

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

Resolution Number: 25-

Record Number: PLN-2024-18884

Assessor's Parcel Number: 312-071-050

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Heavenly Rooted Special Permit for a Short-term Rental.

WHEREAS, Heavenly Rooted Estate LLC submitted an application for a Short Term Rental Permit; 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 exemptions found in Sections 15301 (Existing Facilities) of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Special Permit for a Short-term Rental); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on September 4, 2025, and reviewed, considered, and discussed the application for the Special Permit for a Short-term Rental, 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:

FINDINGS FOR SPECIAL PERMIT

1. FINDING: A Special Permit for a short-term rental located in an Agricultural General zone on a parcel between 2.5 and 10 acres not operated as a farm-stay, and a Special Permit to exceed the Neighborhood Concentration 20% density limit for short-term rentals on an access road. The parcel is approximately 4 acres in size and is currently developed with a single-family residence, accessory structures, and recreational areas such as a basketball court and bocce ball court. A maximum occupancy of 14 is proposed for gatherings. The parcel is served with on-site water and an on-site wastewater treatment system, and power is supplied by PG&E.

EVIDENCE: a) Project File: PLN-2024-18884

2. FINDING: CEQA: The requirements of the California Environmental Quality Act have been met.

EVIDENCE:

- a) The proposed project is for a Special Permit to operate a Short-term Rental within an existing permitted residential structure and is exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.
- b) The proposed project is consistent with the development density established by the existing zoning, community plan and general plan policies.
- c) There is no evidence that the proposed project will include any development actions that would have a significant effect on the environment.

3. FINDING: The proposed project is in conformance with all applicable policies and standards in the General Plan.

EVIDENCE:

- a) The property was not included in the 2019 Housing Element and use of the property as a short-term rental would not remove housing nor have negative impacts to the Housing Element.
- b) The project site is moderately stable, is not located in the Alquist Priolo fault hazard zone, is not located in a FEMA 100-year flood zone, is not located in a tsunami hazard zone nor susceptible to coastal inundation related to sea level rise (1 meter).

The project site is in an area of moderate fire hazard severity, and within the Cal Fire State Responsibility Area.

There is no evidence to suggest that the use of the residence as a short-term rental will introduce any hazards to the occupants, nor present any conditions that will be detrimental to public health, safety or welfare, nor create conditions inconsistent with neighboring uses or negative to property values.

- c) The project was referred to NWIC, Blue Lake Rancheria, Bear River Band, and the Wiyot Tribe. Inadvertent archaeological discovery protocols were recommended for any ground-disturbing activities that may take place in the future and are conditioned in Attachment 1A.
- d) There are no wetlands, special-status species, or coastal natural resources on the project site as depicted on the County's natural resources GIS database, nor any natural features of concern or that might be at risk from operation of a short-term rental.

4. FINDING: The project is consistent with the purposes of the existing zone in which it is located.

EVIDENCE: a) The property is split zoned Unclassified (U) and Agriculture General (AG). Residential uses are principally allowed uses within the U and AG zone district. Short-term rentals are allowed in U and AG zone districts per the Short Term rental Ordinance (314-60).

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

EVIDENCE:

- a) The subject parcel has been determined to be one legal parcel with an existing single-family residence, a principally permitted use, and conforming with all applicable setbacks and density requirements, and with no active violations on the parcel.
- b) The proposed project will not exceed the Short-Term Rental Cap of 2% of the overall housing stock in the Greater Humboldt Bay Area.
- c) Per the included Good Neighbor Guide, fire extinguishers, smoke detectors and carbon monoxide detectors will be maintained in working order, and solid waste, recycling, and compost will be appropriately disposed of routinely.

- d) A signed affidavit certifying the delivery of a Good Neighbor Guide was included with the Special Permit Application.
- e) Parcels zoned AG require short term rentals to operate as a farm stay. Exceptions from these standards can be granted through a Special Permit. There are no commercial agricultural operations on the property or in the neighborhood. The properties on Hilltop Lane are designated as Residential Estates (RE) in the Humboldt County General Plan, which does allow for general agricultural uses; however, the RE land use designation is used for lands adjacent to urban areas and is intended as a transition from urban development to rural lands. Additionally, lands adjacent to the property on the north and west are designated Residential Low Density (RL). The RL land use designation does not allow general agriculture as an allowed use. Due to the lack of commercial agricultural operations in the vicinity, the designation of the properties in the neighborhood as transitional from rural to urban development, and abutting lands that do not allow general agriculture, excepting this short-term rental from farms stay requirements is not anticipated to conflict with, or otherwise have any quantifiable impact on, agricultural working lands.
- f) Humboldt County Code states that short term rentals shall not exceed twenty percent (20%) of the dwellings on the access road. Approval of this project would exceed this limit. Exceptions from these standards can be granted through a Special Permit. Approval of the proposed short-term rental would result in short term rentals accounting for approximately 22% of dwellings on the access road, however the property has historically been utilized for short term use and would represent an approximately 2% increase beyond the allowed density. A 2% increase beyond the allowed density is not anticipated to have impact on neighborhood character.
- g) Private gatherings are proposed within allowable limits.
- h) The proposal will maintain three rooms for rent with a maximum overnight occupancy of six people; Parking is provided in multiple locations including adjacent to the residence, two locations along the driveway, and adjacent to the basketball court, maintaining compliance with the STR ordinance.

- i) Applicant will only be operating this one Short-term rental in the County (and on this parcel).

6. FINDING: The Special Permit for a Short-term Rental will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The parcel is currently developed with an existing single-family residence and appurtenant structures. The proposed Short-term Rental will remain consistent with the use and character of the surrounding parcels.
 - b) All reviewing referral agencies have approved or conditionally approved the proposed development, with conditions listed in Attachment 1A.
 - c) While the existing short-term rental has generated noise and lighting complaints that have been detrimental to the public welfare, this was primarily in association with the unpermitted special event venue associated with the STR. The applicant has since abandoned permitting the property as a special event venue. Conditions for the STR include removal of the outdoor speaker system, timed locks on the sports court, and ensuring the control panel for sports court lighting is inaccessible to guests. As conditioned, the project would be operated in a manner that is consistent with the public welfare.

7. FINDING: The proposed project will not reduce the residential density of this parcel or the surrounding area.

- EVIDENCE:**
- a) The parcel is not included in the 2019 adopted Housing Element Inventory.
 - b) The project is proposing a Short-term Rental use for an existing residence which will have no effect on the County Housing Inventory.
 - c) No residential development is proposed to facilitate this project, and the project is consistent with the County's 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 Heavenly Rooted Special Permit for a Short-term Rental, subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **September 4, 2025**.

The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____ and the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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