

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

**Resolution Number: 24-074**

**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 (CNDDDB), 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 PEGGY O'NEILL and second by COMMISSIONER IVER SKAVDAL and the following vote:

AYES: COMMISSIONERS: Peggy O'Neill, Iver Skavdal, Sarah West, Noah Levy,  
Thomas Mulder, Lorna McFarlane

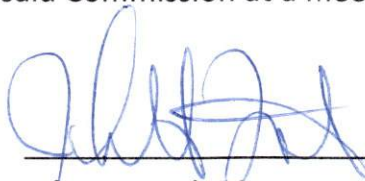
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Jerome Qirazi

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 6/0

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

## **CONDITIONS OF APPROVAL**

Approval of the Coastal Development Permit is conditioned upon the following terms and requirements:

1. The project shall be developed in accordance with the Plot Plan dated June 5, 2024.
2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. The landowner shall have recorded a deed restriction in conformance with Humboldt County Code §313-69.05.3.4 "Neither the ADU nor the primary residence shall be rented for a period less than thirty (30) consecutive days".
4. The project shall adhere to all applicable requirements detailed in the letter from Humboldt Community Services District dated July 26, 2024, and included as Attachment 1B.
5. It appears that the fence is not in compliance with County Code. Portions of the fence will need to be relocated and modified to meet County Code. The applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

### **On-Going Requirements that must be satisfied for the life of the project.**

1. The project shall be developed, operated, and maintained as described in the Project Description, site plan, and as conditioned herein. Changes to the project other than Minor Deviations from the Plot Plan as provided in Humboldt County Code Sec. 312-11.1 shall require a modification of this permit.
2. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. All outdoor lighting for the second unit shall be subordinate to the primary unit's outdoor lighting.
3. The proposed project shall adhere to all of the applicable provisions set forth in Section 313-69.05.3 of Humboldt County Code.
4. The ADU shall be constructed in accordance with the requirements of Chapter 7a of the California Building Code maintaining defensible space extending out to 30 feet or to the property line.

5. The County road is not constructed to allow on-street parking. All parking must be developed on-site, or applicant must construct a parking lane along the County road in a manner approved by Public Works. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: County Code §313-109.1 et seq.]
6. The applicant shall be responsible for correcting any involved drainage problems within the County road right of way to the satisfaction of the Department of Public Works Land Use Division.
7. Site visibility must be maintained at the driveway entrance [reference: County Code section 341-1 et seq.].
8. Pursuant to County Code §411-11(j) and California Streets & Highways Code §1481 & §1482, fences are not allowed within the public right of way of County maintained roads. All fencing shall be constructed outside the County right of way. Gates must be set back sufficiently from the road so that a vehicle can completely pull off the road while opening or closing the gate. Prior to constructing any fences along (or near) the road right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.
9. Low Impact Development (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property will be required to comply with the MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved. Reference: National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements (WDRS) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4S), Order No. 2013-0001-DWQ, NPDES No. CAS000004 adopted 02/05/2013, MS4 permit section E.12.b; Humboldt Low Impact Development Stormwater Manual v3.0 (08/18/2021) Part A (Table 1), Part 2, and Part 3 (Section 1.4)]

**Informational Notes:**

1. This permit shall expire and become null and void at the expiration of two (2) years 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.

2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.
4. If cultural resources are encountered during construction activities, 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, ground stone 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.**

# Humboldt Community Services District

*Dedicated to providing high quality, cost effective water and sewer service for our customers*

Attn: Mr. Rodney Yandell  
Humboldt County Planning and Building Dept.  
3015 H Street  
Eureka, CA 95501

7/26/2024

Re: 3990 Wellington St. Eureka, CA 95503; APN: 016-202-062-000  
Owner: Brianna Moore  
Humboldt County Planning Application PLN-2024-19035

Dear Mr. Yandell:

The District has reviewed the Referral dated 7/24/2024 for the above referenced project. We have outlined the following as requirements for the project:

1. Water and sewer service is available upon payment of applicable charges.
2. Water and sewer services shall not serve more than one parcel.
3. A privately owned, maintained, and accessible water shutoff valve is required on private property, directly behind the water meter(s). See HCSD Detail WS-104 for valve placement.
4. The Applicant/owner shall provide any required fire sprinkler system design calculations and plans to the District for review and approval. If the residential fire sprinkler system is not connected to two domestic plumbing fixtures located in separate rooms, a Double Check Valve water backflow prevention assembly will be required, see HCSD Detail WS-108.
5. A landscape sprinkler system requires a water backflow prevention device/assembly in accordance with the District's Cross-Connection Control Program. District staff will provide information upon request.
6. The applicant/owner shall provide a copy of building plans approved for construction.
7. To compute any additional water and/or sewer Capacity Charges, the District will need a list of water supply fixtures & drainage fixtures for the existing and proposed building(s) at this property.
8. Building sewer and waterlines shall meet minimum cover requirements (12-inches for non-traffic areas & 24-inches for traffic areas).
9. If a privately owned and maintained sewage lift station is required for this project, Applicant/Owner shall provide the District with the lift pump specification, piping system design, and calculations for review and approval.
10. If a privately owned and maintained sewage lift station is not required, an accessible sewer cleanout is required to be within 2 feet of the building. Additional, accessible cleanouts shall be installed at intervals not to exceed 100 feet in straight runs and for each aggregate, horizontal change in direction exceeding 135 degrees.
11. If a privately owned and maintained sewage lift station is not required, an accessible sewer cleanout shall be installed within, or directly behind, the sidewalk area at the project proponent's expense.
12. The existing building sewer line, also known the upper lateral, shall be leak tested using the required accessible cleanouts under the supervision of this office. Upper laterals which fail the leak test shall be repaired at the project's expense and re-tested by this office.
13. Any existing water and sewer services that will not be utilized for this project shall be abandoned per HCSD Standards at applicant's expense.
14. Any needed relocation of existing water and sewer facilities shall be at applicant's expense.
15. If there is a need to demolish an existing building that is connected to sewer, the sewer line must be cut and capped at the property line and inspected by District personnel prior to the project proponent(s) backfilling the sewer utility trench.

16. All newly constructed exterior water and sewer piping shall be installed to code and inspected by District personnel prior to the project proponent(s) backfilling water/sewer utility trenching.

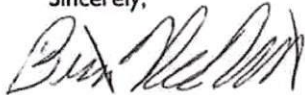
The District's Cross-Connection Control Program is on the District's website under the Reports and Resources Tab: <http://humboldtcsd.org/reports-resources>

Details are located in the Design and Construction Standards on the District's website under the Reports and Resources Tab: <http://humboldtcsd.org/reports-resources>

The District has no objections to granting a building permit, although the District requires that final occupancy not be granted until the District signs off on the project.

Please feel free to call me at (707) 443-1340 ext. 224, should you have any questions.

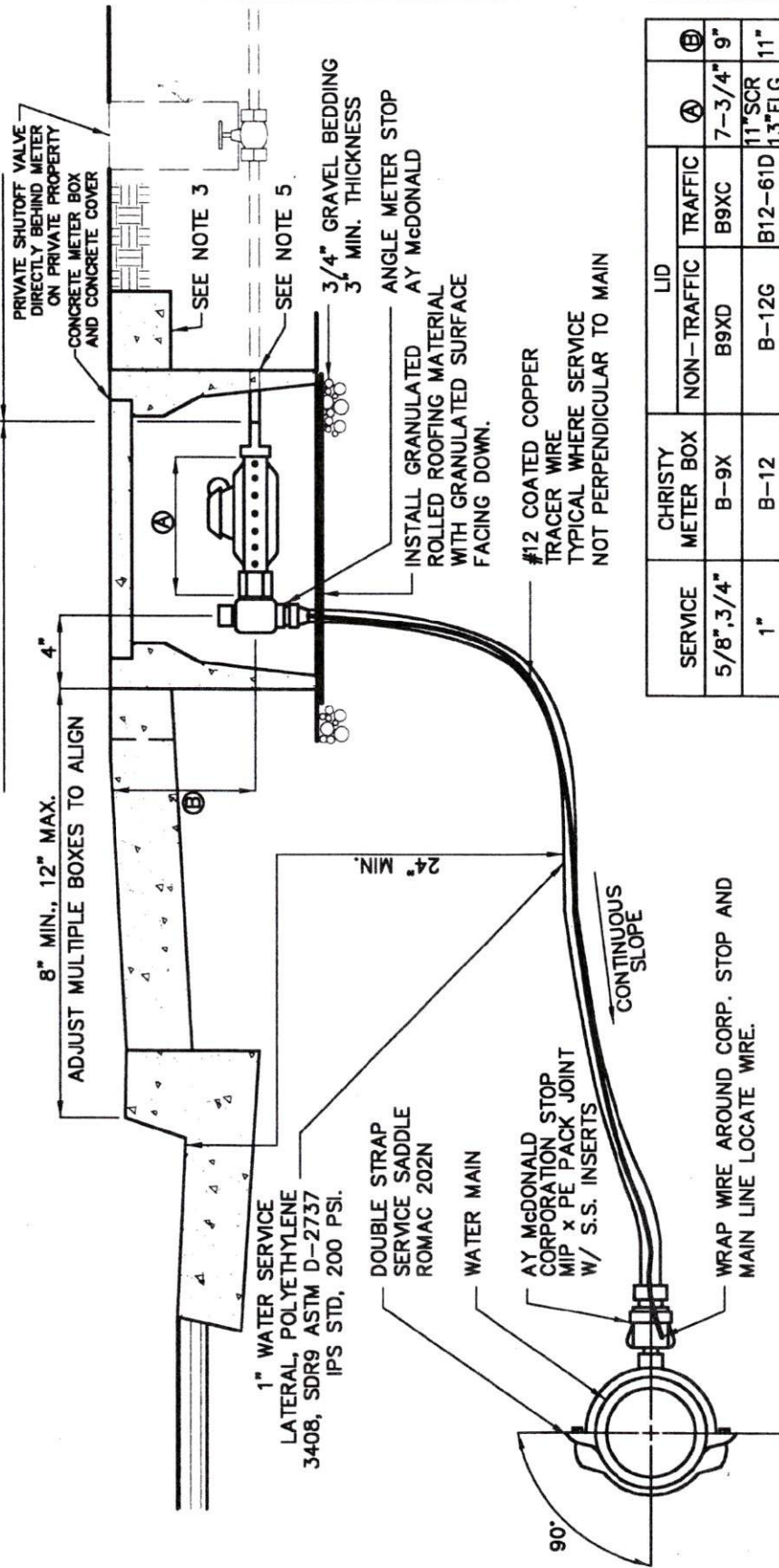
Sincerely,

A handwritten signature in black ink, appearing to read "Brian McNeill", written in a cursive style.

Brian McNeill  
Utility Services Planner

LIMIT OF PUBLIC IMPROVEMENT  
CONTRACTOR'S RESPONSIBILITY

HOUSE PLUMBER'S  
RESPONSIBILITY

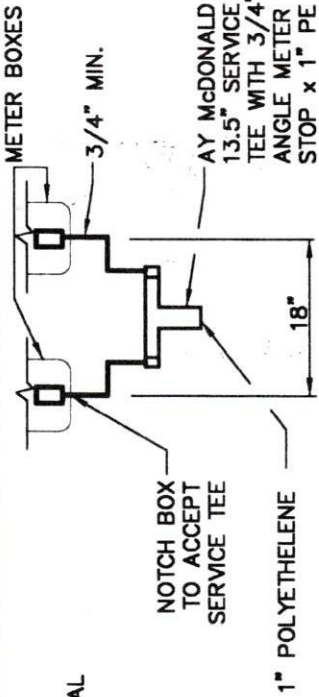


NOTES:

1. WATER SERVICE SIZE REFERS TO METER SIZE. UNLESS OTHERWISE SPECIFIED ON PLAN, PROVIDE FOR 1" METER INSTALLATION FOR SINGLE FAMILY RESIDENTIAL PROJECTS.
2. METERS PROVIDED AND SET BY DISTRICT AT DEVELOPERS EXPENSE.
3. WHERE NO SIDEWALK EXISTS WITHIN THE TRAVEL WIDTH, A 4" THICK BY 6" CLEAR WIDTH CONCRETE PAD SHALL BE INSTALLED.
4. WATER SERVICES SHALL NOT BE LOCATED WITHIN DRIVEWAY AREA.
5. GROUT SEAL METER BOX AROUND WATER PIPE.

SERVICE	CHRISTY METER BOX	LID	
		NON-TRAFFIC	TRAFFIC
5/8", 3/4"	B-9X	B9XD	B9XC
1"	B-12	B-12G	B12-61D
			11"SCR 13"FLG

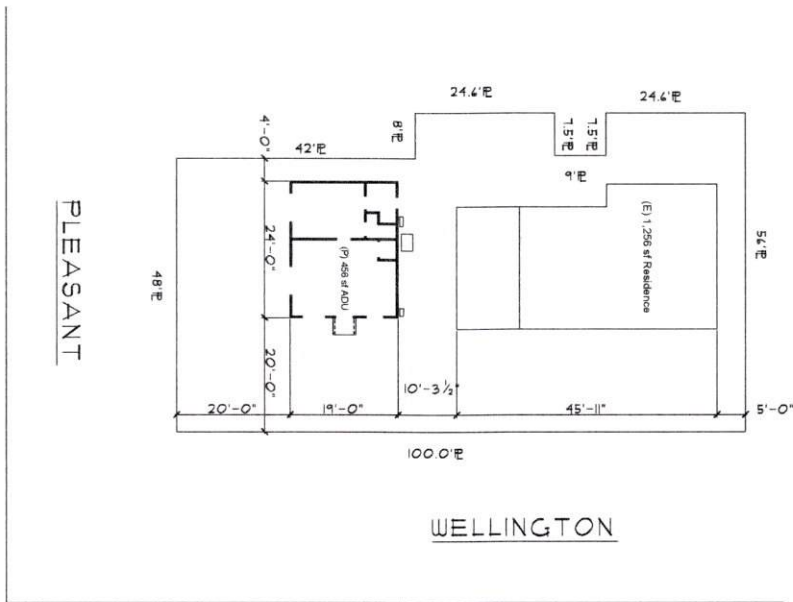
METER BOXES



DOUBLE SERVICE

FOR 5/8" & 3/4" METER  
INSTALLATION ONLY

5/8", 3/4", AND 1" DOMESTIC WATER SERVICE



WELLINGTON

PLEASANT



# PLOT PLAN

SCALE: 1"=10'

AP# 16-202-62  
 ADDRESS:  
 BUILDER: DAN CAVANAUGH  
 PHONE: 101 549-5439  
 NO TREES TO BE REMOVED  
 PUBLIC WATER AND SEWER  
 RESIDENTS SHALL  
 NO CREEKS (W/IN 50'  
 DRAINAGE  
 SURVEY POINTMENTS  
 ROOF DRAINS SHALL BE DIRECTED  
 AWAY FROM FOUNDATIONS BY SOLID  
 PIPES.  
 THE GROUND IMMEDIATELY  
 ADJACENT TO THE FOUNDATION  
 BUILDING SHALL BE NOT  
 LESS THAN 15 PERCENT (SLOPE)  
 PERPENDICULAR TO THE ADJACENT  
 OF THE WALL. IMPERVIOUS  
 SURFACES WITHIN 10 FEET OF  
 MINIMUM OF 2 PERCENT AWAY  
 FROM BUILDING.

DESIGN DRAFTING  
 Drafting Service

2803 S ST. BUREKA, CALIFORNIA

(707)443-9888

OWNER: CAVANAUGH  
 BUILDER: SAME  
 AP# 16-202-62 ADDRESS:  
 PHONE No. 101 549-5439

Sheet No.

of Sheets







## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

118 S. Fortuna Blvd  
Fortuna, CA 95540  
(707) 725-4413  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



Ref: 7100 Planning  
Date: August 2, 2024

To:  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501

RE: Project/Owner: Brianna Cavanaugh APN: 016-202-062  
Area: 3990 Wellington St. Eureka, Ca 95503

CAL FIRE has reviewed this exception request for the following Fire Safe Regulations:

1276.01 Setback

The project proponent is seeking to construct an Accessory Dwelling Unit within the 30' setback.

The review of the site plan confirms that the conditions are consistent with those outlined in the exception request form. Given the lot size constraints, the existing development in the area, the applicant's proposal to construct the residence in accordance with Chapter 7a requirements and maintaining defensible space extending out to 30 feet or to the property line, CAL FIRE supports the approval of this exception request.

*garrett Gregory*

**Garrett Gregory**  
Fire Captain, Fire Planning  
CALFIRE  
Humboldt – Del Norte Unit  
For Kurt McCray, Unit Chief