

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

Resolution Number: 23-

Record Number: PLN-2022-17912

Assessor's Parcel Number: 510-192-017

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the William Cosby Special Permit.

WHEREAS, William Cosby, submitted an application and evidence in support of approving a Special Permit for Record No, PLN-2022-17912. Permit requested is an after-the-fact Special Permit for the construction of an approximately 3,200 square foot storage building on a 3,696 square foot concrete slab pursuant to Section 314-102.1.2 of the Humboldt County Code.

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 exemptions found in Section 15303 (New Construction) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on February 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:** An after-the-fact Special Permit for the construction of an approximately 3,200 square foot storage building on a 3,696 square foot concrete slab pursuant to Section 314-102.1.2 of the Humboldt County Code.

EVIDENCE: a) Project File: PLN-2022-17912

- 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 3,200 square foot storage building 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, including accessory 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).

- EVIDENCE:**
- a) The proposed project is for an after-the-fact Special Permit for a 3,200 square foot, 20-foot-tall accessory structure on a 3,696 square foot concrete slab that will be used for storage. The project is consistent with the Residential Low-Density designation as it is a residential accessory structure.
 - b) All of the proposed project is within the Urban Limit line and is served by public water and sewer. The parcel is served by West Bates Road off of McKinleyville Avenue, a County maintained road.
 - c) The storage structure will be 20 feet tall and have ground coverage of 3,696 square feet with the concrete slab incorporated and will be accessory to the residential development on the parcel. The project will have no effect on the Humboldt County Housing Element.
 - d) Based on the California Natural Diversity Database, the site is listed as potential habitat for the western snowy plover. Given that the site is over a half mile from the coast and surrounded by residential development, it is unlikely to provide any type of habitat for the species. There are no mapped streamside management areas or wetlands on the property. Additionally, the California Department of Fish and Wildlife (CDFW) did not respond with any concerns.
 - e) The project is located in an area of relative stability. The parcel is not located in an area of potential liquefaction. The proposed project is located outside of the nearest flood zone. The project is located in an area of low

fire hazard severity and is located within the Arcata Fire Protection District. As proposed, the project is not expected to increase risks to hazards.

- f) The project was referred to the Northwest Information Center, Blue Lake Rancheria, the Wiyot Tribe, and the Bear River Band of the Rohnerville Rancheria. Of the local Tribal Historic Preservation Officers (THPOs) referred, two had no concerns and one recommended no further study provided the standard inadvertent discovery protocol is followed. This has been included in the conditions of approval.

4. FINDING: The proposed development is consistent with the purposes of the existing R-1 zone in which the site is located.

EVIDENCE: a) The project is consistent with the intended uses of the R-1 zone. The project is for a 3,200 square foot storage building that is an accessory use to an existing residence.

- b) The location and height of the storage building meet the setback and building height requirements for the R-1 zone.

5. FINDING: §314-102.1 – Height and Size Limitations and Modifications in Residential Zones

§314-102.1.2.1 - Maximum Building Height.

Twenty-six feet on lots larger than 20,000 square feet in lot area.

§314-102.1.2.2 - Maximum Gross Floor Area

1,500 square feet on lots larger than 20,000 square feet in lot area.

EVIDENCE: a) Storage building is 20 feet in height.

- b) Storage building has approximately 3,200 square feet of floor area. The accessory building will comply with this requirement with the securement of a Special Permit.

The storage building is larger than other buildings on neighboring parcels with the exception of an approximately 4,200 square foot residence located two parcels west of the subject parcel, and an approximately 4,000 square foot residence located two parcels east of the subject parcel. As the purpose of the building is to store the applicant's recreational vehicles and backhoe that have historically been stored outdoors, the storage building could be

considered an improvement to aesthetics in the immediate area and not a source of significant adverse impacts on surrounding properties.

- 6. FINDING:** §314-29.1 N – Noise Impact Combining Zone
Establish regulations to maintain, within single family and multi-family structures and within structures designed for transient habitation, low exposure levels to noise associated with airports and major roads.
- EVIDENCE:** a) This parcel is located within the Noise Impact combining zone due to the proximity to Highway 101. The storage building is located approximately 575 feet from Highway 101 and the EIR for the McKinleyville Community Plan established a distance of 525 feet from the noise source to be outside the area of concern. Additionally, the building will not be used for habitation.
- 7. 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) The subject parcel has been determined to be one legal parcel described as Parcel 4 as shown on Parcel Map No. 2288 on file in the office of the County Recorder of Humboldt County, California in Book 20 of Parcel Maps, Pages 49 and 50.
- 8. FINDING:** The Project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- EVIDENCE:** a) The proposed project will not be detrimental to public health, safety, or welfare. There is no evidence that the building will be materially injurious to properties or improvements in the vicinity. The accessory structure is for the purpose of housing vehicles and equipment that would otherwise be visible nuisances to the neighborhood, and the structure is set back substantially from adjacent properties to reduce the impacts of its bulk and size on adjacent properties. The structure is a minimum of 50 feet from the nearest residential property line.
- 9. 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.

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 William Cosby based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on February 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.

John Ford, Director
Planning and Building Department