



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: May 18, 2017

To: Humboldt County Planning Commission

From: John Ford, Director of Planning and Building Department

Subject: **Virgilia Becker Special Permit**  
Application Number 5973  
Case Numbers SP 09-027  
Assessor's Parcel Number (APNs) 204-381-017  
225 Deer Creek Lane, Hydesville Area

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Please contact Stephen Umbertis, Planner, at 268-3727 or by email at [sumbertis@co.humboldt.ca.us](mailto:sumbertis@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> May 18, 2017	<b>Subject</b> After-the-fact Special Permit	<b>Contact</b> Stephen Umbertis
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**Project:** A Special Permit after-the-fact, to correct a violation associated with the unauthorized maintenance of a second dwelling unit that was placed on the parcel under a medical hardship exemption in the mid-1990s. Once the medical hardship had ceased, the manufactured home was left on site. Complaints from the neighborhood eventually led to a Special Permit application to legitimize the second unit. The application process was slowed because the access road under its current configuration did not meet width standards for fire-fighting equipment access and was too long to meet dead-end road standards for areas within the State Responsibility Area. Since the application was filed, an exception request for road width was approved by CalFire and the County Public Works Department that provided for specific road improvements to allow for safe, simultaneous ingress and egress for firefighting personnel and evacuating residents; a road association was formed to manage road maintenance costs; and the applicant has agreed to convey subdivision rights to the County of Humboldt until such time as the access road is no longer considered a dead end or the rules regarding dead end road length are modified. Under the agreement, the road will be widened to a width of 18 feet with the exception of three "pinch points". Under the terms of the exception request, intervisible turnouts or the equivalent will be provided at these locations to facilitate safe ingress and egress and to ensure consistency with County Fire Safe rules.

**Project Location:** The project is located in the Hydesville area, at the end of Deer Creek Lane, approximately 800 feet northwest of the intersection of Cooper Drive and Deer Creek Lane, on the property known as 225 Deer Creek Lane.

**Present Plan Designations:** Agricultural Exclusive (AE), Carlotta/Hydesville Community Plan (CHCP), 20 acres per dwelling unit; Agricultural Rural (AR-Rural), Carlotta/Hydesville Community Plan (CHCP), Density: 20 to 5 acres per dwelling unit, Slope Stability: Low Instability (1) and Moderate Instability (2)

**Present Zoning:** Agricultural Exclusive (AE) – Minimum building site area 10 acres (B-5(10)); AG-B-5(5) Agriculture General (AG) – Minimum building site area 5 acres (B-(5))

**Case Number:** SP-09-027

**Application No.** 5973

**Assessor Parcel Numbers:** 204-381-017

**Applicant**  
Virgilia Becker  
P.O. Box 206  
Hydesville, CA 95547

**Owner**  
(same)

**Agent**  
Baird Engineering  
PO Box 396  
Fortuna, CA 95540

**Environmental Review:** Exempt from environmental review pursuant to Class 3 - 15303, New Construction/Conversion of Small Structures, and Class 4 - Section 15304, Minor Alterations to Land, of the State CEQA Guidelines.

**Major Issues:** None.

**State Appeal Status:** Project is NOT located within the Coastal Zone.

**VIRGILIA BECKER SPECIAL PERMIT**  
Case Numbers SP-09-027  
Assessor's Parcel Numbers 204-381-017-000

**Recommended Commission Action**

1. Describe the application as a Public Hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

*Make all of the required findings, based on evidence in the staff report and public testimony, and approve the Virgilia Becker project as described in the Agenda Item Transmittal, subject to the recommended conditions of approval.*

**Executive Summary:**

The applicant is requesting approval of a Special Permit after-the-fact, to correct a violation associated with the unauthorized maintenance of a second dwelling unit that was placed on the parcel under a medical hardship exemption in the mid-1990s. Once the medical hardship had ceased, the second unit was left on site and was re-occupied. Complaints from the neighborhood eventually led to a Special Permit application to legitimize the second unit. The second unit is a manufactured home of approximately 1956 square feet. Six parking places are provided on the plot plan for the unit, which is located near the entrance to the parcel off of Deer Creek Lane, near two existing barns. The main house is located farther up the parcel overlooking the second unit and the barns. The second unit is served by a separate, dedicated on-site septic system.

The parcel is located at the end of Deer Creek Lane and Cooper Road, neither of which meet the County's standards for a Category 4 road. The Special Permit application was submitted under the County's Fire Safe Ordinance (Ordinance No. 1952) that required all roads to be constructed to a minimum of Category 4 standards, that is, a 18-20 foot wide travel way with bladed shoulders that is capable of providing two-way traffic flow to support emergency vehicle and civilian egress (Section 3112-3). Due to site specific constraints, the applicant requested an exception to these standards from both the Public Works Land Use Department and CalFire. Due to terrain and neighborhood input, the exception request allowed for the road to be developed to a Category 4 equivalent, as determined by the Public Works Department, with an 18 foot wide driving surface and no shoulders. Three "pinch points" were identified through site visits where the road surface could not be developed to this 18 foot standard. In order to provide the same practical effect, turnouts will be constructed at pinch point one and pinch point two to allow for vehicles to pass each other. Pinch point three consists of a 14 wide section of road with Category 4 equivalent road on either side. No turnout is required at either end of this stretch because constructing the turnouts would require the removal of vegetation which acts as a noise and visual barrier for the existing residences. However, visibility and sight distances at this stretch are sufficient to permit the safe passage of firefighting equipment and typical vehicles. Because the road does not exceed a 16 percent grade at any point, Public Works determined that the road does not need to be paved to provide for year round access for emergency vehicles. The Department of Public Works has reviewed and accepted the revised Road Improvement Plans prepared by the applicant's engineer (see Attachment 4). As part of the exception request effort and application process, a road association has been formed by the neighborhood to provide for road maintenance. A letter from the road association in support of this project has been provided to the Planning Department and is included with this staff report (Attachment 3).

Because the combined length of the two roads (Deer Creek Lane and Cooper Road), which provide access to the parcel, exceed the Fire Safe standard for length for dead end roads, as a condition of the exception the applicant has agreed to convey their right to subdivide the 17.5 acre parcel to the County until such time as the access road is no longer considered to be a "dead end" or can be determined to be less than the maximum length of a dead end road as allowed under the Fire Safe Ordinance.

Based on a review of Planning Division reference sources, and comments from all involved referral agencies, Planning Staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Special Permit. Furthermore, the project is in conformance with the Framework Plan and Carlotta/Hydesville Community Plan (CHCP)

**ALTERNATIVES:**

The Planning Commission could elect not to approve the project. This alternative should be implemented if the Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 17-**

**Case Numbers SP-09-027  
Assessor Parcel Numbers 204-381-017-000**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Virgilia Becker Special Permit.**

**WHEREAS**, Virgilia Becker submitted an application and evidence in support of approving an after the fact Special Permit for an existing second-unit originally placed on the property under a medical hardship exemption; 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 project is exempt from environmental review pursuant to Section 15303 – New Construction or Conversion of Small Structures – of the California Environmental Quality Act (CEQA); and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permit (Case Numbers SP 09-027); and

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission finds the project to be categorically exempt per Class 3, Section 15303 and Class 4, Section 15304 of the State CEQA Guidelines; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers SP 09-027, based on the submitted evidence; and
3. The Planning Commission approves the Special Permit applied for as recommended and conditioned in Attachment 1 for Case Numbers SP 09-027.

Adopted after review and consideration of all the evidence on May 18, 2017.

The motion was made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

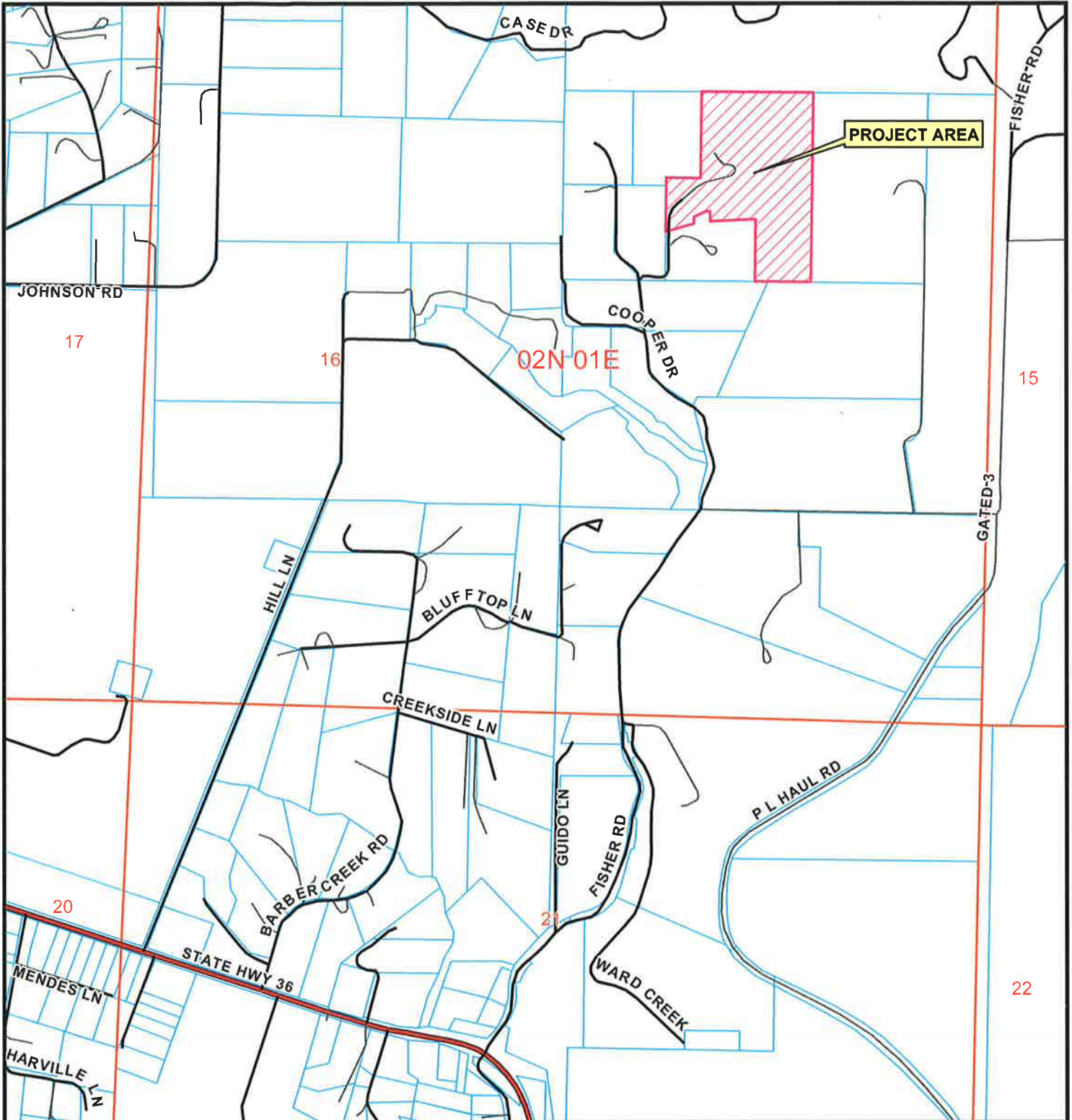
DECISION:

\_\_\_\_\_  
Robert Morris, Chair

I, Suzanne Lippre, Clerk 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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Suzanne Lippre, Clerk



**LOCATION MAP**

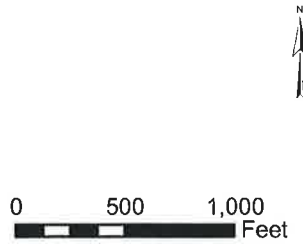
**PROPOSED BECKER  
SPECIAL PERMIT  
HYDESVILLE AREA  
SP-09-27**

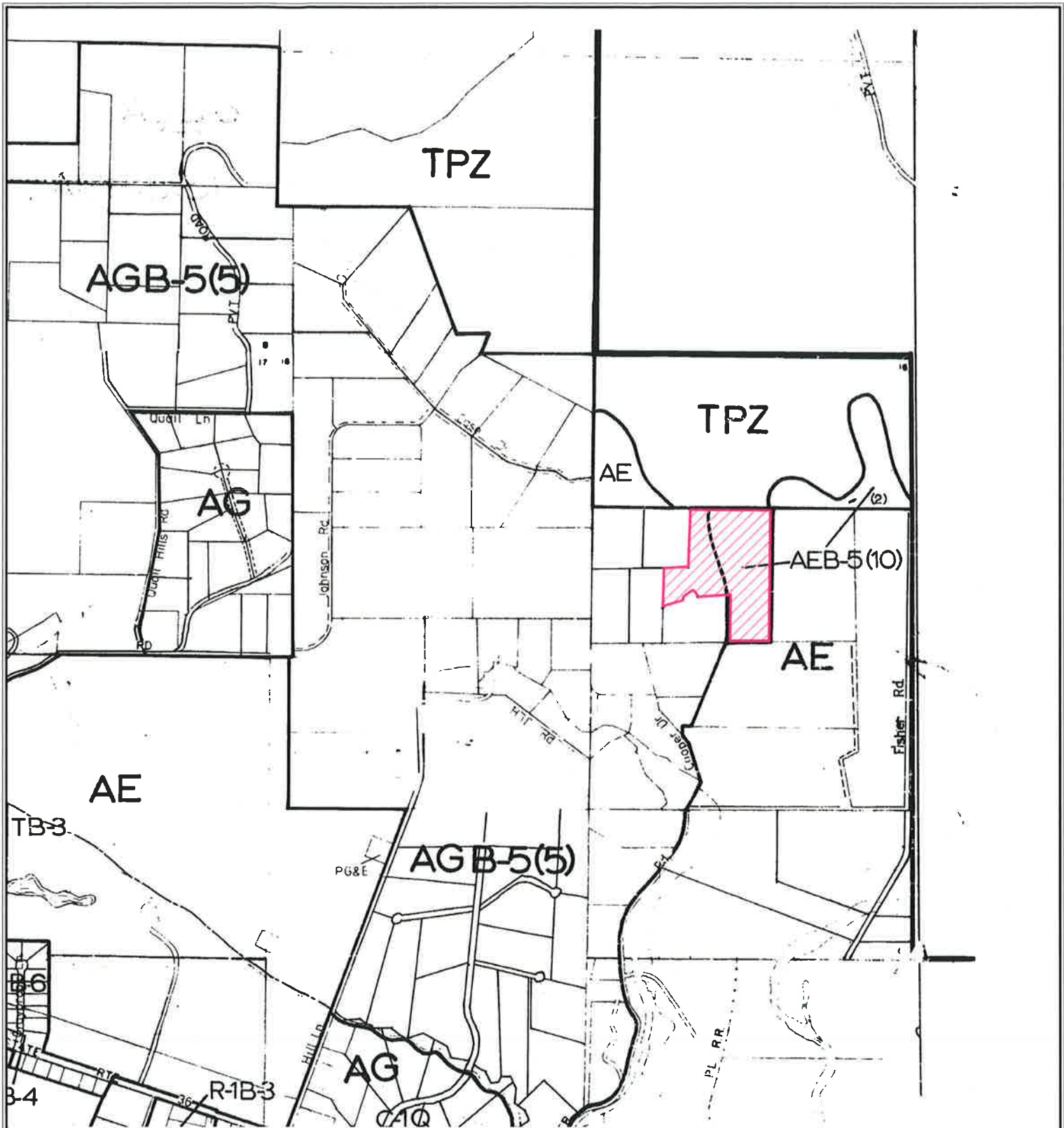
**APN: 204-381-17**

**T02N R01E S06 H B & M**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

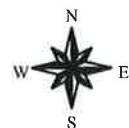




PROJECT AREA = 

**ZONING MAP**

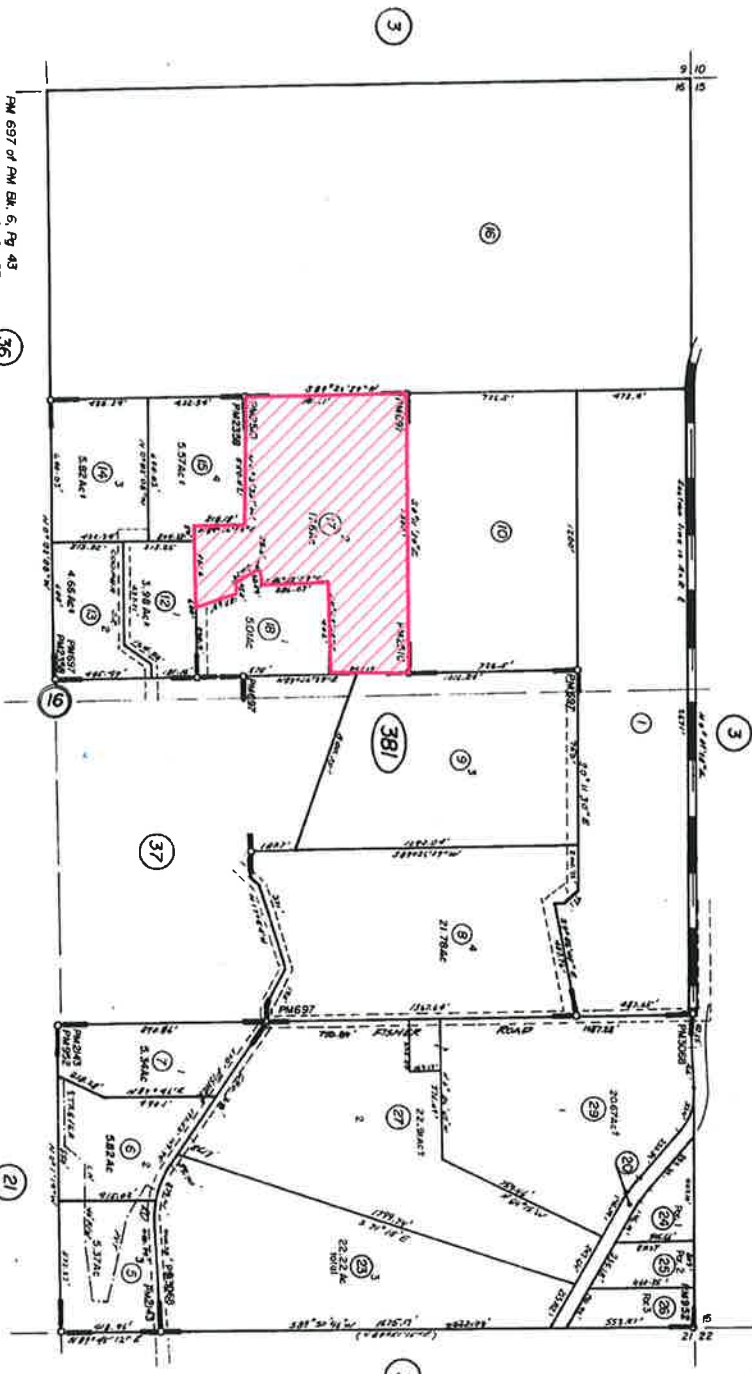
**PROPOSED BECKER  
SPECIAL PERMIT  
HYDESVILLE AREA  
SP-09-27  
APN: 204-381-17  
T02N R01E S06 H B & M**



MAP NOT TO SCALE



PM 697 of PM BK. 6, Pg. 43  
 PM 952 of PM BK. 8, Pg. 85  
 PM 2143 of PM BK. 16, Pg. 149  
 PM 2358 of PM BK. 20, Pg. 146  
 PM 2510 of PM BK. 22, Pg. 91  
 PM 3068 of PM BK. 26, Pg. 83-84



POR. SEC. 16 T 2N R1E, H B & M

204-38



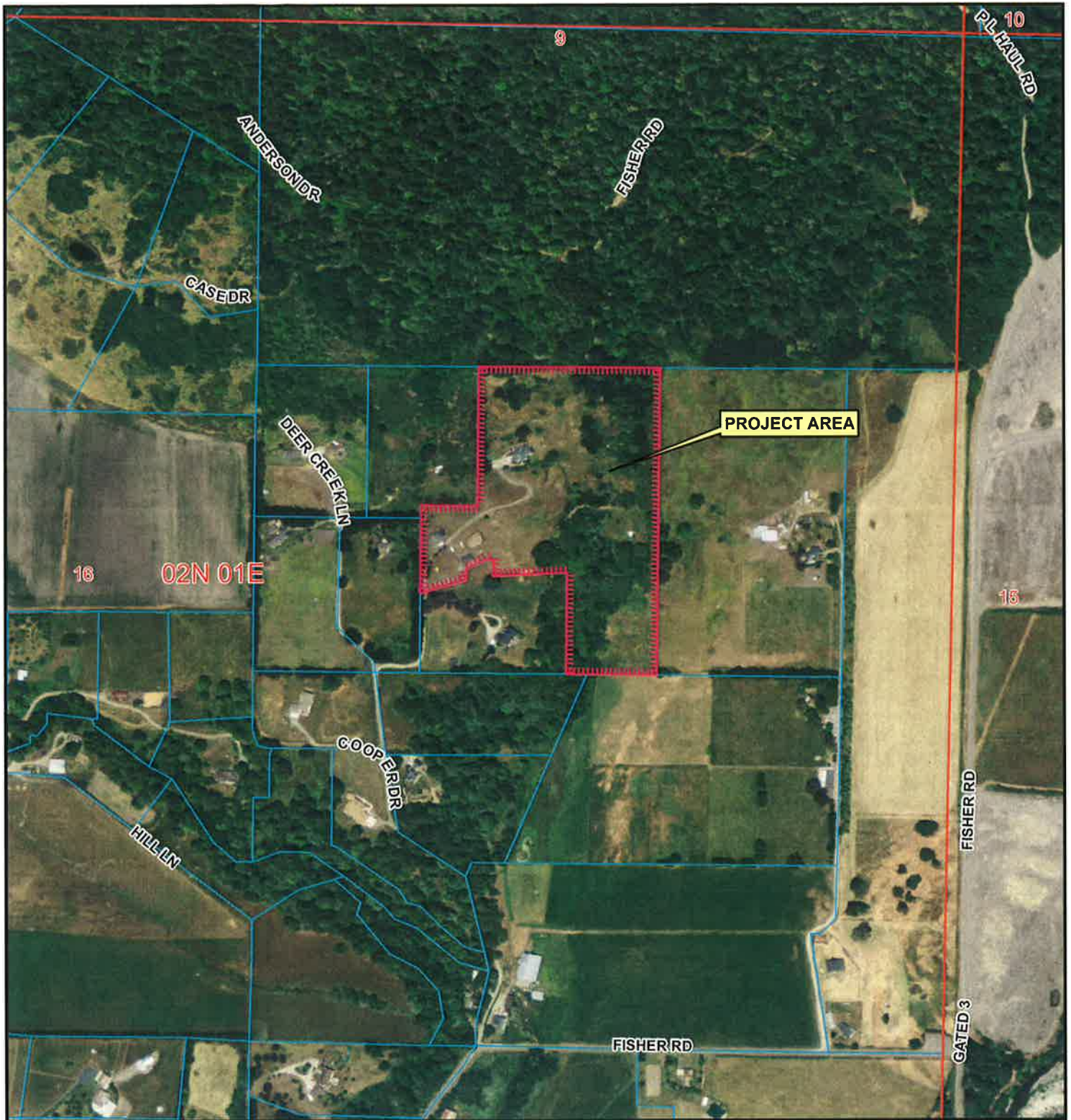
Assessor's Maps Bk. 20, Pg. 38  
 County of Humboldt, Calif.

PROJECT AREA = 

**ASSESSOR PARCEL MAP**  
**PROPOSED BECKER**  
**SPECIAL PERMIT**  
**HYDESVILLE AREA**  
**SP-09-27**  
**APN: 204-381-17**  
**T02N R01E S06 H B & M**



MAP NOT TO SCALE



**AERIAL MAP**

**PROPOSED BECKER  
SPECIAL PERMIT  
HYDESVILLE AREA  
SP-09-27**

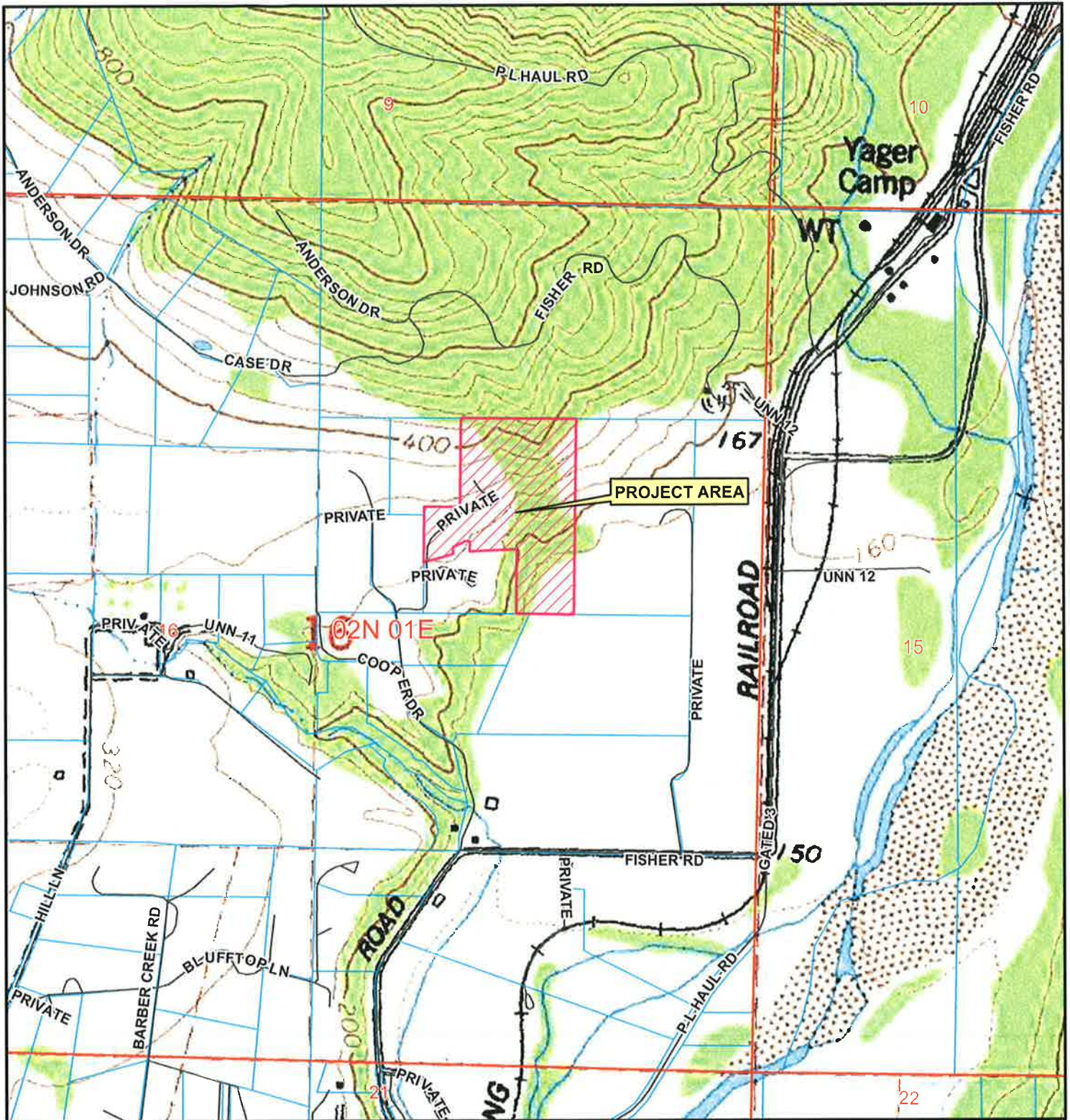
**APN: 204-381-17  
T02N R01E S06 H B & M**

Project Area = 



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





**TOPO MAP**

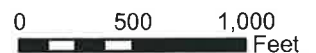
**PROPOSED BECKER  
SPECIAL PERMIT  
HYDESVILLE AREA  
SP-09-27**

**APN: 204-381-17**

**T02N R01E S06 H B & M**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



SHEET NO. 1 OF

JOB NO.

Virgilia Becker  
225 Deer Creek Lane  
Hydesville, Ca 95547  
APN: 204-381-017

**Site Plan Detail**

SCALE: 1"=50'

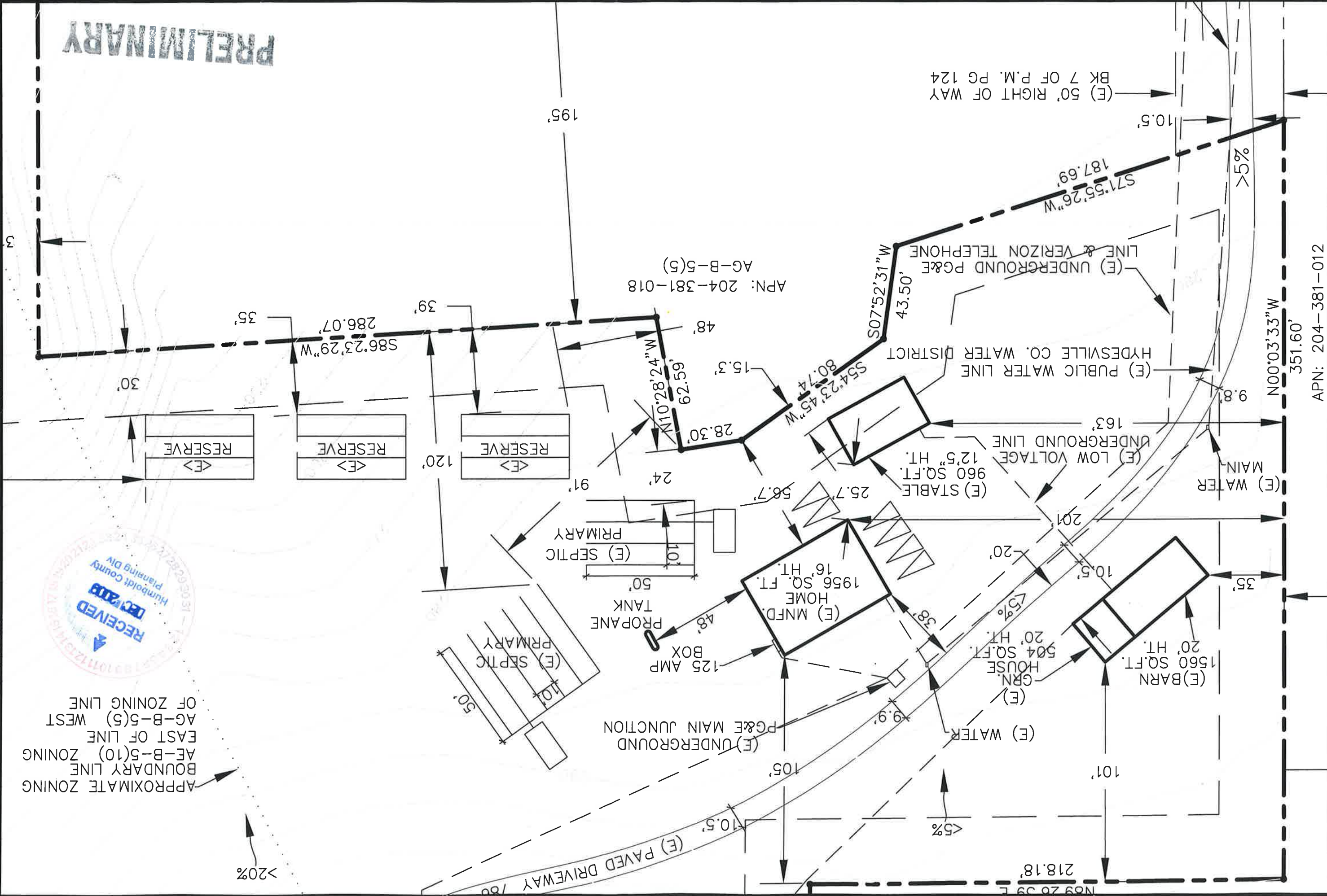
DATE: 2-14-07  
CHKD: A.M.B.  
DRAWN BY: JAC

**A.M. Baird**  
Engineering & Surveying, Inc.  
1257 Main Street, P.O. Box 396,  
Fortuna, CA 95540, (707) 725-5182

NO.	DATE	DESCRIPTION
5	8/23/23	??
4	8/23/23	??
3	8/23/23	??
2	8/23/23	??
1	8/23/23	??

REVISIONS

PRELIMINARY



APPROXIMATE ZONING  
BOUNDARY LINE  
AE-B-5(10) ZONING  
EAST OF LINE  
AG-B-5(5) WEST  
OF ZONING LINE

>20%

APN: 204-381-012

## ATTACHMENT 1

### CONDITIONS OF APPROVAL

Approval of the Special Permit is conditioned on the following terms and requirements which must be satisfied before the second dwelling unit may be used or occupied:

1. The applicant shall convey to the County of Humboldt their subdivision rights for the parcel reviewed under this application until such time as the access road is no longer considered a "dead end" or the Fire Safe rules change to allow for dead end roads longer than current rules, or the access roads are able to be developed to a full Category 4 standard as required and described in the County Fire Safe Regulations. The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$110.00) will be required.
2. The applicant must apply for a grading permit and other necessary entitlements required to complete the Road Improvement Plan approved by CalFire and reviewed by the Department of Public Works. This road improvement work shall be completed to the satisfaction of the Land Use Division of the Department of Public Works per the plans by A.M. Baird Engineering corresponding with the revision dates referenced in the Memorandum from Robert W Bronkall dated January 1, 2014. A letter from the Land Use Division of the Department of Public Works indicating that all work was performed in accordance with the approved plans shall be required to demonstrate satisfaction with this condition.
3. Applicant is responsible for correcting any drainage problems relating to the project within the County right of way to the satisfaction of the Department of Public Works.
4. Two (2) off street parking spaces required by Code must be constructed and maintained on-site for the life of the development.

#### **Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:**

1. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
2. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
3. Both the primary residence and the secondary dwelling unit shall remain under the same ownership; the secondary dwelling unit shall not constitute a subdivision of the parcel.
4. Applicant shall comply with the provisions, development and design standards of §314-87.1, Second and Secondary Dwelling Units (HCC) for the life of the project.
5. The applicant shall adhere to the terms of the SRA Standard Exception for Small Parcels as approved by California Department of Forestry and Fire Protection, to provide fuel modification and building construction mitigation.

## Informational Notes

1. If cultural resources are encountered during construction activities for the road widening, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

**The applicant is ultimately responsible for ensuring compliance with this condition.**

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit.

1. The proposed development is in conformance with the County General Plan.
2. The proposed development is consistent with the purposes of the existing zone in which the site is located.
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development 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 property or improvements in the vicinity.
5. 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 (the mid-point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. 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. The project either:
  - a) is categorically or statutorily exempt; or
  - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated, or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**1. The proposed development must be consistent with the General Plan.** The following table identifies the evidence which supports finding that the proposed secondary dwelling unit is in conformance with all applicable policies and standards in the Framework Plan (FRWK) and the Carlotta/Hydesville Community Plan (CHCP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: Agriculture Rural §2700 (FRWK) §2731 (CHCP) AR(5-20) AE (20-60)	AR is characterized by lands Outside of urban/rural community centers, few public services required. Primary and compatible uses: Agriculture and timber harvesting under intensive management, single family residence, cottage industries, educational and religious activities and recreational uses, Density range: one dwelling unit per 20 to 5 acres.	<p>The proposed project is for a Special Permit to allow for a secondary dwelling unit on an approximately 17 acre lot. A second residence is compatible with the AR designation where consistent with the second and secondary dwelling unit provisions of the zoning regulations.</p> <p>Per HCC §314-87.1.1, a secondary unit in an AG zone that is planned or zoned for 5 acres or less shall be deemed not to exceed the allowable density for the lot on which it is located, and shall be deemed to be a residential use which is consistent with the existing General Plan and Zoning designation for the lot. This development, therefore, complies with the land use density.</p>
Housing §2400 (CHCP) &(FRWK)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The proposed project is for a secondary residence. The project will add an additional housing unit to the County's housing stock and is in conformance with the Housing Element.
Water Resources §3300 (CHCP) & (FRWK)	Protect water resources and the fish and wildlife habitat utilizing those resources.	The closest mapped stream is approximately 1300 feet from the property line. There are no mapped wetlands within the vicinity of the project. Given the distance to the nearest water sources and the scope of the project, there will be no impact to water resources.
Biological Resources §3400 (CHCP) & (FRWK)	Protect designated sensitive and critical resource habitats.	Based on County resource maps, there do not appear to be any designated sensitive or critical resource habitats on the project site or within the project vicinity. Given the existing development on the subject parcel, new impacts to nearby biological resources should be minimal.
Hazards §3200 (FRWK) §3100 (CHCP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	See Hazards Discussion, below.



Noise §3240 (FRWK)	Conforms with noise standards.	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. The road construction associated with upgrading the road to meet the standards outlined in the Exception Request will have temporary noise impacts during the daylight hours when work is occurring. This noise will be temporary in nature and will not create a permanent source of noise that would violate standards established in the General Plan.
Cultural Resource Protection §3500 (FRWK)	New development shall protect cultural, archeological and paleontological resources.	The project was originally referred to the NWIC when the mobile home was placed on the property for the medical hardship under CUP33-96. NWIC did not have any records of cultural resource studies for the project area and did not recommend further study be conducted or local tribes be contacted regarding the proposed project. Because no ground disturbance is proposed on the parcel as part of the permanent permitting of the second unit, no further referrals were sent out as part of this Special Permit process. However, due to the proposed road work that is occurring as part of this permit, an informational note has been added for the protocol regarding inadvertent archaeological discoveries.
<p><b>HAZARDS DISCUSSION:</b> According to the General Plan Maps, the subject parcel is in an area of moderate geologic and slope instability and a moderate wildland fire hazard. Per FIRM map 06023C1245F, the parcel is outside of any flood zone. The parcel is totally within an Alquist-Priolo Fault Hazard zone.</p> <p>Fire access and the width of the access road has been a major issue for this project. The access roads, Deer Creek Lane and Cooper Drive, do not currently meet Category 4 standards for width. CalFire, in their original referral response on the project, denied an exception request for road standards based on inadequate width to allow for simultaneous access and evacuation and the fact that Deer Creek and Cooper are both an overly long to meet dead end roads. Over the course of approximately two years, the applicant and their agent met with CalFire to develop a road improvement plan that would meet CalFire and County standards. Based on the final approved exception request, dated 11-24-08 and the road improvement plan dated 11-20-08, CalFire believes the road, once the improvements are complete, will provide the same practical effect as the Fire Safe regulations towards providing defensible space. Although regulations require that roads meet a Category 4 standard, exceptions can be granted where topography or other site conditions prevent a full Category 4 road from being developed. Under the terms of this Permit, the road will be developed as described in the Road Width Exception Request, dated December 1, 2009 and attached to this staff report.</p> <p>In this case, there are three existing "pinch points", where existing trees and vegetation and</p>		

natural terrain preventing the Category 4 road from being developed for the full length of the access. Under the terms of the approved exception request, Public Works determined that the Category 4 road equivalent would be defined as an 18 foot wide road surface without shoulders. Turnouts will be provided at each pinch point to ensure that fire equipment and residents can pass safely in the event of an evacuation or other emergency.

In one case, at the point identified as "pinch point 3", a turnout will not be developed because it would require that the existing vegetation be removed to accommodate the road bed. Vegetation clearing in this location is not supported by the neighborhood as the vegetation in question provides a visual and noise buffer for nearby residents. It would also encroach into the current resident's driveway, parking, and barn and pasture access. Visibility in this location is still sufficient to permit the safe passage of fire-fighting equipment and typical vehicles. To mitigate for the dead end road length, the applicants will convey their rights to subdivide their property until such time as the access to the project is no longer considered a "dead end road", or until it can be determined to be less than the maximum length allowed by the Fire Safe regulations.

**2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Inland Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-7.2 Agricultural General (AG)	One-Family Dwellings are principally permitted. Development of a second single family residence is allowed with a special permit.	The project involves issuance of a special permit for the placement of a second home (a manufactured home) on the property constructed without the benefit of County review. The existing home will remain the primary unit.
Min. Lot Size	5 acres	± 17.5 acres
Min. Lot Width	60 feet	Approximately 225 feet at its narrowest point; conforms to the standard.
Max. Density	1 dwelling unit per 5 acres	Two units will be on a 17.5 acre lot. No additional units are proposed.
Max. Lot Depth	None specified	Conforms
Yard Setbacks Minimum Yard Setbacks (through the SRA requirements):	30 feet from all property lines.	[for proposed SDU] Front: 201 feet, 105 feet Side: 56.7 feet Rear: 665 feet
Max. Lot Coverage	35%	±1%
Max. Bldg. Height	35 feet	Proposed secondary dwelling unit will be approximately 18 feet
§313-109.1	Two parking spaces required for the secondary dwelling unit	Six parking spaces are shown on the plot plan for the secondary dwelling unit. A condition of approval has been included to ensure that the parking spaces are identified and the

		requirement is met prior to issuing a final building permit.
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<p>§314-87.1 Secondary Dwelling Unit General Provisions</p>	<p>The secondary dwelling unit shall be served by road design equivalent to Category 4, shall be subordinate to principal unit, compatible with neighborhood and consistent with the General Plan policies regarding open space, agricultural and timber lands and protection of the environment.</p>	<p>The subject parcel has frontage on Deer Creek Lane, and is access from Cooper Drive, as described in the "Hazards" section, above. While neither Cooper Drive nor Deer Creek Lane currently meet Category 4 standards, the Road Improvement Plan discussed in the Hazards section will provide bring the road up to a Category 4 equivalent. These improvements have been approved by the County of Humboldt's Public Works Land Use Division and CalFire. The road improvement plan is included as an attachment to this staff report. It requires that the road be developed to an 18 foot wide driving surface without shoulders for the majority of the access road. Three pinch points have been identified on the road that will not be widened, but intervisible turnouts have been proposed at these locations to mitigate for the narrow driving surface.</p> <p>Deer Creek Lane at the location of the applicant's property is a private drive accessing the applicant's property and one other home. None of the development on the parcel is visible from the main road. While the main house is set farther back on the parcel, the main house overlooks the property and is approximately 3,500 square feet including an attached garage. The secondary dwelling unit is approximately 1956 square feet, clearly subordinate to the main house, and located near the property's two barns. Given the larger size of the parcel, its location at the end of the road, and the character of surrounding development, this second unit is consistent with the neighborhood and subordinate to the primary residence.</p> <p>The development is consistent with the General Plan policies regarding open space, agricultural and timberlands and protection of the environment. The project is within the allowable density and the parcel is planned and zoned for agriculture which allows for development of a second unit. Furthermore, the second unit does not appear to detract from the existing agricultural operations on</p>
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		<p>the parcel, and the parcel does not contain any prime agricultural lands. No tree removal is proposed as part of this project, and no sensitive biological resources exist in the vicinity. The second unit is located on a relatively flat area, well away from a steeply sloped area on the east edge of the parcel. Lastly, the second unit is located in close proximity to two existing barns, therefore preserving the open space on the parcel by clustering the development on the property.</p>
<p>§312-24.1 SDU Supplemental Findings</p> <p>§314-87.1.4 General Provisions— These provisions apply to all Second Dwelling Units</p> <p>§314-87.1.5.3 Development Regulations and Standards for SDUs</p>	<p>(a) the SDU is subordinate to the principal residence and is compatible of the neighborhood.</p> <p>(b) only one such dwelling unit may be permitted on any one lot except AE lots;</p> <p>(c) SDUs shall remain under the same ownership as primary residence and shall not constitute subdivision;</p> <p>(d) rental of SDUs is permitted;</p> <p>(e) SDUs may be attached or detached to primary residence or over a garage;</p> <p>(f) units will have separate kitchen and bathroom facilities. If the units have separate entrances, the SDU's entrance will be subordinate to the primary residence's entrance;</p> <p>(g) manufactured homes may be allowed in certain zoning districts;</p> <p>(h) a new larger unit may be considered the primary residence;</p> <p>(i) only caretaker or immediate relative of property owner may develop an SDU on TPZ lands; and</p> <p>(j) no such dwelling unit</p>	<p>The project is in conformance with applicable standards and appropriate provisions have been made development restrictions.</p> <p>(a) the proposed SDU is approximately half of the size of the primary residence, and will be located off of the driveway that is directed to the primary residence.</p> <p>(b) only one SDU is proposed on a legal lot that has one existing residence;</p> <p>(c) the SDU will remain under the same ownership;</p> <p>(d) the SDU may be rented;</p> <p>(e) the SDU is detached from the primary residence;</p> <p>(f) the unit will have a separate kitchen and bathroom facilities, and is subordinate to the main dwelling in terms of scale and location on the parcel;</p> <p>(g) the proposed SDU is a manufactured home. The applicant has applied for this Special Permit to meet the requirements of the Zoning Ordinance.</p> <p>(h) the secondary unit is approximately 1950 square feet where the existing primary residence is ±3,000 square feet in size;</p> <p>(i) The proposed SDU is not located on TPZ land.</p> <p>(j) The parcel is approximately 17.5 acres in a zone that has a minimum parcel size of 5-10 acres (split zoned, with the secondary unit located on the portion of the property zoned for five acre minimum parcel size) and is therefore not substandard to the zone.</p>

	may be constructed or placed on a lot substandard to the zone unless a Special Permit is granted.	
--	---	--

**4. Public Health, Safety and Welfare; and 6. Environmental Impact.** The following table identifies the evidence which supports finding 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, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare; and will not be materially injurious to properties or improvements in the vicinity.	All reviewing referral agencies have approved the proposed development. The project is not expected to be detrimental to public health safety or welfare. The creation of the Road Maintenance Association and the widening of the road proposed as part of this project will improve the condition of the road and emergency access for all residents along the access.
§15303 of CEQA	Categorically exempt from State environmental review per Section 15303(a) of the Guidelines for the Implementation of CEQA.	Class 3, Section 15303(a), New Construction or Conversion of Small Structures, and Class 4, Section 15304, Minor Alterations to Land. The project is the construction of a second dwelling unit and associated upgrades to the property road access. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	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	The proposed project is to legitimize, after-the-fact, a 1956 square foot secondary dwelling unit. The project will add one additional housing unit to the housing supply. The property (zoned AG) was not included in the residential land inventory and the proposed use will not negatively impact the County's compliance with Housing Element law.

	<p>(the mid point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p>	
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### **Attachment 3**

#### **Applicant Evidence in Support of the Required Findings**

- Road Association Letter of Approval (attached)
- Road Improvement Plans (see attachment 4)
- LACO Peer-Review of Road Improvement Project Plans (attached)
- Drainage Inlet Analysis (on file)
- Floor Plan (on file)
- Property Deed (on File)

To Whom it May Concern:

On behalf of the Cooper/Deer Creek Road Association, I would like to thank you for placing our road issue on your agenda for May 17, 2017. We are looking forward to being able to heal the neighborhood by legally permitting the mobile home on the Becker property. There have been many problems, misunderstandings, and miscommunication on all sides. We are all in agreement that we MUST move forward. We have all been advised of the proposed mitigations and have accepted them as an Association.

Hopefully, with action taken at the meeting next month, we can move forward in an expeditious manner.

Thank you in advance for your assistance.

Gail Jenner

Road Association President



# LACO

March 14, 2014

Deer Creek Road Association  
225 Deer Creek Road  
Hydesville, California 95547



7524.00

Attention: Virgilia Becker

Subject: Deer Creek Lane Road Improvements Project: Follow-Up on Plan Review Comments Letter from LACO dated May 23, 2013

Dear Virgilia:

Per your request, LACO has conducted a third review of the plans prepared by A M Baird for the above-noted project. Your request, and our subsequent review, were initiated by a request from Steven Lazar, Senior Planner with Humboldt County Planning Department.

The previous review was of the April 23, 2013 plans, in response to which we prepared a May 23, 2013 plan review comments letter (attached). That letter stated the April 23, 2013 plans show general compliance with Humboldt County Standards and constructability with accepted engineering practices, but also identified several comments from the previous review that had not been adequately addressed.

Based on our review of the December 20, 2013 plans, it appears as though the comments described in our May 23, 2013 letter have all been adequately addressed.

Please call me at (707) 443-5054 if you have any questions or further concerns.

Sincerely,  
LACO Associates

A handwritten signature in black ink, appearing to read "Becky Dower".

Becky Dower, PE  
Staff Civil Engineer

P:\7500\7524 Deer Creek Road Association\7524.00\04 Correspondence\Client\_Owner\7524.00 20140307 Deer Creek Lane - updated letter.docx

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Attached</b>	<b>On File</b>
County Building Inspection Division	✓	Approval		✓
County P/W, Land Use Division	✓	Conditional Approval Memo and Road Improvement Plans (Sheet 1 through 5)	✓	
County Division of Environmental Health	✓	Comments		✓
CA. Dept. of Forestry and Fire Protection	✓	Conditional Approval	✓	
North West Information Center (NWIC)	✓	Conditional Approval		✓



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377

FACILITY MAINTENANCE

NATURAL RESOURCES 445-7741  
PARKS 445-7651  
ROADS & EQUIP. MAINT. 445-7421  
445-7493

LAND USE 445-7205

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**LAND USE DIVISION MEMORANDUM**

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**TO:** Steve Lazar, Planner I

**FROM:** Robert W. Bronkall, Deputy Director *RWB*

**DATE:** 01/27/2014

**RE:** **BECKER, APN 204-381-017, SP 09-27**

On 10/27/2014 the Department reviewed a set of revised plans from A.M. Baird Engineering & Surveying signed and dated by Allen Baird on 12/20/2013 (sheets 1, 2, 3, and 5) and 01/27/2014 (sheet 5) for conformance with the Department's memo from Robert W. Bronkall dated 06/16/2010.

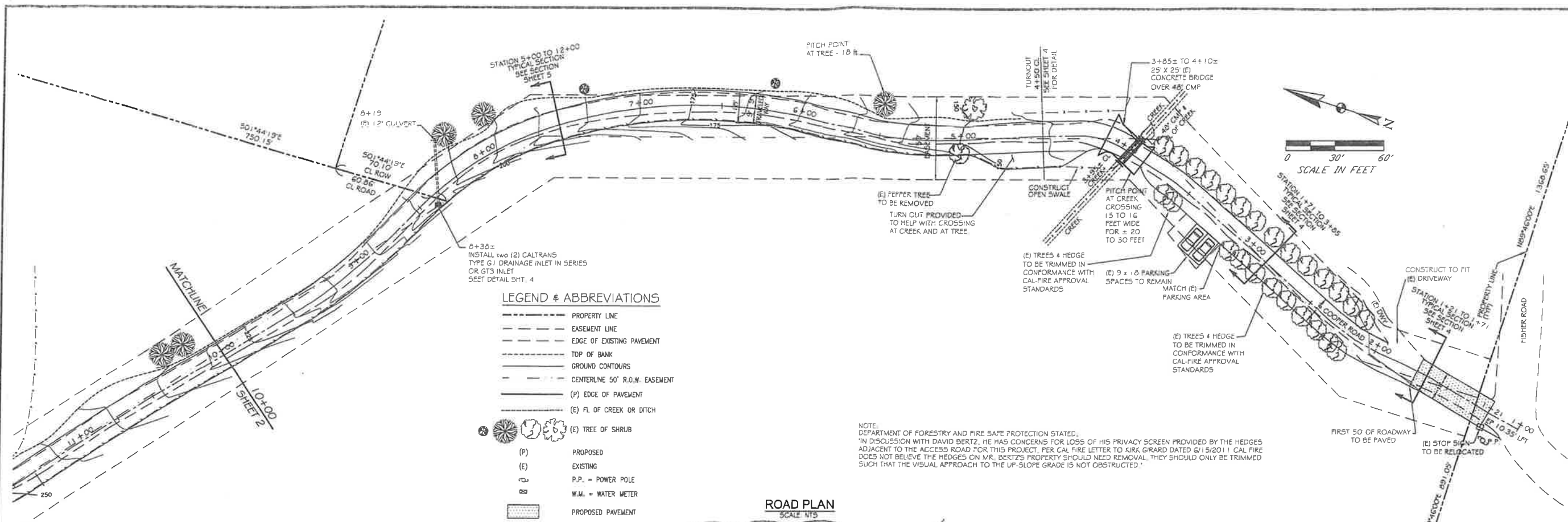
Together, all of the plan sheets are consistent with the Department's memo from Robert W. Bronkall dated 06/16/2010.

// END //

**Attachments:**

- Improvement Plans with "reviewed by R.W. Bronkall on 10/27/2012"

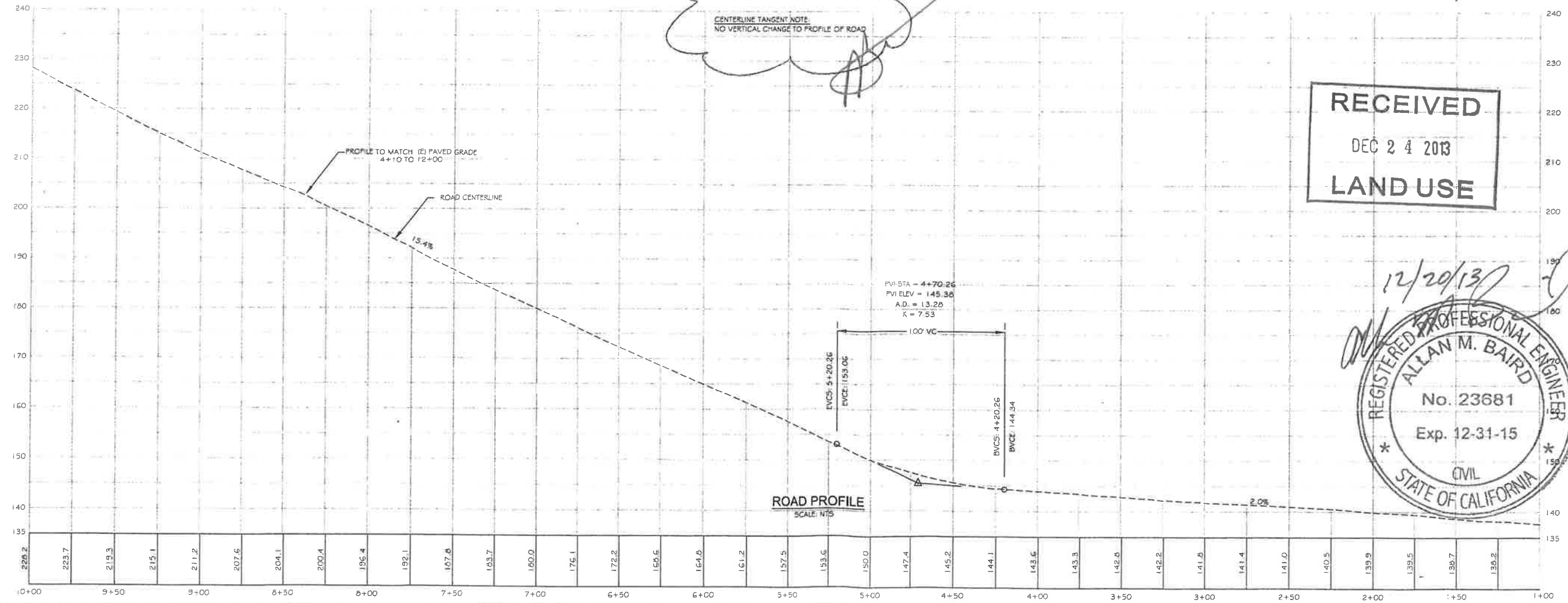




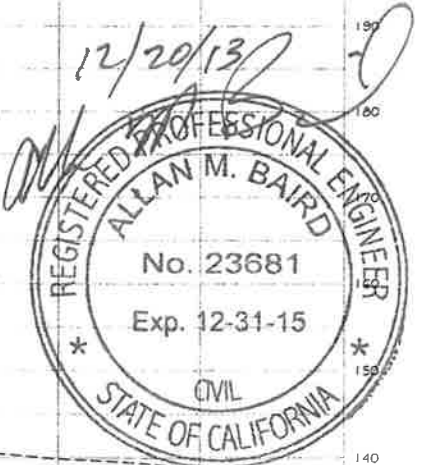
**LEGEND & ABBREVIATIONS**

- PROPERTY LINE
- EASEMENT LINE
- EDGE OF EXISTING PAVEMENT
- TOP OF BANK
- GROUND CONTOURS
- CENTERLINE 50' R.O.W. EASEMENT
- (P) EDGE OF PAVEMENT
- (E) FL. OF CREEK OR DITCH
- (T) TREE OF SHRUB
- (P) PROPOSED
- (E) EXISTING
- P.P. = POWER POLE
- W.M. = WATER METER
- PROPOSED PAVEMENT

NOTE: DEPARTMENT OF FORESTRY AND FIRE SAFE PROTECTION STATED: "IN DISCUSSION WITH DAVID BERTZ, HE HAS CONCERNS FOR LOSS OF HIS 'PRIVACY SCREEN' PROVIDED BY THE HEDGES ADJACENT TO THE ACCESS ROAD FOR THIS PROJECT. PER CAL FIRE LETTER TO KIRA GIRARD DATED 6/15/2011 CAL FIRE DOES NOT BELIEVE THE HEDGES ON MR. BERTZ'S PROPERTY SHOULD NEED REMOVAL, THEY SHOULD ONLY BE TRIMMED SUCH THAT THE VISUAL APPROACH TO THE UP-SLOPE GRADE IS NOT OBSTRUCTED."



**RECEIVED**  
DEC 24 2013  
**LAND USE**



NO.	DATE	DESCRIPTION	BY
1	2-15-11	REVISIONS PER ROD MOCCHETTI	ARB
2	5-13-12	REVISIONS PER BOB BRONKALL	ARB
3	12-20-13	REV PER 12-20-13 MEETING	ASB

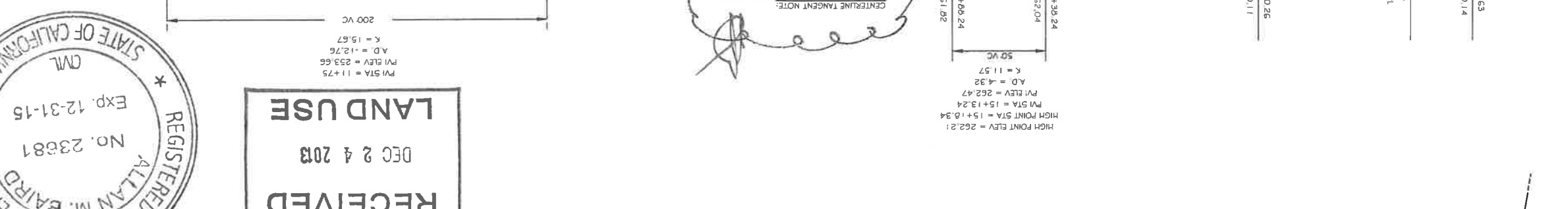
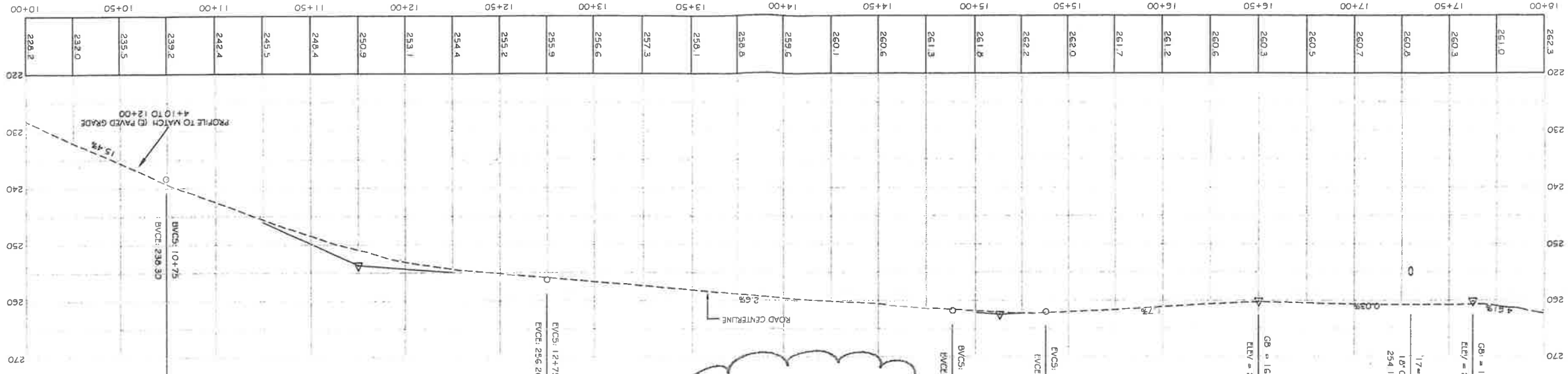
**A.M. Baird**  
Engineering & Surveying  
1257 Main St., P.O. Box 396, Fortuna, CA 95540  
(707)725-5162



SCALE AS SHOWN  
DRAWN BY ARB  
CHKD A.M.B.  
DATE 6/13/12

**ROAD IMPROVEMENTS**  
VIRGILIA BECKER  
225 DEER CREEK LANE  
HYDESVILLE, CA. 95547  
APN: 204-381-017

REVIEWED BY R.W. BRONKALL 01/27/2014 SEE MEMO DATED 01/27/2014

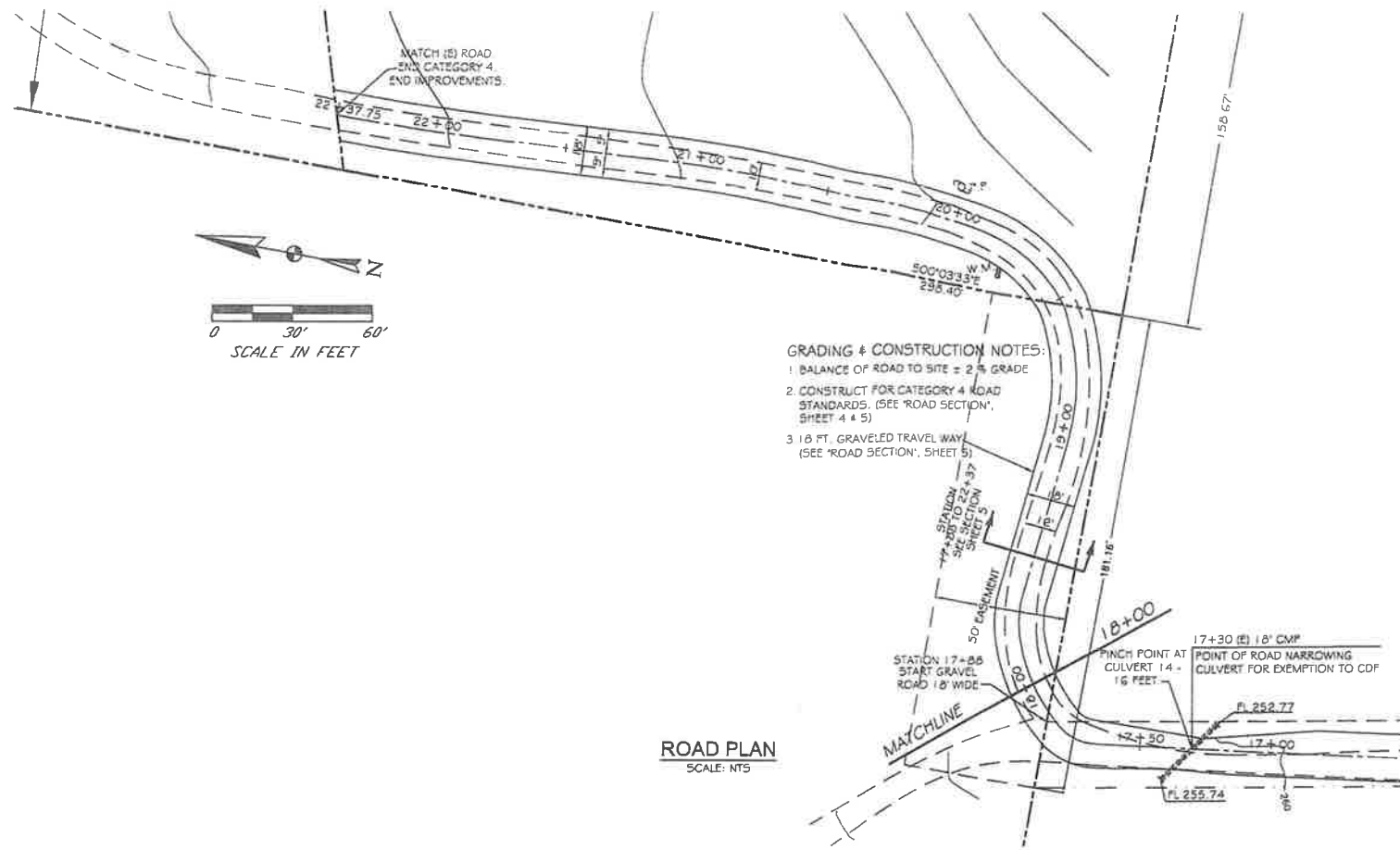


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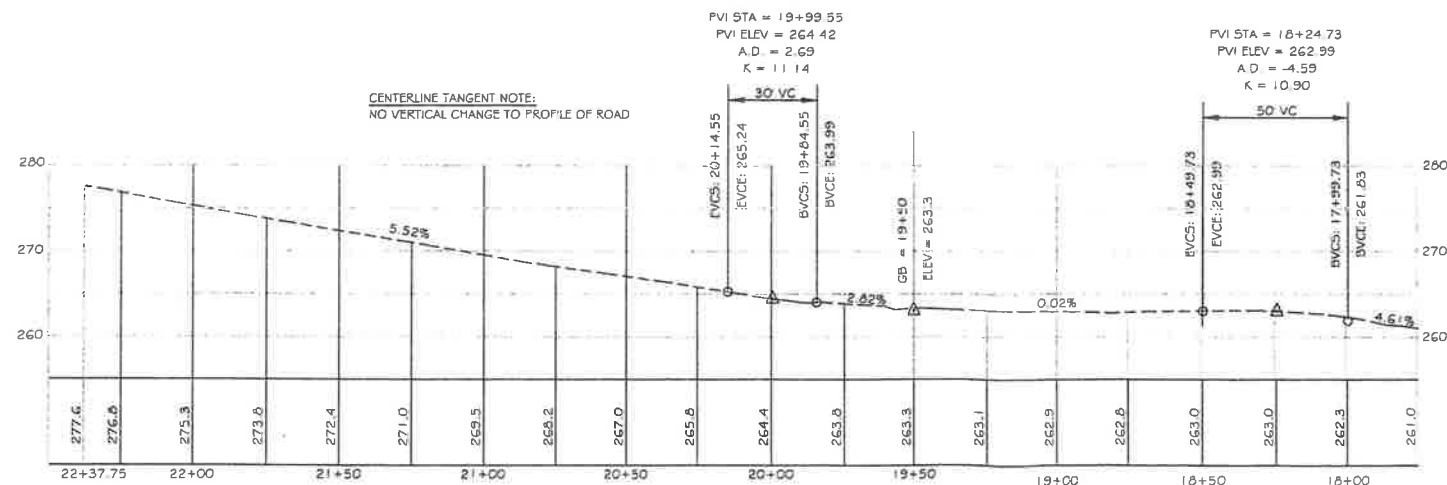


*12/20/13*

SHEET NO. <b>2</b> OF 5																	
JOB NO. 08-3683-2																	
<b>A.M. Baird</b> Engineering & Surveying 1257 Main St., P.O. Box 396, Fortuna, CA 95540 (707) 725-5182																	
VIRGILIA BECKER 225 DEER CREEK LANE HYDESVILLE, CA. 95547 APN: 204-381-017	SCALE AS SHOWN DRAWN BY ARB CHKD A.M.B. DATE 06/13/12																
<b>ROAD IMPROVEMENTS</b>																	
REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>12-20-13</td> <td>REV PER 12-20-13 MEETING</td> <td>ASB</td> </tr> <tr> <td>2</td> <td>6-13-12</td> <td>REVISIONS PER BOB BROUKALL</td> <td>ARB</td> </tr> <tr> <td>1</td> <td>2-15-11</td> <td>REVISIONS PER ROD MOCCHETTI</td> <td>ARB</td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	BY	3	12-20-13	REV PER 12-20-13 MEETING	ASB	2	6-13-12	REVISIONS PER BOB BROUKALL	ARB	1	2-15-11	REVISIONS PER ROD MOCCHETTI	ARB
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1	2-15-11	REVISIONS PER ROD MOCCHETTI	ARB														

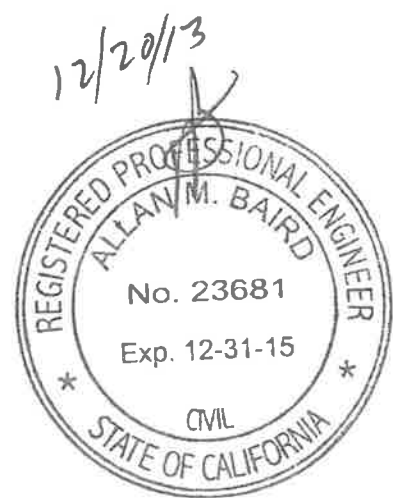


**ROAD PLAN**  
SCALE: NTS



**ROAD PROFILE**  
SCALE: NTS

**RECEIVED**  
DEC 24 2013  
**LAND USE**



NO.	DATE	DESCRIPTION	BY
3	12-20-13	REV PER 12-20-13 MEETING	ASB
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1	2-15-11	REVISIONS PER ROD MOCCHETTI	ARB

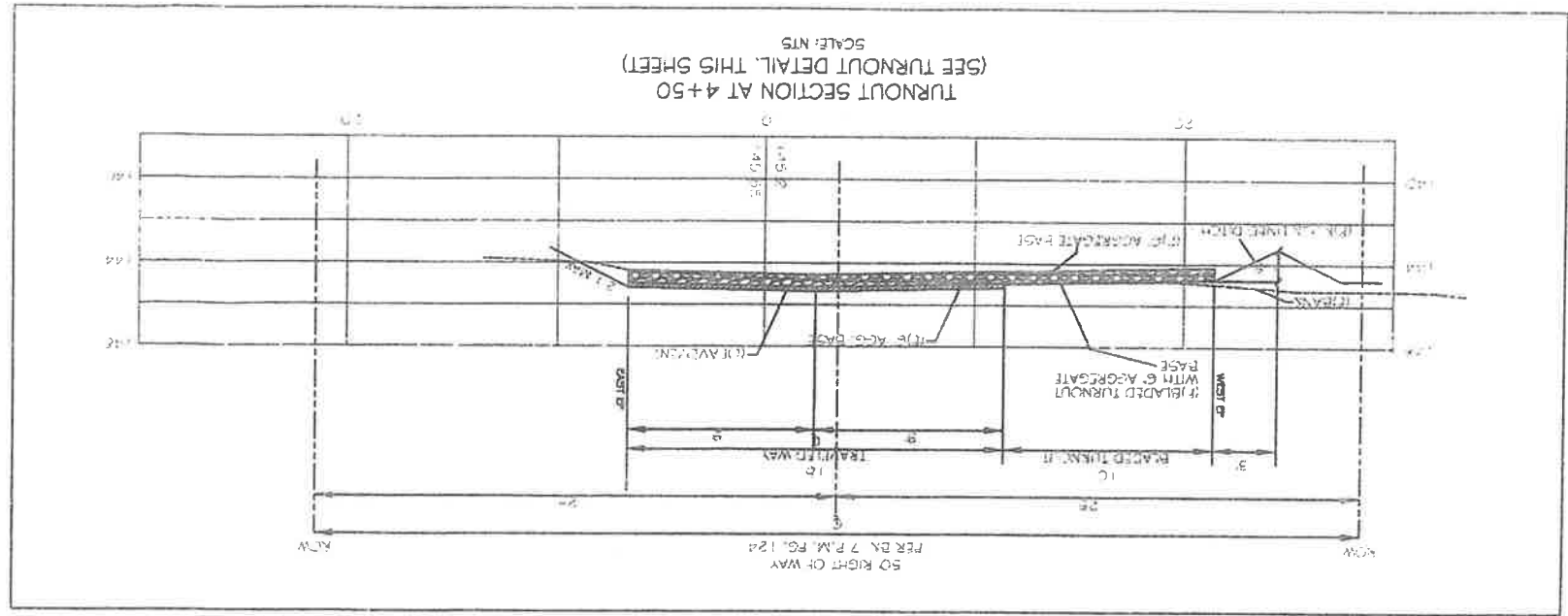
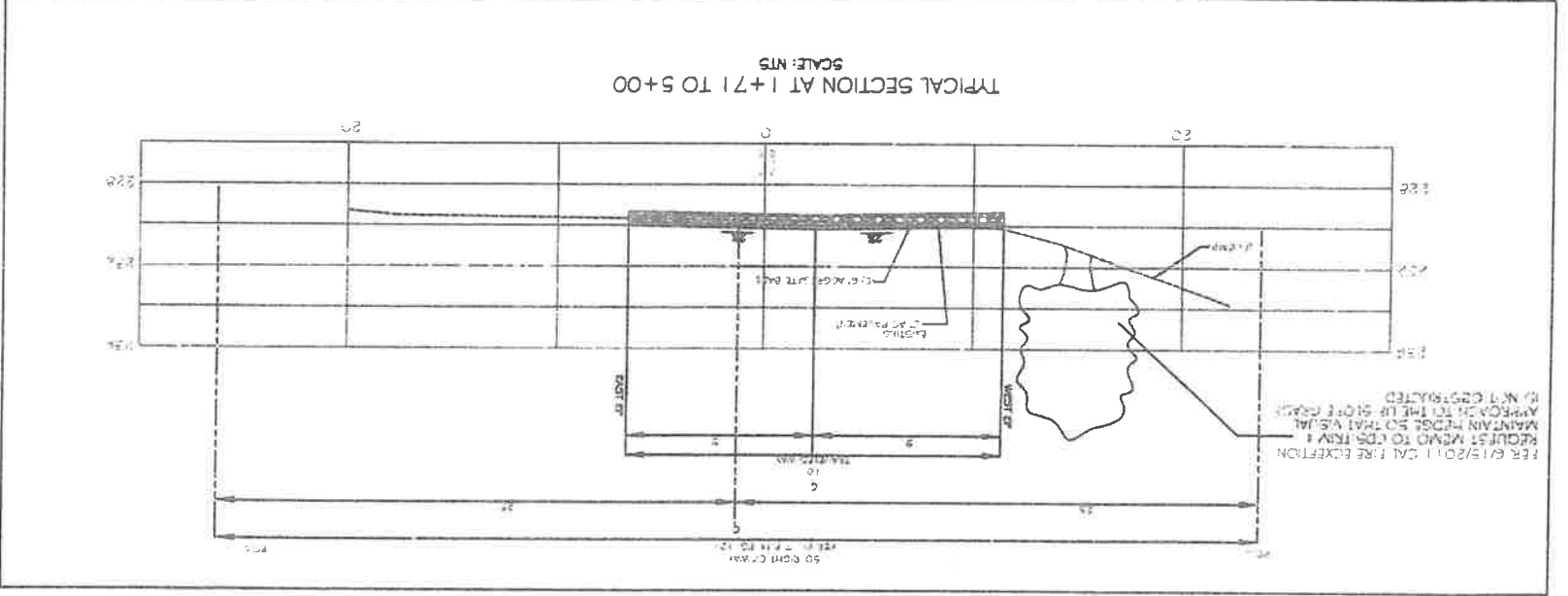
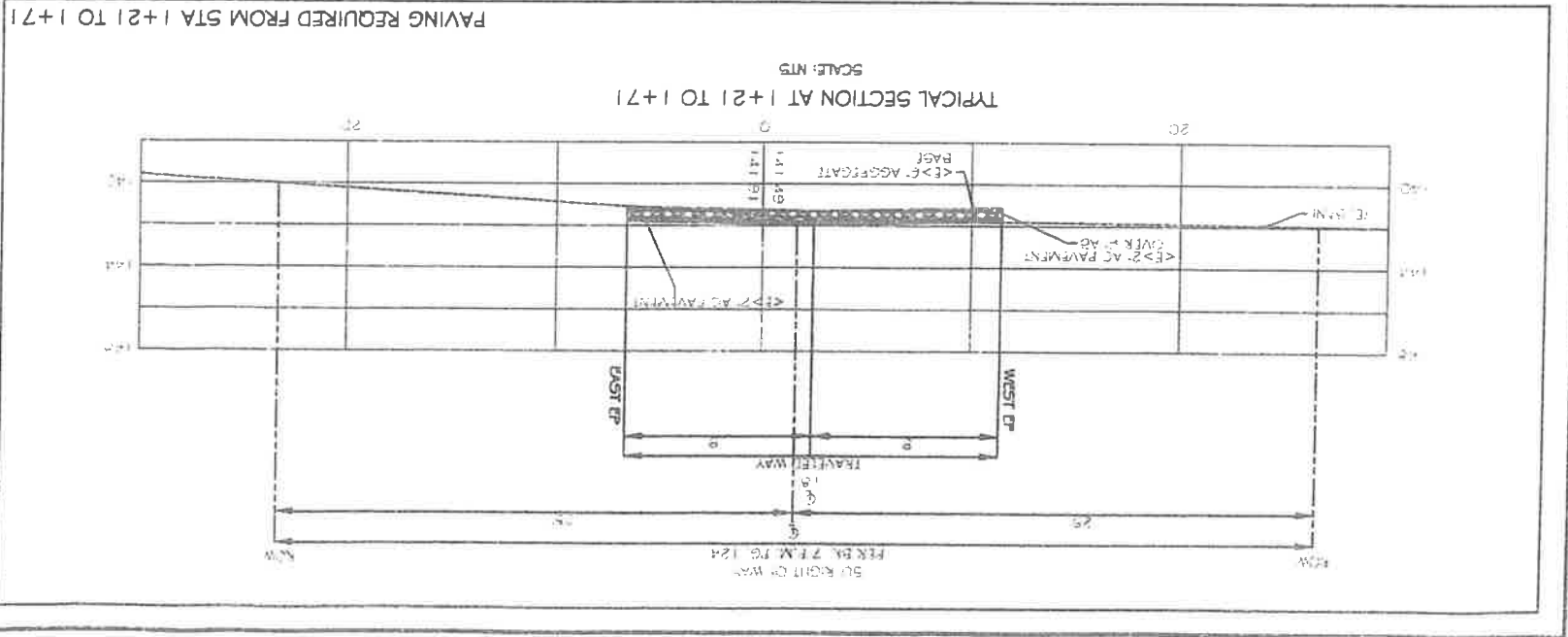
**A.M. Baird**  
Engineering & Surveying  
1257 Main St., P.O. Box 396, Fortuna, CA 95540  
(707)725-5182



SCALE AS SHOWN  
DRAWN BY ARB  
CHKD A.M.B.  
DATE 04/03/12

VIRGILIA BECKER  
225 DEER CREEK LANE  
HYDESVILLE, CA. 95547  
APN: 204-381-017  
**ROAD IMPROVEMENTS**  
JOB NO. 06-3683-2  
SHEET NO. 3 OF 5

REVIEWED BY R.J. BRONKALL 01/27/2014



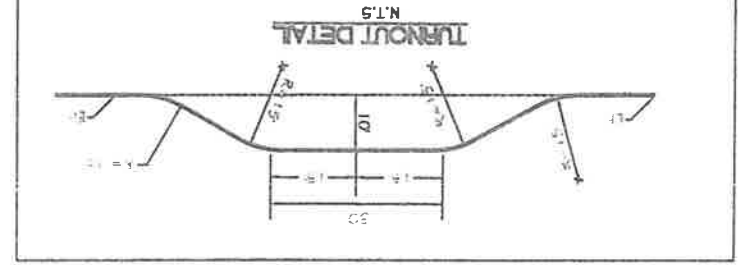
**TABLE A**  
CONCRETE QUANTITIES

Type	Additional PCC per foot (CY)	Additional H=8.1" (CY)	See Note A
C-1	0.95	0.220	See Note A

NOTE A:  
Maximum allowable height: 8'-0"

SEE CALTRANS MAY 2006 FOR COMPLETE DETAILS

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
**DRAINAGE NET G1**  
NO SCALE  
2006 STANDARD PLAN D73



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LAND USE



VIRGILIA BECKER  
225 DEER CREEK LANE  
HYDESVILLE, CA. 95547  
APN: 204-381-017

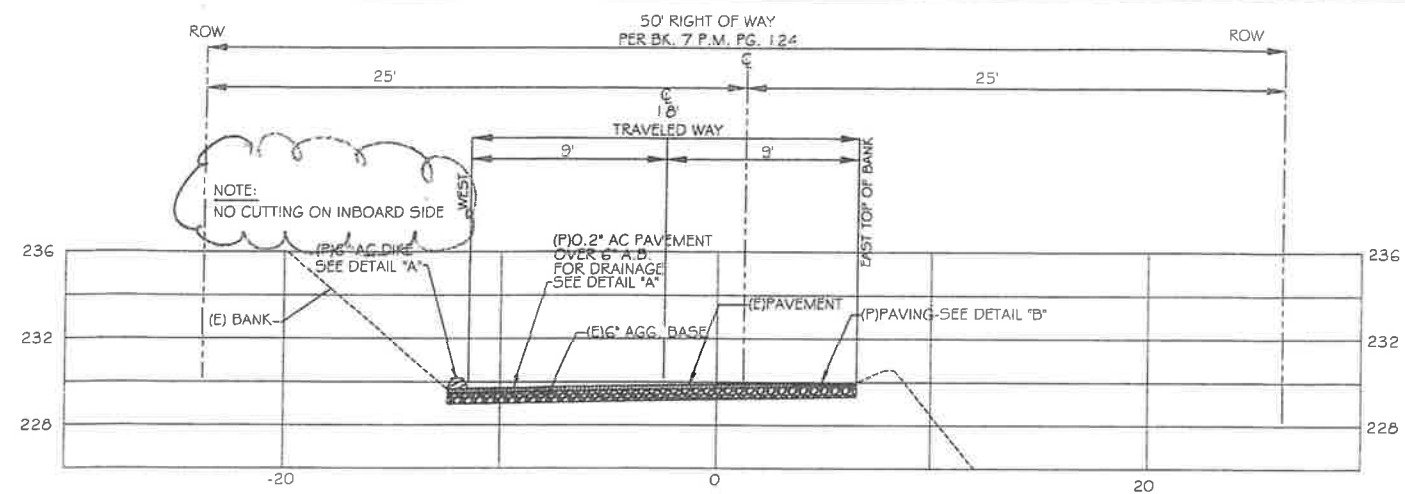
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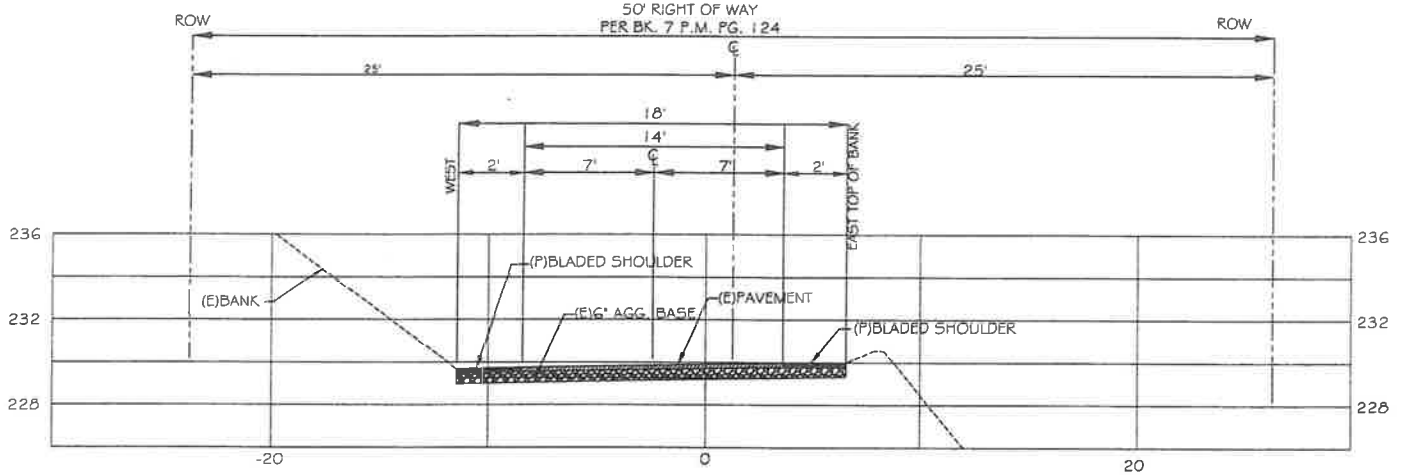


**A.M. Baird**  
Engineering & Surveying  
1207 Main St., Redden, WA, 99460  
(509) 725-5182

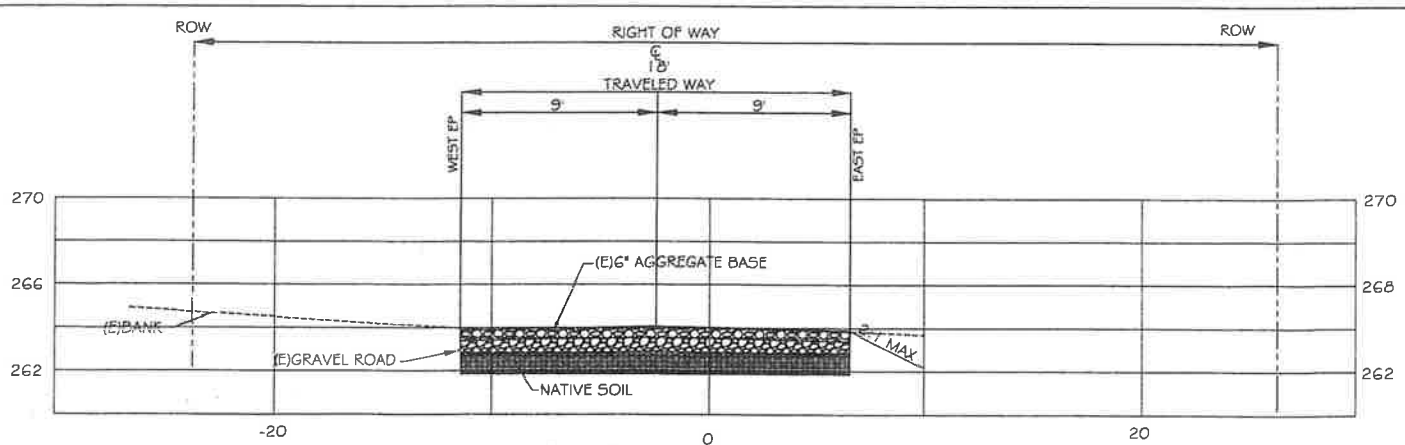
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2	6-15-14	REVISIONS FOR DCR BROWKAL	ARB
3	2-15-14	REVISIONS PER RCD JACQUETTI	ARB



TYPICAL SECTION AT 5+00 TO 12+00  
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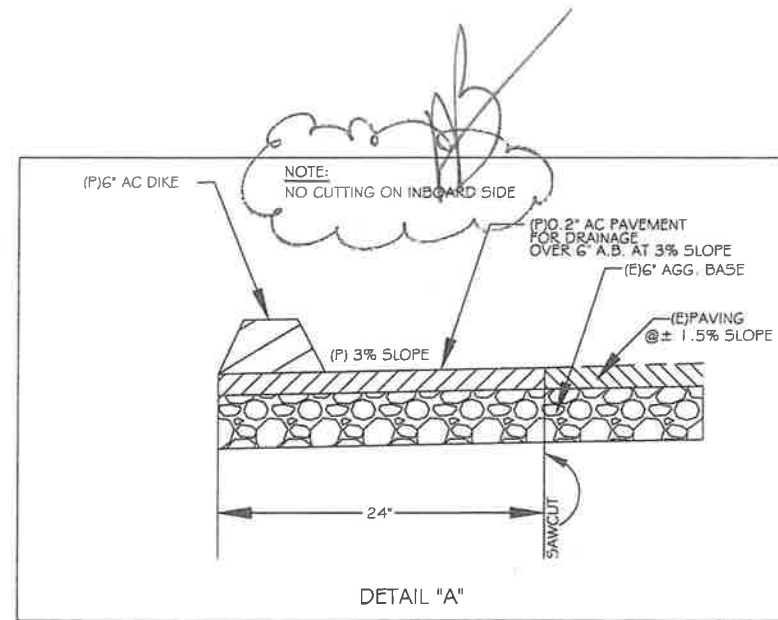


TYPICAL SECTION AT 12+00 TO 17+88  
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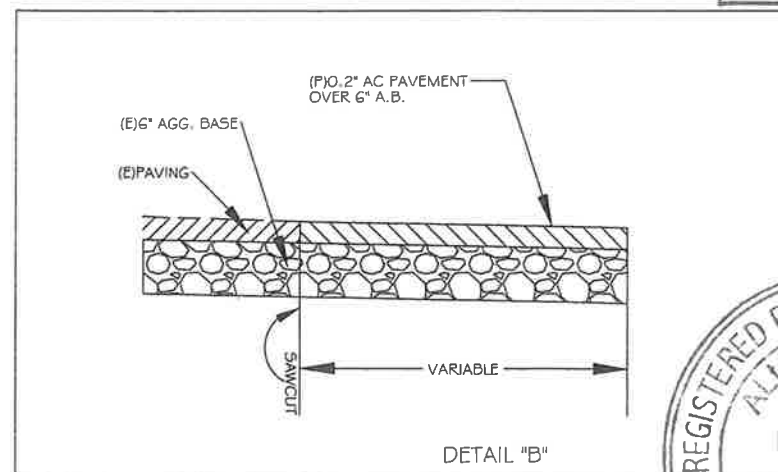


TYPICAL SECTION AT 17+88 TO 22+37  
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TYPICAL 6" AGGREGATE



DETAIL "A"



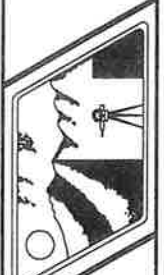
DETAIL "B"

RECEIVED  
DEC 24 2013  
LAND USE

12/20/13  
REGISTERED PROFESSIONAL ENGINEER  
ALLAN M. BAIRD  
No. 23681  
Exp. 12-31-15  
CIVIL  
STATE OF CALIFORNIA

NO.	DATE	DESCRIPTION	BY
3	12-20-13	REV PER 12-20-13 MEETING	ARB
2	6-13-12	REVISIONS PER BOB BRONKALL	ARB
1	2-15-11	REVISIONS PER ROD MICCHETTI	ARB

A.M. Baird  
Engineering & Surveying  
1257 Main St., P.O. Box 398, Fortuna, CA 95540  
(707)725-5182



SCALE AS SHOWN  
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VIRGILIA BECKER  
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HYDESVILLE, CA. 95547  
APN: 204-381-017  
(TYP) SECTIONS & DETAILS  
JOB NO. 06-3683-2  
SHEET NO. 5 OF 5

REVIEWED BY R.W. BRONKALL 01/27/2014



PROPERTY OWNER: Virgilia Becker

APN: 204-381-017



## EXCEPTION REQUEST FORM

### Humboldt County Fire Safe Regulations

Exceptions to standards within the Humboldt County Fire Safe Regulations and mitigated practices will be allowed by the County where it can be shown that the exception provides the same overall practical effect as these regulations towards providing defensible space <sup>1</sup> (Section 3111-8 Humboldt County Code).

1. This request is for an exception from Section(s) 3112-3 & 3112-11 of the Humboldt County Fire Safe Regulations which requires (briefly describe standard practice (e.g. 30 foot building setback)). Road width to be constructed to a minimum Road category 4 road standard. The category 4 road standard cannot be met due to terrain, three existing pinch points, and the existing trees and vegetation located on Cooper Road.

2. This request will provide the same overall practical effect as the Fire Safe Regulations towards defensible space because (specify the material facts that support the granting of the exception) the conditions proposed are not hazardous. There are no unsafe features that would confront fire fighting personnel or equipment. The proposed plans show a Category 4 road throughout the project area except for the pinch point areas. On 1/26/2007 while doing a site visit, Robert W. Bronkall, Associate Engineer of the Humboldt County Department of Public Works, determined due to terrain, a category 4 road would be defined as an 18 foot wide road without shoulders. A turnout is proposed at station 4+58 for Pinch point "one" near station 3+85 in order to provide the same practical effect. Pinch point "two" is at station 5+00. A Category 4 roadway will be constructed before and after pinch point "two". The road will be 18 feet in width due to a tree located at the edge of the road. This affects the usable area of the road because drivers tend to stay clear of large fixed objects. Site visibility in this location is adequate, and the Category 4 roadway is constructed after the pinch point, and the turnout at station 4+58 is also prior to this point. At pinch point "three" at station 17+30, the road narrows to 14 feet, but site visibility is adequate and the Category 4 roadway is constructed before and after the pinch point. This in in conformance with Robert W. Bronkall's review The Public Works Department supports no paving throughout the project area, because the road is less than 16% grade. The Public Works Department also supports this project without indivisible turnouts. However, to provide for the same practical effect paving will be constructed from station 3+50 to 17+85.42. Intervisible turnouts are not needed from station 5+00 to 17+85 because category 4 roadway will be constructed before and after pinch points to allow safe passing of fire fighting equipment. A turnout located before pinch point "three" is not supported by the surrounding neighbors. If the turnout were constructed, the existing vegetation that serves as a noise barrier and visual effect would have to be removed. It would also encroach into the current residents driveway, parking and, barn and pasture access. Visibility and sight distances along the access road are sufficient to permit safe passing of fire fighting equipment and typical vehicles.

As mitigation for the dead end road length issue, the owners are willing to convey their rights to subdivide the property until such time as the access to the project is no longer considered a "dead end road", or can be determined to be less than the maximum allowed by Fire Safe Regulations.

3. *The following specific mitigation measures are proposed as part of this exception request (list any measure(s) to be used to meet the intent of the fire safe standard or practice (e.g. use of fire resistive building construction (Class A Roof, ect.) to achieve equivalent of a 30 foot setback) a.) A traveled way meeting the standard Road Category 4 (18 feet) without shoulders per Robert w. Bronkall, Associate Engineer, Humboldt County Department of Public Works, shall be constructed except in the locations mentioned above..*

b.) Cooper road shall be upgraded to an asphalt concrete paved road from station 1+00 to station 17+85.

c.) A turnout at station 4+58 will be constructed to allow safe passage of any fire personnel.

4. *Attached is a plot plan showing the proposed location and sitting of the exception and/or mitigation measures described above.*

<sup>1</sup>Defensible Space is defined as the area within the perimeter of the parcel where basic wild land fire protection practices are implemented, providing the key point of defense from an approaching wildfire of defense against encroaching wildfires or escaping structure fires. The perimeter used is the area encompassing the parcel excluding the physical structure itself. The establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification and fuel modification measures characterize the area.