

From: [Brett Marth](#)
To: [Planning Clerk](#)
Subject: Jacoby Creek ADU
Date: Wednesday, June 17, 2020 11:55:48 AM

June 16, 2020

Humboldt County Planning Commission

Eureka CA 95501

Commissioners,

I would like to eventually build an ADU “mother in law” home in the Jacoby Creek Area. I could then move my parents close as time goes on. It would be a second dwelling on the property and would be permitted under the proposed ADU ordinance, except for the fact that the property is located in the Jacoby Creek Area. As I understand, the proposed ordinance would place a special 5-acre density restriction to that area.

My site is smaller than 5 acres. There is a house on it, and the property’s on-site water supply system and sewage disposal systems would comply with standards to accommodate both dwellings. But, as currently drafted, the proposed ADU ordinance would require me to obtain both water supply and sewage disposal service. This is not possible, however as stated, currently on site systems would handle the needed capacity for both dwellings.

As I read, the reason for the special restriction is having to do with a “waiver prohibition zone” established by the State Water Resources Control Board in 1979. I also read the zone covers an area much larger than just the Jacoby Creek Area. So I ask, would I be allowed to build my ADU in the Indianola Area—that is also within the waiver prohibition zone zone—when I cannot do so in Jacoby Creek?

I recommend and ask that the ADU Ordinance be implemented, but without the special restriction on the Jacoby Creek Area. I’d like to keep my family close so please consider this.

Thank you,

Brett Marth

Sent from my iPhone

From: [Richardson, Michael](#)
To: [Lippre, Suzanne](#)
Subject: FW: FW: ADU comment email
Date: Thursday, June 18, 2020 1:44:00 PM

fyi

From: Tony Lucchesi <tony@pacificbuilders-arcata.com>
Sent: Thursday, June 18, 2020 11:50 AM
To: 'Larry Henderson' <henderson95524@gmail.com>; Richardson, Michael <MRichardson@co.humboldt.ca.us>
Subject: RE: FW: ADU comment email

Good morning Michael,

I'll be brief in stating my agreement with Larry's well-reasoned argument.

There is no supportable rationale whatsoever as to why Jacoby Creek should be treated differently than other unincorporated areas of the County where sewer service is not provided. Requiring that onsite wastewater systems meet the standards set by Environmental Health and the professionals tasked with designing those systems is Science; arbitrarily separating Jacoby Creek from that approach is a purely emotional point of view that not only has no place in Planning, but is counter productive in that it ensures that aging, poorly performing systems will continue to do so.

The five-acre policy was supported at its' inception by a few residents who lived on small lots in Jacoby Creek that simply didn't want to see their neighbor's larger parcels subdivided into housing lots much like their own-a classic case of environmentalists who already have their "cabin in the woods". I'll re-state my earlier argument that construction of ADU in Jacoby Creek will inevitably lead to upgrading poorly performing, outdated septic systems to current standards and that ADU income will give the property owners incentive to do so.

California law has been developed and modified to strongly encourage the construction of ADU. Continuation of the five-acre minimum for Jacoby Creek runs directly counter to that intent. I trust that you will share this with the Commission.

Thank you,
Tony Lucchesi
707-498-0679

From: Larry Henderson <henderson95524@gmail.com>
Sent: Thursday, June 18, 2020 9:18 AM
To: Richardson, Michael <MRichardson@co.humboldt.ca.us>
Subject: Re: FW: ADU comment email

Thank you for letting me input.

What it says is: "The Plan clearly states that no additional urban development shall be approved until publicly maintained sewage disposal systems are available."

The key phrase is "urban development."

Planning's interpretation is that the term means all new development within the Urban Limit Line. My interpretation is that it means new development dependent upon full urban services (public water supply and sewage disposal) to meet health standards, and not new development that can meet standards without connection to sewage services.

With the only exception being the JCCP, there is no community plan or health standard I know of that requires new development to connect to sewage services where the services are and will not be provided. Further, up until the Board of Supervisor's action on the Draft JCCP, there is no explicit reference to the necessity for a 5-acre density limitation in order to make sure "no additional urban development shall be approved until publicly maintained sewage disposal systems are available."

If Planning continues to link the restriction with the policy, my question will be, why five acres and not four or six acres? Or, why not the standard acreages provided everywhere else? Or, as the little old lady says, where's the beef?

My master's in planning taught me that common sense planning is to plan and regulate between urban areas (developed and developing areas where conditions require public water supply and sewage disposal services) and rural area (undevelopable areas where there will never be services), AND the suburban areas in between (areas transitioning from undeveloped to developed neighborhoods where full or partial services may or may not be provided). The JCCP kind of misses the target.

Bottom line...if I cannot develop my property in accordance with current health standards applicable everywhere else in the County, because of a misapplied 40-year old 5-acre density restriction, we have a legal problem.

I trust that this correspondence will be provided to the Planning Commission if appropriate.

Larry

On Thu, Jun 18, 2020 at 7:53 AM Richardson, Michael <MRichardson@co.humboldt.ca.us> wrote:

Hi Larry,

Maybe I'm missing something.

What I read in the EIR is the Plan that came from the CAC "clearly said" in the Urban Development Area no new development would be approved unless publicly maintained sewage disposal systems are available, and this was to address the health and safety concerns associated with

potential water quality impacts of failing septic systems on properties developed at urban densities.

Looking at the approved JCCP there's a carve out to allow approval of dome development - those that are at a density of five or more acres provided certain findings can be made and mitigation measures incorporated to assure cumulative water quality impacts are addressed. This is **more** permissive than what was described in the EIR.

I'm thinking this is different than your interpretation. It sounds like from what you've written that you believe the City of Arcata influenced the Board to become **less** permissive of development in the JCCP urban area than what was recommended by the CAC.

I'm interested to hear your thoughts.

- Michael R.

From: Larry Henderson <henderson95524@gmail.com>

Sent: Wednesday, June 17, 2020 1:57 PM

To: Richardson, Michael <MRichardson@co.humboldt.ca.us>

Subject: Re: FW: ADU comment email

Thank you, Michael.

Am I missing something?

I think the EIR confirms that there was no consideration given to health standards as a reason for the 5-acre density restriction in the suburban residential areas. There is zero reference to 5-acre criteria (other than the reference of a minimum 5- to 20-acre lot size for Residential Rural designated areas).

For me, it is consistent with the recollection that the restriction was added by the Board of Supervisors at the end of the process only to accommodate the City of Arcata's insistence. The lack of specific discussion in the Final EIR about the restriction is evidence that the idea had not even been proposed from the Citizen Advisory drafting stage through the Planning Commission's hearing and approval. It is a mystery why it was not disclosed and discussed in the final EIR certified by the Supervisors.

I feel like the JCCP is a great plan, without the requirement that all development of a density greater than one dwelling per 5 acres is connected to public sewerage system. Perhaps our problem with the plan is—other than being 40 years old—it focuses too much on describing what we want our urban and rural residential areas to eventually look like, and skips the concept of how we are going to get there. In

other words, great guidance for developed (urban) areas and undevelopable (rural) areas, but lacking in good guidance for developing (suburban) areas. Meaning... urban where conditions require public sewerage services, rural where they ain't never gonna be, and suburban only where and when we say they gonna be.

I think the relevant sections of the EIR are the following:

Page 3 (of what you copied to me): "The Plan clearly states that no additional urban (vs. *suburban and rural...my insertion*) development shall be approved until publicly maintained sewage disposal systems are available." The Plan also recommends that the City and the District prepare facility plans to accommodate the projected growth." "The Plan will have a cumulative beneficial impact on the area's [*defined as "the urban portion of the planning area"*] ground and surface waters by requiring all new an existing development to connect to public sewage disposal systems."

Page 4: There is no reference to a 5-acre density limitation in the comments from the NCRWQCB.

Page 5: "In the Residential Suburban areas, within the Urban Limit Line, current development patterns show a mixture of one, two, and three acre parcels."

Page 6 (The NCRWQCB's response to comments to the Draft EIR, included in the Final EIR): The Waiver Prohibition area (imposed by the NCRWQCB) "means that any application for a sewage disposal system permit must meet all of the criteria in regard to soils conditions and ground water levels."