



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

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3015 H Street • Eureka CA 95501  
Phone: (707) 445-7541 • Fax: (707) 268-3792

Hearing Date: June 7, 2018

To: Humboldt County Planning Commission

From: John H. Ford, Director of the Planning and Building Department

Subject: **Hodgson Special Permit**  
Application Number: 13757  
Case No. SP-17-097  
Assessor Parcel Number 524-211-010  
Willow Creek Area

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Please contact Marina Herrera, Planner, at 268-3718, or by email at [mherrera@co.humboldt.ca.us](mailto:mherrera@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> June 7, 2018	<b>Subject</b> Special Permit	<b>Contact</b> Marina Herrera
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**Project:** Pursuant to Section 314-102.1 of the Humboldt County Zoning Regulations, a Special Permit is required to facilitate the construction of a detached accessory structure which exceeds applicable development standards of 1,500 square feet. The proposed project is to demolish the existing 1,130 square foot detached accessory structure and replace it with a metal building of 2,000 square feet, which will increase the gross floor area by 870 square feet and will not exceed 21 feet in height. The intended use of this garage is to provide adequate workshop space and storage for the applicant's hobby purposes. The shop will not be used for commercial purposes. The subject parcel is currently served by the Willow Creek Community Services District. Grading will be minimal, and no tree removal has been proposed.

**Project Location:** The project is located in the Willow Creek area, approximately 500 feet west of the intersection of Hodgson Road and Dry Creek Road (Gulch Road), on the property further identified as APN: 524-211-010.

**Present Plan Land Use Designation:** Residential Estates (RE). Humboldt County General Plan (GP). Willow Creek Community Plan area (WCCP). Density: 1-5 acres per unit. Slope Stability: Moderate Instability (2)

**Present Zoning:** Residential Suburban, Manufactured Home (RS/T)

**Case Number:** SP-17-097

**Application Number:** 13757

**Assessor Parcel Number:** 524-211-010

<b>Applicant</b>	<b>Owner(s)</b>	<b>Agent</b>
Mark Hodgson PO Box 1173 Willow Creek, CA 95573	Albert E. and Francis C. Hodgson PO Box 1173 Willow Creek, CA 95573	

**Environmental Review:** Project is exempt from environmental review per Section 15303(e) – New Construction and Conversion of Small Structures - of the CEQA guidelines.

**Major Issues:** None.

**State Appeal Status:** Project is not appealable to the California Coastal Commission.

**HODGSON SPECIAL PERMIT**  
Case Number: SP-17-097  
Assessor Parcel Number: 524-211-010

**Recommended Planning Commission Action**

1. Describe the application as a Public Hearing;
2. Request the staff to present the project;
3. Open the public hearing and receive public testimony; and
4. Close the public hearing and take the following action:

*Find the project exempt from environmental review pursuant to Section 15303(e) of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit, based on evidence in the staff report and adopt the Resolution approving the Hodgson Special Permit subject to the recommended conditions.*

**Executive Summary:** Pursuant to Section 314-102.1 of the Humboldt County Zoning Regulations, a Special Permit is required to facilitate the construction of a detached accessory structure which exceeds applicable development standards of 1,500 square feet. The proposed project is to demolish the existing 1,130 square foot detached accessory structure and replace it with a metal building of 2,000 square feet, which will increase the gross floor area by 870 square feet and will not exceed 21 feet in height. The intended use of this garage is to provide adequate workshop space and storage for the applicant's hobby purposes. The shop will not be used for commercial purposes. The subject parcel is currently served by the Willow Creek Community Services District. Grading will be minimal, and no tree removal has been proposed.

The project is located in the Willow Creek area, approximately 500 feet west of the intersection of Hodgson Road and Dry Creek Road (Gulch Road), on the property further identified as APN: 524-211-010. The parcel is planned and zoned Residential. The proposed detached garage will be in accordance with the Land Use Designation and Zone District of the subject property.

The project was originally scheduled for administrative approval by the Director of the Planning and Building Department. Pursuant to Section 312-9.1 of the Humboldt County Zoning Regulations Chapter 2, a public hearing for this project may be waived if no written request for a public hearing is received prior to the scheduled approval date. The Department did receive a written request for a public hearing on this project prior to the scheduled decision date (see Attachment 5). The request for Public Hearing was due to the concern of the intended use of the 2,000 square foot garage, the need for an increase in square footage and that the intended use was for purposes other than parking or personal use appurtenant to the residence.

According to Chapter 4, Section 314-142 of the Humboldt County Zoning Regulations a garage is defined as, '(A) Private. An accessory building or portion of a building designed for the storage of self-propelled passenger vehicles, camping trailers or boats belonging to the owners or occupants of the site and their guests, including covered parking space or carport. (C) Storage. Any structure or portion thereof or premises, except those herein defined as private garages used exclusively for the storage for remuneration or hire of self-propelled vehicles, trailers and boats.' The proposed use of the detached accessory structure is in conformance with the above definitions. In addition, at approximately 2.5 acres in size, the parcel can support an accessory structure of this size that is compatible with the neighborhood. Therefore, Planning Staff has determined the proposed garage complies with applicable sections of the Humboldt County Zoning Regulations.

The project is consistent with the Willow Creek Community Plan, the H.C.C. and the Humboldt County General Plan for the following reasons: 1) The project consists of development of a new detached garage which is consistent with the RS Zone. 2) All referral agencies have recommended approval of the project, and 3) There is no evidence that the proposed development will negatively impact the surrounding environment. The Department believes that the construction may be found Categorical Exempt from environmental review pursuant to Section 15303, Class 3, New Construction, of the California Environmental Quality Act (CEQA).

Based on the on-site inspection, 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 Special Permit.

**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 Hodgson Special Permit. Staff recommends conditional approval of the project.

**Alternatives:**

1. The Planning Commission could elect not to approve the project. This alternative should be implemented if the Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.
2. The Planning Commission could elect to further clarify the Conditions of Approval. This alternative should be implemented if, based on public testimony or submission of additional evidence, the Commission feels further clarifications are appropriate.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 18-**

**Case Number SP-17-097  
Assessor Parcel Numbers 524-211-010**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Hodgson Special Permit.**

**WHEREAS**, Mark Hodgson submitted an application and evidence in support of approving a Special Permit for the development of a detached garage; and

**WHEREAS**, the County Planning Division reviewed the submitted application and evidence and referred the application and evidence to reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the project is categorically exempt from environmental review pursuant to Section 15303, Class 3, New Construction, of the California Environmental Quality Act (CEQA); 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 Special Permit (Case Number SP-17-097); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 7, 2018.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission finds the proposed Conditional Use Permit application is categorically exempt from environmental review pursuant to Sections 15303(e), of the CEQA Guidelines; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Number SP-17-097 based on the submitted evidence; and
3. The Planning Commission approves the Conditional Use Permit applied for as recommended and conditioned in Attachment 1 for Case Number SP-17-097.

Adopted after review and consideration of all the evidence on June 7, 2017.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

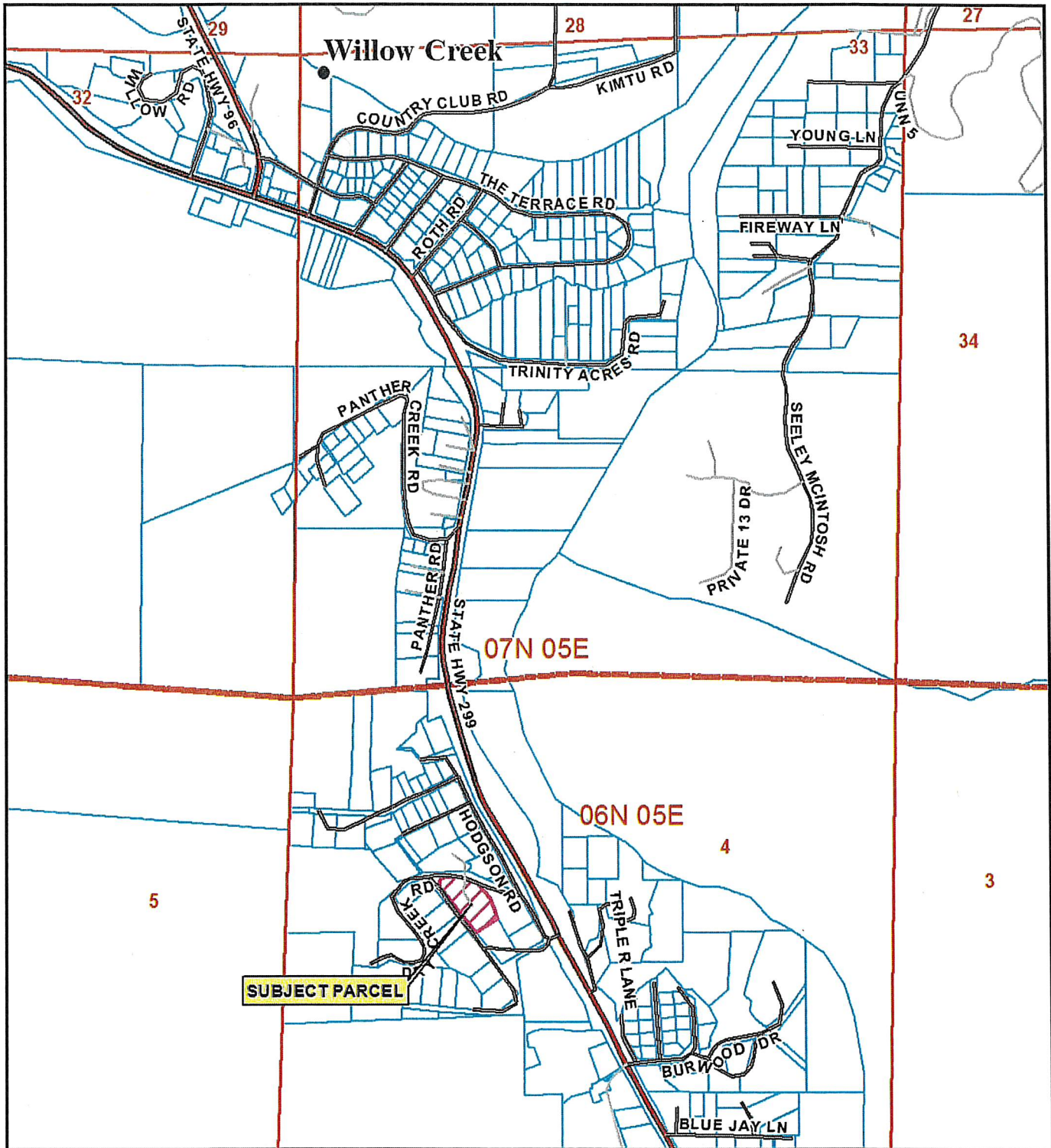
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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 H. Ford  
Director, Planning and Building Department



**LOCATION MAP**

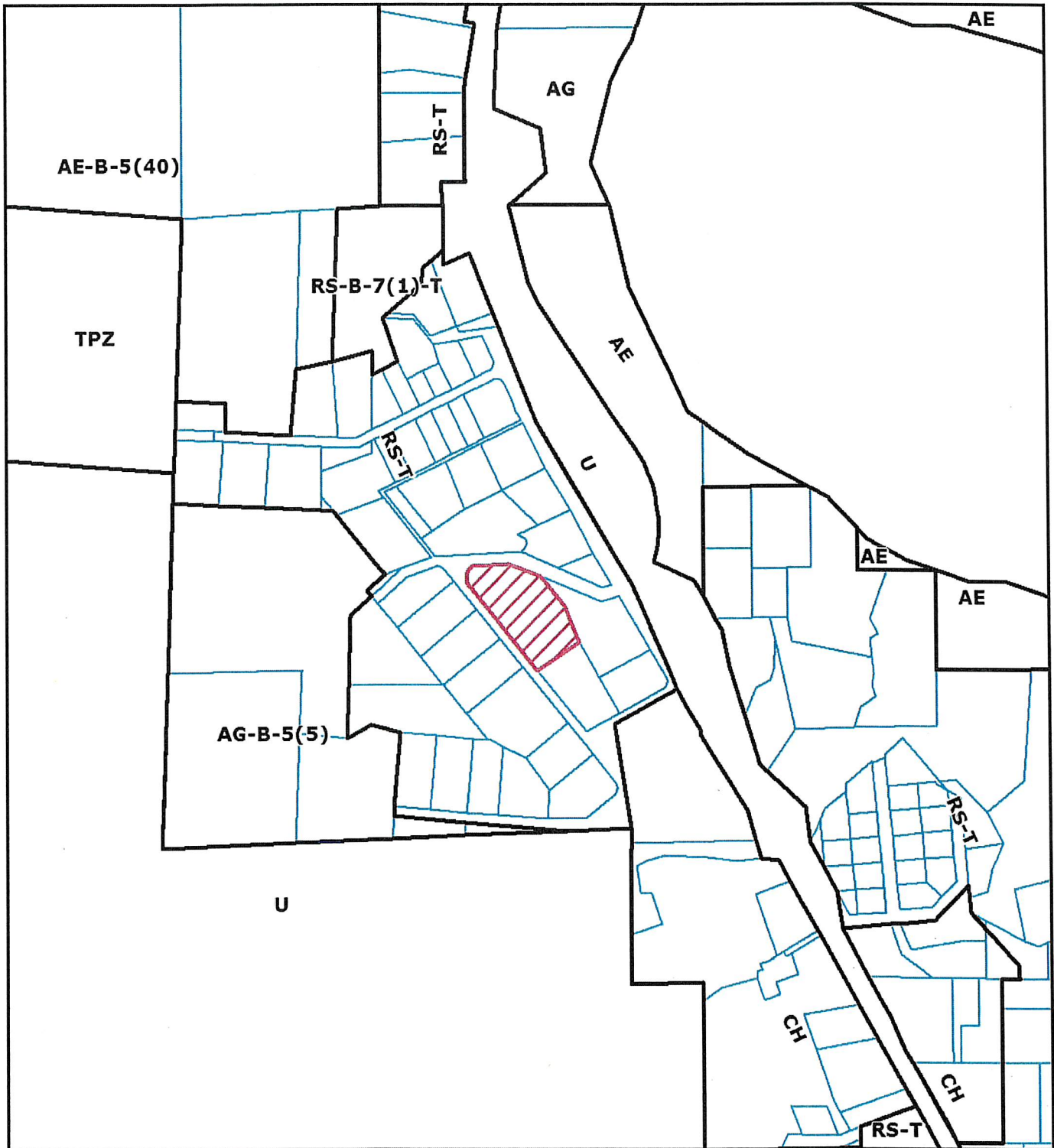
**PROPOSED HODGSON  
SPECIAL PERMIT  
WILLOW CREEK AREA  
SP-17-097**

**APN: 524-211-010  
T06N R05E S04 HB&M (Salyer)**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





**ZONING MAP**

**PROPOSED HODGSON  
SPECIAL PERMIT  
WILLOW CREEK AREA  
SP-17-097**

**APN: 524-211-010  
T06N R05E S04 HB&M (Salyer)**

**Project Area =** 

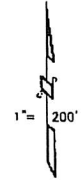
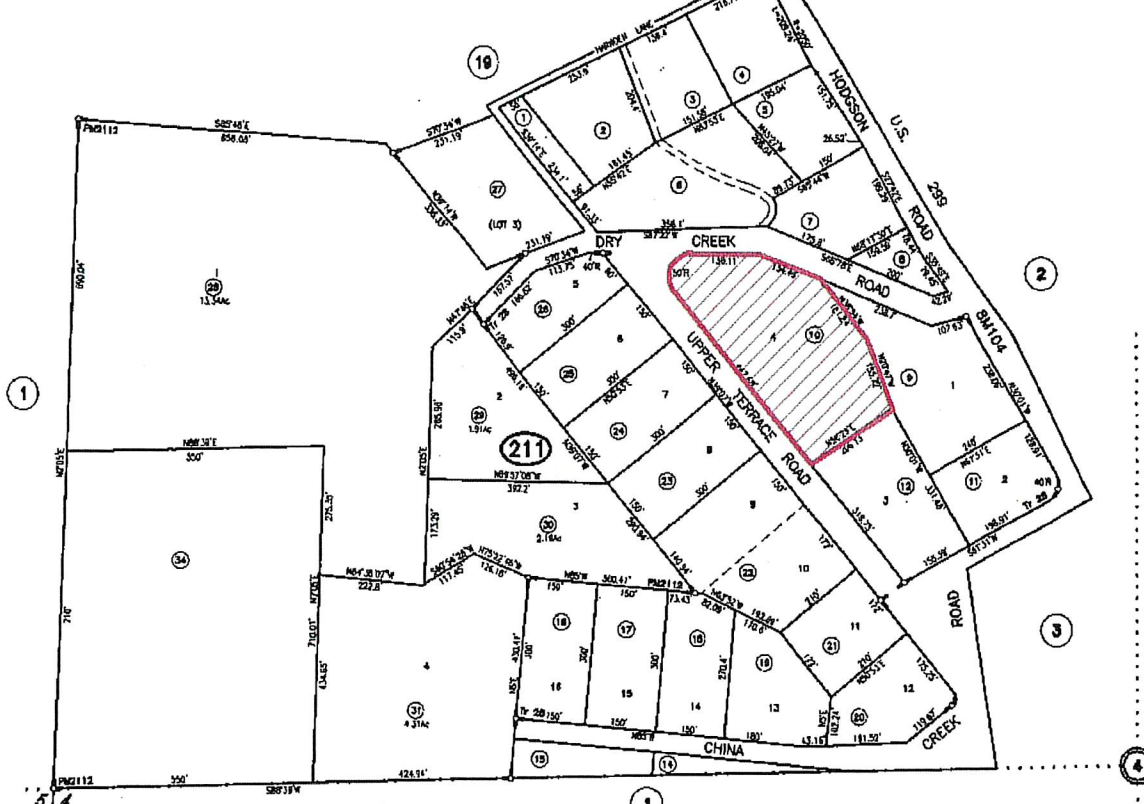
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PTN NW1/4 SEC 4 T6N, R5E

H.B.& M.

524-21

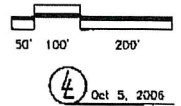


MAP FOR A.Y. OR SHOWING NOT SPLIT PAGES.

PM180, Bk.2, Pg 67  
Tr 28, Bk 14 of MAPS, Pgs 40-41  
"Hodgson Acres Sub'd"  
PM2112, Bk.18, Pg 111

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 524, Pg.21  
County of Humboldt, CA.



**ASSESSOR PARCEL MAP**

**PROPOSED HODGSON  
SPECIAL PERMIT  
WILLOW CREEK AREA**

**SP-17-097**

**APN: 524-211-010**

**T06N R05E S04 HB&M (Salyer)**

Project Area = 

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**MAP NOT TO SCALE**





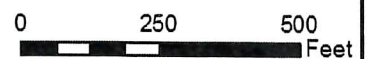
**AERIAL MAP**

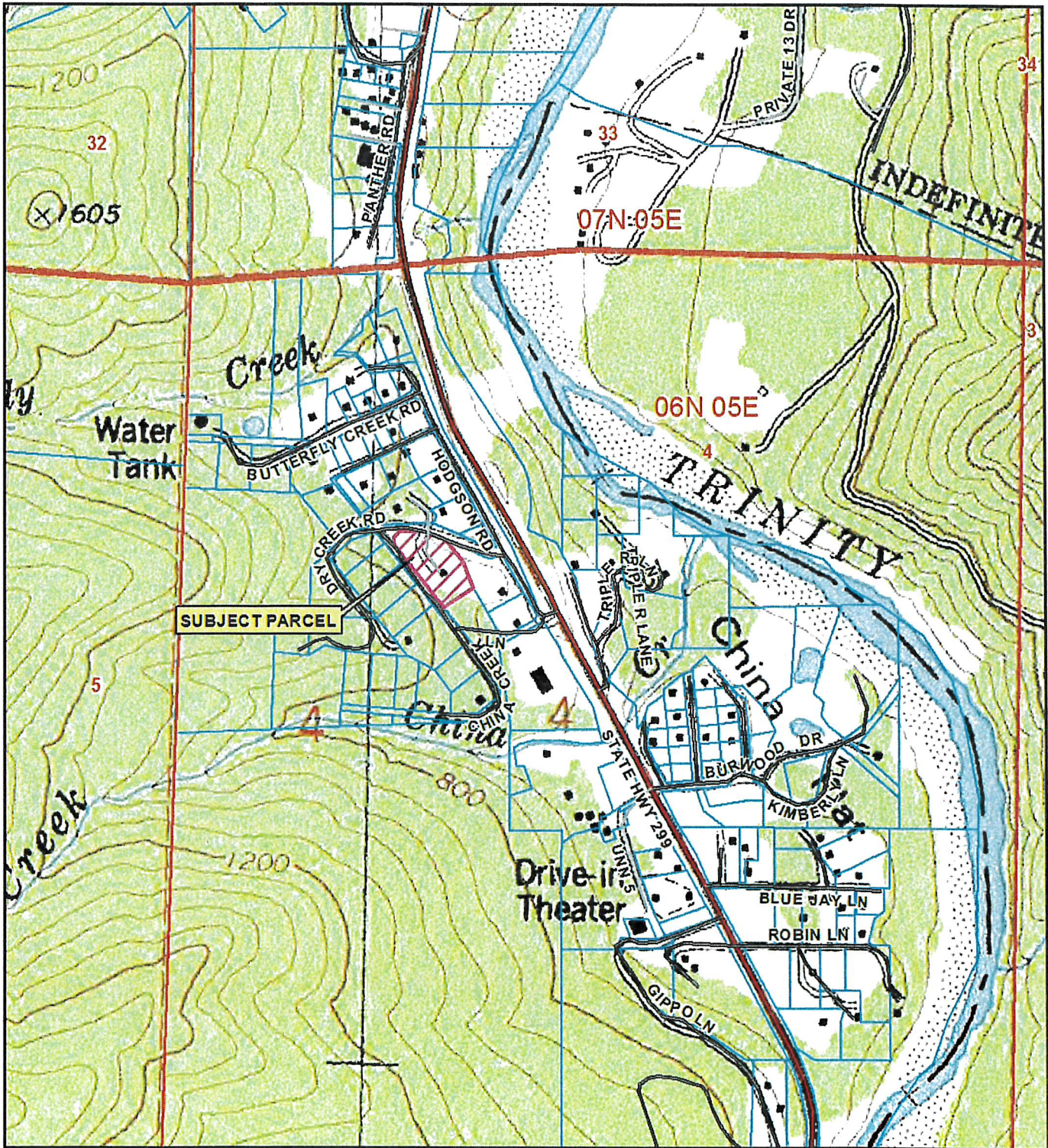
**PROPOSED HODGSON  
SPECIAL PERMIT  
WILLOW CREEK AREA  
SP-17-097**

**APN: 524-211-010  
T06N R05E S04 HB&M (Salyer)**

**Project Area =** 

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**TOPO MAP**

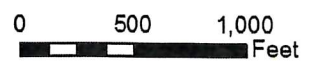
**PROPOSED HODGSON  
SPECIAL PERMIT  
WILLOW CREEK AREA  
SP-17-097**

**APN: 524-211-010**

**T06N R05E S04 HB&M (Salyer)**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





## ATTACHMENT 1 CONDITIONS OF APPROVAL

Approval of the Special Permit is conditioned upon the following terms and requirements which must be fulfilled before a building permit may be issued.

Applicant shall adhere to the following:

1. The project shall be developed, operated, and maintained as described in the Project Description, Plan of Operations, site plan, elevations and as conditioned herein. Changes in the project other than Minor Deviations from the Plot Plan as provided in Humboldt County Code Section 312-11.1 shall require a modification of this permit.
2. All lighting on the property, including appurtenant signs, shall be installed to avoid overspill to neighboring parcels.
3. The applicant shall cause to be recorded a "Notice of Restriction" on forms provided by the Humboldt County Planning Division. The document shall state that the proposed detached garage/shop building will not be used as a living unit, guesthouse, or for a commercial use. The building shall be used as accessory and appurtenant to the existing single family dwelling. The building shall be for non-commercial use and not let or rented apart from the existing residence

### 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, 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.**

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139.6 of the Humboldt County Code (H.C.C.), shall require a Special Permit in accordance with the adherence to the parcels zoning regulations defined by 314-6.1 of Humboldt County Zoning Regulations.
4. 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 be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code

5. 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.

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. 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.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a) is categorically or statutorily exempt; or
  - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**1. General Plan Consistency:** The following table identifies the evidence which supports finding, the proposed project is in conformance with all applicable policies and standards in the Humboldt County General Plan and the Willow Creek Community Plan (WCCP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Estates (RE): 1-5 acres per dwelling unit</p> <p>Primary and compatible uses: single family residences, in rural communities where public services are limited.</p>	<p>The proposed project is a Special Permit to facilitate demolition of the existing 1,130 square foot garage, to be replaced with a 2,000 square foot metal building. The proposed project will not affect or alter the use or density of the subject property.</p>
<p>Safety Element Chapter 14</p> <p>Geologic and Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-PX1. Site Suitability, S-P6. Structural Hazards</p>	<p>The subject parcel is located within an area of moderate instability. The majority of the parcel has a slope of 15-30%. The Building Inspection Division found no geologic issues and recommended project approval.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-PX3, Construction Within Special Flood Hazard Areas</p>	<p>According to County resources, the proposed project is located outside any mapped flood zones.</p>
<p>Safety Element Chapter 14</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire</p>	<p>The subject parcel is in an area of high fire severity and located within a State Responsibility Area for fire protection. All existing and proposed structures on the subject parcel adhere to Humboldt County Code, Chapter 5, Section 3115-2,</p>

Fire Hazards	<p>protection services that minimize the potential</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations</p>	<p>Setbacks for Defensible Space for parcels larger than 1 acre in size. All existing and proposed development exceeds the required 30 foot setback.</p> <p>The parcel is served water by the Willow Creek Community Services District.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to NWIC and Hoopa THPO for comment. While NWIC indicated that they believed that the property has the possibility of containing unrecorded archaeological sites, and recommended consultation with the appropriate THPO. Hoopa THPO recommended that the project be allowed to proceed under the standard inadvertent discovery condition.</p> <p>Therefore an informational note has been included in the Conditions of Approval identifying the applicant's responsibility if archaeological or historical resources are encountered during project development.</p>



**2. Zoning Compliance and 3. Development Standards:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-6.1 Residential Suburban Zone (RS/T)	Principally permitted uses include single family dwellings.	The project will facilitate the demolition of a 1,130 square foot garage and replacement of said structure with a 2,000 square foot metal building. The proposed metal structure will be 21 feet in height.
Min. Lot Size	1 acre	± 2.50 acres
Min. Lot Width	125 feet	± 210 feet
Yard Setbacks	Front: 20 feet Rear: 10 feet Side: 5 feet	Front: ± 115 Rear: ± 155 feet Side: ± 100 feet
Max. Lot Coverage	35%	± 3%
Max. Bldg. Height	35 feet	21 feet

<b>314-35.1 Manufactured Home Combining Zone</b>	
<b>Applicable Zoning Requirements</b>	<b>Evidence Supporting Finding</b>
314-35.1 (T) Manufactured Combining Zone: Purpose/Findings: Intended to be combined with any Residential Zone in which the location of a manufactured home is architecturally compatible with the existing development.	The proposed project does not include a manufactured home.

**4. Public Health, Safety, and Welfare and 6. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed project will not be detrimental to the public health, safety and welfare, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	No detrimental effects to public health, safety and welfare were identified. The proposed development will not be materially injurious to property or improvements in the vicinity.
CEQA Guidelines	Categorically exempt from State environmental review.	The project was found to be exempt from environmental review per Sections 15303 (e), New Construction or Conversion of Small Structures, of the CEQA Guidelines.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development shall not reduce or increase the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed project will not have an effect on the County's current Housing stock. The parcel is currently developed with a single family residence. The proposed project will authorize the demolition and reconstruction of the garage with an increase in development footprint of 870 square feet. Therefore, the project is in conformance with the standards in the Housing Element.

### **ATTACHMENT 3**

#### **APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS**

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form [in file]
- Plot Plan [attached]
- Elevations [in file]
- Grant Deed [in file]

## ATTACHMENT 4

### 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>
County Building Inspection Division	✓	Approval
County P/W, Land Use Division	✓	Approval
NWIC	✓	Conditional Approval
Hoopa Valley Tribe	✓	Approval

**ATTACHMENT 5**

**LETTER FROM NEIGHBOR REQUESTING PUBLIC HEARING AND FURTHER CORRESPONDENCE WITH  
APPELLANT**

Jeffrey Lytle  
1618 Bartow Road  
McKinleyville, CA 95519  
(707) 502-6329

Re: APN # 524-211-010 - Case Nos.: SP17-097

To whom it may concern,

I am requesting a public hearing for this project.

Sincerely,

JL



## Marina Herrera

---

**From:** [REDACTED]  
**Sent:** Wednesday, March 21, 2018 11:59 AM  
**To:** Marina Herrera  
**Cc:** [REDACTED]  
**Subject:** Intial notice for SPECIAL PERMIT for apn# 524-211-010

Dear Marina,

I just received in the mail today a copy for a special permit application for which may be approved as per the date on the notice this March 26 with the last day to request a public hearing being March 23rd.

1) I have no idea what the project is about. I do wonder why it is now more than half a year later that the county waits to serve notice, and give such a short period of time to understand the scope and use changes of the project fully, and without misunderstanding as to what the project is all about.

The Notice is generic, reveals nothing tangible or practical at revealing what the project is about and details are severely lacking on notice sent to me.

Hopefully, an initial conversation will be simple to extract information given the limited time period prior to a formal appeal being filed due to lack of communication for what is a project requiring due process.

Personally, the applicant should not have to pay one penny for an appeals hearing because the communication by county is the last second prior to the midnight hour.

Sincerely,

JL

## Marina Herrera

---

**From:** [REDACTED]  
**Sent:** Wednesday, March 21, 2018 6:50 PM  
**To:** Marina Herrera  
**Subject:** Re: Intial notice for SPECIAL PERMIT for apn# 524-211-010  
**Attachments:** IMG\_20180321\_163451.jpg

Hello,

Back in town, was having g-mail gliches from Willow Creek.

1) To clarify, I am unaware if garage is solely parking (as is currently) or if that means part interior storage space within garage, or if shop-like servicing is to occur which is not typically a sfr garage. 870 feet is 20+ x 40+..... that's a good amount of parking or something not parking, or a combination of both.

So, I really would like to understand the "final" use before any action, as opposed to after any action.

2) Attached is the corner of the intersection that was misinformation on notice.

A) I would oppose any faux personal dope related uses within that "garage" or on outside of property, commercial dope too.

4) I would oppose shop like services that use large model, loud air compressors, bring in equipment and services not ever used before onsite that increases noises, dust and traffic loads.

5) I would oppose the stockpiling of further vehicles outside that would be "uncontrolled" in the sense of poor location or the parking spot always moving (if the garage is say, 6 spaces, then not really a need for additional exterior parking.....)(guest parking must be inside garage.....somewhere is that line of enough space to develop versus creating conditions for a junk yard or car lot).

More equipment operated by more vehicles means much more sediment run off and dust.

Road Signage: no such road as "Dry Creek Road". All other folks must have a hard time too finding the project site.

Sincerely,

JL

On Mar 21, 2018 3:30 PM, [REDACTED] wrote:

Hello,

Apparently we disagree on due process because I have yet to actually read any policy language as to what the process is for getting onto a mailing list for a project they only just noticed me (inadequate) prior to possible administrative action to approve.

Anyhow,



**Marina Herrera**

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**From:** [REDACTED]  
**Sent:** Wednesday, March 21, 2018 3:31 PM  
**To:** Marina Herrera  
**Subject:** Re: Intial notice for SPECIAL PERMIT for apn# 524-211-010

Hello,

Apparently we disagree on due process because I have yet to actually read any policy language as to what the process is for getting onto a mailing list for a project they only just noticed me (inadequate) prior to possible administrative action to approve.

Anyhow,

My first question is simply,

"What is the final use of the proposed project.....nobody builds a metal box just to keep empty or to not use for some purpose.

Secondly, the road is Gulch Road, and until the county changes the road sign, I'm not sure why Dry Creek Road is used.....there is no road on record I can find, nor any other signage but Gulch Road.

Sincerely,

JL

On Mar 21, 2018 3:17 PM, "Marina Herrera" <[MHerrera@co.humboldt.ca.us](mailto:MHerrera@co.humboldt.ca.us)> wrote:

Jeffrey,

The information cited is the Code we follow when Noticing projects. It took seven months for our Department to process this project and Special Permit. As cited by the Code attached in my previous email, the project is noticed 10 days prior to a decision. Procedures that are set in place and strictly followed are outlined the Humboldt County Zoning Regulations.

I am available by phone until five o'clock today.

Please call me so I can answer your inquires in regards to this Special Permit.

Sincerely,

Marina Herrera

Marina Herrera, Planner I

[mherrera@co.humboldt.ca.us](mailto:mherrera@co.humboldt.ca.us)

County of Humboldt, Planning & Building Department

Current Planning Division

3015 H St., Eureka, CA 95501

Direct: (707) 268-3718



Please consider your environmental responsibility before printing this e-mail

[REDACTED]  
**Sent:** Wednesday, March 21, 2018 2:59 PM

**To:** Marina Herrera <[MHerrera@co.humboldt.ca.us](mailto:MHerrera@co.humboldt.ca.us)>

**Subject:** Re: Intial notice for SPECIAL PERMIT for apn# 524-211-010

Hello,

I am not sure why you would not want me to ask you about the process requirements, but I never received any prior information to be on the below citation because I never received any information from county prior to receiving today the public notice about this particular development:

8.1.2.3 All persons who have requested to be on the mailing list for that development project; and

Anyhow, let me know by email if planning is willing to answer my inquiries as simple as they are.

Sincerely,

JL

On Wed, Mar 21, 2018, 2:37 PM [REDACTED] wrote:

Hello,

Not sure why you cited all that inadequate and immaterial stuff now at this time in the process when the fact is that after 7 months, I just receive an ultimatum that is due in 2 days.....not very much time to understand any project.

If you are available by phone, email me a time I can call.

Or, an attachment or link to attachments for the project is fine too.

Or, a phone number for applicant.

Sincerely,

JL

On Wed, Mar 21, 2018, 1:44 PM Marina Herrera <[MHerrera@co.humboldt.ca.us](mailto:MHerrera@co.humboldt.ca.us)> wrote:

Jeffrey,

I apologize you feel this way, however, I as the Project Planner with help from Administration Staff have strictly followed County Procedures for Noticing of a project. I have attached the Code Sections referenced below and the following is applicable to address your concerns brought forward in your email.

To begin, Pursuant to Chapter 2, Section 312-8-8.1-2 of the Humboldt County Zoning Regulations, Public Notice Procedures,

8.1.1: Notice shall be provided at least ten (10) working days prior to the date the Hearing Officer will act on the application.

8.1.2 Notice shall be provided by first class mail to:

8.1.2.1 The applicant;

8.1.2.2 All property owners, as indicated on the Assessor's current Secured records, and residents, based on registered addresses in the Department, within three hundred feet of the perimeter of the parcel on which the development is proposed;

8.1.2.3 All persons who have requested to be on the mailing list for that development project; and

8.1.2.4 For development proposed in the Coastal Zone:

The Notice you received in regards to SP-17-097 is dated March 9, 2018, allowing ten (10) working days until the last day to request a Public Hearing, March 23, 2016.

Furthermore, we do not send Notice when our Department receives an application, because at that time there is no justification or certainty to if that project will be approved. At the time of submittal a Staff Analysis is not completed, Coordinating Agencies comments have not yet been received and the project has not been analyzed against County Code and Policies. Notices are sent when our Department is moving towards an action or decision on a project.

Secondly, Pursuant to Chapter 2, Section 312-8-8.2 of the Humboldt County Zoning Regulations, Content of the Notice of Application Submittal

8.2 The Notice of Application Submittal shall include:

8.2.1 The name of the applicant and the filing date of the application; and

8.2.2 The file number assigned to the Application

8.2.3 A description of the proposed development, including the location. If located in the Coastal Zone the application shall so state;

The Notice you received does have a Project Description followed by a written description of the Project Location. If you would like additional information regarding the proposed development, I would be happy to provide such upon request.

With that being said, my contact info is below, please feel free to contact me to further discuss this project. Please refrain from contacting me with further issues regarding Humboldt County's noticing procedures.

Sincerely,

**Marina Herrera**

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**From:** [REDACTED]  
**Sent:** Tuesday, March 27, 2018 9:26 AM  
**To:** Marina Herrera  
**Subject:** Re: Intial notice for SPECIAL PERMIT for apn# 524-211-010

Good Morning,

I came in during and nearer to end of business hours on Friday to review Plot Plan only.

I then submitted a written request for public hearing, but am willing to retract the request under these conditions below:

A. Labels - request new structure on proposed plot plan, development and/or building plans be labeled/designated in order to "show with symbolism and in writing" the **EXISTING AND PROPOSED transferred vehicle parking spaces/storage spaces** within proposed new structure" to make absolutely clear **visually and meaning of uses** what is occurring with a proposed change in final use and what that final use shall only be based upon including the transference of any existing use as applicable to an intentionally demolished building structure in order to meet requirements to build a **new larger building structure based upon "specific claims and arguments on behalf of applicant"**. Future buyers and lien holders, roghts of uses, landlord and tenants, etc.....much to be concerned.

B. Proposed new structure on plot plan be labeled/designated in order to "show with symbolism and in writing" the proposed **new shop area**, and the **shop as seperated square footage being proposed** while all other parking/storage spaces/spots/bays are filled **AND being used concurrently**. IOW, not going to accept new uses that allow opportunity for a **2000** square foot shop, so of the **870** square feet **additional** garage space proposed, how much square footage is allocated to shop versus **additional** vehicle parking/storage?

(**870** square feet **additional** for **both** vehicles **and** shop area)

C. Proposed new structure on plot plan be labeled/designated in order to "show and verify **new** vehicle parking/storage use locations inside garage with symbolism and in writing" memorializing the proposed additional square footage of **NEW** vehicle parking/storage area within garage **as seperated** from the shop area that also is proposed to be located within garage interior as part of the **870** square feet expansion request as applied for by applicant to apply to both vehicles and shop.

D. That the road snafu gets legally resolved. My deed shows 39 Gulch Road. Obviously, changing stuff without a due process will adversley create a different and seperate negative effect on property deeds and service accounts, etc....

E) A statement on development plan, building plan, plot plan, conditions pages, etc....that no other parking upon the property shall occur outside of the garage **EXCEPT FOR** those 2 exterior parking locations identified already on plot plan. **Guests will be limited to using only the proposed exterior TWO PARKING SPOTS.**

Question: If Gulch Road has always existed, then what's the problem.....why change now? What caused the planning department to use another road? At a loss on the road issue.

Due Process - Since re-noticing is already a concern based upon material misinformation on the notice itself, my assumption is that:

- 1) My request for hearing would apply for a legal process of course.
- 2) That my request for public hearing is valid until conditions above are met.

Too many garage conversions occur all over the county AFTER the process is over, so making very clear what the uses are and their meaning as it relates to "on the ground impacts" is required.

These minor conditions for my approval of this project are quite simple as they already align with the proposed project.

Sincerely,

JL

On Thu, Mar 22, 2018, 3:47 PM [REDACTED] wrote:

Hello,

On the road - the signage in conjunction with the notice language of the project description is unfortunate, but the department is legally required to re-notice folks because the road intersection and project description are materially inaccurate and misrepresents the project as per the notice sent out. It appears nobody confirmed the road intersection signage before using it for a public display to aide folks to never locate any such Dry Creek Road or its advertized development project.

On this code : 8.1.2.3 All persons who have requested to be on the mailing list for that development project;

Was there a mailing list?

Sincerely,

JL

On Thu, Mar 22, 2018, 3:06 PM Marina Herrera <[MHerrera@co.humboldt.ca.us](mailto:MHerrera@co.humboldt.ca.us)> wrote:

Good Afternoon,

The proposed garage demolition and replacement is to provide for personal use of additional car/boat storage and workshop space for the property owner.

The applicant has no Commercial Cultivating Marijuana permit applications on file with our Department.

For example, if the applicant wishes to do car repair, or related activities which constitute commercial operations in a residential zone, an application for a Use Permit would have to go through our Department. The processing of this type of permit would again, be sent out for Noticing and you could provide your comments and concerns at that time.

There is absolutely no reason to believe that the development of this garage is associated in any way to any type of commercial activity.

There will not be an increase in vehicle traffic, use of large equipment, faux dope operations ect.

As far as the Road signage is concerned, I have passed this information along to our in-house planning technician who specializes in Address issues. Our web GIS does not show Gulch Rd, it shows Dry Creek and Upper Terrace Road. To reiterate - this issue has been passed along to appropriate staff.

Sincerely,

*Marina Herrera*

Marina Herrera, Planner I

[mherrera@co.humboldt.ca.us](mailto:mherrera@co.humboldt.ca.us)

County of Humboldt, Planning & Building Department

Current Planning Division

3015 H St., Eureka, CA 95501

Direct: (707) 268-3718



Please consider your environmental responsibility before printing this e-mail

**Sent:** Wednesday, March 21, 2018 6:50 PM

**To:** Marina Herrera <[MHerrera@co.humboldt.ca.us](mailto:MHerrera@co.humboldt.ca.us)>

**Subject:** Re: Intial notice for SPECIAL PERMIT for apn# 524-211-010

**Marina Herrera**

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**Sent:** Thursday, April 05, 2018 7:54 PM  
**To:** Marina Herrera  
**Subject:** Re: Intial notice for SPECIAL PERMIT for apn# 524-211-010

Hello,

**PART ONE**

The type of building is not the issue I raised.

The "Final Use" is my concern.

Type of building has nothing to do with "actual use". Paperwork and use often change after sign off. Garage conversions on residential properties are undeniably very much the normal practice these days after the process is over.

Applicant admits 1100 + square feet exists already as garage parking/storage.

Applicant admits requesting an additional 870 + square feet specifically for "2 singular uses". Nothing yet shows where in the new building the 2 separate uses will function, and certainly the applicant never requested a special permit for a 2000 square foot "shop", or even "870 square feet" for "shop", but it's interesting to read the redirecting and shifting responses that only avoid answering a question due to what appears to be a concern over exposing/clarifying that the "shop" area/portion must be seperated from "storage/parking" portion areas as the request for special permit was structured.

Example:

New Shop = 500 square feet

New + transferred Storage/Parking = 1500 square feet

Its easy and not unreasonable to show by delineation lines the separate areas on plot plan and building plan..... since storage can't ever be parked/stored outside, otherwise the applicant is denying and withholding secrets from the public now as to his true intentions for later uses which have the easy potential to materialize.

I Understand a firewall is not needed on the interior unless another enclosed space is created inside the new building, which also changes the terms associated with the project as noticed.

A "singular use" is one or the other, but not both.

An "altered use" is creating more shop than parking/storage for existing and/or new operable tractors, vehicles.

Applicant knows what's on his Christmas wish list for purchase.

Applicant specifically requested extra square footage for parking/storage of cars, boats, etc.... and secondarily, a subordinate area for a workshop. This means 2 separate uses, but in one big open space, a much easier



floorspace to convert, and I am ok with that "provided square footage terms and delineation lines are incorporated onto both plot plan and building plan" to show the functioning of 2 distinct and separate uses. Public notice never said the 2000 square foot building is going to be a 2000 square foot shop, but the Public Notice did reveal that the applicant already admitted that 870 square feet is the figure for which additional storage parking and Shop area are to be combined within.

Shop area is not "storage area", otherwise the Final Use is just "shop", and both the applicant's request and public notice should be just "shop".

I personally don't understand why the county wants to change how it's done things in the past with plot plans, building plans and such.

There are no such shop spaces underneath a stored/parked vehicle, boat or tractor. As such, it is simple maintenance of such stored items I do not care to worry about, but rather, square footage use conversion that only screams "that new building is not storing what the applicant and County of Humboldt testified to, it's one big shop".

Shop spaces and Shop work areas are places where you can actually stand up and use equipment, and this project was not noticed on "shop equipment work areas or shop" as the primary use; this project was noticed on the primary use of storage/parking, with the plea for extra building footprint to use the additional space to create more parking/storage, and subordinately, a request for shop area.

I ask, "how much is the shop square footage as separated from storage square footage". This is a change of use project as well as a change of square footage and design project.

Shop area is a "different use" than "storage area".

Existing building is wood frame construction. (I don't care)

New building is metal (IDC, better fire proof).

Applicant specifically requested new building for additional parking/storage of vehicles, boats, tractors and a proposed shop. Obviously, no shop floor space is within parking/storage areas for vehicle, tractors or boats. Shop space is a back wall, on one end of the building, segregated and separated as separate.

Shops are not Hideaway mini storage units, but they are in and out fast food restaurants.

Once applicant pulls out any vehicle, boat, tractor from interior storage space, the free floor space is susceptible to being converted into "SHOP" after final inspection has long since passed. This project was not noticed based upon it's potential for conversion of use, and since it's likely to happen after the fact without due process ever being afforded, I desire assurances expressly shown/drawn/written as a note on plans to coerce applicant to be straightforward and upfront on final use.

If I were the applicant I would do it in a heartbeat just to validate integrity and assure concerned folks (knowing that including additional writing and symbols and notes will resolve issues). So, please ask the applicant or his agent to include the minimal, but very important language and symbolism I am requesting. Or, give me a copy of plot plan and building plan and I'll write it in the language, submit it as an example for review.

One building is ideal for 2 uses, which is fine. I merely am asking to point out two separate uses in square footage terms.

Pretty simple, have applicant:

1) write the square footage (of proposed new workshop area as requested) onto plot plan and building plan. Show the delineation line that separates "shop area" from "parking/storage area".

2) write the square footage (of proposed new and transferred existing parking/storage area) onto plot plan and building plan. Show the interior delineation line that separates "shop area" from "parking/storage area".

3) write onto the plot plan and building plan that, "service, maintenance and storage of vehicles, boats, cars, tractors, equipment, etc... shall not be on the exterior of buildings on the property. 2 legal exterior parking spaces on plot plan are shown as part of the approval for the project."

Note: If applicant meant that A) he's just going to park/store vehicles, boats, cars, tractors, etc...inside, but that there is not going to be any workshop benches or other equipment or area that's created to work on things, other than only working on those tractors, boats, cars or trailers, etc....AND B) in the location that otherwise indicates the same parked/stored space, then applicant can simply draw in a triangle and write "storage for each space that will be used for storage/parking", wall to wall.

If applicant means that he has two separate areas inside the building that will be cordoned off by use, then that means separate uses, surely applicant can give square footage of both areas.

If applicant then has a third meaning which is 2000 square feet of shop because he does not want to dedicate less than 870 square feet as shop and the rest as storage/parking, then that means a 3rd option on ONLY 1 public notice sent out.

If applicant then has a 4th meaning which is "to convert back and forth any number of parking/storage spaces into shop spaces" then that means a 4th option on only one public notice sent out.

This project does not support 3 or more exterior parking spaces or parking/storage spaces, as designed.

The theory on semantics about vehicle parking "storage" is obviously about rate of use, understandably. The project is about "interior parking/storage" and separately "shop space", not "up to 2000 square feet of shop space".

Storage/parking is not a use for making obnoxious and loud automotive service shop noises, manufacturing noises, etc... (like typical shops do) when not maintaining the stored items, but rather acting in the capacity as a service/mmanufacturer shop of many multitudes that have nothing to do with the request for this special permit, but everything to do with pulling those stored items out of the building and storing them on the exterior while using two thousand square feet of open space as a service/mmanufacturer shop, marijuana grow, etc... and not storage/parking. Then you have the separate issue of chain of title and whoever comes after this owner/applicant.

So, that is at least 4 different potential final uses of this project, and I was only noticed on one potential of the project, and that notice was flawed.

Based upon the process and information, it's clear to me people are attempting to "wing it on the fly" to avoid being held to answer and respond/show that 870 square feet won't ever be 870 sq. ft. of shop, or even up to 2000 sq. ft. of shop.

The 870 square feet must obviously include square footage for the purpose of actually parking/storing a vehicle or boat or tractor because applicant requested that, as compared to the separate and subordinate request for shop space that applicant requested secondarily.

Simply calling a shop "storage/parking space" is slight of hand rhetoric, and since the project as noticed, expressly and implied, segregates one use from another use while making one use the primary use and the other use the subordinate use (regardless that both uses can occur in one big single open space building), the point is "how big of a square footage space is the shop area going to be versus the actual separate storage/parking only area." Simply changing the oil on your tractor or doing work on it while it's parked on the interior of the building and its parked/stored in a space is not the same as a workshop or shop being used in the condition for which all the items that were to be stored on the interior are now on the exterior of the building.

Simply saying that both uses can occur in the same big building in an open space is not answering the question I previously inquired, nor providing communication back to me that which creates no question of doubt regarding actual final use. Doubt is no different than conversion after the fact of any of the many hundreds of new and almost new garages in Humboldt County.

The applicant could have noticed the public and other property owners that "the primary use was to be for a shop" and that part of that primary use he wants to be able to park or store his vehicle and tractors and boats in because he'll need to "service"..... semantics to hide the potential that the requested subordinate use is really going to be the primary use "after the process is over".

Small shop, Huge storage space..... Turns into Huge shop, Small storage space..... or little to no storage/parking space.

Note: Applicant specifically requested this project for additional storage/parking, and subordinately workshop space.

If Applicant needs more square footage due to shifting his locations of interior parking/storage to the exterior of proposed new building just to have more shop space, then I suggest amending the project for a bigger building.

This project shall not be a revolving door use. In other words, the stored vehicles, boats, tractors are used as an argument on behalf of additional parking/storage, simultaneously, and only on the interior. The workshop area was a "new use request" as proposed. Workshops are not vehicle parking/storage spaces. Existing building to be demolished is a garage. Applicant designed into his proposed project 2 exterior parking spaces in order to meet project requirements.

Shop is interior, not exterior. Thus, project is 2 uses. Uses are separate uses. Shop is shop, parking/storage is parking/storage.

4) As it is now, the applicant requested his shop space to be separate from parking/storage as a secondary and subordinate argument to justify his request for an additional 870 square feet to achieve his request. Never did the applicant request that his storage space also be his shop space..... Again, there is no public notice about a 2000 square foot shop, nor the creation of additional exterior parking spaces that otherwise would replace those interior spaces that are part of the request.

Shop + additional Parking/Storage = 870 sq. ft.

**Marina Herrera**

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**Sent:** Friday, March 30, 2018 9:04 AM  
**To:** Marina Herrera  
**Subject:** Re: Intial notice for SPECIAL PERMIT for apn# 524-211-010

Good Morning,

I am only comfortable communicating in writing.

Sincerely,

JL

On Thu, Mar 29, 2018, 4:50 PM Marina Herrera <[MHerrera@co.humboldt.ca.us](mailto:MHerrera@co.humboldt.ca.us)> wrote:

Good Afternoon Jeffrey,

I have tried calling several times, however your voicemail box is full and I am not able to leave you message. I have spoken to the property owner at length and have done extensive research regarding the parcel creation in the area in regards to the street name, and would appreciate the opportunity to explain my findings to you.

Please call me when you have time to further discuss your request for a Public Hearing and your conditions you have explicitly stated in the message below.

Sincerely,

*Marina Herrera*

Marina Herrera, Planner I

[mherrera@co.humboldt.ca.us](mailto:mherrera@co.humboldt.ca.us)

County of Humboldt, Planning & Building Department

Current Planning Division

3015 H St., Eureka, CA 95501

Direct: (707) 268-3718

## Lippre, Suzanne

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**From:** Jeffrey Lytle <jlcdb70@gmail.com>  
**Sent:** Thursday, May 31, 2018 9:55 AM  
**To:** Lippre, Suzanne  
**Cc:** Jeffrey Lytle  
**Subject:** Planning Commission scheduled meeting 06-07-2018 : FOLLOW-UP for SPECIAL PERMIT for apn# 524-211-010

Hello,

The process appears to be getting rubber stamped rammed through.

The project planner is ignoring my written requests necessary for myself in preparing for a planning commission meeting date. **Not sure why a PCM is needed other than a shady applicant or project planner who can't stay on point.**

I have requested all communications to be written. Project Planner agreed, but after which ignores my written requests and instructions that lead up to an attempted "gotcha moment to schedule".

The scope of the project has changed for a 3rd time, and each change is more secretive until such time as I receive a hostile letter that which is attempting to ram through a shady project description.

Material changes in the final use for the project seem to be ongoing.

I object to any planning commission scheduled meeting where I am not afforded critical information in a timely manner in order to prepare for any scheduled PC meeting.

I object to any Planning Commission meeting where the planning Commissioners do not have all information necessary to properly decide on any project. I want to submit material information that must be reviewed prior to any actual meeting date.

I object to any planning commissioner making any decision where they haven't had the necessary and reasonable amount of time prior to PC meeting date to properly review their packet that is required to have all pertinent information in it.

I object to the ignorance of the process to be more open and inclusive of all parties involved.

I demand simple inclusive notes, labeling and use square footage be placed and documented on plot plan, building plan and assessors/appraiser maps for this project. I provided an easy example that would have resolved this project, but apparently, the Willow Creek Community Services District and maybe other departments in the county are only looking at the plot plan and not all the written rhetoric that explains a project use, or does not explain that use, iow, what the project uses are in reality after the project processing is complete, not beforehand.

Plot plan fails to show "actual" final use of project..... And therefore this project requires conditions for approval.....

I request another plan checker, senior planner or responsible person to respond to my written requests as Miss Herrera ignores my written requests and instructions.

Sincerely,

JL

Note: why is the applicant so scared to admit on paper what he admits to staff originally?

Question: is Humboldt County going to hold me hostage All Summer Long attempting to send something out to me when I'm gone on vacation? That's about the easiest way to push through this project while excluding me.....time tested to exclude.

Fact: bad people are in public employment positions who turn a blind eye to the due process of a required public process because these employed bad people are often partial towards family members in Humboldt County who are involved in some sort of perceived significance within a community of Humboldt County..... Last I checked, that's not an exemption for due process to turn the other cheek or to refuse a re-review of any project that comes within their jurisdiction for which the scope of that project has changed, and change not once and not twice but now Thrice.

Can't depend on the 5th District supervisor sandbagger who lies eloquently ..... Can't depend on the project planner to be inclusive because she openly ignores written communications..... Can't depend on the applicant to get a straight face straight forward answer to the Project's final use because he's too busy causing problems in the neighborhood..... Where this train stops, nobody knows.

Personally, it should have never gotten to this point, the applicant simply needed to be straightforward with his intentions.

As a result, I will need to come back in to the P&B Department to review the project plot plan at the counter for any possible changes that may have occurred unbeknownst to me from new activities by staff or project planner or project consultant after my intitial review several weeks ago.

Thank You.

PS. Mobile phones are not reliable in Humboldt Hills, hence gmail.