



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**

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Hearing Date: September 1, 2022

To: John H. Ford, Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Ferson Coastal Development Permit Modification**  
Case Number: PLN-2022-17618  
Assessor's Parcel Number: 515-141-071  
Trinidad Area

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Please contact Cade McNamara, Planner II, at 268-3777, or by email [cmcnamara@co.humboldt.ca.us](mailto:cmcnamara@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b>	<b>Subject</b>	<b>Contact</b>
September 1, 2022	Coastal Development Permit Modification	Cade McNamara

**Project:** A modification to the previously approved Coastal Development Permit (PLN-10684-CDP). The modification proposes the conversion of the existing detached office (791 SF) into a primary dwelling by utilizing the second story as livable space and increasing the ground footprint to 1,413 SF. The modification also proposes the addition of a detached garage (624 SF) adjacent to the new primary residence. The existing residence will be reclassified as an ADU.

**Project Location:** The project is located in Humboldt County, in the Westhaven area, on the North side of Adams Fox Farm Road, approximately at the intersection of North Westhaven Drive and Adams Fox Farm Road, on the property known as 37 Adams Fox Farm Road

**Present Plan Land Use Designation:** Rural Residential (RR(C)); Trinidad Area Plan, 2017 General Plan; Density: Density range is 0 to 1 units per 2.5 acres; Slope Stability: Low Instability (1).

**Present Zoning:** RA-2.5-M/R (Residential Agriculture)

**Record Number:** PLN-2022-17618

**Assessor's Parcel Number:** 515-141-071

**Applicant:**

Susannah Ferson  
37 Adams Fox Farm Rd.  
Manilla, CA 95521

**Owner:**

Same as applicant

**Agent:**

N/A

**Environmental Review:** The project is exempt from environmental review pursuant to Categorical Exemption Section 15303 of the CEQA Guidelines.

**Major Issues:** None

**State Appeal Status:** Project is appealable to the California Coastal Commission.

## Ferson Coastal Development Permit Modification

Record Number: PLN-2022-17618  
Assessor's Parcel Number: 515-141-071

### Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

*Find that the Zoning Administrator has considered project as Categorically Exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit and adopt the Resolution approving the Ferson Coastal Development Permit Modification as recommended by staff subject to the recommended conditions.*

**Executive Summary:** A modification to the previously approved Coastal Development Permit (PLN-10684-CDP). The modification proposes the conversion of the existing detached office (791 SF) into a primary dwelling by utilizing the second story as livable space and increasing the ground footprint to 1,413 SF. The modification also proposes the addition of a detached garage (624 SF) adjacent to the new primary residence. The existing residence will be reclassified as an ADU. No removal of trees, grading, or fill is proposed.

The parcel is located within the Appeals Jurisdiction of the California Coastal Commission and therefore requires a public hearing. The Coastal Commission did not provide comment on the project. There is no mapped flora/fauna on the CNDDDB database within proximity to the project or the parcel. A site visit was conducted to verify the SMA setback accuracy on the site plan to ensure water resource protections. No coastal resources will be impacted as a result of the development associated with the project proposal. The project is consistent with the Trinidad Area Plan (TAP) for the following reasons: 1) the Modification is consistent with the residential use in the Rural Residential Agriculture Zone; 2) the proposed development complies with applicable development standards of the zone, 3) All referral agencies have recommended approval, no comment, or did not respond on the project, and 4) There is no evidence that the proposed development will negatively impact the environment. The project is Categorically Exempt from environmental review pursuant to 15303 of the CEQA Guidelines, because the project involved development of residential additions will take within pre-disturbed areas with applicable setbacks.

**Staff Recommendations:** Based upon a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit Modification.

**Alternatives:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permit if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

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

**Resolution Number 22-**

**Record Number PLN-2022-17618**

**Assessor's Parcel Number: 515-141-071**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Ferson CDP Modification.**

**WHEREAS**, Susannah Ferson, submitted an application and evidence in support of approving the Coastal Development Permit Modification; 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 Section 15303 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 proposed project (Case Number: PLN-2022-17618); and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly noticed public hearing on September 1, 2022 and reviewed, considered, and discussed the application for the Modification reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** A modification to the previously approved Coastal Development Permit (PLN-10684-CDP). The modification proposes the conversion of the existing detached office into a primary dwelling by utilizing the second story as livable space and increasing the ground footprint from 791 SF to 1,413 SF. The modification also proposes the addition of a detached garage (624 SF) adjacent to the new primary residence. The existing residence will be reclassified as an ADU.

**EVIDENCE:**                a) Project File: PLN-2022-17618

- 2. FINDING:**                    **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the project to be exempt from environmental review pursuant to Section 15303 of the CEQA guidelines.

**EVIDENCE:**                a) The project is Categorical Exempt from environmental review pursuant to 15303 of the CEQA Guidelines, because the project is for the addition of 622 SF to an existing structure to convert an office into the primary residence and the existing home to an ADU.

- 3. FINDING**                    The project, as conditioned, is consistent with the development policies of the Local Coastal Plan, the Trinidad Area Plan.

**EVIDENCE**                a) The purpose of the Rural Residential (RR(c)) designation is used for areas suitable for residential use. Planned density is one unit per two acres. Though the project will increase the density, ADUs are not considered in this calculation due to SB-9 (state law). The property is developed with a Single-Family Residence and accessory structures and the proposed additions are compatible with the land use designation.

- b) The project complies with the County's Housing Element and will add one dwelling unit to the parcel.
- c) The parcel is located within an area of low instability and is not in an area of potential liquefaction.

The parcel is not within a designated flood area.

The parcel is located within an area of moderate fire hazard severity and within the States Responsibility Area (SRA) for fire response. The project is also located within the Westhaven VFP response area.

The project is not expected to increase risks of hazards.

- d) According to the California Natural Diversity Database (CNDDDB), there are no rare species within the vicinity of the project area. Given the majority of the lot is developed, and the structural addition would take place on ornamental lawns outside, the project is unlikely to have an impact on flora/fauna.

The property is adjacent to a Streamside Management Area (SMA). The site plan shows 100+ feet setback from SMA. This setback was verified by staff during a pre-site inspection.

The project was referred to the California Coastal Commission (CCC) and CDFW. Coastal staff did not provide comment on the project. Discussion of whether or not an LSA would be required for the project was inconclusive. The applicant is responsible for verifying an LSA is not required for the project. This has been added as a Condition of Approval. Written correspondence from CDFW verifying this requirement or lack thereof would satisfy the Condition of Approval.

There is existing waterboard enrollment for Deadman Creek requiring water recordation (HUC 180101020503). Existing POD ID 35207.

- e) The parcel is not within a designated Coastal Scenic Area. The development, as proposed is not expected to have any negative impacts on the visual quality of the area. The project is consistent with the physical scale and visual compatibility of the neighborhood.
- f) The project was referred to NWIC who recommended consulting with local tribes. The project was also referred to the Yurok Tribe though no response was received. The standard inadvertent archaeological discovery protocol has been added to the Conditions of Approval.

#### **4. FINDING**

The proposed development is consistent with the purposes of the existing RA-2.5-M/R zones in which the site is located.

**EVIDENCE** a) The purpose of the Rural Residential Agriculture (RA-2.5) zoning is intended for sites suitable for the development of residential homes and general agriculture, with a minimum parcel size of 2.5 acres. Single-family residences and accessory structures are principal uses in the RA-2.5 Zone. The project is consistent with the RA-2.5 land use. There are combining zones applied to the parcel of (M) Manufactured Homes, (R) Streams and Riparian Corridor Protection. The site is currently developed, with minor additions that are being added to the property in the form of a garage and conversion of an existing structure to increase the density of the parcel. The office will be converted to the primary residence and existing residence will become an ADU. This increase in density is consistent with state law. Inadvertent discovery protocol is in place as a Condition of Approval.

**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 parcel is located within an area of low geologic instability. The addition will not put at risk the public health, safety, or welfare.

**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 parcel is developed with an existing residential structure that was originally permitted (CDP-05-03) and accessory structures. The proposed project would add one unit to the parcel and is consistent with the County's Housing Element.

## 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
- Conditionally approves the Ferson Coastal Development Permit Modification based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **September 1, 2022**.

I, John 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.

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John H. Ford, Zoning Administrator,  
Planning and Building Department



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

#### APPROVAL OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE WORK IS INITIATED:

##### A. General Conditions

1. The applicant is required to obtain building permits for the proposed construction associated with this CDP.
2. The applicant shall consult with CDFW and is responsible for verifying an LSA is not required for the project. Written correspondence from CDFW verifying this requirement or lack thereof would satisfy the Condition of Approval. If an LSA is requested from CDFW, the applicant shall obtain an LSA prior to issuance of a Certificate of Occupancy from the Building Department.
3. The applicant is responsible for receiving all necessary permits and/or approvals from state and local agencies.
4. 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

##### B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. This permit shall expire and become null and void at the expiration of one (1) year 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 commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.
2. If the applicant proposes future development, the development will require a preliminary biological assessment for flora/fauna potentially on site, in addition to a re-evaluation of the northern property boundary for potential encroachment of wetlands to ensure appropriate coastal development parameters are met.

##### Informational Notes:

1. 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, groundstone 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

**ATTACHMENT 2**  
**APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS**

The following materials are on file with the Planning Division.

1. Application form (On file)
2. Plot Plan (**Attached**)
3. Grant Deeds (On file)

**ATTACHMENT 3**  
**Referral Agency Comments and Recommendations**

The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>On File</b>
Public Works, Land Use Division	✓	Approval	✓
Building Inspection Division		Pre-site for Building Permits	
Division of Environmental Health	✓	Approval	✓
Westhaven VFP		No Comment	
Calfire	✓	No Comment	✓
California Coastal Commission		No comment	
County Counsel		No Comment	
CDFW		No Comment	
NWIC	✓	Consult local Tribes	✓
Yurok Tribe		No Comment	

