



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

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

Hearing Date: April 30, 2020

To: John H. Ford Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Subject: **Johnston Construction**  
Conditional Use Permit and Coastal Development Permit  
Case Number PLN-2019-16087  
Assessor's Parcel Number (APN) 305-111-005  
5621 Humboldt Hill Road, Eureka Area

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Please contact Alyssa Suarez, Planner, at 707-268-3703, or by email at [asuarez@co.humboldt.ca.us](mailto:asuarez@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

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

From: Steve Werner, Supervising Planner

<b>Hearing Date</b> 04/30/2020	<b>Subject</b> Coastal Development Permit and Conditional Use Permit	<b>Contact</b> Alyssa Suarez
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**Project:** A Coastal Development Permit (CDP) and Conditional Use Permit (CUP) to authorize the construction of a three-bedroom, two bath Secondary Dwelling Unit, up to 3,000 square feet in size. The parcel is developed with an existing 810 square foot single family residence, 1,152 square foot detached garage, and various accessory structures. No tree removal is proposed, and minimal grading is required to facilitate construction. All development will be contained within a two (2) acre building site. The parcel is served water and sewer provided by the Humboldt Community Services District.

**Project Location:** This project is located in the Eureka area, on the east side of Humboldt Hill Road, approximately 950 feet southeast from the intersection of Humboldt Hill Road and South Broadway, on the property known as 5621 Humboldt Hill Road.

**Present Plan Land Use Designations:** Agricultural Exclusive (AE), Density: Range is 20 to 60 acres per unit, Humboldt Bay Area Plan (HBAP), 2017 General Plan, Slope Stability: Low Instability (1).

**Present Zoning:** Residential Multi-Family: maximum 15 dwelling units per acre (RM-15), Coastal Wetlands (W), Flood Hazard Area (F), Transitional Agricultural Lands (T)

**Case Numbers:** PLN-2019-16087

**Assessor Parcel Numbers:** 305-111-005

**Applicant:**

Johnston Construction  
C/O Bruce Tjarnstrom  
5625 Humboldt Hill Road  
Eureka, CA 95503

**Owner:**

Larry and Judith Moranda  
5625 Humboldt Hill Road  
Eureka, CA 95503

**Agent:**

Same as applicant

**Environmental Review:** CEQA Exemption Section: 15303- New Construction/Conversion Small Structures.

**Major Issues:** None.

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

**JOHNSTON CONSTRUCTION**  
**COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT**

Case No. PLN-2019-16087  
APN 305-111- 005

**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 applications as a part of the consent agenda:

*Find the proposed project consistent with Section 15303 (Categorical Exemption) of the CEQA Guidelines and make all of the required findings for approval of the Coastal Development Permit/Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the Johnston Construction permits subject to the recommended conditions.*

**EXECUTIVE SUMMARY:** The applicant is requesting a Coastal Development Permit (CDP) and Conditional Use Permit (CUP) to authorize the construction of a three-bedroom, two bath single family dwelling unit, up to 3,000 square feet in size. No tree removal is proposed, and minimal grading is required to facilitate construction. All development will be contained within a two (2) acre building site. The parcel is served water and sewer provided by the Humboldt Community Services District.

The 8.95-acre parcel is developed with an existing 810 square foot single family residence which will become the secondary dwelling unit (Accessory Dwelling Unit), a 1,152 square foot detached garage, and various accessory structures. The parcel is located within the Residential Multi-Family zone with a maximum 15 dwelling units per acre (RM-15) and is a conditionally permitted use. The project site also is regulated under the following combining zones: Coastal Wetlands (W), Flood Hazard Area (F), Transitional Agricultural Lands (T). The W and F combining zones are associated with the Elk River, which runs along the eastern property line. The project will not occur within any flood areas or any farmed wetland areas. The proposed development is not anticipated to cause any potential degradation to environmentally sensitive habitat, including wetland habitat values. It is important to note the parcel has a zoning designation that is inconsistent with the current land use designation. The project is located within the County's retained permit jurisdiction and is subject to a public hearing due to the Conditional Use Permit request.

The California legislature has amended the Government Code Section 65852.2 to permit development of a second dwelling unit in all zones which permit single family or multifamily dwellings subject to certain development requirements. A CUP is required because the second residence is to be located on a parcel less than 60 acres in size. A provision of state law limits the size of the second dwelling unit (now called an Accessory Dwelling Unit or ADU) to a maximum of 1,200 sq. ft. of floor area. In this case, the existing 810 sq. ft. dwelling unit will become the ADU and the proposed residence will be considered the primary residence. An ADU is new development in the Coastal Zone and a Coastal Development Permit must be secured.

The project is consistent with the Humboldt Bay Area Plan (HBAP) and the Humboldt County Zoning Code for the following reasons: 1) the project is for the construction of a second residential dwelling unit on a parcel that can accommodate a second residence, and is a conditionally permitted use, 2) the proposed development complies with all development standards of the zone, and 3) the proposed development will not have adverse impacts on the neighborhood or the environment. The Department believes that the proposed project may be found Categorically

Exempt from environmental review pursuant to Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) because it is for the construction of a new residence on a residentially zoned parcel.

Based upon the review of Planning Division reference sources, and comments from all responding referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit and Conditional Use Permit.

**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 20-**

**Case Number PLN-2019-16087  
Assessor's Parcel Number 305-111-005**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Coastal Development Permit.

**WHEREAS**, Bruce Tjarnstrom, submitted an application and evidence in support of approving a Coastal Development Permit and Conditional Use Permit; and

**WHEREAS**, the County Planning and Building Department 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**, pursuant to Section 15303, Humboldt County Planning and Building Department, makes a CEQA determination that the project is Categorically Exempt; 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 Coastal Development Permit and Conditional Use Permit (Case No. PLN-2019-16087); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on April 30, 2020.

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

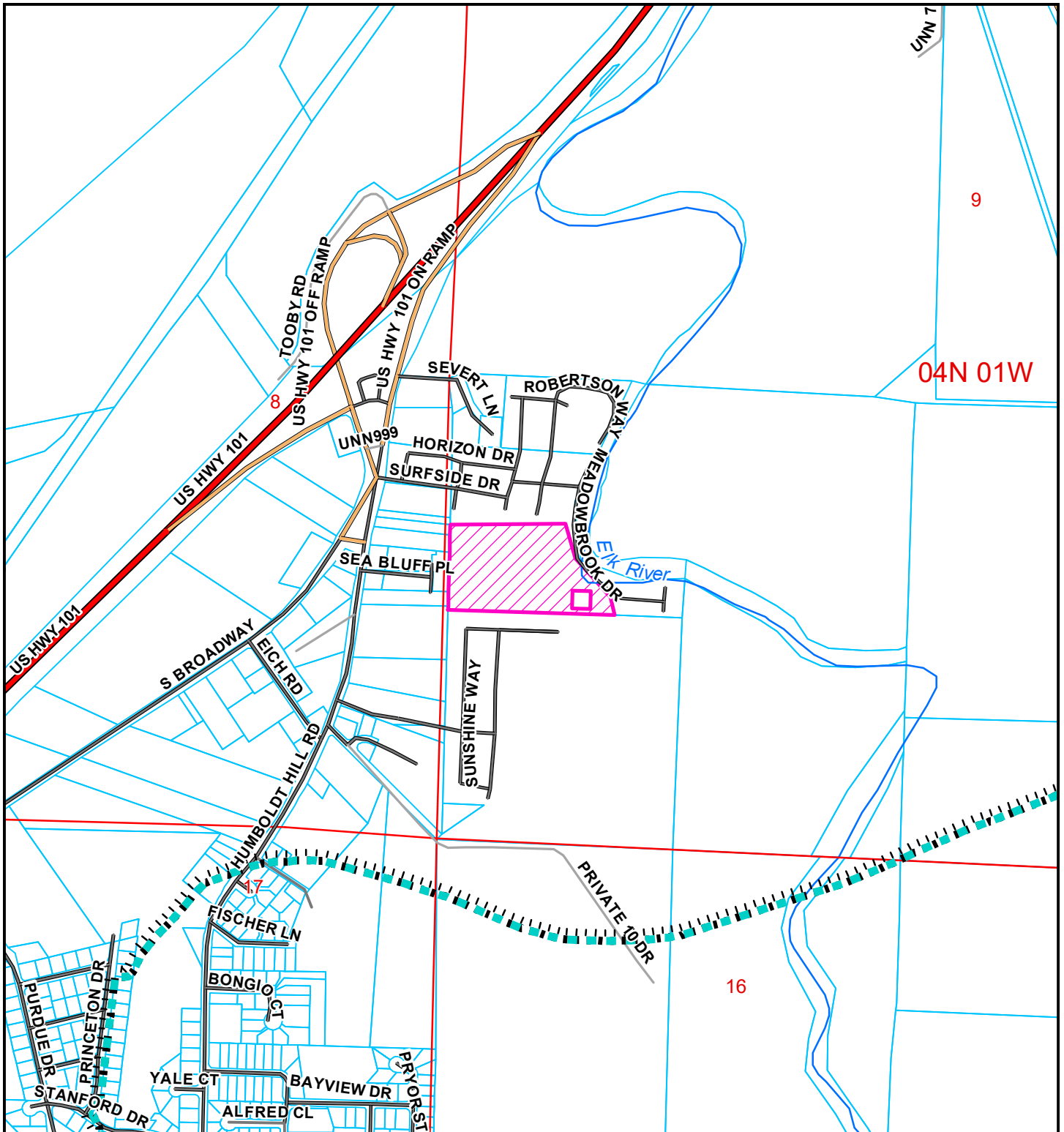
1. The proposed project was determined pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines to be Categorically Exempt; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number PLN-2019-16087 based on the submitted evidence; and
3. Approves the Coastal Development Permit and Conditional Use Permit, Case Number PLN-2019-16087 as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on April 30, 2020.

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

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John Ford, Zoning Administrator



## LOCATION MAP

### PROPOSED JOHNSTON CONSTRUCTION CONDITIONAL USE PERMIT

EUREKA AREA

PLN-2019-16087

APN: 305-111-005

T04N R01W S09 HB&M (Fields Landing)

Project Area = 

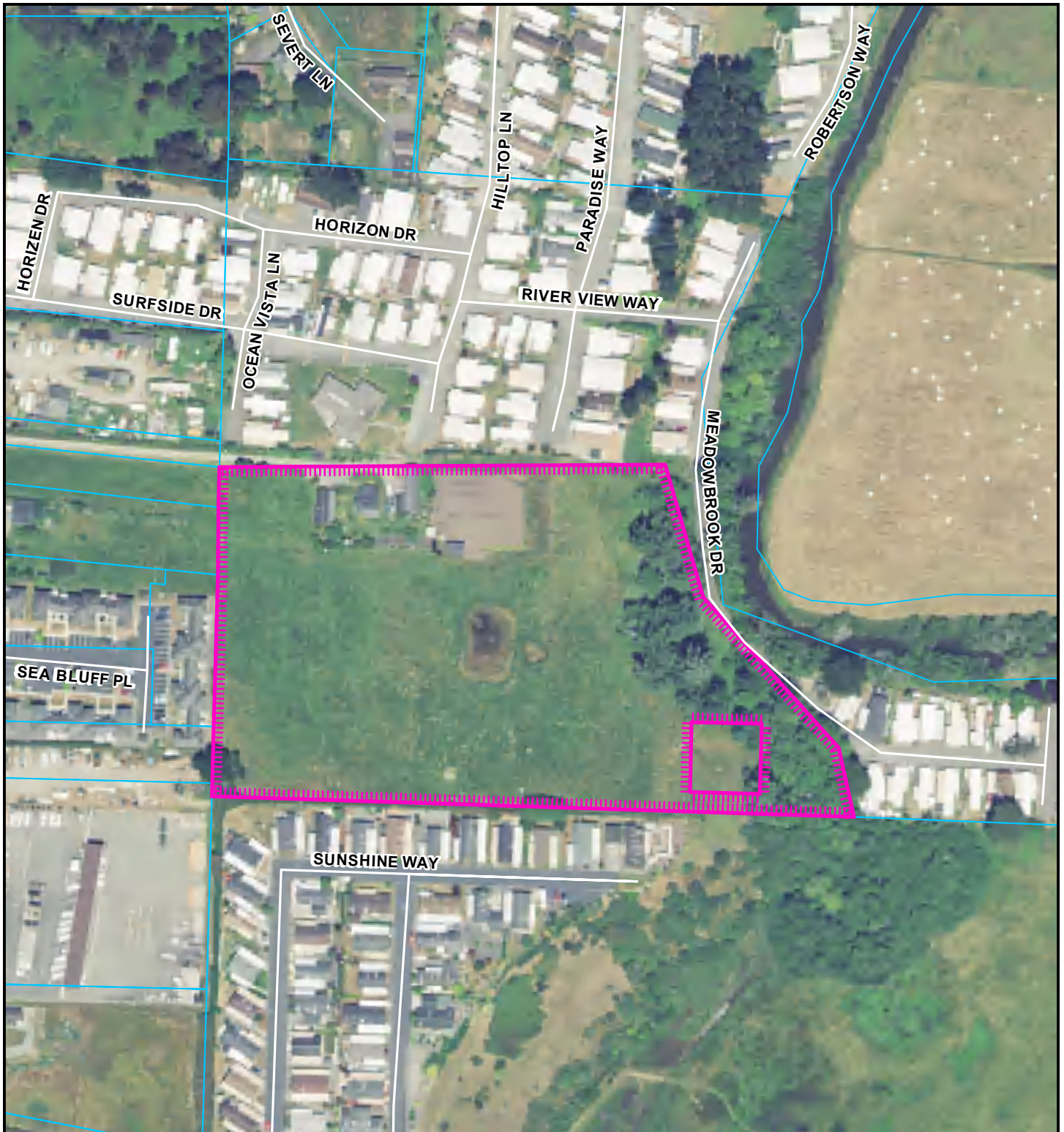
Coastal Zone Boundary 

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.



0 250 500 750 1,000  
Feet





## AERIAL MAP

### PROPOSED JOHNSTON CONSTRUCTION CONDITIONAL USE PERMIT

EUREKA AREA

PLN-2019-16087


APN: 305-111-005

T04N R01W S09 HB&M (Fields Landing)

Project Area = 

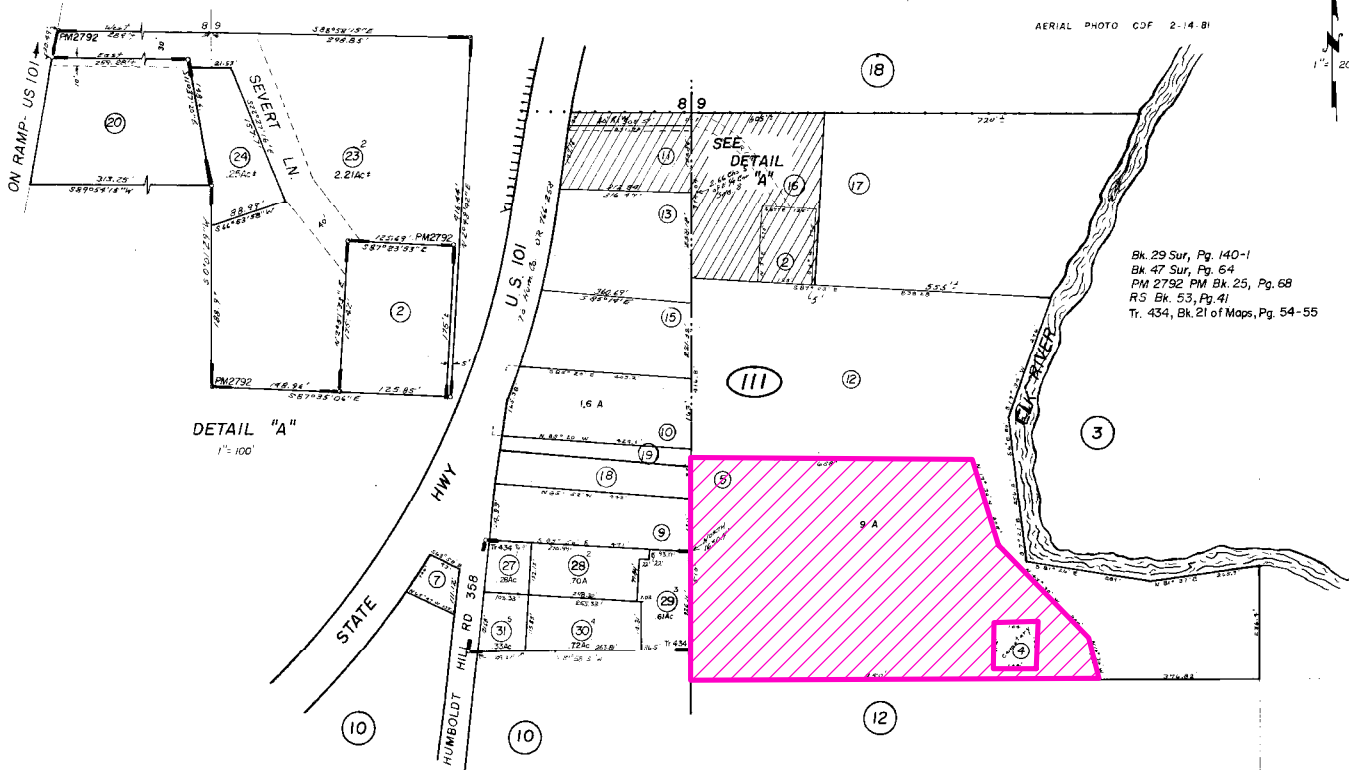
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 50 100 150 200 250  
 Feet

PTN SECS 8 & 9 4N 1W

305-11



# ASSESSOR PARCEL MAP

## PROPOSED JOHNSTON CONSTRUCTION CONDITIONAL USE PERMIT

EUREKA AREA

PLN-2019-16087

APN: 305-111-005

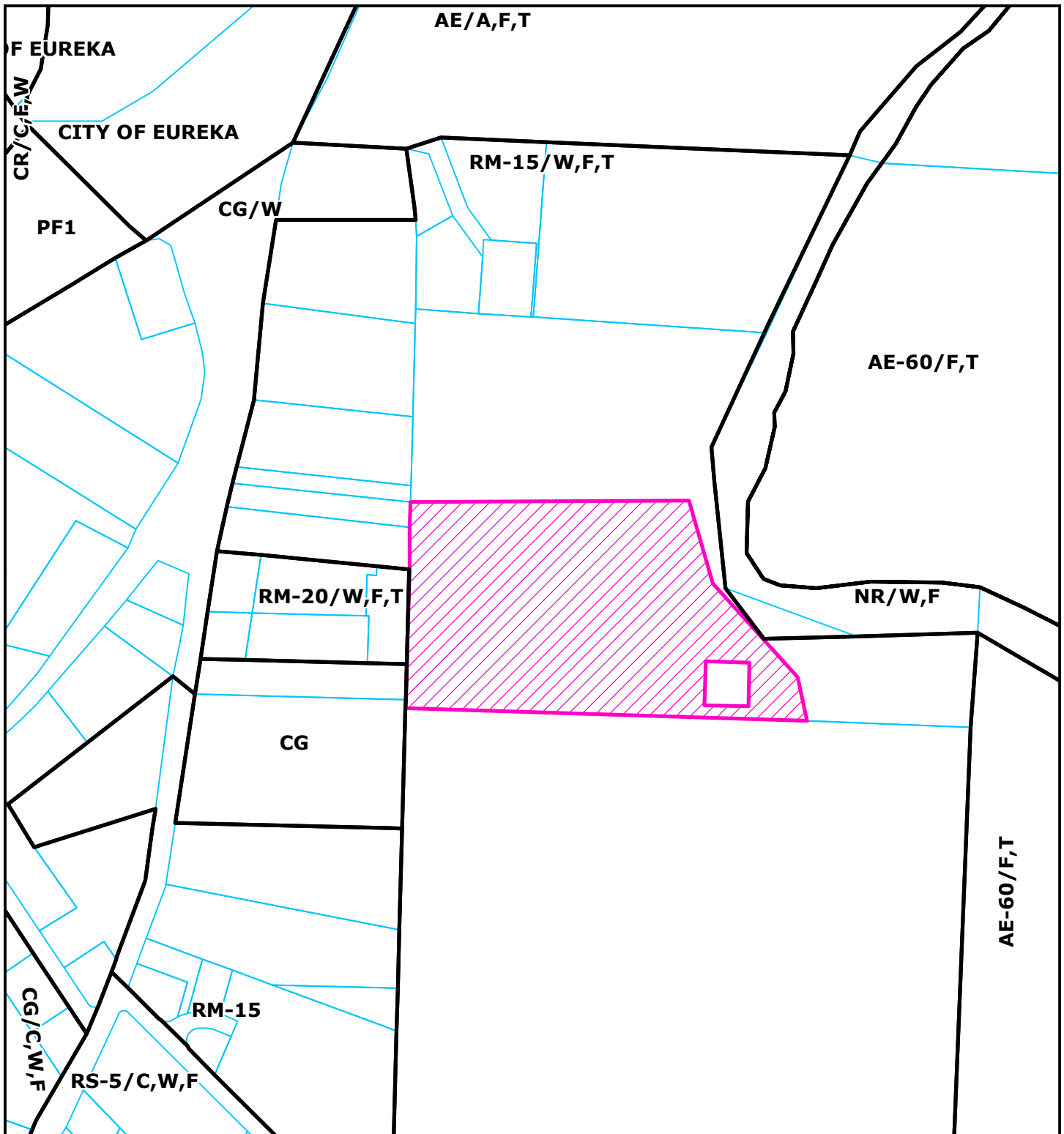
T04N R01W S09 HB&M (Fields Landing)

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





# **ZONING MAP**

## **PROPOSED JOHNSTON CONSTRUCTION CONDITIONAL USE PERMIT**

**EUREKA AREA**

**PLN-2019-16087**


**APN: 305-111-005**

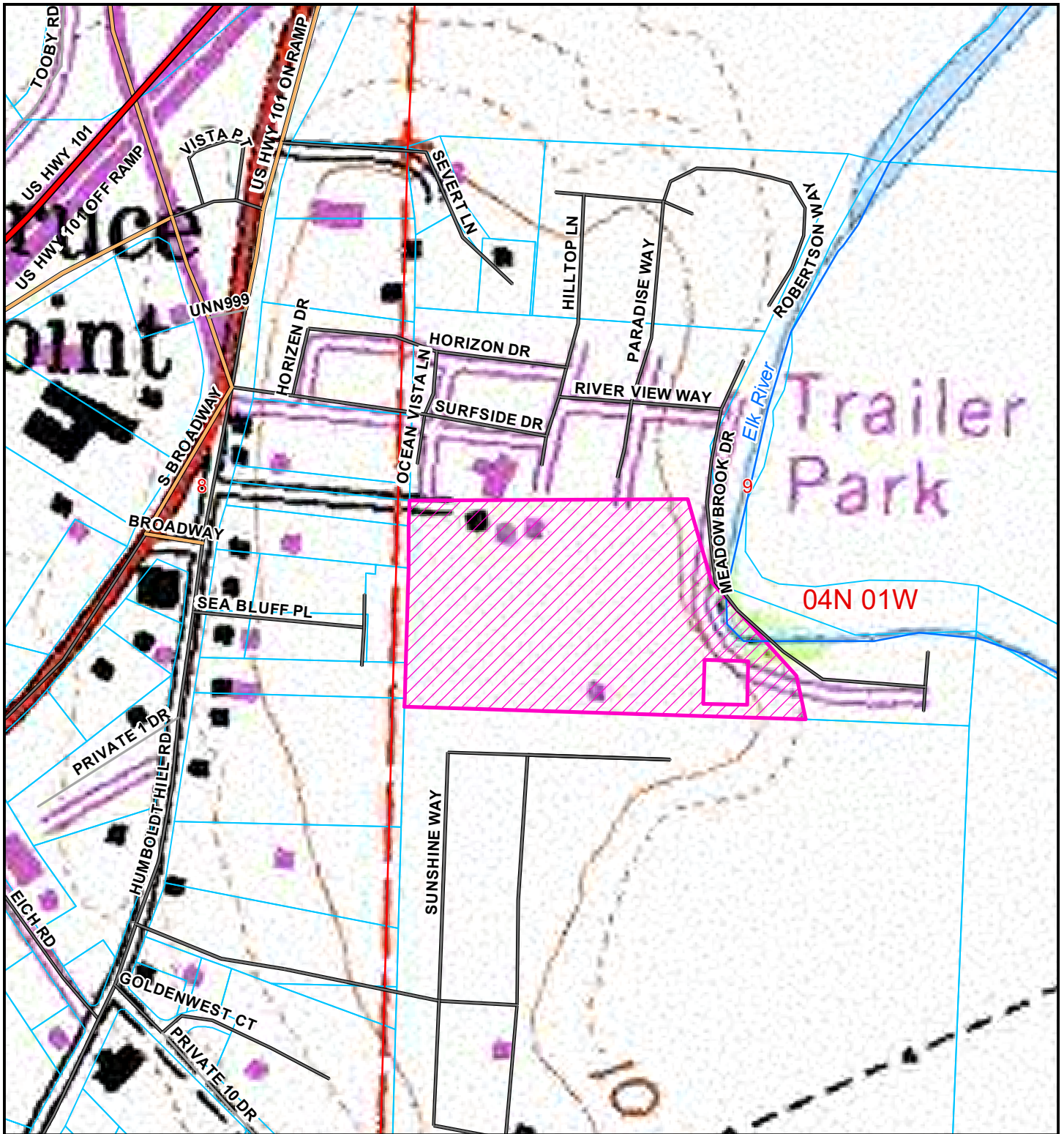
**T04N R01W S09 HB&M (Fields Landing)**

**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.



0 100 200 300 400  
 Feet



# TOPO MAP

## PROPOSED JOHNSTON CONSTRUCTION CONDITIONAL USE PERMIT

EUREKA AREA

PLN-2019-16087

APN: 305-111-005

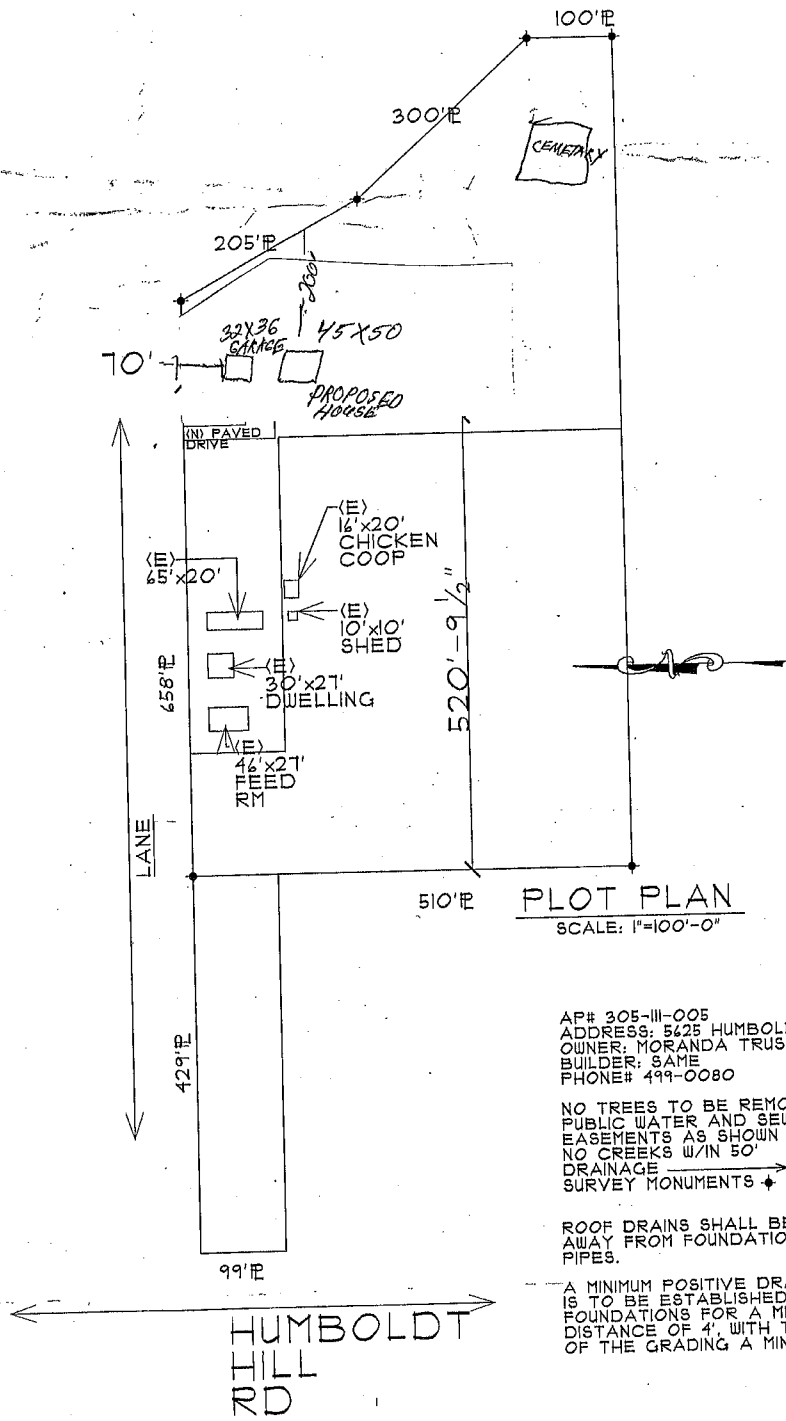
T04N R01W S09 HB&M (Fields Landing)

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.



0 100 200 300 400  
Feet



**PLOT PLAN**  
SCALE: 1"=100'-0"

AP# 305-III-005  
ADDRESS: 5425 HUMBOLDT HILL RD.  
OWNER: MORANDA TRUST  
BUILDER: SAME  
PHONE# 499-0080

NO TREES TO BE REMOVED  
PUBLIC WATER AND SEWER  
EASEMENTS AS SHOWN  
NO CREEKS W/IN 50'  
DRAINAGE  
SURVEY MONUMENTS \*

ROOF DRAINS SHALL BE DIRECTED  
AWAY FROM FOUNDATIONS BY SOLID  
PIPES.

A MINIMUM POSITIVE DRAINAGE OF 2%  
IS TO BE ESTABLISHED AWAY FROM  
FOUNDATIONS FOR A MINIMUM HORIZONTAL  
DISTANCE OF 4' WITH THE REMAINDER  
OF THE GRADING A MINIMUM OF 1%.



**ATTACHMENT 1**  
**RECOMMENDED CONDITIONS OF APPROVAL**

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

1. The applicant is responsible for meeting the project requirements detailed in the Public Works Memo date March 6, 2020.
2. All proposed work shall be constructed within the 2-acre building site.
3. A Notice of Restriction for the Second Agricultural Unit shall be recorded on forms provided by the Planning Department, subject to applicable notary and recording fees. The purpose of the Notice of Restriction to ensure the residential dwellings be occupied by the farm owner(s) or farm operator(s) of the agricultural operations on the subject property, or for farm labor housing, and be incidental to the primary farming use of the subject property.

**Ongoing Requirements/Development Restrictions which Must be Satisfied for the Life of the Project:**

1. The project shall be conducted in accordance with the project description and approved project site plan submitted by the applicant on February 24, 2020.

**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 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. 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.

4. New development to require permit. Any new development as defined by Section 313-139.6 of the Humboldt County Code, shall require a Coastal Development Permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.

**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 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit and Conditional Use Permit Modification:

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.



## 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 General Plan (GP) and Humboldt Bay Area (HBAP).

Plan Section(s)	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §4.10 (HBAP)	The principal uses of the Agriculture Exclusive (AE) designation include the production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator.	The project is a CDP and CUP for the construction of a secondary dwelling unit (SDU). The parcel is used for agricultural grazing and includes a principal residence occupied by the property owners. The second unit will not impact the parcels' potential to continue to support grazing activities. The project is consistent with the land use designation with a CDP and CUP.

<p>Agriculture §3.24 (HBAP)</p>	<p>*** 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy and conflicts shall be minimized between agricultural and urban land uses through all of the following:</p> <p>(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.</p> <p>(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.</p> <p>(c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.</p> <p>(d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.</p> <p>(e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall</p>	<p>The proposed project would not result in a direct conversion of agricultural land or in the loss of any animal carrying capacity, considering the footprint of the residence and existing development would occupy approximately 3% of 8.95-acre parcel, and would leave 97% of land to continue to support grazing activities on the parcel. The Soils of Western Humboldt County classify the soils as prime agricultural land. A NRCS soils survey has not be completed for this area.</p> <p>Section 30250(a) of the Coastal Act states "New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources." In this case, all development on the parcel is contained within a 2-acre building site. This is a requirement for all future development and has been added as a Condition of Approval. The 2-acre building site is located on the northside of the parcel, directly adjacent to an existing, residentially developed neighborhood. Urban services are available, including community water and sewer provided by the Humboldt Community Services District. No conflicts between urban areas and agricultural lands are anticipated as a result of this project.</p> <p>The subject parcel has been continually used for cattle grazing and has been owned by the same family for over 100 years. The parcel is used as grazing land for beef cattle. The property includes a principal residence that is occupied by the property owner and will continue to be occupied by the owner. The new residence will be occupied by the children of the farm operator/owner. The additional unit will not impact the parcels' potential to continue to support grazing activities and it is incidental to the primary grazing use of the property. The applicant is required to record a Notice of Restriction for the second agriculture unit to ensure the authorized farmhouse will be</p>
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	<p>not diminish the productivity of such prime agricultural lands.</p> <p>*** 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.</p> <p>Compatible Uses:</p> <p>a. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house for parents or children of the owner-operator shall be considered a direct part of agricultural production.</p>	<p>occupied by the farm owner(s) or farm operator(s) of the agricultural operations on the subject property, or for farm labor housing, and be incidental to the primary grazing use of the subject property.</p> <p>The Conditional Use Permit request will authorize the secondary dwelling unit on AE lands less than 60-acres in size. There is no evidence that the development of this residence will result in the loss or conversion of agricultural lands.</p>
Housing §3.28 (HBAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	This project will add one unit to the County's housing inventory and is consistent with the County Housing Element. The residence may be occupied the farm operator or their parent or children or as farm labor housing.
Hazards §3.29 (HBAP)	New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard.	<p>The project site is located in a geologic area with a rating of low instability, with slopes less than 15%.</p> <p>The parcel is located within both the Local and State Response Area. Due to the size of the parcel, 30-foot fires safe setbacks are required for all development. The majority of the parcel is within a Moderate Fire Hazard Severity rating. The parcel is served by the Humboldt #1 Fire Protection District.</p>

		According to FEMA FIRM Map #1005G, the parcel is located is within Zone AE, a 100-year flood zone. The flood area is designated along the Elk River, adjacent to the parcel. The development site is located entirely outside of any mapped flood area. Based on the information described above, the project is not anticipated to increase risks to hazards.
Resource Protection §3.30 (HBAP)	Protect designated sensitive and critical resource habitats.	According to the California Natural Diversity Database, there are numerous sensitive species that are associated with the Elk River, which lies over 200 feet directly east of the project site. Due to the proximity to the Elk River, no threats to the species identified by the CNDDDB are anticipated as a result of this project. The project was referred to both the California Department of Fish and Wildlife and California Coastal Commission. Neither agency responded with comments to the project.
Archaeological and Paleontological Resources §3.18 (HBAP)	Protect cultural, archaeological and paleontological resources.	The project was referred to the NWIC, Bear River Band, and Wiyot Tribe for cultural resource review. No responses were returned. As a precaution, the Standard Inadvertent Discovery Protocol has been added to the Conditions of Approval.
Visual Resource §3.40 (HBAP)	Protect and conserve scenic and visual qualities of coastal areas.	The parcel is not located in a designated coastal view or scenic area; therefore, it will not have an impact on visual qualities of coastal areas.

**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 Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel has been determined to be one legal parcel as determined by the issuance of building permit number BLD-2019-48506 issued on June 24, 2019.

§ 313-6.2 (RM) Residential Multi-Family, density 15 units per acre	Single-family residences are a conditionally permitted use where it can be shown that the property could be developed in the future with multifamily dwellings.	The project is a CDP and CUP for the construction of a secondary dwelling unit (SDU). The existing residence will become the "secondary" or Accessory Dwelling Unit as permitted under Government Code section 65852.2, and the new residence will become the primary residence. The parcel is used for agricultural grazing and includes a principal residence occupied by the property owners. The second unit will not impact the parcels' potential to continue to support grazing activities and is a conditionally permitted use. There is more than enough room on the parcel to support multi-family uses in the future. The project is consistent with the RM-15 Zone with a CDP and CUP.
Min. Lot Size	5,000 square feet	8.95 acres
Min. Lot Width	50 feet	Approximately 800 feet
Max. Density	15 dwelling units per acre	One (1) dwelling unit is proposed
Max. Lot Depth	Three times the lot width	Approximately 550 feet (legal nonconforming)
Yard Setbacks	Front: 30 feet Rear: 30 feet Side: 30 feet	All 30-foot setbacks are met or exceeded.
Max. Lot Coverage	60%	Approximately 3%
Max. Bldg. Height	45 feet	The height of the proposed residence will not be greater than 45 feet.

<b>Combining Zones</b>		
§313-21.1 <b>(F)</b> Flood Hazard Areas	The purpose of these regulations is to minimize public and private losses due to flood and tsunami conditions in specific areas of the County.	According to FEMA FIRM Map #1005G, the parcel is located within Zone AE, a 100-year flood zone. The flood area is designated along the Elk River, adjacent to the parcel. The development site is located entirely outside of any mapped flood area. Based on the information described above, the project is not anticipated to increase risks to hazards.
§313-35.1 <b>(T)</b> Transitional Agricultural Lands	The purpose of these regulations is to permit agricultural use as a principal permitted use while providing that development in transitional agricultural lands is conducted in such a manner as to maintain long-term wetland habitat values and minimize short-term habitat degradation within these environmentally sensitive habitats.	In order to consolidate development, the project site will be located within a 2-acre building area. The project will not impact transitional ag land, nor will it degrade environmentally sensitive habitat. There is ample room for agricultural activities to take place, away from designated wetlands.
§313-38.1 <b>(W)</b> Coastal Wetlands	The purpose of these provisions is to establish regulations to provide that any development in coastal wetlands will not degrade the wetland, but will maintain optimum populations of marine or freshwater organisms and, where feasible, will enhance wetland resources.	Wetlands on the parcel are associated with the Elk River. No mapped wetlands are located directly on site. No impacts to coastal wetlands are anticipated as a result of this project. The project was referred to the Coastal Commission and CDFW. No concerns were identified.



**4. Public Health, Safety and Welfare, and 5. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and 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 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 and will not adversely impact the environment.	All responding referral agencies have conditionally approved the proposed project, and the applicant has demonstrated compliance with all development standards. The proposed project is not expected to impact public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.
§15303 of CEQA	Categorically exempt from State environmental review.	The project is categorically exempt from environmental review pursuant to Section 15303 - New Construction or Conversion Small Structures, because it is for the construction of a secondary dwelling unit on a residential parcel. None of the exceptions to the exemptions under Section 15300.2 apply.

**ATTACHMENT 3**  
**APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS**

Attachment 4 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]
- Plot Plan [attached with maps]
- Grant deed [in file]

**ATTACHMENT 4**  
**REFERRAL AGENCY COMMENTS AND RECOMMENDATION**

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>On File</b>
Humboldt CSD	✓	Approval	✓
County P/W, Land Use Division	✓	Conditional Approval	✓
County Division of Environmental Health	✓	Approval	✓
CalFire	✓	No Comment	✓
California Dept. of Fish and Wildlife			
California Coastal Commission			
NWIC	✓	Conditional Approval	✓
Bear River Band			
Wiyot Tribe			