

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 17-30**

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

**Adopting Findings for Denial of the Virgilia Becker Special Permit**

**WHEREAS**, the property owner, Ms. Virgilia Becker, submitted an application and evidence in support of approving an after-the-fact Special Permit for an existing second-unit mobilehome originally placed on the property under a medical hardship exemption; and

**WHEREAS**, the existing mobilehome was not removed or converted to non-habitable space through the issuance of Building Permits once the medical hardship had ceased to exist which had the potential to create a public nuisance and impact public safety; 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 Sections 15268(a) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, a public hearing was conducted on June 1, 2017 and continued to July 13, 2017, during which time additional oral and written evidence and testimony was received by the Planning Commission.

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

1. Has reviewed and considered all of the evidence in the record.
2. Is unable to make all the required findings for approval of the project, but rather adopted findings to deny the project as stated in Exhibit A to this Resolution.
3. Denies the Special Permit for Case No. SP-09-27.

Adopted after review and consideration of all the evidence on June 1 2017 and July 13, 2017.

The motion was made by Commissioner Bongio and seconded by Commissioner Shepherd.

AYES: Commissioners Bongio, Shepherd, Morris and Mitchell

ABSENT: Commissioners Edmonds, McKenny and Levy

DECISION: Motion carries 4/0.

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.



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John Ford  
Director, Planning and Building Department

## **Exhibit A**

The findings of Section 312-17.1.3 for conformance with Zoning Standards and Section 312-17.1.4 that the proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare cannot be made because:

1. Section 314-87.1.3.2.1 requires that the second dwelling unit be served by a road design that meets the Fire Safe Ordinance considering all development served by the road; and
2. The parcel is located at the end of a dead end road that exceeds the allowable length for second units and does not meet County Category 4 standards for emergency egress and ingress; and
3. CalFire approved an exception request for the road width in 2014 that has not been revisited or updated in the last three years. Since 2014 both the State and County Fire Safe Regulations have been updated (11/17/2015, Ord. 2540) and it is uncertain if the approved exception remains in effect; and
4. The implementation of the road upgrade even if an exception to the Fire Safe standard for dead end road length were granted is dependent on the agreement of the Road Maintenance Association who will be responsible for maintaining the roadway improvements. Testimony received from the former President of the RMA has placed into contest whether the RMA has properly acted to approve the road improvement work.
5. The development of a Second Dwelling unit on a parcel located at the end of a dead end road that exceeds the allowable length for second units, does not meet County Fire Safe standards for emergency egress and ingress without an exception, and where long term maintenance of the road improvements are in question does not meet the standards and requirements of these regulations and could be detrimental to public health, safety, and welfare.