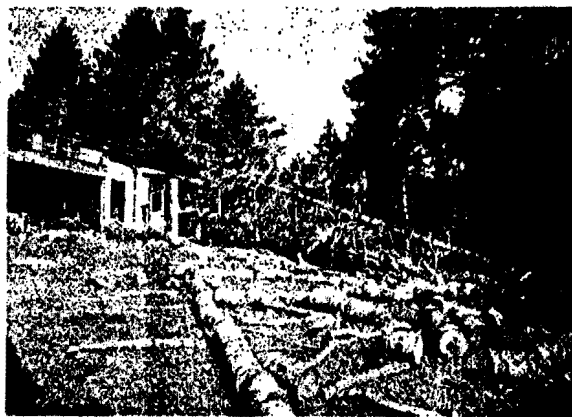
Miraculously, the sailboat which had been housed beneath the lost boathouse structure — an historical vessel reportedly once owned by Ernest Borgnine and used as a retreat by John F. Kennedy and Marilyn Monroe — sustained no damage as a result of the incident.

Bed and Breakfast Inn manager Judy Osburn said that the winds were so forceful on Friday night that they blew several 6-foot-by-4-foot sections of solid wood decking — weighing 120 to

130 pounds apiece — off of a neighboring home and out to sea. Although damaged, much of that decking was recovered the following day.

Osburn also reported seeing a several-thousand-pound passenger van that was picked up by a strong gust of wind over at the Shelter Cove Deli on Saturday and swung around 3 to 4 feet as if it were a Tonka toy. Other motorists stood by helplessly as their pickup truck bedliners were instantaneously ripped out and blown away early Saturday morning by the relentless gusts of wind.

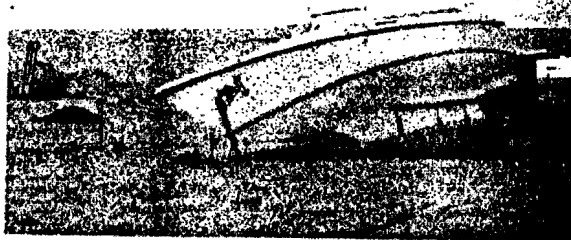
By Kathy Wolford



Trees were down everywhere in Shelter Cove, bringing firewood to some and repair bills to others.



(Photos by Bill Roddy)



A large sailboat was pushed over on its trailer.



**A recreational vehicle was destroyed when a tree fell on it at the RV park at the Cove.**



**A few days later, during a break in the storm, waves still pounded the rocks at the Cove.**



# State Parks Struck By Nature's Benevolent Fury

A force infinitely greater than that of mere mortals seemed almost to be toying with North Coast residents during the first week of February when, time and time again, Mother Nature exacted her powerful fury with one hand, while simultaneously offering benevolent grace with the other.

On Friday, February 6, Dave and Kathy Campbell were among the many local residents who witnessed firsthand the destructive grace of nature when a gigantic redwood tree toppled over in Richardson Grove and completely obliterated the tiny park cabin that the couple had rented on Madrone Campground Loop.

Newcomers to the area, the Campbells had only recently moved to Southern Humboldt

from the dry desert town of Essex, California, and were temporarily living in Richardson Grove when a series of three wet and windy storms hit the North Coast in early February.

The morning of February 6, Caltrans employee David Campbell returned home exhausted after working for hours to repair the treacherous Confusion Hill slide on Highway 101, and immediately went to bed.

Not wanting to disturb her husband's sleep, Kathy Campbell went into another room and dozed off in a recliner chair while her husband of 28 years slept in the back bedroom.

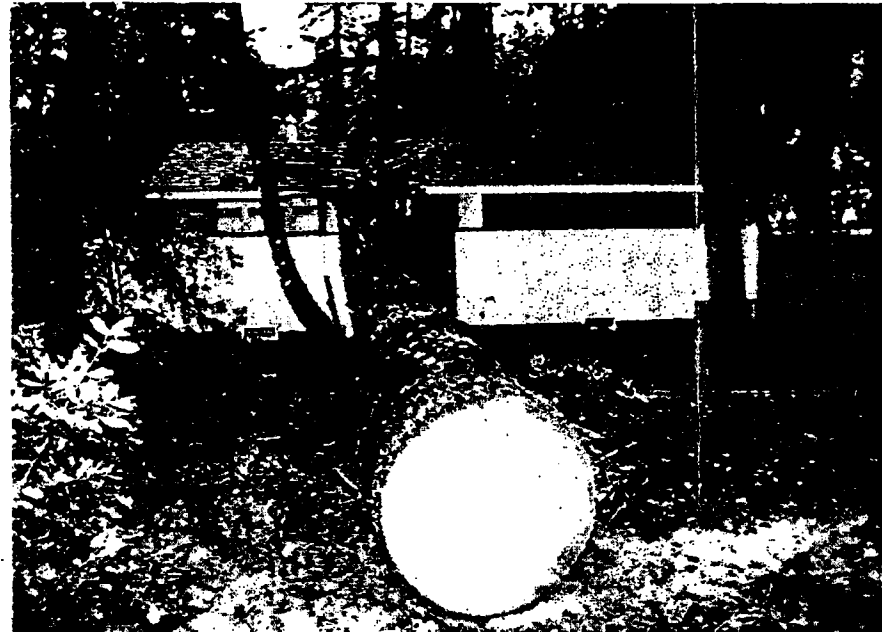
At about 10 a.m. Kathy was awakened by a telephone call from a friend who suggested that the two women go into

Garberville together and obtain a few emergency supplies. Although tired from a sleepless night worrying about her husband, Kathy reluctantly agreed to accompany her friend to town even though she herself did not need provisions.

Minutes after leaving the cabin, Kathy received word that a 300-foot tall redwood tree - twelve to fifteen inches in diameter - had fallen directly onto the cabin she had just left, crushing nearly every room in the house and completely flattening the recliner she had been resting in only moments earlier.

Miraculously, the room that Dave Campbell had been sleeping in was left intact, enabling the

Continued on page 6



## Watch Out For That Tree!

During the storm, a large fir tree fell through a bathroom facility in Standish-Hickey State Park, cutting the facility in half.

**...State Parks Struck** (Continued from page 1)

very surprised but unharmed man to crawl out of a small opening in the demolished structure with nothing more than a small scratch to show for his ordeal.

"It was as though God had lain his hand across Dave when that tree fell," said a very grateful Kathy Campbell. "It looked like the house had exploded. The whole thing had moved 20 to 30 feet, and the front porch had gone down the hill."

"The cupboards were one or two feet higher than they had been, and there were broken and smashed things everywhere - in some of the weirdest places," Campbell continued, "And over it all, was a fine white dusting of insulation, like snow."

Park ranger John Jennings said the destroyed park cabin was valued at approximately \$60,000. It is uncertain at this time whether or not the structure will be rebuilt.

Park officials have cordoned off the area to visitors as a precautionary measure and have sent product samples to authorities for evaluation to insure that residue at the scene does not contain hazardous materials.

A preliminary investigation of the insulation material blanketing the site indicates that the product was manufactured under the name Kapok and is comprised of fiberglass and natural silk wood fibers. There are no indications at this time that asbestos was present in the cabin.

The following morning, park maintenance worker Larry Kirtley witnessed yet another bizarre example of nature's awesome power near Richardson



This is the chair in which Kathy Campbell had been sitting, just before going into town, and just minutes before the 300-foot redwood crashed into the cabin she shared with her husband.

Grove just north of Carl's Slide.

Kirtley was proceeding south on Hwy. 101 en route to the Standish Hickey campground when he glanced up to see a large falling conifer directly above the east side of 101 approximately 200 to 300 feet up in the air and descending horizontally toward the highway below.

As Kirtley watched helplessly from below, a forceful gust of wind caught the huge boughs of the plummeting 60 to 70 foot tall tree, lifting it over the power lines along the west side of 101 and propelling it into the canyon of the Eel River where it landed safely away from Kirtley and the other highway motorists.

"I was in awe, said Kirtley, a 19-year park veteran. "It was a pretty awesome sight." Kirtley's advice to local residents when the

next series of storms hit is, "Stay away from the trees!"

Elsewhere in the park system, a restroom facility valued at \$100,000 was split in two by a large fir tree that fell in Standish Hickey. A Parks and Recreation water tank and wood bin were also demolished by falling trees. No injuries were reported in either of those incidents.

Jennings said park rangers will be applying for federal disaster assistance to help pay for storm damages in excess of \$160,000, although they are not expecting to see the money anytime soon. Park officials had to wait more than two-and-a-half years to get reimbursed by the Federal Emergency Management Agency (FEMA) the last time they applied.

*By Kathy Wolford*



Park maintenance person, Rose Hirscher, points to the significant damage caused when a 300-foot redwood tree fell through a cabin in Richardson Grove during the recent storm. Hirscher stands in a path cut in the tree.

# The Storm Of February 6, 1998

The wind started blowing early in the evening of February 5. I was up and down watching the weather channel to see just what was coming, and I was in contact with the Eureka Office of Emergency Services.

The first phone call I received was just a little after 3 a.m., reporting a camp trailer sliding across a driveway on Lower Pacific, taking out a TV dish and possibly sliding into the ocean.

Before I could leave the house, the phone rang three more times reporting trees down at various locations in Shelter Cove. My concern was the need to open the roads for emergency traffic. The unofficial wind speed was clocked at Happy Landings at 99 miles per hour. The Office of Emergency Services in Eureka had reports of 95 miles per hour. The official wind gauge, located on Shaker Road, quit when the power went off at 65 miles per hour. There have been reports from residents that their wind gauges measured the wind at above 125 miles per hour.

I responded to the fire station and activated the alarm to call out the volunteers. I advised, "Take care of your own situation and then respond to the fire station for trees down." There were ten firefighters, two dispatchers, and one citizen that responded to the station. I also paged out the on-call RID (Resort Improvement District) employee, Todd Nuse, and advised him that we needed some barricades and of the problems that were happening. I paged the general manager to make him aware of the situation.

I sent the first fire crew Engine 524, with firefighters Ramsay and Culbert, to Wood Gulch (Shelter Cove Road and Landis) to open Shelter Cove to emergency traffic. The time was 4 a.m. I responded with firefighter Donnell to Wood Gulch and there we met with firefighter Kambish and Captain Sal Gurreri. I advised my dispatch to notify Humboldt County Public Works and advise them that we have trees down in Shelter Cove.

I assigned firefighters Donnell and Kambish together in firefighter Kambish's pickup and I left Wood Gulch and started checking out the main roads in Shelter Cove. I first saw trees down at the intersection of Upper Pacific and Lower Pacific. Then, I found a tree across Upper Pacific at Albatross. I was able to go around the tree and continue on to Humboldt Loop. At Humboldt Loop and Sea View, trees had taken down a power pole and the lines and the road was closed. I advised my dispatch to notify the general manager.

Firefighter Stramaglia came into the station and was assigned to Engine 524.

I responded to Lower Pacific to see if I could assist with the trailer blowing away. When I arrived, Des Wandel had secured the trailer to his pickup.

There were reports coming in of trees down on Nob Hill Road. Lower Pacific was blocked at Mel Coombs Park by a tree. Trees and power poles were down on Cove View and Machi Road was blocked by trees. We were only able to clear Machi Road down to Don Kopecky's house due to the number of large trees that had fallen behind the Beachcomber Motel.

I assigned firefighter Donnell to Engine 524 and firefighter Kambish and Thomas were assigned to calls using Thomas' pickup and one of our portable radios.

At this time, firefighter J. Gurreri came into the station. I knew that Engine 524 had a big crew, so I sent firefighter Stramaglia to the station to meet up with firefighter Gurreri. I assigned them to Engine 523. We borrowed a chain saw from the RID crew and I sent them to Upper Pacific to start clearing the roadway.

Captain Ferguson responded to the station, and I assigned him to Engine 523.

At 5 a.m., Bruce Picton from the Deli called and advised that he had coffee and that we were welcome. The campground was a mess, one motorhome was destroyed by a large tree, but no one was injured.

Roger Haley was in the station and we responded in 523 to check out other roads in the area. We found trees down on Hillside, Toth at

Bear, and many trees down on Blue Ridge. There were power poles down on Parkview, trees down on Spring Road, Spur Court, and on Telegraph Ridge one quarter mile east of Puma.

After all the roads were passable and the winds had receded, I had all the crew respond back to the station to regroup. It was approximately 7 a.m. We then went to the Deli for breakfast.

Things were under control at this time and after breakfast we went back to the station to clean up and get our equipment back in service. After this was completed, I sent them home.

It was getting to be daylight and I started checking the homes for roof and other damage. Sylvia Christianson came into the station and got the RID files from the office and every time that I found shingles gone or windows broken on a building, I notified my dispatch, and using the RID files, the owners were notified.

There were trees reported down on Shafer at Duluard that were taken care of and we also opened up the driveway for the Gruenhagens. We checked the residents that were confined to their homes and everyone was okay.

This was one of the biggest wind storms to hit Shelter Cove for many years. This storm caused more damage than has ever been reported in Shelter Cove. There were 25 buildings that sustained wind damage. The most miraculous thing was no one was injured, no residents, no firefighters, and no RID employees.

Machi Road was opened to one-way traffic on February 10th by the Eel River Crew from Redway and the power was restored to the last homes on February 11th by the RID crew.

I would like to take this time to thank the following members of the fire department, the Resort Improvement crew, and the citizens who helped the fire department.

Shelter Cove Fire Department: Captain Jim Ferguson, Captain Sal Gurreri; firefighters Jess Gurreri, Doug Culbert, John Ramsay, Frank Kambish, Dan Thomas, Vince Stramaglia, Sid Donnell, and Rebel Gurreri; dispatchers Ali Reynolds, Suzanne Haley, and Sylvia Christianson; Resort Improvement District general manager Mike Bommer, Todd Nuse, Mike Luce, D.J. Milette, and Brian Speelman; and citizens Roger Haley, Les Wandel, and Bruce Picton.

I hope that I didn't miss anybody, but if I did, it's not that they weren't appreciated. Everyone was appreciated and without everyone being here in the time of need, it would have taken longer to complete our tasks. If I did forget someone, I will add their names later.

I also hope to never see another wind storm like this again, but if we do, I know that we are prepared and we will be able to handle it.

*Gerald Hartman, Shelter Cove Fire Chief*

# Shelter Cove Property Owners Association

9126B Shelter Cove Rd.



Whitethorn, California 95589

F E B R U A R Y                      1 9 9 8                      N E W S L E T T E R

## PRESIDENT'S COMMENTS:

The rainy season is really upon us, but so far no one has been washed out to sea. I have measured over 80 inches of rain on my deck since October. The waves have been huge and they have moved tons of sand from the beaches. A significant casualty was the loss of the parking lot and beach access at Big Black Sand Beach. I suppose that's why they say that 'Mother Nature bats last'. BLM has indicated that the ramp will be reconstructed after the storm season has past. The most severe storm hit early Friday morning on the 6<sup>th</sup> of February. The winds blew steadily most of the night at 50-60 miles per hour and then suddenly gusted to more than 100 miles per hour at least three times during the period between 1 and 4 AM. Hundreds of trees were either snapped off or were uprooted throughout the cove and winds and debris damaged many roofs. Electric power and phones were cutoff to many homes. Our RID staff and Volunteer Fire Department worked around the clock for three days removing downed trees, clearing roads, reinstalling power poles and replacing wires. They are all especially to be commended for their efforts towards restoring normalcy so quickly and efficiently to the community. GTE also reconnected broken phone lines within the same time period. Actually the inconveniences encountered here were much less than many others had to face throughout our state. Again we are really fortunate to live in such a special place.

The advocacy committee for the new wastewater-treatment plant has sent an informational letter to all of the property owners serviced by the sewer facility. The

letter briefly restated the necessity for the project and called attention to the consequences if this ballot measure should fail. We still do not have the final figures for the grant monies that will be made available for this project; but we hope to know them very soon. The benefit assessment district has been established so final figures will hopefully be determined before the end of March. A second letter will be sent as soon as the facts are known. I'm sure all those interested in the future of Shelter Cove are excited to see this important project under way.

At the February 19<sup>th</sup> Board of Directors meeting, the SCPOA Board was invaded by a group of members and non-members with a demand to support an effort to halt the construction of a manufactured home in Shelter Cove. The proposal is being brought to the California Coastal Commission on appeal from the Humboldt County Board of Supervisors in March. After extended discussion spirited by threats, insults, and slander, the SCPOA Board voted (3 for, 3, abstentions) to spend up to \$5000 to retain legal council to determine what legal approaches could be used to oppose the proposal and to represent the group at the Coastal Commission meeting.

## RID REVIEW:

The most significant action taken by the Resort Improvement District Board of Directors since the last SCPOA Newsletter came in February with the adoption of the resolutions necessary to proceed with the formation of the assessment district for the funding of the sewage treatment plant capacity expansion project. The RID Board approved the assessment allocation formula and the

RECEIVED

FEB 02 1998

CALIFORNIA  
COASTAL COMMISSION

February 2, 1998

TO: Mr. Robert Merrill  
California Coastal Commission

FROM: Linda Yates - 707-986-7647

RE: Appeal No. A-1-HUM-98-08

Dear Mr. Merrill:

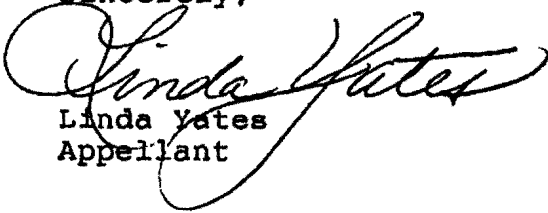
I am in receipt of your correspondence "Staff Report:  
Appeal, Substantial Issue". I do have some questions.

Upon requesting the records from the Planning Department  
and Board of Supervisors, do you require a copy of the  
minutes, verbatim, of both meetings(9/4 and 12/2)?

Are we able to submit to you additional information  
that has been made available?

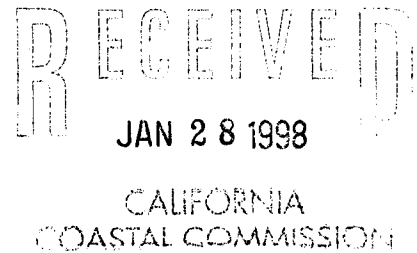
Thank you very much for your assistance.

Sincerely,

  
Linda Yates  
Appellant

**RICHARD W. JONES**  
20225 Cooley Road  
Bend, OR 97701

January 23, 1998



Mr. Bob Merrill  
California Coastal Commission  
45 Fremont Street, Ste. 2000  
San Francisco, CA 94105-2219

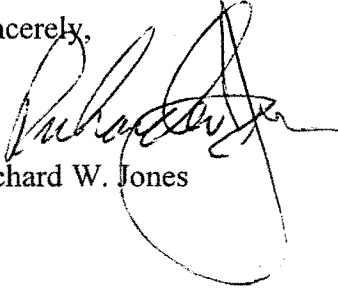
Dear Mr. Merrell:

As a follow-up to our phone conversation, I would like to call the attention of the commission to a few points that I am hopeful they will notice when reviewing the report from Humboldt County Planning Department.

1. The project we propose for our lot in Shelter Cove has the following structural and cosmetic characteristics which are similar to many other homes in Shelter Cove:
  - A. 4-12 pitched roof
  - B. 1 foot overhang on sides, 16 inches on front and rear.
  - C. 8 inch horizontal lap siding.
  - D. 30 lb. Roof load
  - E. R-38 insulation in ceiling.
  - F. 2X6 exterior walls – 16 in center
  - G. Vinyl dual glazed Low E argon gas windows and many other interior features such as skylights and rounded drywall corners that I won't elaborate on.
2. Shelter Cove abandoned their Design & Review committee years ago in favor of having the county assure projects conform to county standards.
3. By virtue of the Planning Commission's thorough research with respect to the Proposed structure compliance with county codes, I feel it is safe to assume the project meets all requirements and has consistent or higher quality standards than site built homes currently in Shelter Cove.

Thank you for allowing me to highlight a few points that seemed misleading in the request for appeal letter submitted by Linda Yates.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard W. Jones', written in a cursive style. The signature is positioned above the printed name.

Richard W. Jones

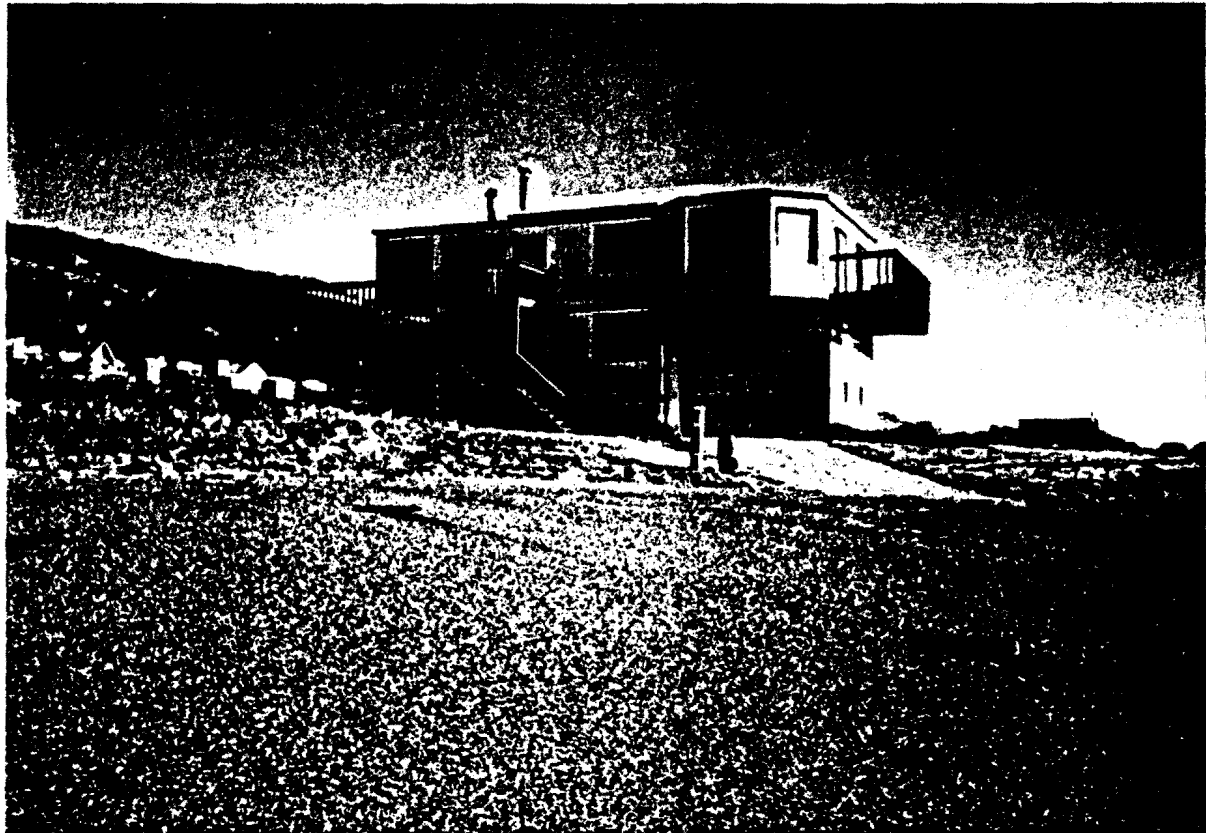
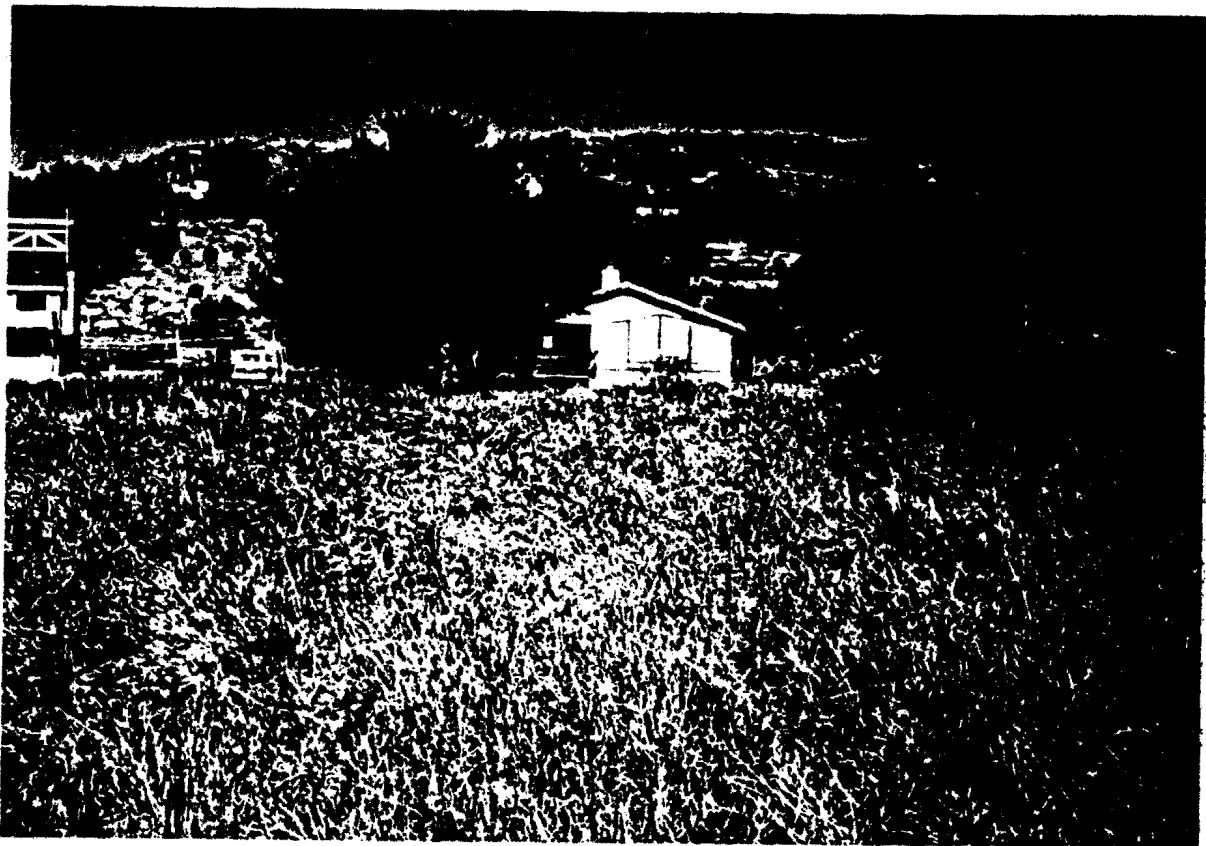


EXHIBIT NO.	11
APPLICATION NO.	A-1-HUM-98-8 (JONES)
Shelter Cove Manufactured Homes	