RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number: 24-

Record Number: PLN-2024-19035

Assessor Parcel Number: 016-202-062

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Cavanaugh Coastal Development Permit.

WHEREAS, Brianna Cavanaugh submitted an application and evidence in support of approving a Coastal Development Permit for the construction of a new 456 square-foot Accessory Dwelling Unit; 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 or Conversion of Small Structures) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on October 3, 2024, and reviewed, considered, and discussed the application for the Coastal Development 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 Coastal Development Permit (CDP) for the construction of a 456 square-foot Accessory Dwelling Unit (ADU). The parcel is currently developed with an approximately 1,256 square-foot single family residence and a small shed and is served with community water and sewer provided by the Humboldt Community Services District. Power is provided by PG&E.

   EVIDENCE: a) Project File: PLN-2024-19035

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 project is exempt from environmental review pursuant to Section 15303 (New Construction or Conversion of Small Structures) 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 Section 15300.2 apply. However, none of these exceptions apply to the proposed project.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT

3. FINDING: The proposed development is in is in conformance with all applicable policies and standards in the Humboldt Bay Area Plan.

EVIDENCE:

a) The proposed project is the construction of a 456-square-foot ADU. The 0.12-acre parcel is currently developed with an approximately 1,256 square-foot single family residence and a small shed and is served with community water and sewer provided by the Humboldt Community Services District. Power is provided by PG&E. Development of the ADU is compatible with the planned uses of the property and in conformance with the RL plan designation.

b) The proposed project would allow for development of an ADU on a parcel planned for residential development that is served by the Humboldt Community Services District for water and sewer, with power provided by PG&E.

c) The parcel was not included in the 2019 adopted Housing Element Inventory. The site is developed with an existing single-family residence and the proposed project would allow for the construction of an ADU onsite that would add one residential unit to the Housing Inventory. The project is consistent with the goals, policies, and standards of the Humboldt County Housing Element.

d) The subject parcel is in an area of low instability. It is not located within an Alquist-Priolo Fault Hazard Zone or an area of potential liquefaction. The project site is not located within a 100-year floodplain, tsunami hazard zone, or susceptible to coastal inundation. The subject parcel is located within a State Responsibility Area for fire protection, within a moderate fire hazard severity zone. An exception request for relief from the 30-foot fire safe setback requirement has been approved by CALFIRE (Attachment 2). The subject parcel is also located within the Local Responsibility Area for fire protection where Humboldt Bay Fire Protection District #1 provides structural fire protection and emergency responses. No increased threats to hazards are anticipated as a result of the project.

e) According to the California Natural Diversity Database (CNDDB), the parcel is not located within the range of any special status species. There are no streams or wetland areas on site. The project was referred to the California Department of Fish and Wildlife and no response was received.

f) The project was referred to the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, the Wiyot Tribe, and the Northwest Information Center (NWIC). NWIC responded recommending inadvertent discovery protocol, as did the Wiyot Tribe. The Bear River Band responded recommending project approval. The standard inadvertent discovery protocol is included as a condition of approval for the project.

g) The subject parcel is not located in a designated coastal scenic area or coastal view area. The parcels surrounding the subject parcel are developed with single family residences and accessory structures, similar to the proposed ADU. The project as proposed is not anticipated to impact scenic and visual qualities, as it will be similar to and compatible with adjacent development.

4. FINDING: The proposed development is consistent with the purposes of the existing RS-5 zone in which the site is located.

EVIDENCE: a) Per Section 313-69.05.2 HCC, ADUs may be permitted without a public hearing in any zone that allows single-family or multi-

family dwelling residential use and includes a proposed or existing dwelling, if the General Provisions in Section 313-69.05.3 HCC are met (condition of approval) and the ADU meets the Development Regulations and Standards of Section 313-69.05.4 HCC, and the Exceptions in Section 313-69.05.2.2 HCC do not apply. The Exceptions in Section 313-69.05.2.2 HCC do not apply to the proposed project.
The project involves the development of a 456 square-foot ADU. Single-family dwellings are principally permitted in the RS zone. The existing home will remain the primary unit.

b) The location of the ADU meets the yard setback requirements for the RS zone.

5. FINDING: Conformance with Section 313-69.05 HCC: Accessory Dwelling Unit -Development Regulations Standards and Applicable Codes

EVIDENCE:

a) The proposed ADU would not be used as a short-term rental as required by Humboldt County Code and requested by the California Coastal Commission in their comments dated July 26, 2024. Conditions of approval require the applicant to record a deed restriction with the County Recorder's office, which shall include the prohibition on the use of the ADU or primary residence for transient habitation.

b) The main dwelling unit is served community water and sewer provided by Humboldt Community Services District. Power provided by PG&E. These services will be shared with the proposed ADU.

c) The ADU will share a building site with the primary residence and will be located approximately 10 feet east from the main residence.

d) The total floor area of the proposed ADU will be 456 square feet.

e) The primary residence does not have fire sprinklers and fire sprinklers are not proposed for the ADU.

f) The proposed ADU would be a new, detached structure and located 20 feet from the nearest side lot line and 4 feet from the rear lot line.

g) There are three public transit stops within one-half mile of the subject parcel.

h) No frontage improvements are proposed.

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 016-202-062 is a legal parcel created by subdivision approved June 5, 1967.

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. There is no evidence that the ADU 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 2019 adopted Housing Element Inventory. The site is developed with an existing single-family residence and the proposed project would allow for the construction of an ADU onsite that would add one residential unit to the Housing Inventory. The project is consistent with the goals, policies, and standards of the Humboldt County 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
- Approve the Coastal Development Permit subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **October 3, 2024**.

The motion was made by COMMISSIONER _____and second by COMMISSIONER _____ and the following vote:

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

I, John H. 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 H. Ford, Director
Planning and Building Department