

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number: 23-**

**Record Number: PLN-2023-18288**

**Assessor Parcel Number: 512-072-002**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the JDS Construction Inc. Special Permit.**

**WHEREAS, JSD Construction Inc.** submitted an application and evidence in support of approving a Special Permit for the construction of a new 2,032 square foot two-story two-bedroom Accessory Dwelling Unit (ADU) pursuant to Section 314-69.05.4.3.1 of the Humboldt County Code (HCC); and

**WHEREAS,** the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

**WHEREAS,** the Planning Division as the Lead Agency has determined that the project qualifies for categorical exemption found in Section 15303 (New Construction) of the CEQA Guidelines; and

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on November 16, 2023, and reviewed, considered, and discussed the application for the Conditional Use Permit, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Planning Commission makes all the following findings:

- 1. FINDING:** A Special Permit for the construction of a new 2,032 square foot two-story two-bedroom Accessory Dwelling Unit (ADU) approximately 28 feet tall with a two-car garage. A Special Permit is required for an ADU over 1,200 square feet in size pursuant to Section 314-69.05.4.3.1 HCC. The parcel is currently developed with an approximately 2,035 square-foot single family residence and accessory structures. The parcel is served with community water provided by the Fieldbrook-Glendale Community Service District and an on-site wastewater treatment system is proposed to serve the new ADU. A new approximately 150-foot-long gravel driveway will be installed to serve the ADU. No tree removal is proposed, and minimal grading is

required.

**EVIDENCE:** a) Project File: PLN-2023-18288

**2. FINDING:** **CEQA:** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed construction of a 2,032 square foot two-story two-bedroom Accessory Dwelling Unit is exempt from environmental review pursuant to Section §15303 (New Construction) of the State CEQA Guidelines.

**EVIDENCE:** a) The Class 3 exemption applies to construction of new, small structures.

b) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply. However, none of these exceptions apply to the proposed project.

### **FINDINGS FOR SPECIAL PERMIT**

**3. FINDING:** The proposed development is in is in conformance with all applicable policies and standards in the Humboldt County General Plan (HCGP) and the McKinleyville Community Plan (MCCP), Open Space Plan, and Open Space Action Plan.

**EVIDENCE:** a) The proposed project is a Special Permit for an Accessory Dwelling Unit (ADU) exceeding 1,200 square feet pursuant to Section 314-69.05.4.3.1 of the Humboldt County Code. The proposed project includes the construction of a two-story two-bedroom 2,032 square-foot ADU with a two-car garage. A new septic system, and new approximately 150-foot-long gravel driveway will be installed to serve the ADU. The 2.92-acre parcel is developed with an approximately 2,035 square foot single-family residence and accessory structures. The subject parcel is 2.92 acres in size. The ADU and associated development are compatible with the residential uses on the property and are in conformance with the RE plan designation.

b) The project was referred to the Department of Public Works Land Use Division (PW). PW is requesting that as conditions of approval the applicant: (1) limb trees and trim/remove bushes along the north property fence line west of the proposed ADU driveway entrance to provide the 250-foot site distance along Fieldbrook Road, (2) apply for and obtain an encroachment permit for the construction of a residential driveway on

Fieldbrook Road, (3) be responsible to correct any involved drainage problems within the County road right of way, (4) install a surfaced swale at the road edge to allow drainage to flow across the new entrance, (5) maintain site visibility at the driveway entrance and Fieldbrook Road, and (6) ensure that new and existing fences are not within the public right of way. These have been made conditions of project approval.

- c) The proposed project is for a second residence. The project will add an additional housing unit to the County's housing stock and is in conformance with the Housing Element.
- d) According to the California Natural Diversity Database (CNDDDB), the parcel is not located within the range of any listed species. There is a seasonal wetland and an intermittent watercourse on the subject parcel. A Wetland and Other Waters Delineation Report was prepared for the project by SHN Consulting Engineers in February of 2023. The purpose of the report was to identify wetland and Ordinary High-Water Marks (OHWMs) within the study area, as defined by the United States Army Corps of Engineers three-parameter and OHWM methodologies. The report concluded that wetland and OHWM indicators were confined to the existing stream and constructed pond. The remaining portion of the study site is a mowed field with upland characteristics. All elements of the proposed project are outside of the 50-foot setback required by the County Streamside Management Areas and Wetlands Ordinance. The project was referred to the California Department of Fish and Wildlife (CDFW). CDFW requested that clarification be added to the site plan that the stream/wetland setback begins at the edge of the delineated wetland where the stream is ponded and would otherwise start at the top of bank. This request has been satisfied. CDFW had no further comments on the project. Based on the evidence, the project will not have an impact on sensitive or critical resource habitats.
- e) The project was referred to the Blue Lake Rancheria, the Wiyot Tribe, the Bear River Band of the Rohnerville Rancheria, and the Northwest Information Center (NWIC). Blue Lake Rancheria responded stating that they have no knowledge of cultural resources in the project area and recommend the standard Inadvertent Discovery Protocol be in place for ground-disturbing activities. NWIC responded recommending the same. The standard Inadvertent Discovery Protocol has been conditioned for the project.

- f) The applicant is constructing a single-family dwelling on the property which will include the construction of an onsite sewage disposal system. The project site is located in an area of relative stability, and the proposed location of the septic tank and leach field has slopes of approximately three percent. The proposed location is outside of the required 50-foot setback from the nearest water feature, minimizing or eliminating the potential for impacts to water quality as a result of installing the proposed system. A Leach Field Suitability Report was prepared for the project by Mark Verhey, Registered Geologist. The scope of work included: determining a suitable area for onsite sewage disposal; describing and sampling soils; installing groundwater monitoring wells; monitoring the groundwater table during the wet weather period; performing percolation testing; performing laboratory textural analyses (by hydrometer); providing a proposed system design and layout; and preparing the report. The project was referred to the County Department of Environmental Health (DEH) and they were provided with a copy of the Leach Field Suitability Report for review. DEH has reviewed the report and conducted a site visit to assess the suitability of the proposal and has recommended approval of the project.
- g) There will be no new noise exposure over the existing baseline noise conditions as a result of this project. There is no evidence that the project will be exposed to noise levels or generate noise levels beyond those established in the General Plan.
- h) The project site is in an area of relatively stable slopes with slopes of approximately three percent. The parcel is not within a Fault Hazard Zone and is not located in an area of potential liquefaction. The parcel is not located in any flood zones. The project is located in an area of moderate fire hazard severity and is located within the State Responsibility Area for fire protection. The parcel is also within the Fieldbrook-Glendale Community Services District and is served by the Fieldbrook Volunteer Fire Department. The Fieldbrook Volunteer Fire Department responds to structural fires and medical emergencies. Based on this evidence, no threats to hazards are anticipated as a result of the project.

**4. FINDING:** The proposed development is consistent with the purposes of the existing AG zone in which the site is located.

**EVIDENCE:** a) Per Section 314-69.05.2 HCC, ADUs may be principally permitted in any zone that allows single-family or multifamily

dwelling residential use and includes a proposed or existing dwelling, if the General Provisions in Sections 314-69.05.3 HCC are met (condition of approval), and the ADU meets the Development Regulations and Standards of Section 314-69.05.4 HCC (see evidence below).

The project involves issuance of a Special Permit for the placement of a 2,032 square-foot secondary single-family residence on the 2.92-acre parcel per Section 314-69.05.4.3.1 of HCC. Single-family dwellings are principally permitted in the AG zone. The existing home will remain the primary unit.

- b) The location and height of the storage building meet the setback and building height requirements for the AG zone.

The new ADU will be setback 10 feet from western (side) property line, not meeting the required 30-foot setback of the State Fire Safe Regulations; however, there is a 40-foot-wide right-of-way that separates the subject parcel and the parcel to the west. With the proposed ADU at 10 feet from the interior property line, the distance to the middle of the 40-foot-wide right-of-way is 30 feet. Having the same practical effect as the State Fire Safe Regulations requirements.

**5. FINDING:** Conformance with Section 314-69.05.4 HCC: Secondary Dwelling Units -Development Regulations Standards

- EVIDENCE:**
- a) The new ADU will be provided water from the Fieldbrook-Glendale Community Service District and power from PG&E, which both currently serve the existing residence. A new wastewater treatment system is proposed to serve the ADU.
  - b) The ADU will share a building site with the primary residence and will be located approximately 400 feet from the main residence.
  - c) The total floor area of the proposed ADU will be 2,032 square feet. An exception to this standard may be granted with the Special Permit that is being requested.
  - d) Fire sprinklers are not required for the primary residence and are not proposed for the ADU.
  - e) The proposed ADU will be setback 10-feet from the closest property line.
  - f) Two parking spaces will be provided within the proposed garage associated with the ADU.

- g) Driveway apron improvements are proposed as part of the project.

**6. FINDING:** Development permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.

**EVIDENCE:** a) APN 512-072-002 has been determined to be one legal parcel per approved Special Permit SP-90-87, issued December 15, 1987.

**7. FINDING:** The Project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE:** a) Of the referral agencies that have provided comments, all have approved or conditionally approved the project. The proposed ADU will be compatible in appearance with the neighborhood. The proposed ADU complies with all standards of the zone district which are intended to protect public health, safety, and welfare. Based on staff analysis and the findings made in this report, there is no evidence that the proposed project will be materially injurious to properties or improvements in the vicinity.

**8. FINDING:** The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE:** a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element. The proposed project is for a second residence. The project will add an additional housing unit to the County's housing stock and is in conformance with the Housing Element.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for JDS Construction subject to the conditions of approval attached hereto as Attachment 1A; and

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

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES:            COMMISSIONERS:  
NOES:            COMMISSIONERS:  
ABSENT:        COMMISSIONERS:  
ABSTAIN:       COMMISSIONERS:  
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

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John Ford, Director  
Planning and Building Department