

SUPPLEMENTAL INFORMATION #3

For Planning Commission Agenda of:
July 13, 2017

- | | | | |
|-------------------------------------|------------------------|---|--------------|
| <input type="checkbox"/> | Consent Agenda Item | } | |
| <input checked="" type="checkbox"/> | Continued Hearing Item | } | |
| <input type="checkbox"/> | Public Hearing Item | } | No. <u>6</u> |
| <input type="checkbox"/> | Department Report | } | |
| <input type="checkbox"/> | Old Business | } | |

Re: **Virgilia Becker** Special Permit
Case Number SP-09-27
Assessor Parcel Number 204-381-017-000
225 Deer Creek Lane, Hydesville Area

Attached for the Planning Commission's record and review is (are) the following supplementary information item(s):

- 1) Resolution and Findings for Denial of the Virgilia Becker Special Permit

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

**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 15303(a) of the California Environmental Quality Act (CEQA); 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:

1. The Planning Commission has reviewed and considered all of the evidence in the record.
2. The Planning Commission is unable to make all the findings required for approval of the project contained in Attachment 1 of the Planning Division staff report for Case No. SP-09-027 as more specifically described in Exhibit A to this Resolution.
3. The Planning Commission denies the Special Permit for Case No. SP-09-27.

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

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

I, Suzanne Lippre, Clerk 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.

Suzanne Lippre, Clerk

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.

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NOES: Commissioners:

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