



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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<http://www.co.humboldt.ca.us/planning/>

Date: June 20, 2019

To: Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Subject: **Landon Buck** Conditional Use Permit
Application Number PLN-2019-15426
Assessor Parcel Number (APN) 209-342-010-000

The attached staff report has been prepared for your consideration of the **Landon Buck** Use Permit application at the public hearing on June 20, 2019.

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Please contact Steven Lazar, Senior Planner, at 268-3741, or by email at slazar@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

To: John Ford, Zoning Administrator

From: Steve Werner, Supervising Planner

| Hearing Date | Subject | CONTACT |
|---------------|------------------------|--------------|
| June 20, 2019 | Conditional Use Permit | Steven Lazar |

Project: Proposal to convert an existing 1,732 ft.² caretaker's residence into a vacation rental unit, themed as Avenue of the Giants Redwood Burl Experience. A Conditional Use Permit is required. The approximately 1.2 acre parcel is also developed with an approximately 3,800 ft.² commercial building. A Conditional Use Permit and Design Review (CUP-00-38/DR-00-15) were previously approved in 2001 and authorize operation of a redwood sign and novelty business from the commercial structure. The property is served by an on-site sewage disposal system and water is provided by a community water system. No new structures, additions to existing structures, or other exterior alterations to the site are proposed at this time.

Project Location: The project is located in Humboldt County, in the Redcrest area, on the west side of State Highway 254, approximately 400 feet north from the intersection of Turner Lane and State Highway 254, on the property known as 26540 State Highway 254.

Present Plan Designations: Commercial Recreation (CR), Density: N/A, Avenue of the Giants Community Plan (AVES), Slope Stability: Low Instability (1)

Present Zoning: Community Commercial (C-2), Design Control (D), Qualified (Q). Per Ordinance # 2207, principal and conditionally permitted uses limited to Commercial Recreation uses identified in Community Plan (AVES), special requirements for visual buffering, minimizing impervious surfaces, prohibition of off-site signs, and limits on building size (5,000 ft.²)

Assessor Parcel Number: 209-342-010-000

Applicant

Landon Buck
3327 Dolbeer St.
Eureka, CA 95503

Owner

Lewis Jon D & Clista J
PO Box 728
Fortuna, CA 95540

Agent

Environmental Review: None required. CEQA Exemption Sections:

15301: Existing Facilities – *"minor alteration of existing public or private structures...involving negligible or no expansion of existing or former use"*

15303: New Construction / Conversion of Small Structures – *"the conversion of existing structures from one use to another where only minor modifications are made in the exterior of the structure"*

Major Issues: none

State Appeal Status: Project is NOT located within the Coastal Zone.

LANDON BUCK CONDITIONAL USE PERMIT

Application No.: PLN-2019-15426

Assessor Parcel Number: 209-342-010-000

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 a part of the Consent Agenda:

Find the project exempt from environmental review pursuant to Sections 15301 and 015303 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit, based on evidence in the staff report, and adopt the Resolution approving the Landon Buck project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit is required for the proposed conversion of an existing 1,732 ft.² caretaker's residence into a vacation rental unit. The C-2 Zoning District includes "dwellings, hotels, and motels" in the list of conditionally permitted uses allowed. A Qualified Combining Zone also applies to the property and was established through Ordinance #2207, which was prepared and adopted concurrently with the Avenue of the Giants Community Plan. In addition to the residence, the approximately 1.2-acre property is host to an existing 3,800 ft.² commercial building. The parcel is surrounded by residential, commercial recreational, and state park uses. The property is served by an on-site sewage disposal system and water is provided by a community water system. No new structures, additions to existing structures, or other exterior alterations to the site are proposed or expected to result from the project.

A Conditional Use Permit and Design Review (CUP-00-38/DR-00-15) were previously approved in 2001 and authorize operation of a redwood sign and novelty business from the commercial structure. The structure is now being used by a commercial burl business. The combination of uses proposed (commercial burl operation and transient habitation) closely matches the range of uses envisioned and encouraged under the terms of the Qualified Combining zone (Ord. #2207) and applicable land use designation (CR).

Although the property is located within a portion of the Redcrest area subject to Design Review, since no new construction or exterior alterations to structures or the site are proposed, Design Review is not needed.

Staff has performed an analysis of available on-site parking capacity and determined that the property is host to a total of at least 22 independently accessible parking spaces, exceeding the number of spaces that are required for the proposed mixture of uses. A Conditions of Approval has been included requiring that the applicant submit a parking plan for review and approval.

The project includes a number of other Conditions of Approval designed to prevent potential nuisances from emerging during future operation of the vacation rental. These Conditions include limitations on the number of occupants and visitors, noise and lighting restrictions and curfew, and requirements for maintenance of on-site landscaping and garbage collection.

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 Conditional Use Permit and Design Review.

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 permits 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 19-**

Project Number: PLN-2019-15426; Assessor Parcel Number 209-342-010-000

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Landon Buck Conditional Use Permit.

WHEREAS, Landon Buck, submitted an application and evidence in support of approving a Conditional Use Permit authorizing use of an existing caretaker residence as a vacation rental; 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 categorically exempt from environmental review pursuant to Sections 15301 and 15303 of the California Environmental Quality Act (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 Conditional Use Permit (Project No. PLN-2019-15426); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 20, 2019.

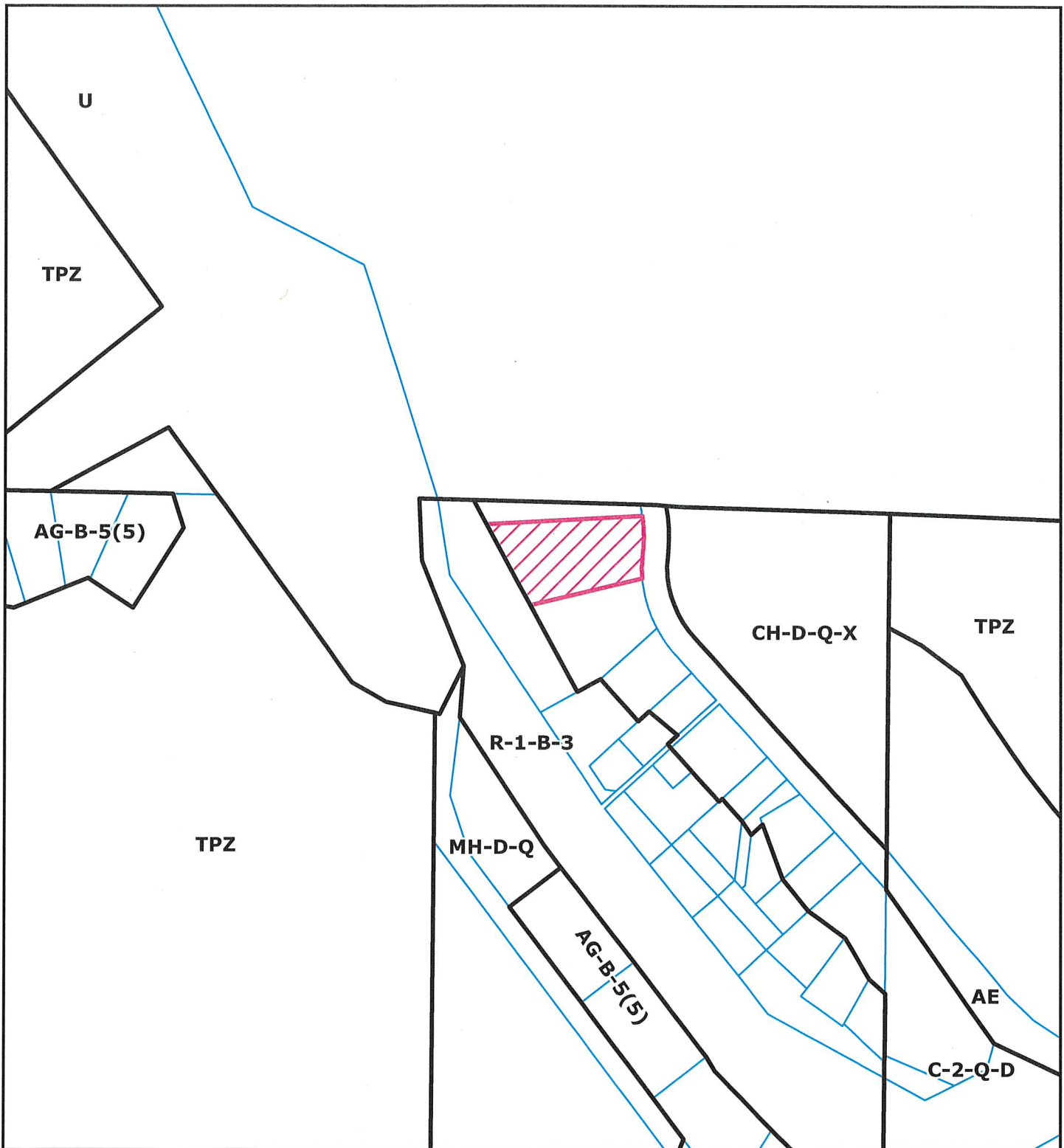
NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator that:

1. The Zoning Administrator finds the proposed Conditional Use Permit application is categorically exempt from environmental review pursuant to Sections 15301 and 15303 of the CEQA Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Project Number PLN-2019-15426 based on the submitted evidence; and
3. The Conditional Use Permit for Project Number PLN-2019-15426 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 20, 2019.

I, John H. 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 Administrator at a meeting held on the date noted above.

John Ford
Zoning Administrator
Planning and Building Department



ZONING MAP

**PROPOSED BUCK
CONDITIONAL USE PERMIT
REDCREST AREA**

PLN-2019-15426

APN: 209-342-010

T1S R2E S09 HB&M (Redcrest)

Project Area = 

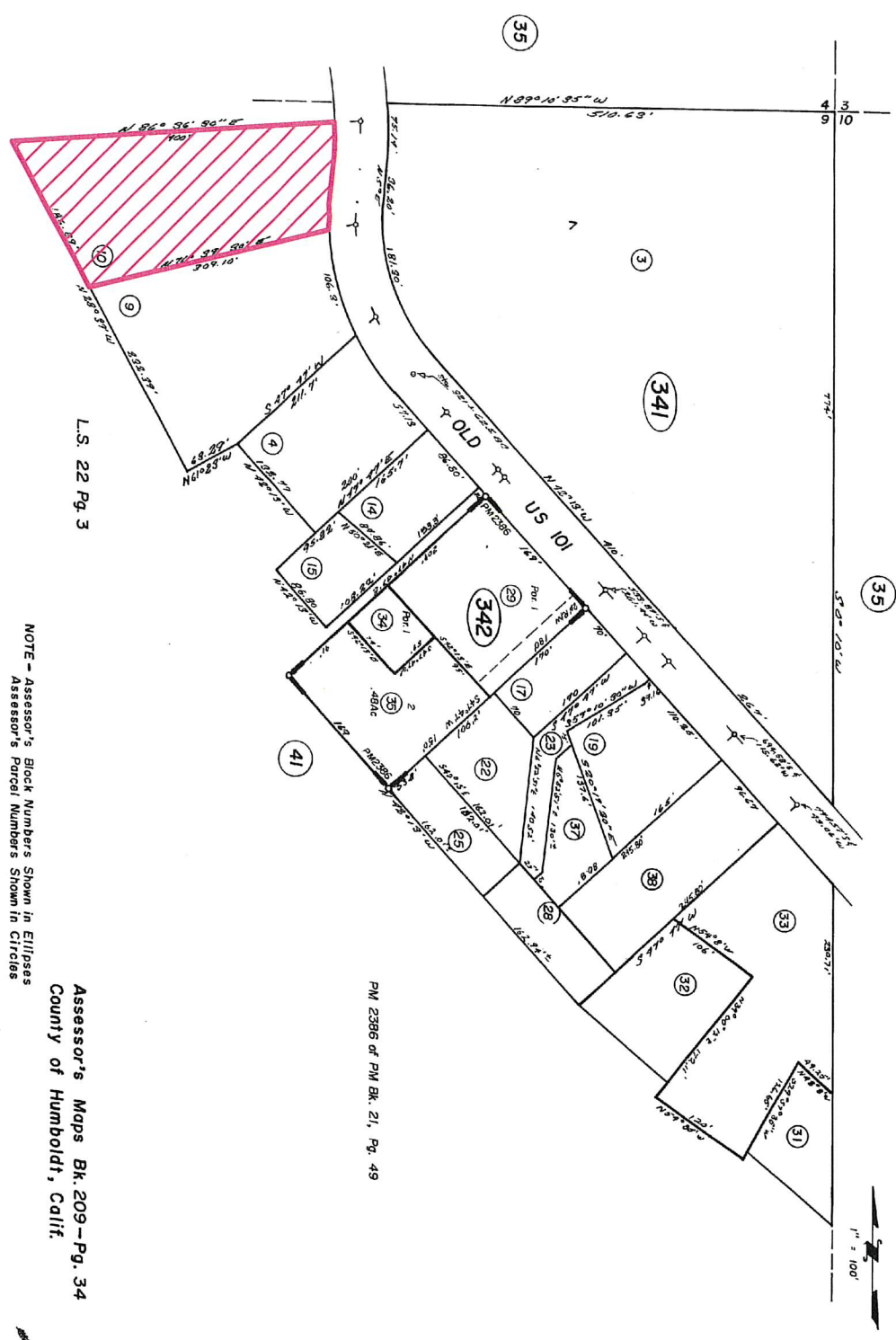
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0 250
Feet

POR NE1/4, NE1/4, SEC 9, T1S, R2E, HB&M

209-34



L.S. 22 Pg. 3

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

Assessor's Maps Bk. 209-Pg. 34
County of Humboldt, Calif.

PM 2386 of PM Bk. 21, Pg. 49

ASSESSOR PARCEL MAP

PROPOSED BUCK CONDITIONAL USE PERMIT

REDCREST AREA

PLN-2019-15426

APN: 209-342-010

T1S R2E S09 HB&M (Redcrest)

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.



MAP NOT TO SCALE



AERIAL MAP

**PROPOSED BUCK
CONDITIONAL USE PERMIT
REDCREST AREA
PLN-2019-15426
APN: 209-342-010
T1S R2E S09 HB&M (Redcrest)**

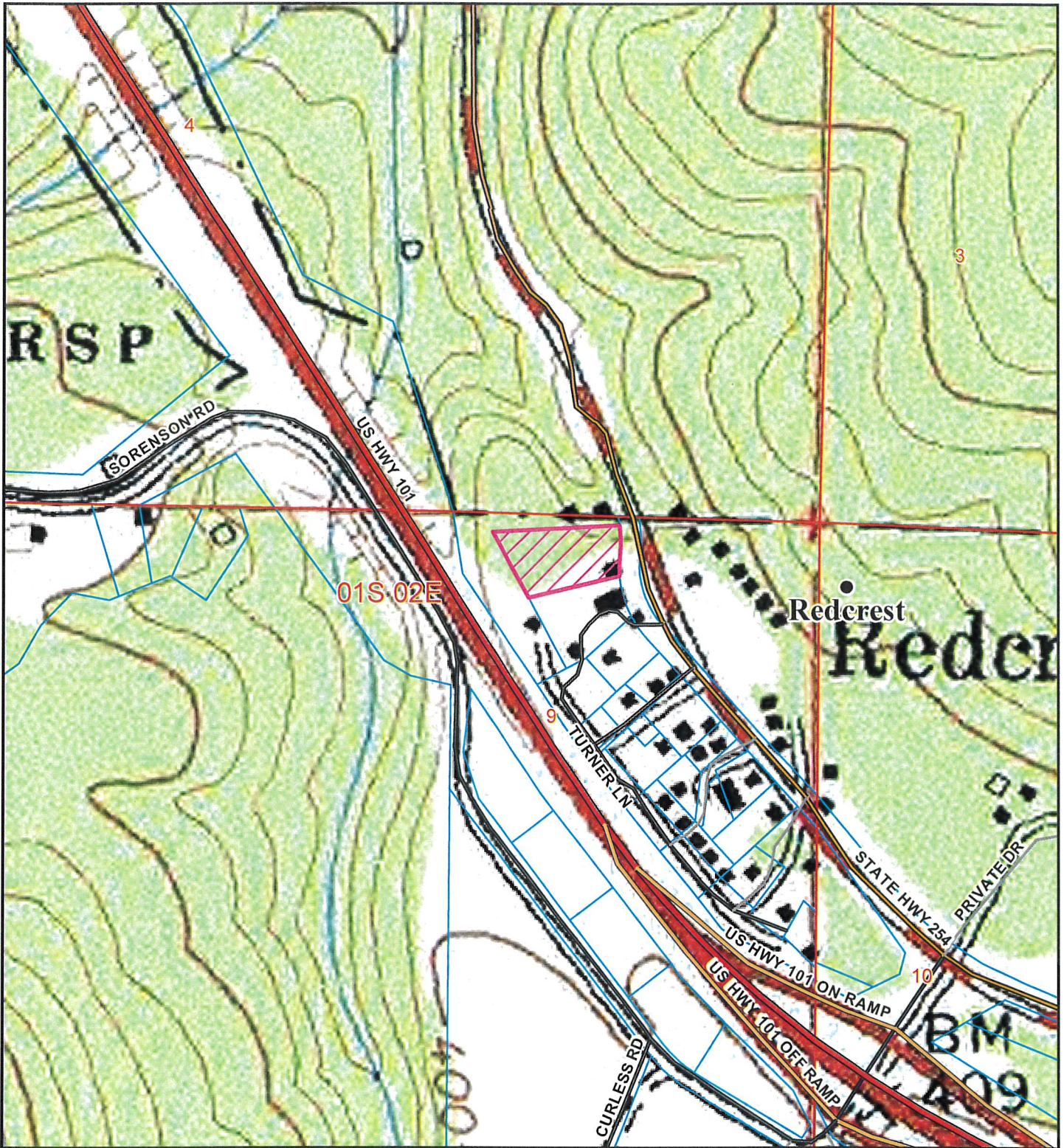
Project Area =



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.



0 100 200
Feet



TOPO MAP

PROPOSED BUCK
CONDITIONAL USE PERMIT
REDCREST AREA

PLN-2019-15426

APN: 209-342-010

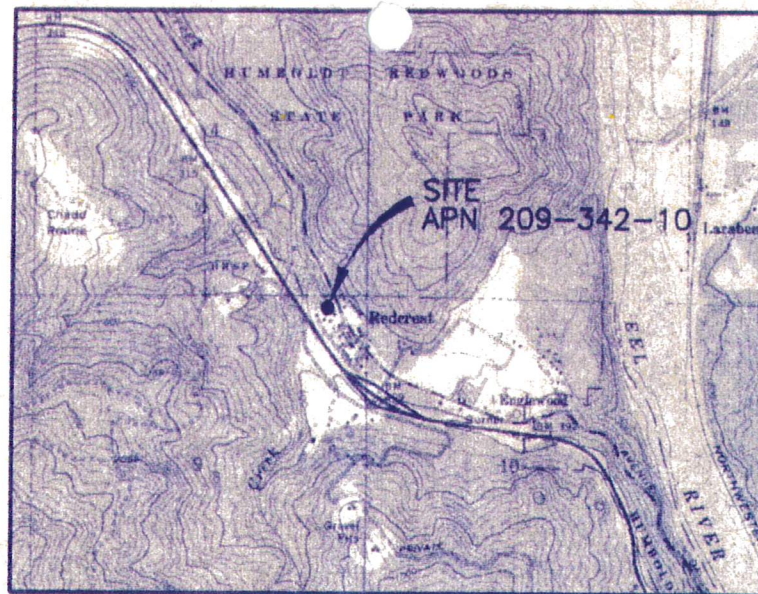
T1S R2E S09 HB&M (Redcrest)

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.



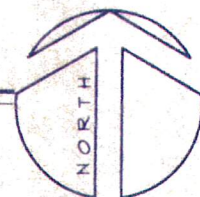
0 250
Feet



Landon Buck 3/1/19
209-342-010

① Unloading for Handicap Parking
Must be on passenger side

VICINITY MAP



209-411-26
JONES, STEVEN D. & ANN M.

209-411-26
JONES, STEVEN D. & ANN M.

<E> STORAGE SHED
(±63 S.F.)

COMMUNITY WATER

CARPORT

<E> PRIVATE
RESIDENCE
(±1,732 S.F.)

209-342-09
CATHEY, JOHN & JEANINE
P.O. BOX 104 REDCREST, CA. 95569

SITE PLAN

SCALE: 1"=30'

June 20, 2019

<E> LEACH FIELD
FOR STORE

400.00' P.L.

100% RESERVE
LEACH FIELD

100% RESERVE
LEACH FIELD

<E> LEACH FIELD

<E> SEPTIC TANK

ROOF OVERHANG

<E> SHOP
(1,920 S.F.)

<E> STORE
(1,920 S.F.)

<E> P.P.

<E> WATER BASE

<E> PROPANE TANK

<E> WATER

ARROW PAINTED ON A.C.
INDICATING ENTRANCE

WHEEL STOP OR SIMILAR
BARRIER @ EDGE OF R.O.W.
PARALLEL TO CENTERLINE

<E> PAVED PARKING

MOUNTED ROOT

DIRECTION OF SURFACE
RUN-OFF (TYP.)

<P> WASTE/RECYCLE AREA

<E> SEPTIC TANK

see note 6

EXIT
SIGN

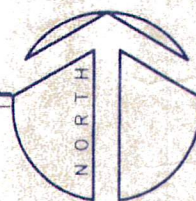
ENTER
7.62m
(25')
ARROW PAINTED ON
A.C. TO DIRECT EXIT

AVENUE OF THE GIANTS
HIGHWAY 254

209-341-03
GOFF, DANIEL O. JR. & DORIS
P.O. BOX 235 REDCREST, CA. 9

NOTES

- 1.) NO KNOWN SURVEY MONUMENTS
- 2.) NO DRAINAGE COURSES OR CREEKS
- 3.) NO TREES TO BE REMOVED
- 4.) SITE IS RELATIVELY FLAT
- 5.) NUMBER OF EMPLOYEES NOT TO EXCEED (4)
- 6.) 2% MAX. SLOPE IN ANY DIRECTION



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit is conditioned upon the following terms and requirements which must be fulfilled before a building permit may be issued or use initiated.

Conditions of Approval

1. The Conditions of Approval applied under the prior Use Permit and Design Review (CUP-00-38 and DR-00-15) remain in full force and effect and are applicable to all redwood sign and novelty businesses operating from the site.
2. The applicant shall apply for a business license with the Humboldt County Treasurer-Tax Collector.
3. The applicant shall work with the Humboldt County Planning & Building Department – Building Division to determine whether the proposed use of the existing residence as a vacation rental will be considered a "Change of Occupancy". The applicant shall complete any required improvements prior to lease of the facility on a transient (less than monthly) basis.
4. The applicant shall submit a detailed parking plan demonstrating that adequate parking facilities exist to concurrently serve the existing commercial use and guests of the vacation rental.
5. The applicant shall submit a plan of operations for the vacation rental use. The report shall be prepared to the satisfaction of the Director of Planning & Building, detailing:
 - A. Seasonal Operational Information
 - B. Minimum Length of stay information
 - C. Routine service Intervals for the rental facility
 - D. Rules for Guests
 - E. Methods and Measures for controlling potential for nuisance to neighboring residential development.
6. The owner or operator of the vacation rental must provide the name, address and telephone number of a contact person for the unit to all occupied residences within a 300-foot radius of the rental unit. The notice shall be mailed to property owners prior to initial rental of the unit and periodically thereafter as contact information changes. When the owner or operator of the rental unit does not reside within a twenty-mile radius of the vacation rental property, a separate person located within a 5-mile radius of the rental unit shall be designated as the local contact person. The owner/operator, or contact person must be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of this permit and other applicable provisions of the code.
7. The applicant shall contact the local fire service provider [Redcrest Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable, and shall comply with On-going Condition of Approval #11. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT

OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

On-Going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. For the life of the operation, the applicant shall maintain a Business license from the Humboldt County Tax Collector. The owner/operator shall collect and remit to the Humboldt County Tax Collector the transient occupancy tax.
2. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. Exterior lighting shall be turned off no later than 10 PM on weekdays and midnight on weekends.
3. Occupants and visitors using the vacation rental shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. On weekdays, any noise occurring after 10:00 pm and before 7:00 am should be contained within the residence and shall be kept at levels so that it would not be able to be heard by or offend nearby neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any County noise standards and ordinances.
4. The maximum number of occupants allowed in the vacation rental shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom rental may have six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented.
5. The number of visitors to the vacation rental shall be limited to not more than the allowable occupancy of the rental at any time. For example, if the maximum occupancy is 6, then no more than 6 visitors are allowed. During weekdays, visitors are not allowed between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.
6. The applicant or manager shall maintain an occupant and vehicle register for each tenancy of the vacation rental. The register shall include the names and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for inspection by county officials upon request.
7. Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the vacation rental. Foodscraps and similar waste shall not be left outside or for extended periods where it could result in discovery and feeding of local corvid populations. Food waste shall be regularly collected and stored indoors, prior to be taken to an off-site disposal location.
8. Vehicles used and traffic generated by the vacation rental shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

9. Guests shall be required to sign a contract governing their use of the property during the rental period. Provisions of each contract shall include restrictions on late night noise and reservation of the operators' right to cancel the remainder of the reservation if noise or use is excessive or becomes unruly in any manner, or otherwise occurs in violation of the contract. In the event of cancellation, all persons must leave the property within 30 minutes following notification. Vacation of the premises shall be verified by the owner/operator, or designated contact person.
10. The use shall be conducted, operated and maintained in accordance with the approved project description, site plan, and most recently approved plan of operations, as well as these conditions of project approval.
11. Applicant shall submit a request for Agency Review for substantial conformance on any proposed changes of the operation, design or use. The Department shall require a Modification of this permit unless the changes can be processed as a minor deviation; and if all the findings of §312-11.1 can be made.
12. The property shall be managed at all times in compliance with applicable residential and commercial parking standards described under Section 314-109.1 of the Zoning Regulations.
13. Landscaped areas shall be maintained with regular maintenance and irrigation to ensure healthy, viable vegetation at all times. Replacement of dead, dying or diseased plants shall occur at the earliest possible time. **This condition will be administered by the Planning & Building Department - Building Inspection Division.**
14. Access improvements shall be maintained to Caltrans Standards. Improvements include confining areas of ingress and egress near the southernmost property line to improve site distance. This can be achieved by curbing, paint (arrows), or signage on the applicant's property. The applicant shall secure permits from Caltrans for an encroachment permit prior to commencing any work within the State Highway right of way.

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 "

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. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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 send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. 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.

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 Conditional Use 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; and
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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 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.
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.

Staff Analysis of the Evidence Supporting the 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.

1. The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Avenue of the Giants Community Plan (AVES).

| Plan Section(s) | Summary of Applicable Goal, Policy or Standard | Evidence Supporting the General Plan Conformance Finding |
|---|--|---|
| Land Use Commercial Recreation (CR) §2500 (AVES) | The CR designation in the Avenue of the Giants Community Plan is designed to support and encourage commercial recreation facilities and accommodations and recreation/tourist oriented sales and services geared to local and visitor needs. Primary and Compatible Uses include visitor serving facilities, transient habitation, bed and breakfast establishments, and retail sales and services, and research/light manufacturing such as cheese factories, wineries, and burl works serving as visitor destination points. | The ±1.2-acre parcel is currently developed with a 1,732 ft. ² caretaker's residence and a 3,800 ft. ² commercial building. Use of the commercial building for a redwood sign and novelty business was previously approved under an earlier Use Permit and Design Review (CUP-00-38/DR-00-15), and the building is currently used by a redwood burl business. Conversion of the existing caretaker's residence to a transient habitation use is consistent with the range of planned uses. The Community of Redcrest lies immediately adjacent to public lands owned and managed as part of Humboldt Redwoods State Park's northernmost holdings. The home's location in central Redcrest therefore makes it an excellent candidate for use as a short-term vacation rental given the proximity to nearby state parkland. The home's location also will complement nearby seasonal visitor serving facilities along the Avenue of the Giants. |
| Housing §2200 (AVES) | Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element. | The property has been commercially zoned since at least 2001, when the Avenue of the Giants Community Plan was adopted. The existing residence was therefore not utilized as part of the County's Housing Inventory. Private single-family residential uses are conditionally permitted within the Commercial Recreation zoning district. The proposed conversion of the home to a vacation rental is in keeping with the planned uses for the area, and will retain the structure's use as a form of housing for short term accommodations. |

| | | |
|---|---|---|
| Geologic §3200 (AVES) | New construction shall be built to help protect occupants from geologic hazards | The project site is located in an area of low slope instability and slopes of less than 15%. No new construction is proposed or anticipated, and site visit performed by the County Building Inspections Division (BID) did not identify any concerns relating to site suitability. |
| Flood Hazards §3200 (AVES) | All new development shall conform with the County Flood Insurance Program and certificate regulations. | The project site is located in an area of minimal flooding. BID did not identify any site concerns relating to site suitability for the proposed change of use to accommodate transient habitation. |
| Fire Hazards §3200 (AVES) | Use appropriate sections of the Fire Safe Ordinance (FSO) for review of residential development in rural areas. | The property is located in an area of moderate fire hazard rating. Wildland Fire Protection is provided through the California Department of Forestry and Fire Protection (Cal-FIRE) and good will service is available through the Redway Volunteer Fire Department. Access is off of the Avenue of the Giants (State Highway 271), which is a paved road. Neither Cal-FIRE nor the Redcrest volunteer fire department provided comments on the project. The County Land Use Division has recommended approval of the project. |
| IS-S5 Other Development Outside of Fire District Boundaries Where outside of district boundaries, written acknowledgement of available emergency response and suppression services and recommended mitigations shall be secured for new industrial, commercial, and residential development, prior to permit approval; or The project shall include a condition requiring that the applicant record an acknowledgement concerning the lack of available emergency response and suppression services Ch. 5.5 (GP) | | On March 15, 2019, a referral was sent to the Redcrest Volunteer Fire Department. An email was also sent to the Chief Justin Olander on May 5, 2019. As of the date of this report, no written response has been received from the department concerning this project. In the event no written confirmation from Redcrest Fire is secured prior to project approval, a Condition has been included requiring the applicant record a written acknowledgement concerning the lack of available local emergency services. |
| Biological Resources §3400 (AVES) | To protect designated sensitive habitats and cultural resources. | The majority of the site is already developed with buildings and paving. No ground disturbance is likely to result from the project. Conditions of Approval limiting noise and lighting during evening hours should also insure disturbance to nearby wildlife is prevented. |

| | | |
|---|-----------------------------------|---|
| Historical and Archaeological Resources, § 10.6.3 (General Plan) | Protection of cultural resources. | <p>The project was referred to the Northwest Information Center (NWIC), who indicated the site had a low possibility of containing cultural resources and therefore further survey or investigation was not necessary. The NWIC also requested that local tribes be consulted. The project was referred to both the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council at the same time as NWIC. Neither group has provided a response as of the date of this report. An Informational Note with the Conditions of Approval, specifies the inadvertent discovery protocol to be observed, including the steps to be taken should cultural resources and/or human remains be discovered during ground disturbing activities. The majority of the site is already developed with buildings and paving. Given this and the nature of the project, ground disturbance and associated impacts to cultural resources are highly unlikely.</p> |
|---|-----------------------------------|---|

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. 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 |
|--|---|--|
| (C-2-Q) Community Commercial §314-2.2, Qualified, Ord. #2207 Principally and Conditionally Permitted Uses otherwise allowed in the C-2 zoning district are limited to those uses identified under the Commercial Recreation land use designation found within the Avenue of the Giants Community Plan (AVES): <i>Visitor serving facilities, transient habitation, bed and breakfast establishment;</i> commercial recreation, recreational vehicle park, private recreation, retail sales, retail service, neighborhood commercial, cottage industry, research/light manufacturing, serving as visitor destination points such as cheese factories, wineries, and <i>burl works</i> ; residential use subordinate to the permitted use. | | The C-2 Zoning District includes "dwellings, hotels, and motels" in the list of conditionally permitted uses. The proposal to convert the existing caretaker's unit into a vacation rental unit is consistent with the range of uses allowed under the restrictions of the Qualified Combining zone applicable to the property. The combination of uses proposed (commercial burl operation and transient habitation) closely matches the range of uses envisioned and encouraged under the terms of the Qualified Combining zone (Ord. #2207) and applicable land use designation (CR). The project includes conditions of approval designed to prevent negative impacts to existing nearby residential and commercial development. |
| Min. Lot Size | 2,000 square feet | ±1.2 acres |
| Min. Lot Width | 25 feet | Frontage along State Highway 271 ±100 feet |
| Max. Ground Coverage | None specified | Size of parcel allows for substantial coverage. No additional coverage is proposed in association with this proposal. |
| Max. Bldg. Height | 75 feet | No new structures or changes to the height of existing structures is proposed. |
| Yard Setbacks | Front-none; Rear-15 feet; Side-None Fire Safe standards require a 30-foot setback from all property lines, or the center of all abutting roadways. | No new development is proposed that would be subject to Firesafe setbacks. Existing development complies with applicable development setbacks of the zoning regulations, but fails to meet the 30-foot defensible space setback requirements of the Firesafe regulations. The structures qualify as legal non-conforming since they were developed prior to the application of these regulations (1992). |

| Zoning Section | Summary of Applicable Requirement | Evidence That Supports the Zoning Finding |
|--|--|--|
| <p>Parking: 314-109.1</p> <p><i>The intent of the off-street parking regulations is to provide for on-site, off-street parking of motor vehicles associated with any use or uses on the premises. The parking ordinance establishes the number of parking based on the uses, which may include the square footage of structures and/or the number of employees.</i></p> <p>109.1.3.1.3</p> <p>Hotel, Motel, Boarding and Rooming Houses</p> <p>One parking space for each sleeping unit plus two (2) manager parking spaces.</p> | | <p>The project includes separate and distinct uses which generate separate levels of parking demands. Thus, the following is a breakdown of the different uses, and their parking requirements:</p> <p>Wood products workshop 1,920 ft.² (1 space/1500 ft.²) = <u>2 spaces</u>; Retail Use 1,920 ft.² (1 space/300 ft.²) = <u>6.4 spaces</u>; Employees during peak shift (1 space per employee) = <u>3 spaces</u>;</p> <p>Total required = 11 spaces.</p> <p>A review of paved parking areas on the subject property reveals that upwards of twelve (12) on-site independently accessible parking spaces are located outside of the road right-of-way and adjacent to the existing commercial burl business.</p> <p>A total of ten (10) independently accessible parking spaces can be found near the existing residence / proposed vacation rental facility. Three (3) covered spaces are available within an existing carport, and seven (7) additional uncovered spaces are also available.</p> <p>Total on-site parking = 22 paved spaces</p> |
| <p>§314-109.1.4</p> <p>Loading Space</p> | <p>Off-street loading space shall be provided for industrial and commercial uses. One loading space (10'x60') for each 20,000 square feet of gross floor area, or portion thereof.</p> | <p>The paved parking area is over 80 feet deep and contains ample room for accommodating one (10'x60') loading space and associated turning movements.</p> |

4. Public Health, Safety and Welfare; and 6. Environmental Impact. The following table identifies the evidence which supports finding that the proposed location of the use 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 properties or improvements in the vicinity, and will not adversely impact the environment.

| Code Section | Summary of Applicable Requirement | Evidence That Supports the Zoning Finding |
|---|--|--|
| §312-17.1.4 | The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. | All reviewing referral agencies have approved the proposed development. The project is not expected to be detrimental to public health safety or welfare. The project includes conditions designed to prevent potential nuisances from emerging related to the proposed new use of the residence as a short-term rental. |
| CEQA GUIDELINES §15301 Existing Facilities – <i>“minor alteration of existing public or private structures...involving negligible or no expansion of existing or former use”</i> §15303 New Construction / Conversion of Small Structures – <i>“the conversion of existing structures from one use to another where only minor modifications are made in the exterior of the structure”</i> | | As lead agency, the Department finds that the project qualifies as Categorically Exempt from further environmental review pursuant to the Class 1 and Class 3 exemptions found in the CEQA Guidelines. The principal areas of potential impact from the project include noise, parking, and traffic concerns. The property has been host to a mixture of commercial and residential uses for some time. When conducted in compliance with the plan of operations and conditions of approval, use of the residence as a short-term rental results in minimal potential for impacts to the environment, and is otherwise no different from use of the property as a private residence. |

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 the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. | The proposed project involves conversion of an existing caretaker residence on a commercial lot into a short-term vacation rental; no new residential development is proposed. As a commercially developed and zoned parcel it was not inventoried as source of potential residential housing. Therefore, the 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. |

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/Tentative Map Checklist [in file]
- Project Description [in file]
- Grant Deed [in file]
- Plot Plan [attached with maps]

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

| Referral Agency | Response | Recommendation | Attached | On File |
|--|----------|----------------|----------|---------|
| County Building Inspection Division | ✓ | Approval | | ✓ |
| County Public Works, Land Use Division | ✓ | Approval | | ✓ |
| County Division of Environmental Health | ✓ | Approval | | ✓ |
| Redcrest Water Works | ✓ | Approval | | ✓ |
| Redcrest Volunteer Fire Department | | | | |
| Regional Water Quality Control Board | | | | |
| CA Dept. of Fish and Wildlife | | | | |
| Northwest Information Center | ✓ | Approval | | ✓ |
| Bear River Band of the Rohnerville Rancheria | | | | |
| Intertribal Sinkyone Wilderness Council | | | | |
| CAL-FIRE | | | | |
| CalTrans District 1 | | | | |