

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

Resolution Number: 24-

Record Number: PLN-2021-17543

Assessor's Parcel Number: 308-141-017-000

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the McCracken Variance.

WHEREAS, Tim McCracken provided an application and evidence in support of approving a Variance for a reduction in the side yard setback from 5 feet to 3 feet, in the Agriculture Exclusive (AE-160) zoning district; and

WHEREAS, the lead agency, 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 categorically exempt from environmental review pursuant to Section 15305(a), of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on the matter on September 19, 2024.

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

- 1. FINDING:** **Project Description:** A Variance to facilitate a reduction of a side setback from 5 feet to 3 feet. The existing residence was built in 1970 without the proper building permits. There has also been an addition of a deck and barn which did not receive the proper building permits. The barn encroaches into the side setback. Pursuant to Section 312-17.2, the applicant has made the required findings for a Variance. The parcel has been developed with a single-family residence and barn, and both structures are three feet from the northern property line. It is pertinent to the structural integrity of the barn to maintain the reduced setback. Structural engineering would be required to configure the barn to meet the standard setback. The residence on the property is within the same distance of the property boundary and similar properties in the same zoning district also have reduced setbacks for barns and residences.

EVIDENCE: a) Project File: PLN-2021-17543

2. FINDING: **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Zoning Administrator has considered the Categorical Exemption from State environmental review. The project qualifies for Categorical Exemption pursuant to Section 15305(a) of the CEQA guidelines.

- EVIDENCE:**
- a) The project is proposing a setback variance not resulting in the creation of any new parcel.
 - b) The variance will not result in any changes in land use or density.
 - c) All referral agencies have either not responded or responded with recommendations for approval.

FINDINGS FOR COASTAL ZONING REGULATIONS

3. FINDING: The proposed project is in compliance with the purposes of the existing zone in which the site is located and conforms with all applicable standards.

- EVIDENCE:**
- a) The proposed project is to reduce the side setback to bring the existing accessory barn structure into conformance. The accessory structure is a principally permitted use of the zone.

FINDINGS FOR GENERAL PLAN CONSISTENCY

4. FINDING: The proposed project is in conformance with all applicable policies and standards of the Eel River Area Plan.

- EVIDENCE:**
- a) The parcel is developed with a single-family residence and accessory structures which are principally permitted. This project is for a minor alteration to the land use limitations to reduce the rear setback from 5 feet to 3 feet.
 - b) The project does not add or subtract from the Housing Inventory and is intended to bring the existing accessory structure into conformance with setback requirements. Thus, the project is consistent with the County's Housing Element.

FINDINGS FOR VARIANCE

5. FINDING: There are exceptional circumstances applicable to this property that do not apply generally to other properties or classes of use in the same zone in the vicinity.

EVIDENCE: a) The parcel is extraordinarily small for the surrounding area and for the AE zone and the existing structures are three feet from the northern property line.

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

EVIDENCE: a) It is pertinent to the structural integrity of the barn to maintain the reduced setback. Structural engineering would be required to configure the barn to meet the standard setback and would result in an unattractive and less usable wall line for the barn.

7. FINDING: 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) The residence on the property is within the same distance of the property boundary and there are approximately 30 other properties in the same zoning district that do not meet the standard setbacks for barns and residences.

8. FINDING: The granting of the variance will not be materially detrimental to the public health, safety or welfare.

EVIDENCE: a) The granting of this variance would not include new development or impose on neighboring parcels, which are mostly undeveloped, and will create any adverse impacts or nuisances to the surrounding area.

9. FINDING: The development for which the variance is proposed is in conformity with the Eel River Area Plan.

EVIDENCE: a) The variance is to enable an addition to occur on the existing barn, in-line with the existing barn footprint. The use of the property for residential and agricultural development will not change as a result and is compatible with the allowable and intended uses of the Agricultural Grazing land use designation in the Eel River Area Plan.

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
- The proposed Variance is Categorical Exempt from environmental review pursuant to Section 15305(a) of the CEQA Guidelines; and
- Conditionally approves the Variance for Tim McCracken subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **September 19, 2024**.

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 at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department