

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 25-

Record Number: PLN-2025-19243

Assessor's Parcel Number: 202-231-023

Making the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Socha Variance.

WHEREAS, Mathew Socha submitted an application and evidence in support of approving a Variance for a ground-mounted solar array; 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 Humboldt County Zoning Administrator held a duly-noticed public hearing on June 26, 2025, and reviewed, considered, and discussed the application for the Variance, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** A Variance is requested to reduce the front and side yard setbacks on a 4.1-acre parcel to accommodate a ground-mounted photovoltaic solar array to support an existing residence. The proposed array will be located approximately ten (10) feet from Mill Street right-of-way setback, and approximately ten (10) feet from the westerly (side) property line. Humboldt County Code requires front yard setbacks to be 20 feet and side yard setbacks to be 30 feet in the Agriculture General (AG) zone districts with a B Combining zone (Special Building Site) on properties over 2.5-acres. The Variance is requested to place the approximately 52-foot by 10-foot solar array in an area providing the most solar gain without having to remove legacy orchard trees and is otherwise undevelopable due to slope. The parcel is currently developed with an approximately 2,300 square foot single-family residence and served with municipal water and an on-site wastewater treatment system.

EVIDENCE: a) Project File: PLN-2025-19243.

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act (CEQA) have been complied with. The project is exempt from environmental review per section 15303(a) of CEQA.

EVIDENCE: a) As lead agency, the Planning and Building Department found the project to be categorically exempt pursuant to CEQA guidelines. The proposed project is for an approximately 52 feet by 10 feet solar panel array to be placed within the front and side yard setbacks. Section 15303(a) of the CEQA guidelines exempts new construction or conversion of small structures.

3. FINDING: The project is consistent with the development policies of the Fortuna Area Community Plan (FACP) and the Humboldt County General Plan (HCGP).

EVIDENCE: a) Land Use 4.8: The proposed project is located within the Humboldt County General Plan (HCGP) land use designation Residential Agriculture (RA), which is designated to apply to large lot residential uses. RA5-20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. Single family residences are an allowable use and the HCGP encourages self-sufficiency and renewable energy sources. The approximately 52-foot by 10-foot solar panel array proposed for the approximately 2,300 square foot house on a 4.1-acre parcel is consistent with this designation.

b) Safety 14.1: Reduce the risks of death, injuries, property damage, and economic and social dislocation resulting from earthquake, fire, flood, and other hazards. The proposed project is not anticipated to create additional hazards or hazardous materials. The subject parcel is located in an area that is moderately stable (2), is not within a fault hazard zone, is outside the tsunami hazard area, outside an area of potential liquefaction and outside any identified 100-year Flood Zone (A). The subject parcel is within the State Responsibility Area for fire response with Fortuna Fire Protection District providing structural fire protection as well as responding to medical emergencies. Cal Fire was consulted as part of the project and has given a blanket

exemption from setback requirements for ground mounted solar arrays as they are not anticipated to be flammable or hazardous. No hazardous materials are anticipated as part of the proposed solar panel array and/or the Variance for the front yard and side yard setback reduction.

- c) Cultural Resources 10.6. Projects should protect cultural heritage, including historic, prehistoric, and architectural resources. The proposed project is not anticipated to impact any cultural resources or Tribal cultural resources. The project was referred to Bear River Band of Rohnerville Rancheria, NWIC, and the Wiyot tribe. The Bear River Band responded that the activities did not appear to represent a source of significant impacts on cultural resources. They requested that inadvertent archaeological discovery protocols be in place for any ground-disturbing activities. NWIC responded that no record of previous cultural resources had been identified in field surveys, and they recommended consulting with local tribes. The standard inadvertent discovery protocols have been included within the conditions of approval for this project
- d) Housing 8.4. Existing and projected housing needs are identified to establish goals, policies, standards and implement measures to preserve, improve and develop housing. The subject parcel was not included in the 2019 Adopted Housing Element Inventory. The project does not add or subtract from the housing inventory.
- e) Conservation and Open Space 10.1. Environmentally sensitive habitat areas are protected to preserve plant and animal life, such as habitat for fish and wildlife and areas required for ecological and other scientific study. No biological resource impacts are anticipated with the proposed project. The proposed solar array is approximately 52 feet by 10 feet on a 4.1-acre parcel. The subject property is located within the Agriculture General (AG) zone district, with a B Combining Zone (special building site) designation. The property is divided by approximately a third by Mill Street, and the seasonal Mill Creek also flows through the South side of the property, making the entire lower third of the property (approximately 1.5-acres) undevelopable. Mill Creek is mapped as a Class II water source by both the California Department of Fish and Game (CDFW) and Cal

Fire and requires a 100-foot buffer from development. The project is proposed to be further than 100 feet from the creek centerline, as well as it is located on the other side of Mill Street. There are no additional mapped wetlands or rare and endangered species within the proposed solar array development site. The location of the proposed solar array within the setbacks would result in minimal tree and vegetation removal. The slope and existing landform are also ideal, resulting in minimal rise and ground disturbance. Should setbacks be strictly adhered to, a legacy fruit orchard would need to be removed as well as several large established trees and abundant surrounding tree limbing. There would also be extensive ground disturbance, with removal of the trees and roots to install the solar array footings. The property is within the Lower Eel Planning Watershed. The solar panel array installation is not anticipated to impact any agricultural activities, biological resources or open space.

- f) Scenic Resources 10.7. The Scenic Resource policies protect outstanding scenic resources that may be adversely affected by land use and development. The subject parcel is not within a mapped scenic area or recognized as requiring scenic protection. The development of the 52-foot by 10-foot solar array will be visible to the public for a short distance while driving on Mill Street, which is a “no outlet” street. There are approximately 15 additional properties of varying size (0.5-acre- 80-acres) beyond the proposed project site. Due to the lack of vegetation on the sloping up topography and the approximately 35-foot setback (25 feet from the road right of way and 10 feet front yard setback if approved by Variance), the solar array would be visible for approximately 20 feet while driving on Mill Street. The Variance is not anticipated to alter natural landforms and will not impact compatibility with the character of surrounding neighborhood area.

4. FINDING: The project conforms with all applicable standards and requirements of these regulations.

EVIDENCE: a) The proposed project will conform with all applicable standards and requirements with the approval of the Variance, which will allow the proposed solar array to be placed within the front yard and side yard setbacks. The 52-foot by 10-foot solar array is

proposed to reduce the front yard setback by 10 feet and reduce the side yard setback approximately 20 feet. With the approval of the Variance for the front yard and side yard setback reduction, all standards and requirements of the zoning ordinance and Humboldt County General Plan will have been met.

- 5. 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) The proposed project is for a Variance to reduce front yard and side yard setbacks. The proposed project is requesting a Variance so that the solar array can be placed in an area which provides the most solar gain without having to remove legacy orchard trees and large established trees and is otherwise undevelopable due to slope. Based on staff analysis and the findings, there is no evidence that the proposed Variance will be materially injurious to properties or improvements in the vicinity.

- 6. 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 subject parcel was not included in the 2019 Adopted Housing Element Inventory and will not reduce the residential density below that utilized by the Department of Housing and Community Development.

- 7. FINDING:** The proposed project has exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property of class of use in the same zone in the vicinity.

EVIDENCE: a) The subject 4.1-acre property is divided approximately by a third by Mill Street, and the seasonal Mill Creek also flows through the south side of the property, making the entire lower third of the property (approximately 1.5-acres) undevelopable. Per Humboldt County Public Works, a 50-foot easement is required for public roads, or 25 feet each side from the centerline. The

front yard setbacks in the Agriculture General zone with B combining zone on parcels bigger than 2.5-acres is 20 feet. Including the 25-foot right of way setback, the proposed development would be required to set back 45 feet from the centerline of Mill Street. If the road did not transect the subject property, the front yard Variance would not be necessary. The side yard setback is 30 feet for the Agricultural General zone with B Combining zone on parcels bigger than 2.5-acres. If the property was zoned with the B5(2.5) combining zone, as all the properties to the south are zoned, the side yard setback would be 5 feet, and a Variance would not be required. The land to the south of Mill Street is within a protected Streamside Management Area, and therefore undevelopable. None of the other neighboring properties share this same restriction, as other properties have their property lines follow the road with minimal restrictions. The applicant is proposing to encroach an additional 20 feet into the side yard setback, or 10 feet off the property line for optimal solar array placement. Since the proposed development is for the installation of a ground mounted solar array, placement for maximum sun exposure is essential. The location that is being proposed for installation is relatively clear of vegetation and trees, void of large stumps, easy to access for installation and service, and too steep for conventional structures. These extraordinary circumstances are such that they would not apply generally to other properties in the same zone but are unique to the subject parcel and support the Variance.

8. FINDING:

The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

EVIDENCE:

- a) By strict or literal interpretation and enforcement of the specified zone setbacks, installation of the solar panel array would result in practical difficulty and unnecessary physical hardship if the Variance was not approved. Due to Mill Street transecting one third of the subject parcel making approximately 1.5-acres undevelopable, and the steep and heavily wooded remaining property, placement of the 52-foot by 10-foot solar panel array within the zone district setbacks would create unnecessary physical hardship. The location of the proposed solar array within

the front yard and side yard setbacks would result in minimal tree and vegetation removal. The slope and existing landform are also ideal, resulting in minimal rise and ground disturbance. Should setbacks be strictly adhered to, a legacy fruit orchard would be removed as well as several large established trees and abundant surrounding tree limbing. There would also be extensive ground disturbance, with removal of the trees and roots to install the solar array footings. Should the Variance be denied, the applicant would be deprived of privileges enjoyed by other owners that do not have public roads transecting their property, and public right of way setbacks adhered to.

9. FINDING: That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

EVIDENCE: a) Granting the Variance will not constitute a special privilege that is inconsistent with other properties in the same zone district. The proposed solar array is approximately 52-foot by 10-foot on a 4.1-acre parcel. The subject property is located within the Agriculture General (AG) zone district, with a B combining zone designation. The property is divided approximately by a third by Mill Street, and the seasonal Mill Creek also flows through the South side of the property, making the entire lower third of the property (approximately 1.5-acres) undevelopable. The location of the proposed solar array within the setbacks would result in minimal tree and vegetation removal. The slope and existing landform are also ideal, resulting in minimal rise and ground disturbance. Should setbacks be strictly adhered to, a legacy fruit orchard would need to be removed as well as several large established trees and abundant surrounding tree limbing. There would also be extensive ground disturbance, with removal of the trees and roots to install the solar array footings. The few other neighboring properties that are similarly zoned have larger parcels that are not as heavily wooded with multiple locations for solar arrays to be placed and are not transected by a public road. Allowing the proposed Variance for setback reductions will not constitute a special privilege to the subject property, or limit other properties classified in the same zone district.

10. FINDING: That granting the Variance or its modification will not be materially detrimental to the public health, safety or welfare.

EVIDENCE: a) The proposed project is for a Variance to reduce front yard and side yard setbacks so that a solar array can be placed in an area which provides the most solar gain without having to remove legacy orchard trees and large established trees and is otherwise undevelopable due to slope. Based on staff analysis and the findings, there is no evidence that the proposed Variance will be materially injurious to properties or improvements in the vicinity.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Approve the Variance to reduce the front and side yard setbacks to accommodate a ground-mounted photovoltaic solar array to support an existing residence, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachments 1A and incorporated herein by reference.

Adopted after review and consideration of all the evidence on **June 26, 2025.**

I, John H. Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department