

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

Resolution Number: 24-026

Record Number: PLN-2024-18879

Assessor Parcel Number: 508-121-055

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the David Meserve Coastal Development Permit and Special Permit.

WHEREAS, David Meserve submitted an application and evidence in support of approving a Coastal Development Permit and Special Permit for the construction of a new 764 square foot two-story Accessory Dwelling Unit to exceed 15 feet in height pursuant to Section 313-69.1.4.2 of the Humboldt County Code; 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) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on May 2, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit and Special 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 an approximately 764-square-foot Accessory Dwelling Unit (ADU). The ADU will be approximately 22 feet tall with a footprint measuring 20 feet by 28 feet and will include an approximately 448-square-foot deck. The parcel is currently developed with an approximately 1,680-square-foot, single-family residence. The parcel is served with community water and sewer provided by McKinleyville Community Services District. Power is provided by PG&E. A Special Permit is required to allow the ADU to exceed 15 feet in height pursuant to Section 313-69.1.4.2 of the Humboldt County Code (HCC).

EVIDENCE: a) Project File: PLN-2024-18879

- 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) 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 15300.2 apply. However, none of these exceptions apply to the proposed project.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT

- 3. FINDING:** The proposed development is in is in conformance with all applicable policies and standards in the McKinleyville Area Plan (MCAP).

EVIDENCE: a) The proposed project is the development of a 764-square-foot Accessory Dwelling Unit (ADU). The 1.13-acre parcel is developed with an approximately 1,680-square-foot single family residence. The parcel is served with community water and sewer provided by McKinleyville Community Services District. The development of the ADU is compatible with the planned uses on the property and is in conformance with the RE plan designation.

b) The proposed project would allow for residential development and is served by the McKinleyville Community Services District for water and sewer.

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 accessory dwelling unit 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) Slopes are the subject parcel are less than 15% as shown on the Humboldt County WebGIS (GIS). The subject parcel is in an area designated as having relatively stable slopes. It is not located

within an Alquist-Priolo Fault Hazard Zone or an area of potential liquefaction. There are no mapped historic landslides onsite.

Per review of the GIS, the project site is not located within a 100-year floodplain nor located within an Airport Compatibility Zone.

The subject parcel is located within the Local Responsibility Area for fire protection where Arcata Fire District provides structural fire protection and emergency responses. The project was referred to the Arcata Fire District and on January 22, 2024, a response was received approving the project with no additional comments or recommendations. 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 located within the range of the western lily (*Lilium occidentale*), the western snowy plover (*Charadrius nivosus nivosus*), and the American peregrine falcon (*Falco peregrinus anatum*). The nearest watercourse is the Mad River, located approximately 1,860 feet west of the project site.

Review of the Humboldt County WebGIS depicts no streams or wetland areas on site.

While the proposed project includes the removal of one tree, the tree is approximately 6 inches in diameter and does not qualify as major vegetation removal. The project was referred to the California Department of Fish and Wildlife (CDFW). On January 22, 2024, CDFW provided a response, with one recommendation that tree removal occur outside of nesting season (generally March 15 – August 1) to avoid impacts to native resident and migratory birds. This recommendation has been included as an informational note under the Conditions of Approval. As reviewed, impacts to Sensitive and Critical Habitats are not anticipated.

- 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) on January 17, 2024. The NWIC indicated there was previous study on and no further study was recommended due to the low possibility of archaeological resources on-site. The Blue Lake Rancheria recommended that standard inadvertent discovery protocol be in place for any ground disturbing activities, which is added as an Informational Note.
- 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-20 zone in which the site is located.

EVIDENCE: a) Per Section 313-69.05.2 HCC, ADUs may be principally without a public hearing in any zone that allows single-family or multifamily 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 764 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.
- c) No manufactured home is proposed as a part of the project.

- 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 January 24, 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 McKinleyville 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 90 feet east from the main residence.
- d) The total floor area of the proposed ADU will be 764 square feet.
- e) Fire sprinklers are not proposed for the ADU and are not required for the primary building.
- f) The proposed ADU would be a new, detached structure and located more than 4 feet from the side and rear lot lines.
- g) Two new parking spaces will be developed in the driveway in front of the proposed ADU as shown on the site plan. The project was referred to the Department of Public Works (DPW) who recommended conditional approval. Parking is not permitted on Fischer Avenue. The project is within an MS4 area, and the applicant will need to adhere to drainage and visibility standards. The applicant is required to adhere to the recommendations of DPW in their comments dated March 12, 2024.
- h) No frontage improvements are proposed.

6. FINDING: Pursuant to Section 313- 69.1.4.2 of HCC, a Special Permit must be secured to allow for detached accessory buildings that exceed fifteen feet (15') in height or 1,000 square feet of gross floor area.

EVIDENCE: a) The proposed project includes an exception request that would allow an ADU that is 22 feet in height as described by the Site and Elevation Plans. The height would be compatible with the neighborhood as there are two two-story apartment buildings on Fischer Avenue approximately 130 feet and 230 feet south of the site. The subject parcel is not located within a design review combining zone nor is the site located withing a designated scenic view area. Therefore, Planning staff recommends approval of the Special Permit.

7. 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 507-181-017 has been determined to be one legal parcel described in LLA-12-007.

8. 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.

9. 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; however, the proposed project is for an accessory dwelling unit. The project will add an additional housing unit to the County's housing stock and is in conformance with the Housing Element.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

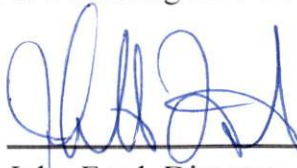
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Coastal Development Permit and Special Permit subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **May 2, 2024**.

The motion was made by COMMISSIONER Iver Skavdal and second by COMMISSIONER Sarah West and the following vote:

AYES: Commissioners: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Sarah West, Lorna McFarlane
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners: Peggy O'Neill
DECISION: Motion carried 6/0

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.



John Ford, Director
Planning and Building Department

CONDITIONS OF APPROVAL

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

1. The project shall be developed in accordance with the Site Plan dated March 15, 2024.
2. The landowner shall have recorded, a deed restriction in conformance with Humboldt County Code Section 313-69.05.3.4 “The ADU or main residence shall not be rented for periods of thirty (30) days or less.”
3. The California Department of Fish & Wildlife (CDFW) strongly recommends that vegetation removal associated with development occur outside the bird nesting season (generally March 15 – August 15) and be maintained as such until project start. Alternatively, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall survey for active bird nests no more than seven days prior to the start of any project-related activities with the potential to impact nesting birds. If an active nest is found, the permittee shall consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes.
4. 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 this Department. 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.]
5. 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.
6. The project is located within the McKinleyville Drainage area, development of the parcel will require the payment of drainage fees pursuant to Humboldt County Code §328.1-13, at time of application for the building permit.
7. 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 prior to development. [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)]

8. 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.

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. 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.
3. Site visibility must be maintained at the driveway entrance [reference: County Code section 341-1 et seq.].
4. 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.
5. The proposed project shall adhere to all of the applicable provisions set forth in Section 313-69.05.3 of Humboldt County Code.

Informational Notes:

1. The applicant is responsible for receiving all necessary permits and/or approvals from other State and local agencies.

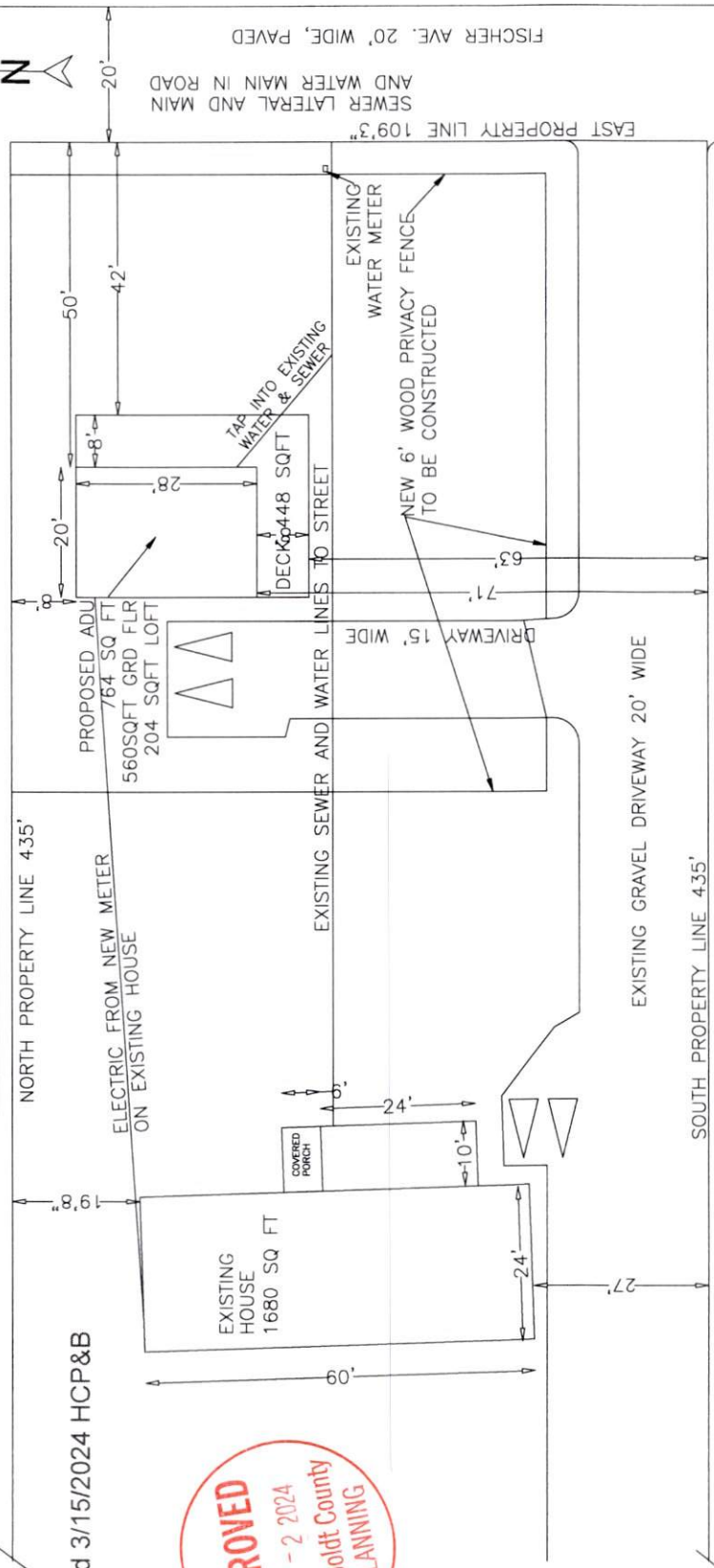
2. This permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see “Effective Date”); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
3. 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.
4. 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.
5. 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.

SITE PLAN FOR PROPOSED ADU SCALE: 1"=12.5'

SCALE: 1"=12.5'



Received 3/15/2024 HCP&B



DAVID MESERVE
BUILDING & DESIGN
OWNER AND BUILDER
910 GRANT AVE.
ARICATA, CA 95521
707-834-3612

FISCHER AVE. ADU

1664 FISCHER AVE., MCKINLEYVILLE
AP#: 508-121-055

AP#: 508-121-055

SITE PLAN

SCALE: VARIES

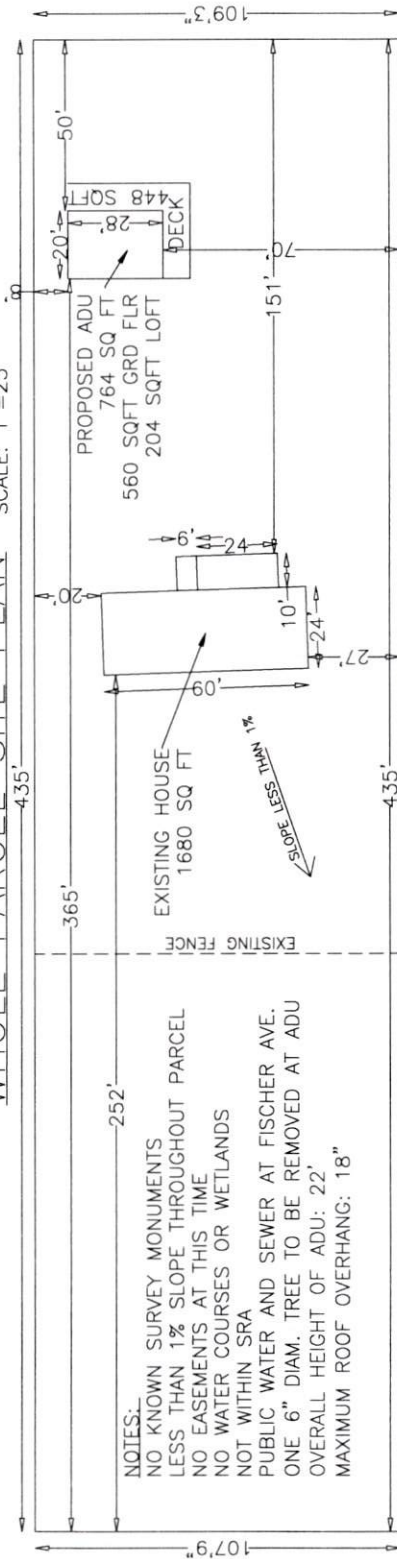
DRAWN BY: DM

DATE: 5/11/24

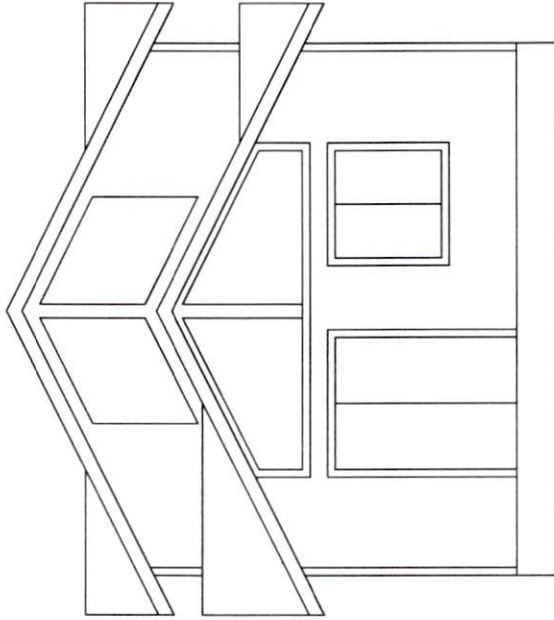
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WHOLE PARCEL SITE PLAN

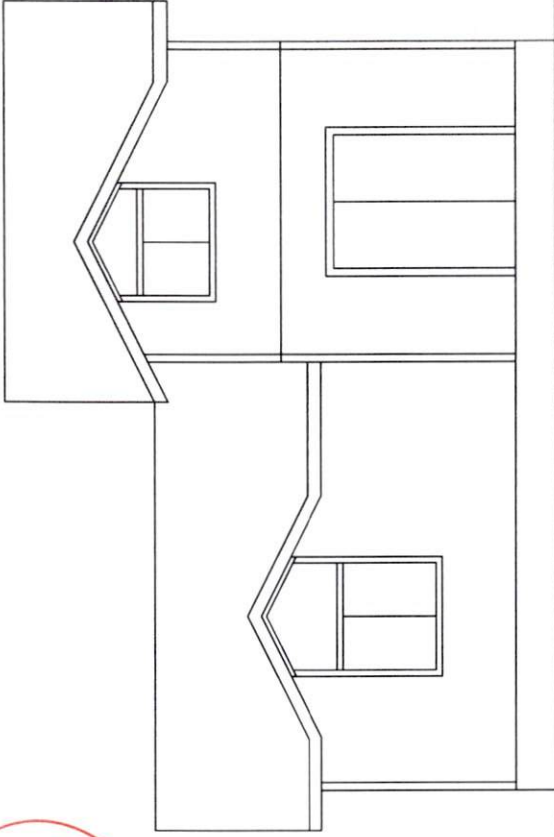
SCALE: 1"=25'



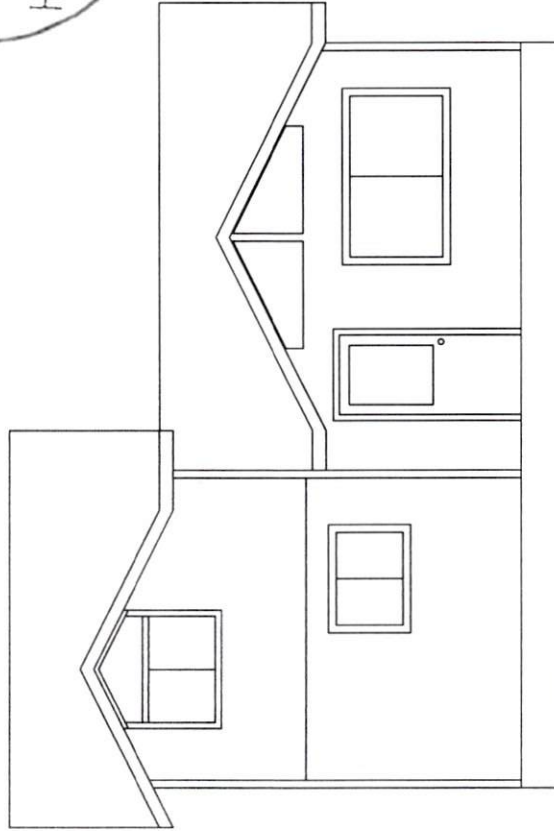
NOTES:
NO KNOWN SURVEY MONUMENTS
LESS THAN 1% SLOPE THROUGHOUT PARCEL
NO EASEMENTS AT THIS TIME
NO WATER COURSES OR WETLANDS
NOT WITHIN SRA
PUBLIC WATER AND SEWER AT FISCHER AVE.
ONE 6" DIAM. TREE TO BE REMOVED AT ADU
OVERALL HEIGHT OF ADU: 22'
MAXIMUM ROOF OVERHANG: 18"



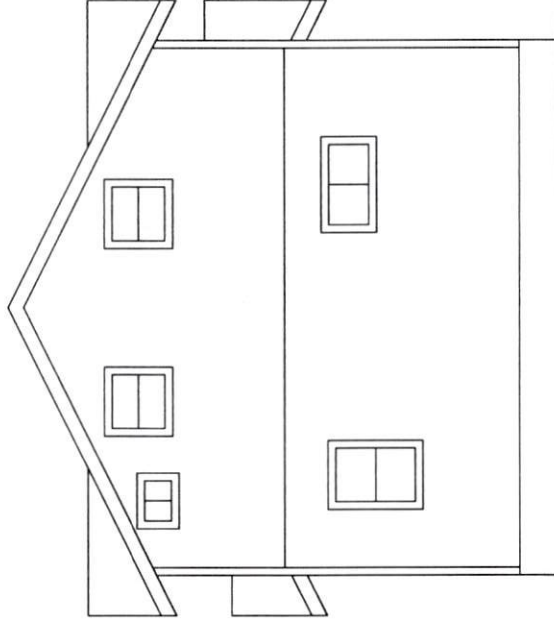
SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION