

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

Resolution Number: 24-

Record Number: PLN-2023-18117

Assessor's Parcel Number: 311-221-026

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Nathaniel Ludwig, Special Permit.

WHEREAS, Nathaniel Ludwig provided an application and evidence in support of approving a Special Permit to resolve violations associated with unpermitted development within a Streamside Management Area; and

WHEREAS, The project is exempt from environmental review per Section 15304 and 15333 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on May 2, 2024 and reviewed, considered, and discussed the application for a Special 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:** **Project Description:** A Special permit to resolve violations associated with unpermitted development within a Streamside Management Area. The project includes revegetation, building removal, a reduction to the Streamside Management Area setback around the residences and paved areas, and after the fact approval of various activities.

EVIDENCE: a) Project File: PLN-2023-18117

- 2. FINDING:** **CEQA.** The project complies with the requirements of the California Environmental Quality Act.

EVIDENCE: a) The project is exempt from environmental review per Section 15304 (Minor Alterations to Land) and 15333 (Small Habitat Restoration) of the CEQA Guidelines.

FINDINGS FOR SPECIAL PERMIT

- 3. FINDING:** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE: a) The after the fact permitting of the residential structures, the restoration

of streamside management areas, and the removal of the shop building are consistent with the Residential Agriculture land use designation. The removal of unpermitted structures from the streamside management area is consistent with the Open Space Plan and Open Space Action Program.

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

EVIDENCE: a) The AG zone allows primary and accessory dwelling units as principal permitted uses.

b) The removal of an unpermitted structure and restoration of streamside management areas are not prohibited and are compatible in an AG zone.

5. FINDING: The proposed development is consistent with the requirements of the Streamside Management Area Ordinance.

EVIDENCE: a) A qualified professional has provided a Biological Assessment.

b) A qualified professional has provided a Restoration Plan.

c) Additional conditions have been added to the project in consultation with the California Department of Fish and Wildlife.

d) Restoration of streamside management areas is required.

e) Removal of the unpermitted structure within the streamside management area will protect sensitive resources.

f) The reduction of the streamside management area around the existing residential structures will not result in a significant impact.

g) Realignment of the driveway follows a logging road that existed prior to the streamside management area ordinance.

6. FINDING: The issuance of the Special Permit will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) The revegetation around Willow Brook will restore riparian habitat.

b) The realignment of the driveway will allow safer access for the landowner and emergency services.

- c) The removal of the shop building from the streamside management area will improve riparian habitat and water quality.
- d) The reduction of the streamside management area setback associated with the paving and expansion of the residence will not significantly impact sensitive resources.

7. 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 but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

8. 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 current parcel configuration is the result of a Lot Line Adjustment as depicted as Parcel E in Record of Survey Book 60 Page 60.

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 Nathaniel Ludwig subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **May 2, 2024.**

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