



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT**

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

Hearing Date: September 3, 2020

To: John H. Ford, Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Subject: **Miranda's Rescue Modification to Coastal Development Permit, Conditional Use Permit, and Variance**
Record Number PLN-2019-15980
Assessor Parcel Number (APN) 201-191-013
1695 Drake Hill Road, Fortuna area

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

AGENDA ITEM TRANSMITTAL

Hearing Date:	Subject	Contact
September 3, 2020	Modification to Coastal Development Permit and Conditional Use Permit	Alyssa Suarez

Project: A Modification to three previously approved permits, Coastal Development Permit (CDP-02-21X), Conditional Use Permit (CUP-02-09X) and Variance (VAR-02-03X), to allow for the replacement of a failed onsite wastewater treatment system (OWTS) and the replacement and reconstruction of a single family residence. An Emergency Permit was authorized for the project on 11/19/2019, pursuant to Humboldt County Code Section 312-15. The existing manufactured home is the caretaker's residence and will be demolished and replaced with a 1,782 square foot manufactured home. The previously approved permits authorized the current day operations of Miranda's Rescue, a domestic companion animal rescue facility. The applicant has obtained the appropriate permits for the OWTS from the Division of Environmental Health and the emergency work has been completed. The parcel is served private water and septic. No trees will be removed and minimal grading is required to facilitate development.

Project Location: The project is located in the Fortuna area, on the north side of Drake Hill Road, approximately 400 feet east from the intersection of Drake Hill Road with Sandy Prairie Road, on the property known as 1695 Drake Hill Road.

Plan Designation: Agriculture Exclusive/Prime and Non-prime Lands (AE) Density: Range is 20 to 60 acres minimum parcel size, Eel River Area Plan (ERAP).

Present Zoning: Agriculture Exclusive: 60 acres minimum; Archaeological Resource Area, Flood Hazard Area, Streams and Riparian Corridors Protection, Transitional Agricultural Lands (AE-60/A,F,R,T).

Case Numbers: PLN-2019-15980

Assessor Parcel Number: 201-191-013

Applicant
Miranda's Rescue
C/O Shannon Miranda
1603 Sandy Prairie Road
Fortuna, CA 95540

Owner
Same and Kim Miranda

Agent
Brian Paris
1877 Scenic Dr.
Fortuna, CA 95540
AND
Friesen Design Build
C/O Russell Friesen
PO Box 813
Fortuna, CA 95540

Environmental Review: The project is categorically exempt from environmental review per Section 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) of the CEQA Guidelines.

Major Issues: Unpermitted Structures.

State Appeal Status: The project is appealable to the California Coastal Commission.

**MIRANDA'S RESCUE MODIFICATION TO COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT,
AND VARIANCE**

Case Number PLN-2019-15980
Assessor Parcel Number 201-191-013

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 (Existing Facilities) and 15302 (Replacement or Reconstruction) of the State CEQA Guidelines, make all of the required findings for approval of the Modification based on evidence in the staff report, and adopt the Resolution approving the Miranda's Rescue project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Modification of three previously approved permits, Coastal Development Permit (CDP-02-21X), Conditional Use Permit (CUP-02-09X) and Variance (VAR-02-03X), to allow for the replacement of a failed onsite wastewater treatment system (OWTS) and the replacement and reconstruction of a single family residence. An Emergency Permit was authorized for the project on 11/19/2019, pursuant to Humboldt County Code Section 312-15. The existing manufactured home is the caretaker's residence and will be demolished and replaced with a 1,782 square foot manufactured home. The previously approved permits authorized the current day operations of Miranda's Rescue, a domestic companion animal rescue facility. The applicant has obtained the appropriate permits from the Division of Environmental Health and the emergency work has been completed. The parcel is served private water and septic. No trees will be removed, and minimal grading is required to facilitate development.

The approximately 1.39-acre parcel is located in the Fortuna area, approximately 250 feet east of the Eel River at the property known as 1695 Drake Hill Road. Immediate parcels adjacent to the site are also owned and operated by Miranda's Rescue. Additional surrounding properties in the neighborhood are developed with single family residences and are maintained as working, agricultural lands.

The Emergency Permit authorized the construction of a 1500-gallon concrete septic tank and a disposal field consisting of four trenches. The existing septic system has been abandoned in place as required by the California Health and Safety Code Section 115700(a), the Humboldt County Code Section 612-2, and Humboldt County Code Section 611-6. All disturbed areas will be restored to landscaping as existing. No trees were removed as part of the project, and minimal grading was required to install the system.

The parcel is zoned Agriculture Exclusive with a 60-acre minimum parcel size. The parcel is developed with an animal rescue facility that consists of dog runs, kennels, and animal boarding houses. The parcel also contains a modular office building and caretaker's residence. These are conditionally permitted uses in the AE Zone authorized under the previously approved permits. The parcel also contains a combining zone of Archaeological Resource Area (A), and no cultural resources are associated with the parcel. The parcel also has combining zones of Flood Hazard Area (F), Streams and Riparian Corridors Protection (R), and Transitional Agricultural Lands (T). No threats to transitional agricultural lands, wetlands, or streams, including the Eel River to the west of the parcel are anticipated as a result of the project. The applicant is required to comply with the County Flood Ordinance as a requirement for the building permit. The parcel is located entirely

within the Local jurisdiction of the Coastal Zone, but the demolition and replacement of the existing residence is a change to the approved Site Plan and because residential structures in the AE Zone are appealable to the Coastal Commission pursuant to Section 30603(a)(4) of the Coastal Act, this permit is subject to a public hearing.

As part of the original Conditions of Approval for the previously approved permits, Coastal Development Permit (CDP-02-21X), Conditional Use Permit (CUP-02-09X) and Variance (VAR-02-03X), the applicant was required to merge the subject parcels (NOM-02-03) and obtain an Avigation Easement(s) from the Department of Public Works—both of which were not finalized. Pursuant to Section 312-2.4.1.3 of the Humboldt County Code, the applicant shall also enter into a Compliance Agreement acknowledging they will be required to secure building and/or grading permits for structures greater than 120 square feet, including the 10-foot fencing, and facilitating compliance with the County Flood Ordinance by raising structures 1-foot above Base Flood Elevation. Installation of the manufactured home is dependent on the finalization and recording of the Notice of Merger, Avigation Easement, and Compliance Agreement.

The project is consistent with the Eel River Area Plan (ERAP) and the Humboldt County Zoning Code (HCC) for the following reasons: 1) the project is a follow up to an Emergency Permit that authorized the construction of a new on-site wastewater treatment system and decommissioning of an existing failed system and replacement of a conditionally permitted manufactured home, both of which are compatible uses in the AE Zone to serve the Rescue, 2) as conditioned, 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 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) because the replacement of the septic system and installation of the manufactured home involves negligible expansion and serves the same purpose as originally authorized.

Based upon the on-site inspection conducted by the Building Division, a 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, Conditional Use Permit, and Variance Modification.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if the applicant is 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-2019-15980
Assessor Parcel Numbers 201-191-013**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Miranda's Rescue Modification.

WHEREAS, Shannon Miranda submitted an application and evidence in support of approving a Modification to Coastal Development Permit (CDP-02-21X), Conditional Use Permit (CUP-02-09X) and Variance (VAR-02-03X), for replacement of an onsite wastewater treatment system and new manufactured home; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has 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 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) 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 Coastal Development Permit, Conditional Use Permit, and Variance Modifications (Case Number PLN-2019-15980); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on September 3, 2020.

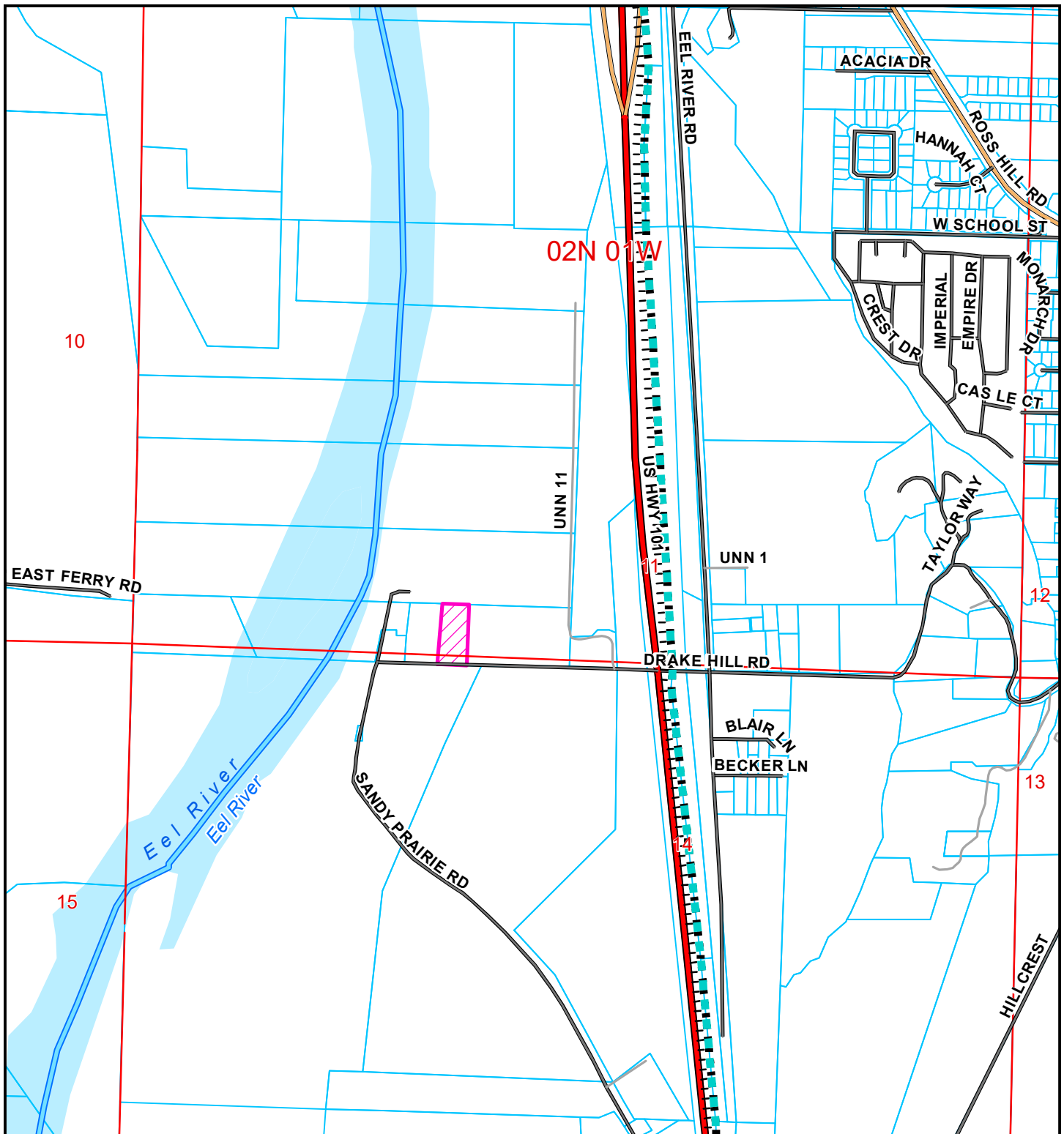
NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator:

1. Finds that the application is categorically exempt from environmental review pursuant to Section 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) of the CEQA Guidelines; and
2. Makes the findings in Attachment 2 of the Planning Division staff report for Case Number PLN-2019-15980 based on the submitted evidence; and
3. Approves the Coastal Development Permit, Conditional Use Permit and Variance Modifications applied for as recommended and conditioned for Case Number PLN-2019-15980.

Adopted after review and consideration of all the evidence on September 3, 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.

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



LOCATION MAP


**PROPOSED MIRANDA'S RESCUE
COASTAL DEVELOPMENT PERMIT &
EMERGENCY PERMIT &
MODIFICATION
FORTUNA AREA
PLN-2020-15980
APN: 201-191-013
T02N R01W S11 HB&M (Fortuna)**

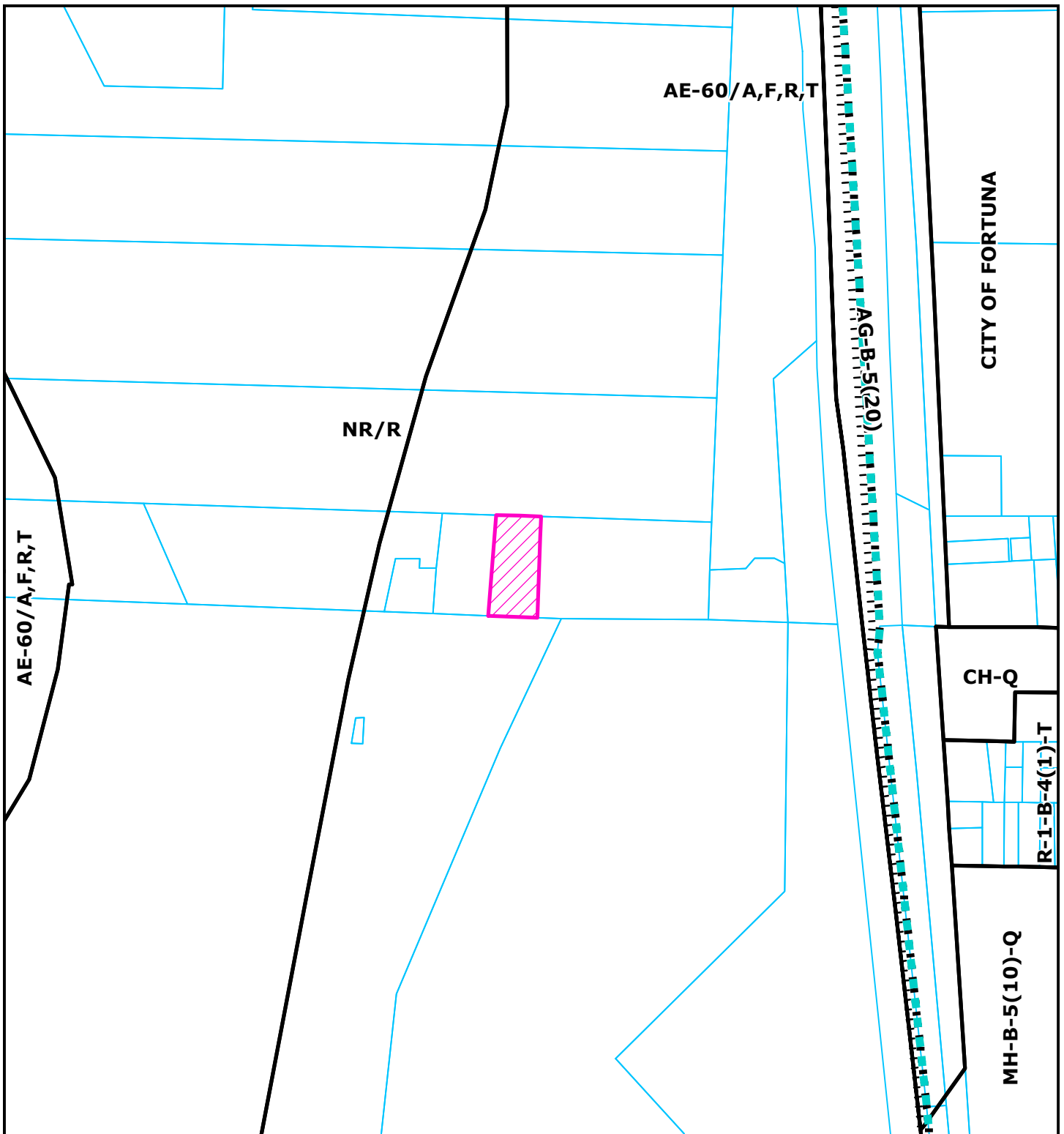
Project Area = 

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



ZONING MAP

**PROPOSED MIRANDA'S RESCUE
COASTAL DEVELOPMENT PERMIT &
EMERGENCY PERMIT &
MODIFICATION
FORTUNA AREA
PLN-2020-15980
APN: 201-191-013
T02N R01W S11 HB&M (Fortuna)**

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
Feet



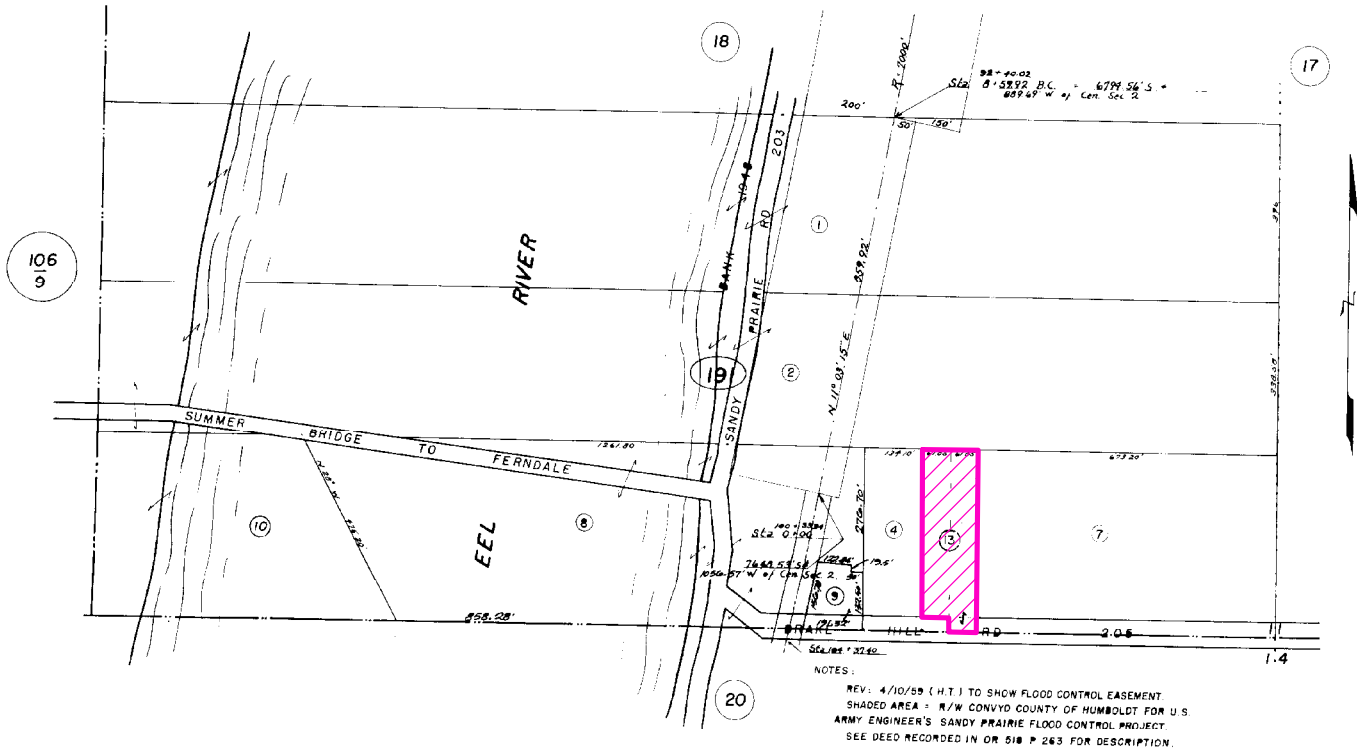
PTN SW $\frac{1}{4}$ SEC 11 2N 1W

201-19

T.C.A.

1" = 200'

NOTE: ALL PROPERTY SHOWN IS ASSESSED IN THIS DISTRICT.
TITLE OF ASSESSED OWNERS TO LAND WEST OF CENTER OF EEL RIVER IS DOUBTFUL.
CENTER OF EEL RIVER DESIGNATED BNDY BTW 1- GRIZZLY BLUFF
& 2- FORTUNA-ALTON DVM.



ASSESSOR PARCEL MAP
PROPOSED MIRANDA'S RESCUE
COASTAL DEVELOPMENT PERMIT &
EMERGENCY PERMIT &
MODIFICATION
FORTUNA AREA
PLN-2020-15980
APN: 201-191-013
T02N R01W S11 HB&M (Fortuna)

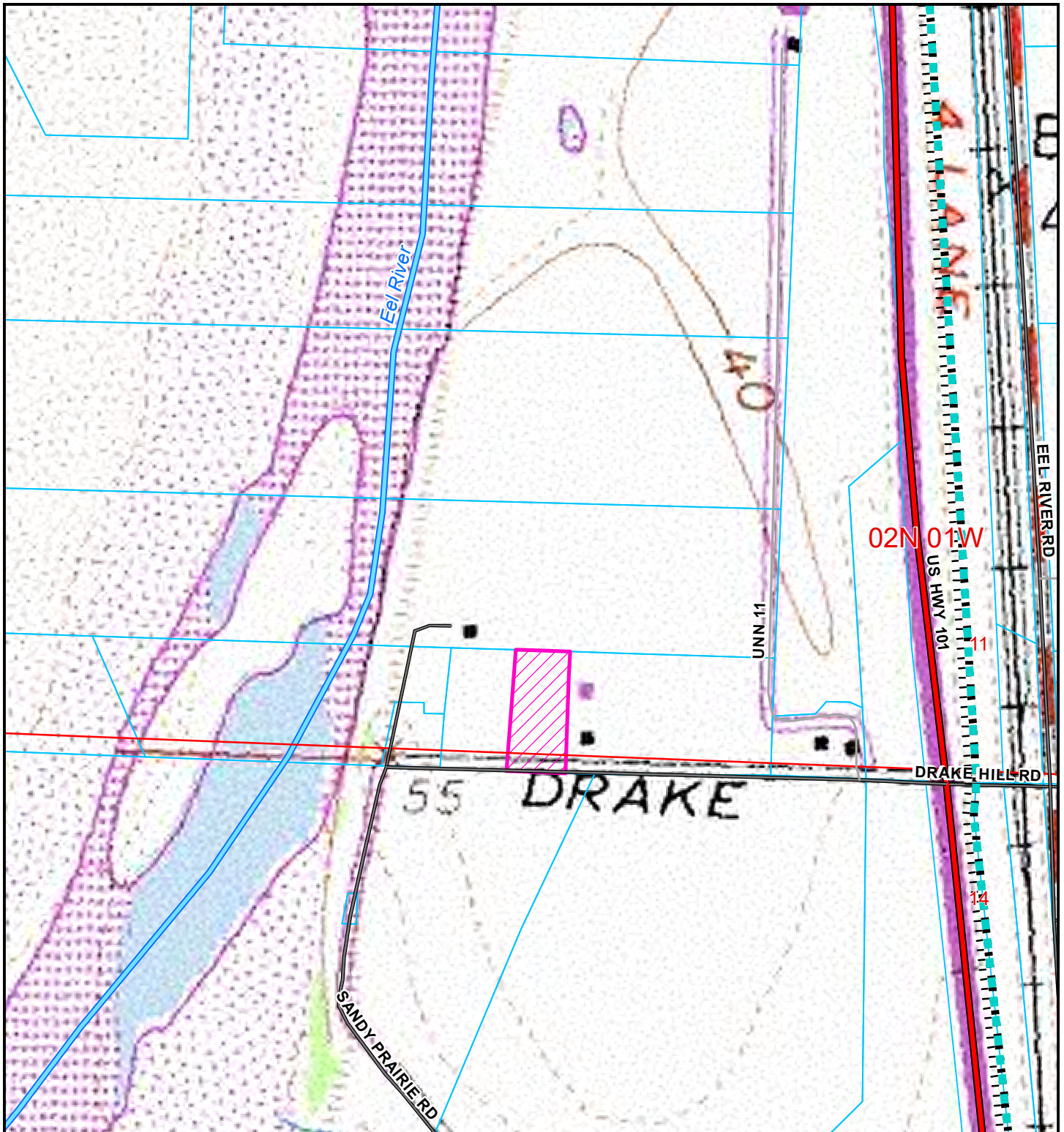
Project Area =

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.



MAP NOT TO SCALE



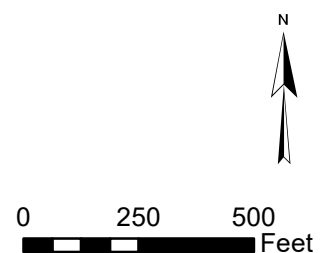
TOPO MAP

PROPOSED MIRANDA'S RESCUE
COASTAL DEVELOPMENT PERMIT &
EMERGENCY PERMIT &
MODIFICATION
FORTUNA AREA
PLN-2020-15980
APN: 201-191-013
T02N R01W S11 HB&M (Fortuna)

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.





AERIAL MAP

PROPOSED MIRANDA'S RESCUE COASTAL DEVELOPMENT PERMIT & EMERGENCY PERMIT & MODIFICATION

FORTUNA AREA

PLN-2020-15980

APN: 201-191-013


T02N R01W S11 HB&M (Fortuna)

Project Area = 

Coastal Zone Boundary 

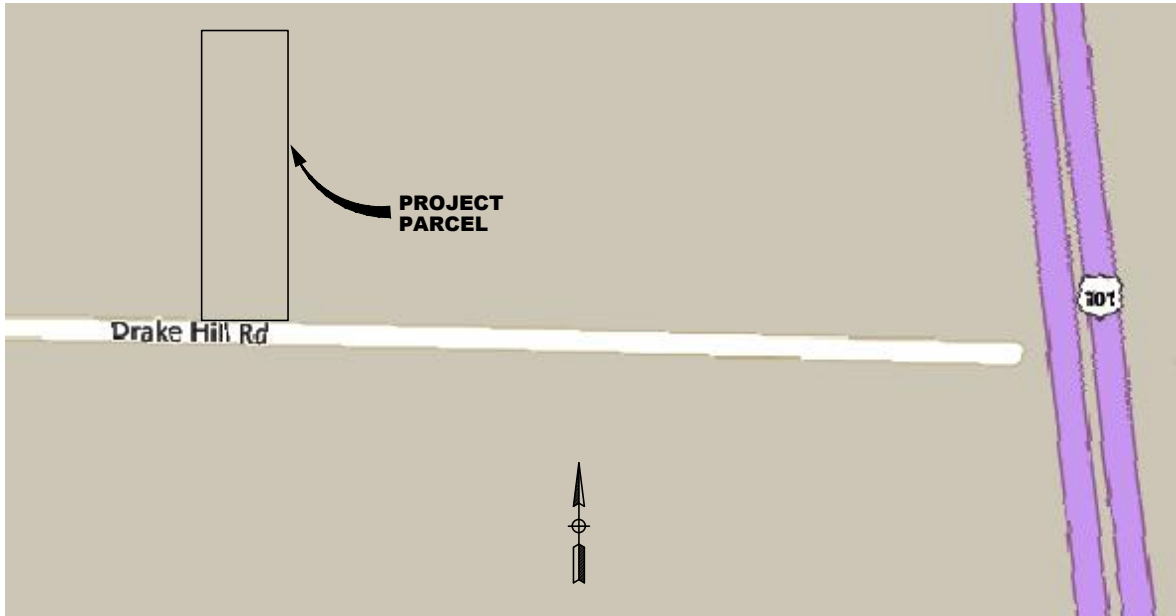
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 25 50 75 100
 Feet

SHANNON MIRANDA NEW MANUFACTURED HOME

1695 DRAKE HILL ROAD
FORTUNA, CA 95540
APN: 201-191-013



VICINITY MAP
NOT TO SCALE

NOTES:

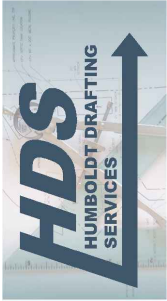
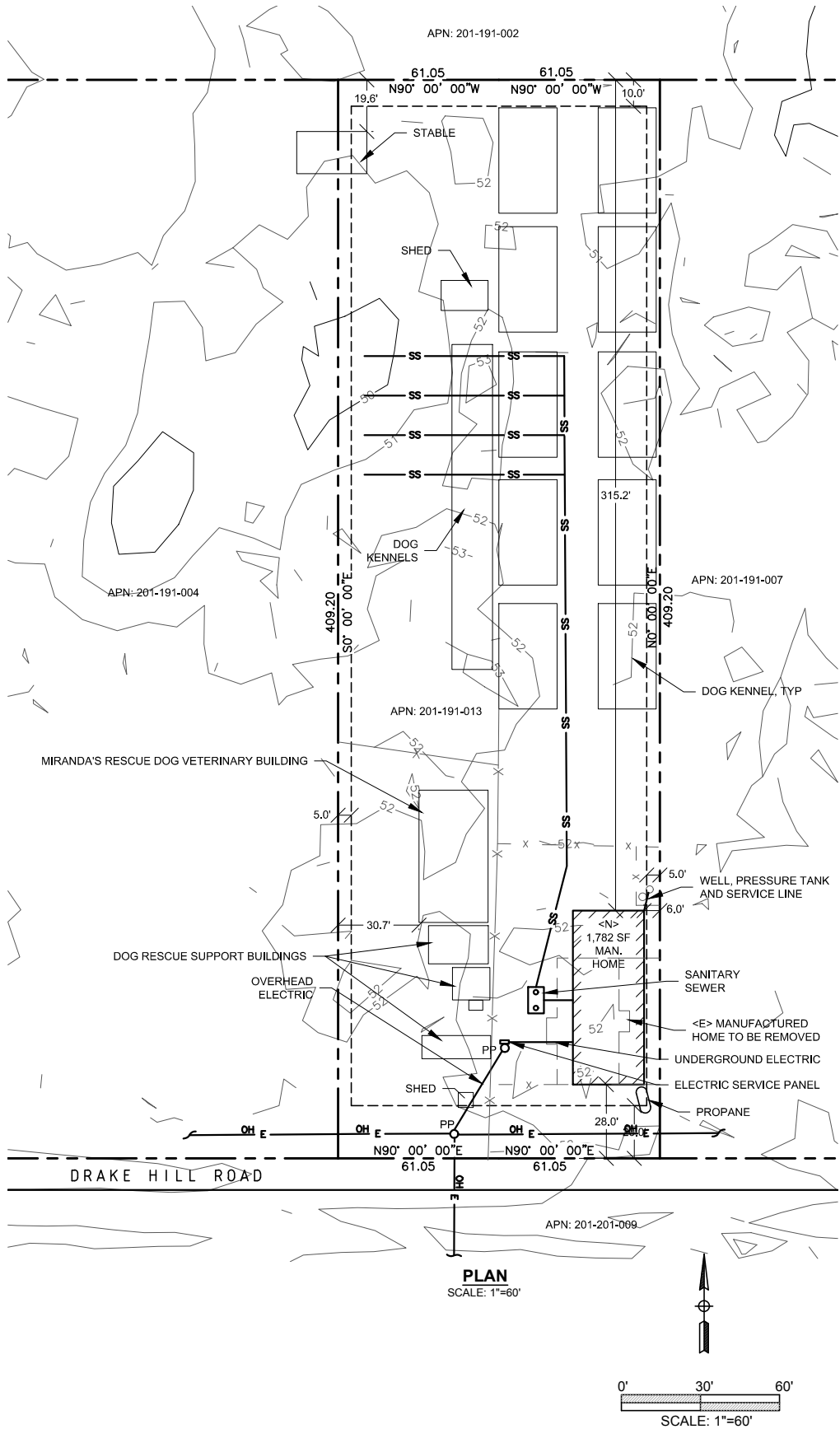
- ALL LOCATIONS ARE APPROXIMATE. NO SURVEY WAS CONDUCTED FOR THIS PROJECT.
- PROPERTY LINES ARE APPROXIMATE.
- CONTOURS SHOWN HEREON ARE FROM NOAA 2018 WILDFIRE SHAPE FILES.
- IMAGE SHOWN HEREON IS FROM BING.
- NO TREES WILL BE REMOVED FOR THIS PROJECT.

OWNER INFORMATION:

OWNER: SHANNON MIRANDA

SITE INFORMATION:

1.39 ACRES
COASTAL ZONE: YES
FEMA 100 YEAR FLOOD ZONE: YES
PRIME AG: YES



(707) 401-1558 humboldtdraftingservices@yahoo.com

NO.	HISTORY / REVISION	BY	CHK.	DATE

SHANNON MIRANDA NEW MANUFACTURED HOME PLOT PLAN	APN: 201-191-013
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DRAWN	JDB
CHECK	SM
APPROVED	SM
DATE	5-18-2020
JOB NUMBER	5.18.2020
SHEET	G0.1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Modification is conditioned upon the following terms and requirements which must be fulfilled before a Building Permit may be issued:

1. The original conditions of approval shall remain in full force and effect and are not affected by this permit. This shall include the recording of a Notice of Merger for the parcels previously described as Assessor's Parcel Numbers 201-191-011, 201-191-012 and 201-191-005 which are currently described as 201-191-013 for tax purposes only.
2. The applicant shall enter into a Compliance Agreement with the Planning and Building Department to rectify the unpermitted structures across APN 201-191-013 and 201-191-004, which shall include 1) obtaining proper permits for the unpermitted structures, or 2) demolition and removal of those structures that cannot meet County Code.
3. The project shall be developed, operated and maintained as described in the Project Description, site plan, and as conditioned herein. Changes in the project other than Minor Deviations from the Plot Plan as provided in Humboldt County Code Sec. 312-11.1 shall require a modification of this permit.
4. The project shall be developed in compliance with the County Flood Prevention Ordinance (Sec. 335-1).

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. 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. 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 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development 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 that the proposed Modification is in conformance with all applicable policies and standards in the Eel River Area Plan (ERAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence which Supports Making the General Plan Conformance Finding
Land Use §5.30 (ERAP) Agriculture Exclusive/Prime and Non-Prime Lands	Purpose: To protect prime and non-prime agricultural lands for long-term productive use. Confined livestock operations such as feedlots are conditionally allowed.	The CDP/CUP/VAR Modification is a follow up to an Emergency Permit that authorized the replacement of a failing on-site sewage disposal system. The project also includes the construction of a replacement single family residence over the existing footprint of the current manufactured home that will be demolished. The proposed project is principally permitted as a minor utility to serve the principally permitted caretaker's residence. The project is in conformance with the designated land use.
Housing §3.26 (ERAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The project will not add to nor subtract from the County Housing Inventory. The project is to replace a failing on-site sewage disposal system and replacement of the existing manufactured home with a new manufactured home.
Hazards §3.28 (ERAP)	New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard.	<p>The project is located in an area of low to moderate slope instability.</p> <p>The parcel is also located within a 100-year flood zone, according to FEMA FIRM#062023C. As part of the building permit, the applicant is required to comply with the County Flood Ordinance.</p> <p>The parcel is not located in a fire hazard severity area. The parcel is serviced by Fortuna Fire Protection District, who responds to structural fires and medical emergencies. Based on these findings, the proposed development does not increase risks to hazards.</p>
Biological Resources §3.40 (ERAP)	Protect designated sensitive and critical resource habitats.	No referral agencies cited any potential issue regarding biological resources. An on-site sewage disposal system already exists on the parcel, and replacement would prevent any environmental degradation from occurring. Additionally, the residence will be located over the same footprint of the existing manufactured home--an existing, disturbed area. As part of the original permit, an Initial Study and Mitigated Negative Declaration was prepared and no impacts to Biological Resources were identified. the site is ± 250' from the Eel River levee, outside the SMA for this river. Due to these findings, no threats to sensitive and critical habitats are expected.

Archaeological and Paleontological Resources §3.29 (ERAP)	Mitigation measures shall be provided to prevent and/or offset any adverse impacts to archaeological and/or paleontological resources.	The project was referred to the Northwest Information Center, Wiyot Tribe, and Bear River Band of the Rohnerville Rancheria. According to Bear River, no cultural resources are associated with the parcel. The standard inadvertent archaeological discovery protocol has been added as an information note under the Condition of Approval.
Visual Resources §3.42 (ERAP)	Protect and conserve scenic and visual qualities of coastal areas. In Coastal View Areas, no development shall block coastal views to the detriment of the public.	The subject parcel is not located in a designated coastal or scenic area. Additionally, the parcel is not located adjacent to, or along the ocean. Therefore, the proposed project will not adversely impact scenic and visual qualities of coastal areas.
Access §3.50 (ERAP)	Protect public rights and provide access to shoreline and the coast except where to do so would be inconsistent with public safety or protection of fragile coastal resources, adequate public access exists nearby, or agriculture would be adversely affected.	Site 53 on the ERAP Access map is located at the corner of Sandy Prairie Rd and Drake Hill Rd. This site is ± 400 west of the entrance to the rescue facility. According to the ERAP, "A wide shoulder on the road here can easily provide parking space for 10-15 cars." The proposed project will not adversely impact public coastal access.

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.	Parcel configuration was established prior to subdivision regulations coming into effect in 1964. Per NOM-02-23 the subject parcel qualifies for a Notice of Merger and Certificate of Compliance and shall be executed as part of the project.
§ 313-7.1 Agriculture Exclusive 60-acre minimum	Principally permitted uses in the AE Zone include Single-Family Residences, General Agriculture, Timber Production, Cottage Industries, and Minor Utilities to serve these uses.	A replacement septic system is required to provide adequate sewage disposal for the existing caretakers' residence on the parcel. The OWTS has been completed and the new manufactured home is principally permitted, but appealable per Section 30603(a)(4) of the Coastal Act. The proposed project is in

		conformance with the AE Zone with approval of the Modification to the existing permits.
Min. Lot Size	60 acres	1.39 acres (legal, nonconforming)
Min. Lot Width	75 feet	Approximately 122 feet (average)
Maximum Lot Depth:	Three (3) times lot width	Approximately 276 feet
Max. Coverage:	None Specified	±14%
Minimum Yard Setbacks	§ 313-99.1.1.3.4 Substandard Lots apply Front: 20 feet Rear: 10 feet Interior Side: 5 feet	Front: 20 feet Rear: 10 feet Side: 5 feet The Division of Environmental Health authorized a setback reduction pursuant to HCC §612-2(e) to address public health and safety concerns regarding the failed OWTS. Additionally, there are setback issues that will require the applicant to enter into a Compliance Agreement to facilitate the proper permitting and placement of the structures.
Max. Bldg. Height	None Specified	The proposed replacement residence will be 15 feet in height. Shall the flood elevation requirements warrant the structure to be elevated, the height of the proposed residence shall be reviewed by Planning to ensure views to surrounding agriculture land and Eel River viewshed is not obstructed.
Combining Zones		
§313-16.1 Archaeological Resource Area Outside Shelter Cove (A)	To provide for reasonable mitigation measures where development would have an adverse impact upon archaeological and paleontological resources.	According to the Bear River Band of the Rohnerville Rancheria, there are no known cultural sites associated with the parcel. As a precaution, the standard inadvertent discovery protocol has been included as an informational note.
§313-21.1 Flood Hazard (F)	To minimize public and private losses due to flood and tsunami conditions.	The parcels are in Flood Zone "AE", areas of 100-year flood. Building Permits will administer flood requirements that may include fill to raise the floor of the structures consistent with the Base Flood Elevation for the AE flood zone.
§313-33.1 Streams and Riparian	To provide for the maintenance, enhancement, and, where feasible, restoration of water	As mentioned above in the Biological Resources section, the site is ± 250' from the Eel River levee, and outside the SMA for this river. There are no other known wet areas or

Corridor Protection (R)	resources by restricting development and by minimizing adverse effects of runoff, interference with surface waterflow, and alteration of natural streams and by protecting riparian habitats.	waterways on or near the parcel. The project will not significantly impact surface flows, riparian habitats or runoff.
§313-35.1 Transitional Agricultural Lands (T)	To conduct agricultural use in such a manner as to maintain long-term wetland habitat values and minimize short-term habitat degradation within these environmentally sensitive habitat areas.	There are no mapped or known wet areas, streams, creeks or other wet areas as defined in the Eel River Area Plan associated with the parcel. The lands immediately surrounding the Rescue, are actively engaged in agricultural uses, primarily grazing. The project will not impact wet areas or agricultural productivity of surrounding agriculture lands.

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 Required 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 responding referral agencies have approved or conditionally approved the project. The Division of Environmental Health authorized a setback reduction pursuant to HCC §612-2(e) to address public health and safety concerns regarding the failed OWTs. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
§15301 of CEQA	Categorically exempt from State environmental review.	A Mitigated Negative Declaration was prepared for the current day operations on the parcel. The current project is categorically exempt from environmental review pursuant to Class 1 of Section 15301- Existing Facilities and 15302 – Replacement or Reconstruction of the guidelines for the implementation of CEQA. None of the exceptions to the exemptions per Section 15300.2 of the CEQA Guidelines apply.

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, 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 project is in conformance with the standards identified in the Housing Element. One replacement home is proposed, and the project will not add to or reduce from the County's housing stock. The status quo will remain. The septic replacement will serve the replacement caretaker's residence on the parcel.

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)
- Current Deeds (in file)
- Division of Environmental Health OWTS Repair Permit (in file)

ATTACHMENT 4
REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

Referral Agency	Response	Recommendation
County Environmental Health Division	✓	Approval
County Public Works	✓	Approval
County Building Inspection Division	✓	Conditional Approval
California Coastal Commission		
Bear River Rancheria	✓	Conditional Approval
Northwest Information Center	✓	Conditional Approval
Wiyot Tribe		
California Dept. of Fish and Wildlife		