



COUNTY OF HUMBOLDT

For the meeting of: 7/6/2023

File #: 23-989

To: Planning Commission
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:

Geck-Moeller; Coastal Development Permit

Record Number: PLN-2022-17700(filed 03/30/2022)

Assessor Parcel Numbers (APN) 308-231-002

12 Hawks Hill Road, Loleta area

A Coastal Development Permit (CDP) for the construction of a new approximately 2,024 SF two-story residence, 984 SF uncovered deck, 40 SF entry deck, gravel driveway with paved apron, a detached two-car garage constructed on an existing 25x25-foot concrete slab, and retroactive permitting of an existing well. The CDP will also authorize brush clearing for the home site and north of the residence for the planting of fruit trees, logan berries, and a residential garden area. The parcel is currently developed with a well and on-site wastewater treatment system. The Humboldt County Planning Commission will consider an approval of the Coastal Development Permit per §15303 of the State CEQA Guidelines.

RECOMMENDATION(S):

That the Planning Commission:

1. Request that staff present the project.
2. Open the public hearing and receive testimony from the public.
3. Close the public hearing and take the following actions:
4. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Find that the project is exempt from further environmental review pursuant Section 15303 of CEQA Guidelines; and
 - b. Make all the required findings for approval of the Coastal Development Permit; and
 - c. Approve the Coastal Development Permit subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Loleta area, on the East and West side of Hawks Hill Road, at the intersection of Table Bluff Road and Hawks Hill Road, on the property known as 12 Hawks Hill Road.

Present General Plan Land Use Designation: Agriculture Exclusive/Agriculture Grazing-160 acres (AE/AG-(160)). Eel River Area Plan, 2017 General Plan. Density: 160 acres per unit, Slope Stability: Low Instability (1).

Present Zoning: Agriculture Exclusive (AE-160) / Archaeological Resource Area Outside Shelter Cove (A)

State Appeal: Due to the project consisting of a proposed Single-Family Residence (SFR) on Agricultural Exclusive lands, the project is appealable to the California Coastal Commission

Executive Summary: A Coastal Development Permit (CDP) for the construction of a new approximately 2,024 SF two-story residence, 984 SF uncovered deck, 40 SF entry deck, gravel driveway with paved apron, a detached two-car garage constructed on an existing 25x25-foot concrete slab, and retroactive permitting of an existing well. The CDP will also authorize brush clearing for the home site and north of the residence for the planting of fruit trees, logan berries, and a residential garden area. The parcel is currently developed with a well and on-site wastewater treatment system.

Access: Residential driveway on southern portion of the property which shall be paved 20 feet from the existing road pavement with a 30-foot-wide flare at the point of intersection with County maintained road Hawks Hill Rd. The Department of Public Works has reviewed the proposed location of the driveway on Hawks Hill Road and found it to be approvable, with conditions.

Environmental Review: The project is considered exempt from environmental review consistent with Section 15303 of CEQA Guidelines. Technical reports provided by the applicant conclude that there are no potentially significant environmental impacts as a result of development within the project area.

Concerns: The County has issued two Stop Work Orders (SWOs) under Code Enforcement cases CE21-0987 in December of 2021 and CE22-1518 in March of 2022. These Code Enforcement cases have been resolved in the application for a CDP filed on 03/30/2022. The SWOs were in response to major vegetation removal in the amount of approximately 12,000 square feet. A neighboring property owner has submitted written objections to the approval of the proposed Coastal Development Permit (Attachment 5). Objections raised include the vegetation removal that was done in advance of permit approval, potential presence of sensitive plant species, timber conversion, traffic safety, concern over the existing well and septic system, a lack of electrical power and concern over potential archaeological and cultural resources.

Biological Resources: Two botanical surveys have been prepared for the property. The most recent Botanical Survey was submitted July 15, 2022. Findings from this survey conclude that no special status plant species were determined to have a moderate or high potential to occur within the BAA. On a basis of the metric provided within the survey, this means the likelihood of sensitive resources having been removed by the unpermitted major vegetation removal would fall under "low" -reflecting that there are no previous records of occurrence or minimal/marginal suitable habitat in the project area, and under "none" -that there is no appropriate habitat for the species outlined in the BAA. Findings

from a Botanical Survey executed in August of 2016 by SHN concur with the findings provided in the TransTerra BAA (2022). NO sensitive species were observed, and no suitable habitat for special status species exists within the proposed project area.

In response to a CalFire referral response questioning if “timberlands” would be removed, a Timberland Assessment was submitted on August 22, 2022. The assessment found that no commercial species were observed on the project site meaning that the project area is not considered “timberland” and will not require permits or other approvals from CalFire.

Archaeological and Cultural Resources: A Cultural Resource Investigation Report was prepared by Roscoe and Associates in November of 2016 which concludes that no historical resources, as defined in CEQA, Article 4, 15064.5 (a), were identified in the project area. A neighboring property owner has submitted information alleging that the southern half of the project parcel may include a former Catholic cemetery and may also include the presence of native American archaeological items, however the Cultural Resource Investigation found no evidence of either and the proposed development would be located on the northern half of the parcel. The Tribal Historic Preservation Officers of both the Wiyot Tribe and the Bear River Band of Rohnerville Rancheria reviewed the Cultural Resource Investigation and responded that the report was sufficient to address archaeological resource concerns.

Existing Infrastructure: A existing well and septic system are located on the property. Both were constructed in 1981 and remained generally unused. In Attachment 6, the Coastal Commission CDP only identifies the septic within the permit issued. The well appears to have been part of the application though it is not specifically mentioned in the permit document. In order to provide clarity the existing well is proposed to be retroactively permitted through this CDP request.

Dry weather pump testing has been completed for the existing ell showing a drawdown of approximately 58 feet after 8 hours with recovery to the approximate static water level in under 3 hours when pumped at 5 gallons per minute, indicating that the well is capable of producing the required 720 gallons per day for Health Department standards. Additional testing determined that the septic system will need to be replaced. This replacement will be within the same footprint as the existing OWTS.

Prior to issuance of the building permit for the residence the applicant will be required to obtain approval from the Division of Environmental Health for the septic system and domestic well, as well as to demonstrate adequate electrical service available to the site.

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:

1. The Planning Commission could elect not to approve the Coastal Development permit if the Commission is unable to make the required findings for approval. Staff has found that the

required findings can be made.

2. The Planning Commission could continue the project to a date uncertain if the Commission believes more findings are required to approve the project.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
 - B. Site Plan
2. Location Maps
3. Applicant's Evidence in Support of the Required Findings
4. Referral Agency Comments and Recommendations
5. Letter of Opposition
6. APN 308-231-002 Coastal Commission Permit, 1981

Owner:

Joel Geck-Moeller, Lyn Fay Geck-Moeller, Dylan Geck-Moeller
PO Box 688
Loleta, CA 95551

Applicant

Joel Geck-Moeller
PO Box 688
Loleta, CA 95551

Please contact Planner Cade McNamara at 707-268-3777 or via email at cmcnamara@co.humboldt.ca.us <<mailto:cmcnamara@co.humboldt.ca.us>> if you have any questions about the scheduled public hearing item.