



COUNTY OF HUMBOLDT

Legislation Text

File #: 23-1525, Version: 1

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

JDS Construction Inc. Special Permit
Record Number: PLN-2023-18288
Assessor Parcel Number: 512-072-002

A Special Permit for the construction of a new 2,032 square foot two-story two-bedroom Accessory Dwelling Unit (ADU) pursuant to Section 314-69.05.4.3.1 of the Humboldt County Code (HCC).

RECOMMENDATION(S):

That the Planning Commission:

Adopt the Resolution (Attachment 1) which does the following:

- a. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
- b. Finds the project exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines, and that there is no substantial evidence that the project will have a significant effect on the environment; and
- c. Approves the Special Permit subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project is located in the Fieldbrook area, on the south side of Fieldbrook Road, approximately 230 feet east of the intersection of Fieldbrook Road and Old Railroad Grade Road, on the property known as 697 Evans Road.

Present General Plan Land Use Designation: Residential Estates (RE2.5-5), Humboldt County General Plan and Fieldbrook-Glendale Community Plan. Density: 2.5 to 5 acres per unit. Slope Stability: Relatively Stable (0).

Present Zoning: Agriculture General (AG).

Environmental Review: Project is categorically exempt from environmental review per Section

15303 - New Construction or Conversion of Small Structures.

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

Major Concerns: None.

Executive Summary: A Special Permit for the construction of a new 2,032 square foot two-story two-bedroom Accessory Dwelling Unit (ADU) approximately 28 feet tall with a two-car garage. A Special Permit is required for an ADU over 1,200 square feet in size pursuant to Section 314-69.05.4.3.1 HCC. The parcel is currently developed with an approximately 2,035 square-foot single family residence and accessory structures. The parcel is served with community water provided by the Fieldbrook-Glendale Community Service District and an on-site wastewater treatment system is proposed to serve the new ADU. A new approximately 150-foot-long gravel driveway will be installed to serve the ADU. No tree removal is proposed, and minimal grading is required.

A Wetland and Other Waters Delineation Report was prepared for the project by SHN Consulting Engineers in February of 2023 (Attachment 2). The purpose of the report was to identify wetland and Ordinary High-Water Marks (OHWMs) within the study area (Figure 2 of Attachment 2), as defined by the United States Army Corps of Engineers three-parameter and OHWM methodologies. The report concluded that wetland and OHWM indicators were confined to the existing stream and constructed pond. The remaining portion of the study site is a mowed field with upland characteristics.

All elements of the proposed project are outside of the 50-foot setback required by the County Streamside Management Areas and Wetlands Ordinance.

The project was referred to the California Department of Fish and Wildlife (CDFW). CDFW requested that clarification be added to the site plan that the stream/wetland setback begins at the edge of the delineated wetland where the stream is ponded and would otherwise start at the top of bank. This request has been satisfied. CDFW had no further comments on the project.

A Leach Field Suitability Report was prepared for the project by Mark Verhey, Registered Geologist (Attachment 3). The scope of work included: determining a suitable area for onsite sewage disposal; describing and sampling soils; installing groundwater monitoring wells; monitoring the groundwater table during the wet weather period; performing percolation testing; performing laboratory textural analyses (by hydrometer); providing a proposed system design and layout; and preparing the report.

The project was referred to the County Department of Environmental Health (DEH) and they were provided with a copy of the Leach Field Suitability Report for review. DEH has reviewed the report and conducted a site visit to assess the suitability of the proposal and has recommended approval of the project.

The proposed project is being brought before the Planning Commission (PC) due to public comments received on October 16, 2023, and on October 19, 2023 (Attachment 5). One commenter requested a public hearing with no specific reason for the request identified in the comment, then provided further

comment at the November 16, 2023 PC hearing, which was continued to November 30, 2023. Comments received at the hearing express concerns about the project and are summarized below and further detailed in Attachment 5.

- The proposed project will negatively impact the character of the community.
- Sewer capacity concerns. The commenter is requesting that a thorough assessment of the sewer system's ability to support the additional construction be conducted.
- There is concern that the current residence of Mr. and Mrs. Hand may be converted into rental property.
- The construction of a sizable ADU will adversely affect the property owners to the West, especially with regards to obstructing their views.

The second commenter submitted comments on October 19, 2023, and again on November 15, 2023. They strongly oppose the project and have stated reasons for their opposition that are summarized below and further detailed in Attachment 5.

- The proposed project will negatively impact the character of the community.
- A 2,032 sq ft house lurking on the edge of my property will ruin the experience of our 3.5-acre property, and the purpose for which we bought and labored for.
- The proposed ADU will dominate and lurk on the eastern viewscape from the master bedroom on the east wall of the house, from the main front/south yard, and as soon as you enter the gate on the west side from Old RXR Grade Road.
- We needed and bought this 3.5-acre property as a country home with privacy, because we could not see or hear any neighbors here. Some people are like that, need that.
- It will force us to put this house on the market to sell and look for another home to buy and move to.
- The year of construction noises of an oversized 2,032 sq ft house next to our fence will be intolerable for my wife.
- We have no other place to go. My wife may not survive the stress and impact of the move and starting over again at a new house.
- Putting these two big houses in the same 2/3-acre area, 60 feet apart, or possibly 80 feet apart, essentially putting these two houses on 1/3 acre each, butted up next to each other. How can that be good planning and zoning, for a 3.5-acre lot and a 2.8-acre lot?
- This will negatively impact our property value, and for anyone in the future, and will negatively impact our ability to sell our house.
- Property value reduction will reduce property taxes for the County.
- We need the protection of the governing agency of this county, the Director of Planning & Building Dept, and any other parties involved in the review in the upcoming public hearing, to look out for the impact on our lives, on our property.
- They could build on the east side of the 2.8-acre property, with the 2,032 sq ft house they want. Then all three current houses (to west, east, and south) and the new house would have good spacing for privacy, like good planning would do.
- The commenter also provided figures exhibiting spacing between existing residences in the immediate area, proximity of the proposed ADU to their residence, their preferred location of the proposed ADU, and the proposed project's visual impact on their existing view of the

applicant's property.

After staff review and consideration of the submitted comments, all applicable findings for project approval can be made and the recommendation by staff to approve the project remains unchanged.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment, or recommended approval or conditional approval (Attachment 4).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Site and Construction Plans
2. Wetland and Other Waters Delineation Report
3. Leach Field Suitability Report
4. Referral Agency Comments and Recommendations
5. Public Comment

APPLICANT AND PLANNER INFORMATION:

Applicant

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Please contact Rodney Yandell, Senior Planner, at 707-445-7541 or by email at ryandell@co.humboldt.ca.us <<mailto:ryandell@co.humboldt.ca.us>>, if you have any questions about the scheduled item.

