OWNER HAS PROCEEDED WITHOUT PERMIT:

As evidenced by the attached photographs, the property owner has performed activities on the property, including clearing 12,000 square feet of brush, without a Coastal Development Permit.

Most recently, the property owner appears to have constructed planting beds with plastic covers, which appear to be placed in the same area of the property where the alleged leach field is.

ONLY ONE DWELLING PER PARCEL - PRINCIPALLY PERMITTED USE:

Humboldt County Code § 313-163: Listing of Use Type and Principal Permitted Use Classifications

> 163.1.9.9: **Agriculture Exclusive**. The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential (**on lots sixty (60) acres or larger in size, two single detached dwellings are permitted**), General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act. (Ord. 2367A, 7/25/2006; Ord. 2383, 2/27/2007).

Pursuant to the Eel River Area Plan, Agriculture Exclusive/Grazing Lands (AEG(1)), permitted use includes: production of food, fiber, or plants, with residence as a use incidental to the 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, and principal permitted uses under TC. (Chapter 5, page 5). Pursuant to HC § 163.1.9.9, as this parcel is smaller than 60 acres, only one single detached dwelling would be permitted. This is the same standard that neighboring parcels of even larger size have been held to, and the County should maintain that standard pursuant to Humboldt County Code.

In addition, single family residential development in agriculture exclusive zoning must not impact the property's potential agricultural use. From the two neighboring parcels' staff analysis pursuant to a coastal development permit:

> "This project involves the development of a single-family residence, attached garage, detached barn, and septic system on an approximately 4.3 acre parcel. Residential uses in support of agricultural uses are principally allowed."

> "The proposed project is for a single-family residence and attached garage. The parcel is served by an existing well. The property has been historically used for grazing and may continue to be used in this capacity. Residential uses in support of established agricultural uses are principally allowed."
>
> "[T]he proposed development is considered a principally permitted use per Humboldt County Code Section 163.1.9.9 but remains appealable to the California Coastal Commission. The proposed improvements will not preclude future and ongoing agricultural use of the property. The development has been situated closer to the perimeter of the property, thus preserving the greatest amount of open pasture. In order to protect the agriculturally [sic] zone properties from nuisance complaints, the owner's [sic] have signed a "Right to Farm" declaration."
>
> "The project is for the development of a single-family residence, garage, access road, and septic system. The proposed home will be served by an existing well. The proposed improvements will not preclude future agricultural use of the property. In order to help protect agricultural operations on neighboring parcels, completion of a "Right to Farm" statement of acknowledgement has been required as a condition of approval."

Development on the property is limited so as to preserve current and future agricultural use of the property. Development that does not preserve agricultural use should not be allowed.

ELECTRICITY:

There is not currently electricity to the property. To have electrical access on the property, an easement will be required from a neighbor.

"EXISTING" CONCRETE PAD:

There is allegedly an existing 25'x25' concrete pad on the property that was constructed in approximately 1981. It is impossible now to see this pad from any aerials of the property due to the overgrowth. It is unclear whether this pad was ever permitted on the property, and it is unclear whether this is an appropriate location for the proposed two-car garage or if it is suitable for such a purpose. There are no photographs of this pad and it is unclear what condition it is in.

SUPPORTING DOCUMENTS:

1. Photographs showing activity on property
2. September 1981 Letter to Owner re: CUP
3. January 1982 CUP
4. February 1982 CUP Construction Approval
5. July 1981 DEH Notes re: CUP
6. July 1981 Planning Dept. Memo re: CUP Application

7. July 1981 Plot Plan
8. 1981 CUP Application Documents
9. 2007 Christensen Staff Report
10. 2007 Martin Staff Report

Signed:
Cyndy Day-Wilson
John Wilson
Chad Christensen

ATTACH TO FRONT DRIVER SIDE WINDOW

⚠ **WARNING:** Operating, servicing and maintaining a passenger vehicle or off-road vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to www.P65Warnings.ca.gov/passenger-vehicle.

⚠ **AVISO:** El uso, servicio y mantenimiento de un vehículo de pasajeros o de un todo terreno pueden exponerlo a sustancias químicas, incluyendo los gases del escape del motor, monóxido de carbono, ftalatos y plomo, reconocidos por el Estado de California como causa de cáncer, defectos de nacimiento u otros daños del sistema reproductivo. Para minimizar la exposición, evite respirar los gases del escape, no deje el motor en punto muerto (ralentí) salvo si es necesario, deje servicio al vehículo en un área bien ventilada, y use guantes o lávese las manos con frecuencia al dar servicio al vehículo. Para obtener más información, visite www.P65Warnings.ca.gov/passenger-vehicle.

13J60L2

HUMBOLDT-DEL NORTE COUNTY
DEPARTMENT OF PUBLIC HEALTH

727 CEDAR STREET
GARBERVILLE, CA. 95440
923-2779

MAIN OFFICE
529 I STREET
EUREKA, CA. 95501
445-7584

909 HWY. 101, NORTH
CRESCENT CITY, CA. 95531
464-4011

September 14, 1981

Mr. J.R. Wittwer
2440 Frank Avenue
Eureka, CA 95501

RE: A.P. #308-231-02 Conditional Use Permit

Dear Mr. Wittwer,

Humboldt County Sewage Disposal Regulations require that an approved sewage disposal system is provided concurrent with construction of the proposed green house. An approved sewage disposal system permit must be obtained for the subject parcel before this Department can recommend approval of your project.

Please call me at 445-7613 if you have any questions regarding this matter.

Sincerely,

Paul W. Anderson, M.D., M.P.H.
Health Officer

James W. Clark, R.S.
Area Sanitarian

JWC/jf

Enc.

Attention: Jeff Arnold
Humboldt County Health Dept.

Mr. Arnold

This letter is to confirm that the greenhouse business we are planning to build will be strictly a family operation. My wife my son and I will be the only people working on our property or in these greenhouse-

Risco Lumsford
Box 239
Loleta, Ca. 95551

RECEIVED
NOV 30 1981
HUMBOLDT CO. HEALTH DEPT.

PLANNING DEPARTMENT

COUNTY OF HUMBOLDT

520 "E" STREET EUREKA, CALIFORNIA 95501
PHONE (707) 445-7541

RECEIVED
JAN 15 1982
HUMBOLDT CO. HEALTH DEPT.

CONDITIONAL USE PERMIT

Date: January 13, 1982 Permit No.: Case #73-81

Issued To:

Name: J.R. Wittwer

Address: 2440 Frank Ave Eureka, CA 95501

Property Owner: Same

Address:

Area: Table Bluff Assessor's Parcel No.: 308-231-02

Date of Approval by Decision-making Body: September 30, 1981

In accordance with Section 317-37 of the Humboldt County Land Use and Development Code, every conditional use permit issued shall terminate and become void unless the use authorized by such permit shall be commenced or construction necessary and incident thereto shall be begun on or before the time limit specified in such permit and thereafter diligently advanced, or if no time is specified, on or before one year after the date such permit was approved.

Approved Use: To allow the construction of a 18' X 98" greenhouse to be used for storage purposes until the initiation of an agricultural land use of the site.

Conditions:

1. The storage may only be related to agricultural uses.
2. No retail use of the greenhouse.
3. All requirements of the County Building Inspection and Health Departments must be met.

HUMBOLDT COUNTY PLANNING DEPARTMENT

Stanley R. Mansfield
Planning Director

Stan Gold

Stan Gold
Planner II
SG:bm

HUMBOLDT-DEL NORTE COUNTY
DEPARTMENT OF PUBLIC HEALTH

733 CEDAR STREET
GARBERVILLE, CA. 95440
923-3112

MAIN OFFICE
529 I STREET
EUREKA, CA. 95501
445-7584

909 HWY. 101, NORTH
CRESCENT CITY, CA. 95531
464-4011

DATE: February 16, 1982

TO: Humboldt County Building Inspection Department

FROM: Humboldt-Del Norte County Health Department, Division of Environmental Health

RE: Construction Approval For:

Name Lunsford Cisco

Address P.O. Box 239 Loleta

A.P. # 308-231-02 Telephone message 445-2273

The above named applicant proposes to construct Commercial Greenhouses (9) on the parcel located at

(include directions to site, if necessary) _____

For Health Department Use Only

The sewage disposal system on the above parcel has been approved by this Division and is considered to be compatible with the proposed construction.

Comments: NO CONFLICT WITH PROPOSED APPROVED SDS. TRAFFIC IS TO BE KEPT OFF OF LEACH LINE AREA SDS approved 12/8/81

RECEIVED FEB 18 1982 HUMBOLDT CO. HEALTH DEPT.

James W. Clark R.S.
Area Sanitarian

2-18-82
Date

Jack Dobson R.S.
Land Use Sanitarian

HUMBOLDT CO. HEALTH DEPT.

DON REED

DIVISION OF ENVIRONMENTAL HEALTH

Sanitarian J. Clark

Date 7-24-81

To: A.P. File # 308-231-02

Subject: C.U.P. Name: Wittwer

SDS Permit Status: _____ Existing _____ New ✓

Site Inspection: Yes ✓ No _____ Land Use Type A.E.

Data Base: (Soil type, water table level, documented failures, etc.) _____

Water Supply: (source, condition) _____

Comments: 8-4-81 ILLEGAL WELL DEVELOPMENT ON SITE - JWC

8-5-81 - TWO 8" IN CASINGS IN HOLE - PERMIT FOR WELL SHOULD BE REQUIRED BEFORE EVALUATION PROCEEDS JWC

11-17-81 RECIEVED FILE FROM J.D. ~~STATE~~ & CALLED FOR LONSFORD. - HE WAS NOT IN. JWC

11/25/81 Discussed with Reed & W&K. Owner is in desperate need to start construction of greenhouse due to financial situation - they have completed soil borings and test analyses - soils are in zone 4 - will have them delivered to the health dept. I advised that I would ~~to~~ consider a waiver to the wet weather test requirements

11/25/81 Results brought into office by Royal McCarthy. I advised McCarthy that I would waive the Jan 1 test date provided that holes were pumped 24 hours continuously and the test was done within the next week - JWC

DIVISION OF ENVIRONMENTAL HEALTH

Sanitarian J. Clark

Date 12-1-81

To: A.P. File # 308-231-02

Subject: SDS Name: LUNDGARD

SDS Permit Status: _____ Existing _____ New ✓

Site Inspection: Yes ✓ No _____ Land Use Type RES-AG

Data Base: (Soil type, water table level, documented failures, etc.) SOIL ZONE IV

Water Supply: (source, condition) _____

Comments: 12-2-81 CALL TO DON REED, WINDLER & KELLY: PRE-SOAK WILL BEGIN FRIDAY, DEC 4 AND PERK TESTING WILL TAKE PLACE SATURDAY, DEC 5 JJC

12-8-81: RECIEVED & REVIEWED REPORT PERC. TEST IT APPEARS THAT PERC. RATES ARE AFFECTED BY SOIL STRUCTURE SIGNIFICANTLY. IF FAILURE OF SDS OCCURS IT WILL PROBABLY BE DUE TO BREAKDOWN IN STRUCTURE JJC

8-2-82 BUSINESS LICENSE NOT APPROVED. SDS NOT INSTALLED JJC

HUMBOLDT COUNTY PLANNING DEPARTMENT
3015 [redacted] Street, Eureka, Califo[redacted]
Telephone 445-7541

DATE: July 21, 1981

RECEIVED
JUL 23 1981
HUMBOLDT CO. HEALTH DEPT.

TO: Building Inspection Dept.
Environmental Health Dept.
Special Services Division, Public Works
Natural Studies Division, Public Works
Assessor's Office
Tax Collector's Office
Pacific Gas & Electric
Pacific Telephone
Board of Supervisors
_____ Community Services District
_____ Fire District
California Coastal Commission

SUBJECT: WITTWER CONDITIONAL USE PERMIT - TABLE BLUFF
AP#308-231-02

The Planning Department is currently studying the above application. If a reply is not received within 15 days of receipt, it shall be assumed that the project does conform to your requirements.

Your response should be directed toward both the land use and enviornmental implications of the project as well as the development conditions or requirements which should be imposed.

If you have any questions concerning the project, please contact

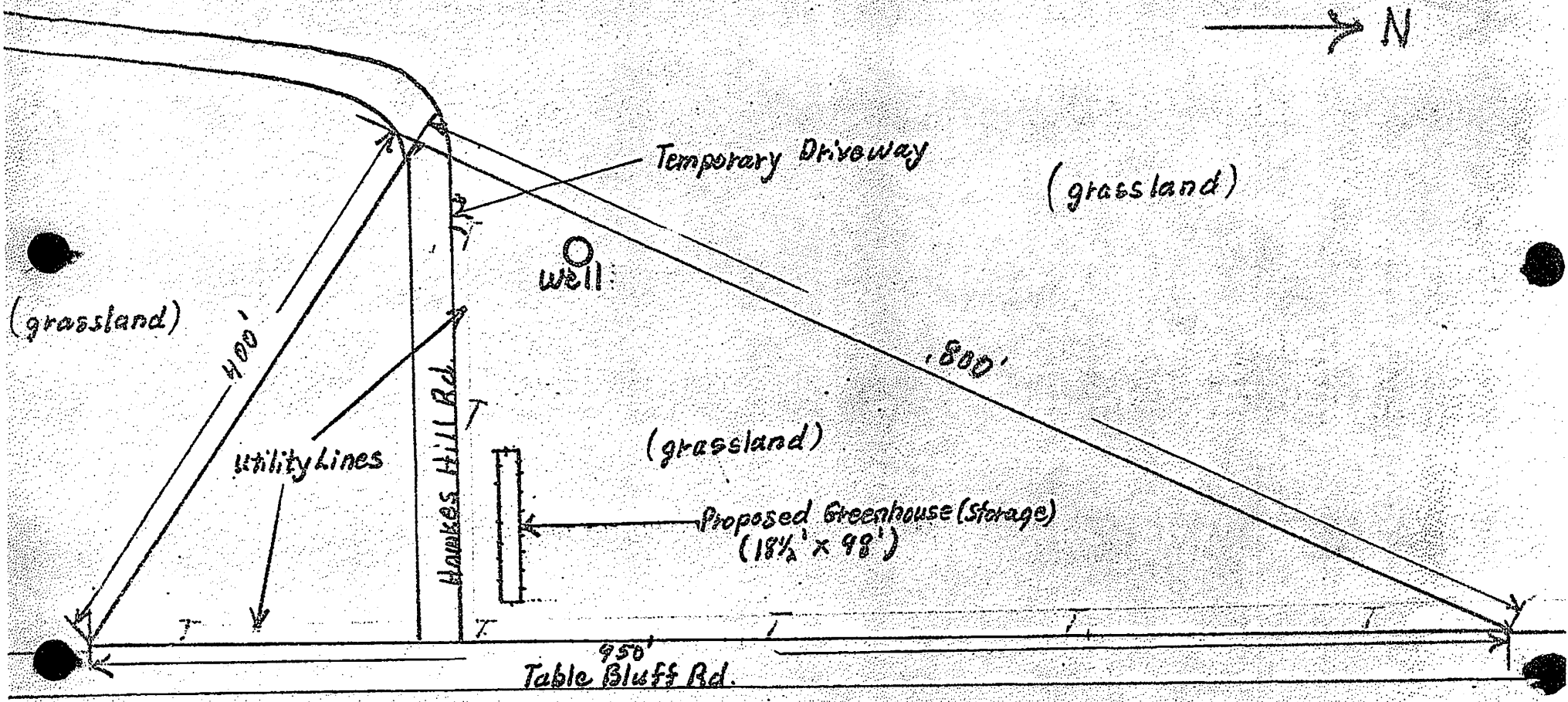
Stan Gold.

Enclosures

TO: Planning Department DATE:

We have reviewed the above application and recommend the following:

_____
Signature



RECEIVED
JUL 8 1981
HUMBOLDT COUNTY
PLANNING COMMISSION

J. Roy & Frae Wittwer

HUMBOLDT COUNTY PLANNING DEPARTMENT
520 E Street, Eureka, California 95501
Telephone (707) 445-7541

☐ INITIAL STUDY
☐ NEGATIVE DECLARATION
☐ NOTICE OF COMPLETION
☐ STAFF REPORT
☐ PROJECT CHECK SHEET

APPLICANT: WITTWER, J.R. ADDRESS: 2440 Frank Ave. Eureka, CA 95501 PHONE: 443-6633

OWNER: SAME ADDRESS: PHONE:

AGENT: NONE ADDRESS: PHONE:

ZONE: U (Unclassified)

AREA: Table Bluff

ASSESSOR'S PARCEL NO.: 308-231-02

TAX CODE AREA:

PROJECT TITLE: WITTWER CONDITIONAL USE PERMIT

PROJECT DESCRIPTION: To allow for the construction of a 18'x 98' greenhouse to be used for storage purposes until the initation of an agriculture land use on the site.

GENERAL PLAN DESIGNATION: The Fortuna Area General Plan designates this area as Exlusvie Agriculture (20 acre minimum).

INITIAL STUDY CONTENT:

INITIAL STUDY PREPARED BY:

OTHER PERMITS REQUIRED:

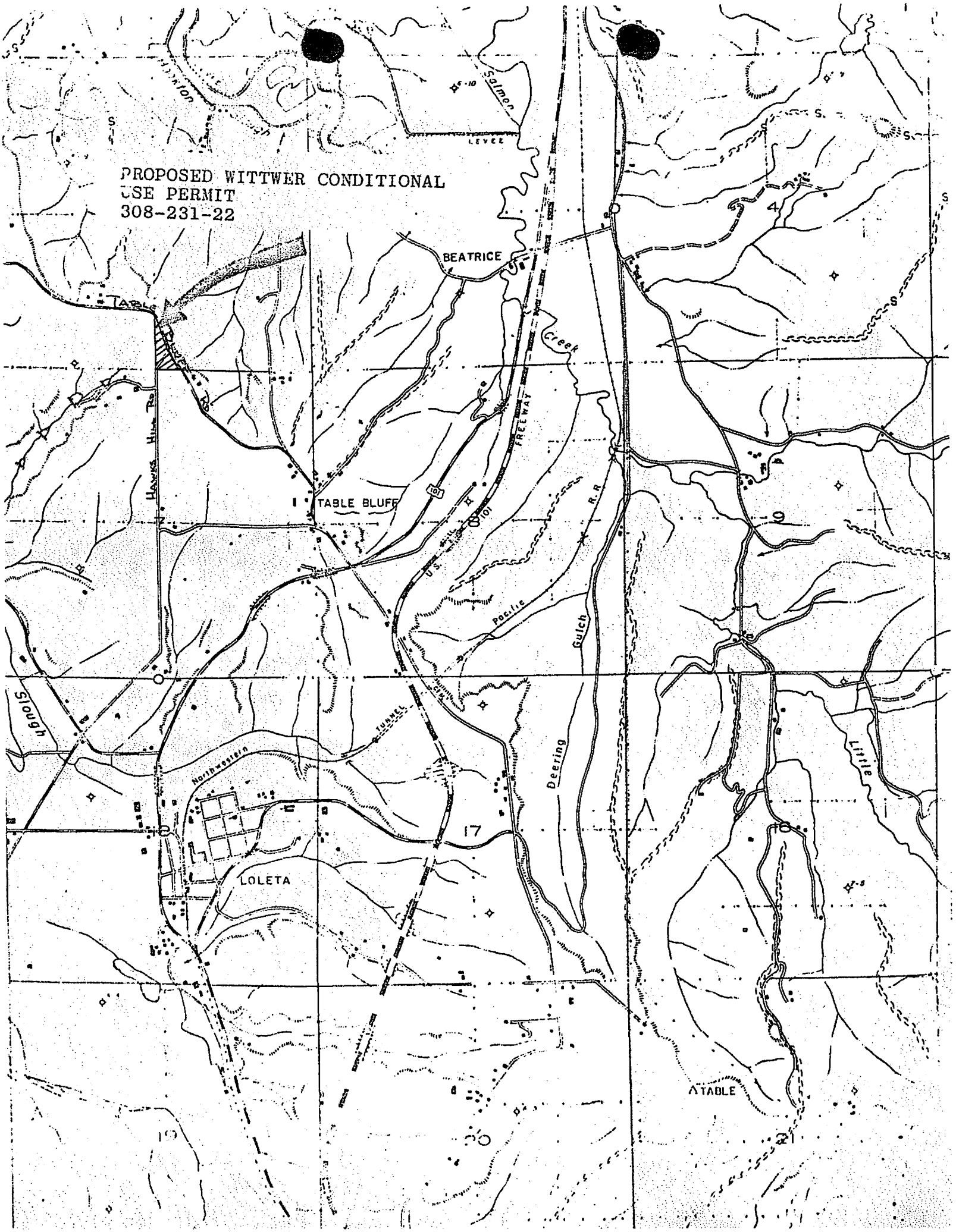
ENVIRONMENTAL CRITERIA:

☐ This project is categorically exempted from the provisions of the California Environmental Quality Act as per Class No. _____. No further environmental review is necessary.

It has been determined, after review and evaluation, that the proposed project conforms to the County of Humboldt planning and implementation documents and will not have a significant effect on the environment.

The material supporting the above findings is contained in the Initial Study and evaluation conducted by the Humboldt County Planning Department, 520 "E" Street, Eureka, California, telephone (707) 445-7541. Copies of documents related to the evaluation of the project are available for review at the above location.

Written comments will be received by this office until _____.
The date of this declaration is _____. Further processing of applicable project permits will not begin prior to _____.


PROPOSED WITTWER CONDITIONAL
USE PERMIT
308-231-22
BEATRICE
TABLE BLUFF
LOLETA
Hawks Hill Rd
Creek
FREEWAY
U.S. 101
R.R
Pacific
Gulch
Deering
Little
Slough
Northwestern
TUNNEL
Salmon
LEVEE
TABLE
17
20
21

ADMINISTRATIVE ITEM TRANSMITTAL

TO: Kirk A. Girard, Director of Community Development Services

FROM: Steve Werner, Supervising Planner

EFFECTIVE DATE:	SUBJECT: COASTAL DEVELOPMENT PERMIT	CONTACT: Steven Lazar

Before you is the following:

PROJECT: Coastal Development Permit for the construction of an approximately 2,500 ft.² 2-story (approximately 28 feet tall) single-family dwelling with an 628 square foot attached garage. The parcel is currently undeveloped. A septic system is proposed be developed on site. The building site is located near the rear half of this 36-acre parcel, approximately 600 feet south of Table Bluff Road. Approximately 27 yards of gravel fill is proposed for the construction of the driveway and residence. No trees will be removed.

PROJECT LOCATION: The project is located in Humboldt County, in the Loleta area, on the south side of Table Bluff Road, approximately 0.10 miles west from the intersection of Rasmussen Road and Table Bluff Road, on the property known as1330 Table Bluff Road.

PRESENT PLAN DESIGNATIONS: Agriculture Exclusive-Grazing-minimum parcel size 160 acres (AEG160) Eel River Area Plan (ERAP). **Density:** Total number of building sites not to exceed a density of one unit for each 20 acres of the original parcel.

PRESENT ZONING: Agriculture Exclusive- minimum lot size 160 acres/Archaeological Resources Area Outside Shelter Cove. (AE-160/A).

ASSESSOR PARCEL NUMBERS: 308-231-10

APPLICANT
CHRISTENSEN, CHAD
PO BOX 26
Loleta, CA 95551-0026
Tel: (707)476-2702

OWNER(S)
CHRISTENSEN, KENNETH
PO BX 308
Loleta, CA 95551-0308

AGENT
SCHMIDBAUER BUILDING SUPPLY
c/o Brian Reilly
PO BX 3293
Eureka, CA 95502-3293
(707) 443-7089

ENVIRONMENTAL REVIEW:
☐ Project is exempt from environmental review per Section 15303(a) of the CEQA Guidelines.

STATE APPEAL STATUS:
☐ Project is not appealable to the California Coastal Commission.

MAJOR ISSUES
☐ None

RECOMMENDATION:
☐ Approval based on findings in the staff report.
☐ Approval based on findings in the staff report and conditioned in Exhibit A.
☐ Denial based on findings in the staff report.

RECORD OF ACTION:
☐ Approved as recommended by the Planning Division.
☐ Approved with the attached revisions.

Approval Date

Kirk A. Girard
Director of Planning and Building

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED UPON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE FULFILLED BEFORE A BUILDING PERMIT MAY BE ISSUED:

1. Four (4) non-tandem, independently accessible parking spaces shall be provided on-site prior to issuance of the "final' for the building permit. The plot plan submitted for the building permit shall show the location of the four required parking spaces.

2. Applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

3. The applicant shall:
   a) use dust control techniques when excavating to minimize dust problems on adjacent parcels,
   b) re-vegetate all disturbed areas prior to winter rain, and
   c) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.

   The Plot Plan submitted for the Building Permit shall indicate that all ground bared during construction shall be landscaped and/or seeded and mulched prior to October 1st.

4. The applicant must obtain an approved well permit through the Division of Environmental Health. The Coastal Development Permit authorizes the construction of up to 3 test wells and 1 production well. The applicant shall provide the Planning Division with verification from the Department of Environmental Health that all permits required by that department have been obtained.

5. The project shall be conducted in accordance with the project description and approved project site plan. The applicant shall stake the limits of all areas in which ground disturbance is proposed.

6. The applicant shall be required to have a qualified archaeologist or Wiyot tribal representative on-site during initial ground disturbing activities. The applicant shall submit evidence to the satisfaction of the Planning Department that this requirement has been met. This requirement may be met through the documentation of a written contract with an archaeologist or the Wiyot tribe, or may be satisfied through written documentation from the Wiyot tribe that no monitor is needed.

7. The applicant shall provide a copy of an R-2 Soils report to the Building Division for review. All recommendations of the report shall be incorporated into the project design and execution.

8. Silt fences shall be installed between the construction area and the "other wet area" to the south. Silt fences should be installed immediately adjacent to the construction area, in accordance within standard erosion and sediment control practices, as described in §331-12 of the Humboldt County Code. Silt fences should remain properly installed until construction activities have ceased and all disturbed areas have been fully revegetated. Prior to dismantling, stored sediment behind silt fences should be removed and stored in a safe and stable location.

9. The applicant shall submit one (1) copy of a Development Plan to the Planning Division for review and approval. The map shall be a minimum of 11 inches by 17 inches (11" x 17"). The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include the following site development details:

   A. Mapping
      (1) Topography of the land in 1-foot contours within the vicinity of the building site and lily habitat.

      (2) The area south of the building footprint labeled as "non-buildable" as well as the setback for the proposed leach lines to ensure that future encroachments do not occur.

      (3) Building site as located on the plot plan received by the Planning Division, dated January 2007.

   B. Notation

(1) "The site of the grading is not located within an area where known cultural resources have been located. As there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).

Pursuant to California Health and Safety Code Section 7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.

(2) "Hours of construction activity shall be limited to Monday through Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday."

(3) "All construction activities shall take place during the dry season (June 1st to September 30th)" If wet weather occurs during the summer months, construction activities should be halted until the rain has stopped and the ground has dried enough to resume."

(4) "Re-seed and mulch all disturbed areas following construction activities. All exposed areas must be seeded and mulched prior to October 1st.

(5) "No herbicides shall be used within 100 feet of the "other wet area".

(6) "Landscaping and irrigation shall be captured and controlled so as to avoid adverse impacts to the existing wet area / lily habitat"

(7) "Representatives from the United States Fish & Wildlife Service (USFWS) and the California Native Plants Society (CNPS) are authorized to continue periodic maintenance & monitoring (upon giving advance notice and securing permission from the property owner) of the existing Western Lily habitat in accordance with the agreement established with the previous owner, Ken Christensen."

6. The applicant shall cause to be recorded said "Notice of Development Plan" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $151.00 plus applicable recordation fees) will be required.

Informational Notes:

1. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. ***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 of the Humboldt County Code.

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. <u>The proposed development must be consistent with the General Plan.</u> The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Eel River Area Plan (ERAP) and the Framework Plan (FP).

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 / Grazing Lands: Residential use is a principal use when incidental to an agricultural use. Density: 160 acre minimum parcel size except as permitted by Section 3.34C and E (ERAP).	The proposed project is for a single-family residence and attached garage. The parcel is served by an existing well. The property has been historically used for grazing and may continue to be used in this capacity. Residential uses in support of established agricultural uses are principally allowed.
Housing §3.26 (ERAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The project meets the goals and policies of the Housing Element because it adds an additional residence to the County's housing stock.
Hazards §3.28 (ERAP)	New development shall minimize risks to life and property and assure stability and structural integrity of the natural landforms found on-site.	The project site is located within an area of high fire hazard and low to moderate geologic instability per the County's hazards maps. The parcel is also located in an area of minimal flooding per FIRM map #940. The revised plot plan submitted by the applicant shows the proposed building site and septic facilities located above the geo-hazard area identified on County mapping. This appears to correspond with contours shown on USGS and parcel-specific mapping. Furthermore, all reviewing referral agencies have recommended approval and identified no issues related to hazards. A Condition of Approval has been included requiring the applicant to provide the Building Division with a copy of an R-2 Soils Report. Installation and siting og the proposed home and related improvements must follow the recommendations of the report.

Resource Protection §3.41 (ERAP)	Protect designated sensitive and critical resource habitats.	Based on the County's resource protection maps and consultation with the United States Fish & Wildlife Service (USFWS), it has been determined that there are sensitive and critical resource habitats in the immediate project vicinity. The Natural Diversity Database shows that the parcel is proximate to a variety of distinct habitat including: Siskiyou Checkerbloom and a small population of Western Lily downslope of the project site. A site visit was conducted with Chad Christensen (property owner), Brain Reilly (architect/agent), Ron Lundblade (contractor), and Dave Imper (USFWS/CNPS). Since Western Lily is considered a rare plant (according to Dave Imper, there are 3 known populations in Humboldt County, 2 of which are in Table Bluff), the protection of this resource is of paramount concern. Mr. Imper explained that this particular Lily population had been protected and sustained for almost 20 years by volunteers from the North Coast Chapter of the California Native Plant Society (CNPS) under the authorization of the previous owner, Ken Christensen. Potential impacts related to residential development on the parcel are largely connected to the location of the septic system leach lines and project landscaping and irrigation. The plants are located within a slumped feature in the landscape largely related to the hydrology and soils of the area. The Soil Map Unit from the NRCS Soil Survey for Humboldt County shows a distinct change in soil type on this property where the break in slope occurs. The upland soils (where the building pad and septic facilities are located) consist of the moderately well drained Rohnerville (Ro5) series whereas the eroded Hookton (Hk13) Soil Series is shown within the area of the slip. Moderately deep and exhibiting strong subsurface compaction, Hookton Soils are shown within the area of the Lily occurrence. Because the Western Lily population grows under very specific soil and water conditions, protection of these factors is the primary goal of all related mitigation. These measures include: recording a Notice of Development Plan which clearly identifies the location of the sensitive habitat as well as the area for installation of the leach lines (in the preferred location agreed upon during the site visit). The development plan will also provide direction to the current and future owners of the property as to specific measures taken to protect the plant population, including authorization for representatives of CNPS or USFWS to periodically visit the property to monitor and maintain the lily habitat (with advance notice to the owner). Additional measures involve changing the number of leach lines from 4 to 2 (but increasing the length of each line) so as to keep the lines as far from the habitat as possible.

Cultural Resource §3.29 (ERAP)	Protect cultural, archeological and paleontological resources.	In 1999, during the processing of an earlier Coastal Development Permit related to a lot line adjustment involving this parcel and several adjacent parcels, an archaeological survey was completed by Eric Taylor, Susie Van Kirk & James Roscoe. During a field survey of parcel D, a small ethnohistoric site was located. Appropriate measures have since been taken to protect this newly discovered site. The project was referred to the North Coastal Information Center, Wiyot Tribe, and Humboldt County Public Works – Natural Resources Division.
		Given that the property has already been surveyed and the revised plot plan corresponds with the approved development plan, the risk of potential impacts to cultural resources have been mitigated. In talking to NCIC regarding the current proposal to construct a single-family dwelling on one of the resultant parcels, it was determined that since the project stays within the building envelope as it was identified on the approved lot line adjustment map, it is therefore covered by the previous archaeological survey and not likely to pose a risk to the disturbance of historic or cultural resources. In the event that historical resources are encountered during construction, an informational note has been attached to this permit requiring work to be stopped and an archaeologist contacted. Furthermore, the project has been conditioned to require that a cultural monitor be present during all periods of excavation.
Visual Resource §3.40 (ERAP)	Protect and conserve scenic and visual qualities of coastal areas.	The project site is not located in a coastal scenic/ coastal view area.

2. <u>The proposed development is consistent with the purposes of the existing zone in which the site is located</u>; and 3. <u>The proposed development conforms with all applicable standards and requirements of these regulations.</u> 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
§313-7.1 Agricultural Exclusive Zone	Principally permitted uses include: general agriculture, timber production, minor utilities and single family residential when incidental to an agricultural use.	The project is for the development of a a single-family residence, garage, access road, and septic system. The proposed home will be served by an existing well. The proposed improvements will not preclude future agricultural use of the property. In order to help protect agricultural operations on neighboring parcels, completion of a "Right to Farm" statement of acknowledgement has been required as a condition of approval
Min. Lot Size	160 acres	Approximately 36.65 acres.
Min. Lot Width	N/A	Approximately 1600' (avg.)

Max. Density	No more than 2 units per lot when incidental to an agricultural operation and houses serve owner/operator and family member.	One dwelling unit is proposed.
Max. Lot Depth	None Specified	Approximately 1320'
Yard Setbacks	Due to the parcel's location within the State Responsibility Area for Fire Protection, 30' from all property lines is required.	The residence will be located 385' from the nearest property line. Setbacks for the septic system will be enforced by Environmental Health.
Max. Bldg. Height	None Specified	The maximum height of the proposed home is approximately 28 feet.
Max. Ground Coverage	None Specified	Less than 1%
§313-109.1	Four parking spaces are required.	Two spaces are located in the proposed garage and two are located off of the driveway, outside the front yard setback

Combining Zones		
§313-16.1 Archaeological Resource Area	To provide for reasonable mitigation measures where development would have an adverse impact upon archaeological and paleontological resources.	See §3.29 Cultural Resources comments above

4. Public Health, Safety and Welfare, and 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, 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.	All reviewing referral agencies have approved the proposed development.
CEQA Guidelines	Categorically exempt from State environmental review.	The project is categorically exempt from CEQA per Section 15303 of the Guidelines for the Implementation of CEQA.

Referral Agency Comments and Recommendations

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Conditional Approval		✓
Public Works Land Use Division	✓	Conditional Approval		✓
County Division of Environmental Health	✓	Conditional Approval		✓
County Counsel	✓	Approval		✓
CA. Dept. of Forestry and Fire Protection	✓	Approval		✓
California Coastal Commission				
Loleta Fire District				
North Coast Information Center	✓	Conditional Approval		✓
Wiyot Tribe	✓	request survey		✓
Public Works - Natural Resources Division	✓	Conditional Approval		✓

COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

http://co.humboldt.ca.us/CDS/Planning

DATE: November 8, 2007

TO: Humboldt County Planning Commission

FROM: Kirk Girard, Director of Community Development Services

SUBJECT: **MARTIN** Coastal Development Permit
Case No.: **CDP-07-03**
APN: 308-241-38 Table Bluff Area

The attached staff report has been prepared for your consideration of the **MARTIN** application at the public hearing on December 6, 2007. The staff report includes the following:

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Please contact Steven Lazar, Planner, at 268-3741 if you have any questions about the scheduled public hearing item.

cc: Applicant, Agent

AGENDA ITEM TRANSMITTAL

TO: HUMBOLDT COUNTY PLANNING COMMISSION

FROM: Kirk A. Girard, Director of Community Development Services

HEARING DATE:	SUBJECT: ☐ Public Hearing Item ☑ Consent Agenda	CONTACT:
December 6, 2007	COASTAL DEVELOPMENT PERMIT	Steven Lazar

Before you is the following:

PROJECT: Coastal Development Permit for the construction of an approximately 4,432 square foot single-family residence and attached 3-car garage on an agriculturally-zoned parcel in the Table Bluff area. In addition, development of a 2,400 ft.² detached barn is also proposed. The approximately 4.82 acre parcel is currently vacant. The building site for the proposed home is located approximately 100 feet east of Hawks Hill Road near the northwest corner of the property. A 12-foot wide asphalt driveway is proposed to be developed from Hawks Hill Road to provide access to the residential building site and proposed barn. Installation of an on-site septic system is proposed east of the proposed home. Water will be provided through an agreement with the East Ranch Water System Maintenance Association. The project is expected to involve minimal grading (< 50 cubic yards) and no trees are proposed to be removed.

PROJECT LOCATION: The project is located in Humboldt County, in the Loleta/Table Bluff area, on the south side of Table Bluff Road, approximately 624 feet south from the intersection of Table Bluff Road and Hawks Hill Road, on the property known as 119 Hawks Hill Road.

PRESENT PLAN DESIGNATIONS: Agriculture Exclusive Grazing- minimum parcel size 160 acres (AEG160) Eel River area Plan (ERAP). **Density:** 160 acres per dwelling unit. **Slope:** Low Instability (1)

PRESENT ZONING: Agriculture Exclusive- minimum lot size 160 acres/ Archaeological Resource Area outside Shelter Cove (AE-160/A).

ASSESSOR PARCEL NUMBERS: 308-241-38

APPLICANT
MARTIN, SHANNON & LIA
P.O. Box 546
Garberville, CA 95542
(707)923-4699

OWNER(S)
SAME AS APPLICANT

AGENT
LACO ASSOCIATES
21 W. 4th Street
Eureka, CA 95501
707-443-5054

ENVIRONMENTAL REVIEW:
Project is exempt from environmental review per Section 15303 of the CEQA Guidelines.

MAJOR ISSUES
None

STATE APPEAL STATUS:
Project ***is*** appealable to the California Coastal Commission.

MARTIN COASTAL DEVELOPMENT PERMIT
Case Numbers: CDP-07-03
APN: 308-241-38

RECOMMENDED COMMISSION 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:

"I move to make all of the required findings, based on evidence in the staff report, and approve the application(s) on the Consent Agenda subject to the recommended conditions."

EXECUTIVE SUMMARY

This project involves development of an approximately 4,432 ft.² single-family residence and attached garage on a vacant approximately 4.3 acre parcel in the Table Bluff area. The project also includes construction of an approximately 2,400 square foot attached barn. The parcel is agriculturally-zoned and lies between the western boundary of Table Bluff Road and the eastern boundary of Hawks Hill Road. The building site for the proposed home is located approximately 100 feet east of Hawks Hill Road near the northwest corner of the parcel. To provide access to the proposed residence and barn, a 12-foot wide gravel driveway is proposed to be developed from Hawks Hill Road near the southwest corner. Future development of an on-site septic system located east of the proposed home is also included. The parcel contains an easement granting water rights to be provided through the East Ranch Water System Maintenance Association. The property is comprised of fairly level pasture and minimal grading is expected to be required to install the proposed structures and access road. No trees are proposed to be removed. While principally permitted with a Coastal Development Permit, single-family residential development is considered "appealable" to the Coastal Commission when proposed on lands within the "Agricultural Exclusive" Zone.

Based on the County's resource protection maps, previous development projects in the area, and ongoing consultation with the United States Fish & Wildlife Service (USFWS), it was determined that there may be sensitive and critical resource habitats in the vicinity. The California Natural Diversity Database (CNDDB) illustrates proximity to Siskiyou Checkerbloom in addition to communities of environmentally sensitive Western Lily, documented more than 500 feet from the project site. Immediately following the application for the Coastal Development Permit, a site visit was performed by Dave Imper of USFWS. On June 30, 2007, Mr. Imper walked the perimeter of the property scanning for signs of Checkerbloom and Western Lily. The visit was timely in that it was conducted during the flowering season. Mr. Imper determined that the vegetation on the property was largely comprised of upland pasture and did not contain either of these two rare species.

The property is located in an Archeological Resource Area or "A" Combining Zone. The project was referred to the North Coast Information Center (NCIC) and Wiyot Tribe for comment. Both recommended approval of the project. As with all projects in the "A" combining zone, an informational note has been added to the Conditions of Approval regarding the owner's legal requirements should ground-breaking activities reveal presence of archaeological resources or human remains. This note is advisory.

Given the evidence provided by the applicant(s) and comments from participating referral agencies, the Department believes that the project to construct the proposed single family residence may be found categorically exempt from environmental review pursuant to Section 15303 (a) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA).

Based on a review of Planning Division reference sources, and comments from all involved 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 per the Recommended Commission Action above.

ALTERNATIVES: The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 07-__

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE MARTIN COASTAL DEVELOPMENT PERMIT APPLICATION:
CASE NUMBER CDP-07-03
ASSESSOR PARCEL NUMBER 308-241-38

WHEREAS, John Blodgett of LACO Associates, on behalf of the applicants Shannon and Lia Martin, submitted an application and evidence in support of approving a Coastal Development Permit for the development of the parcel with a single family residence, attached garage, detached barn, and septic system;

WHEREAS, the County Planning Division 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, the project is categorically exempt from environmental review pursuant to Article 19, Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 1 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit (Case No.: CDP-07-03);

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:
1. The proposed Coastal Development Permit application is categorically exempt from environmental review pursuant to Section 15303, Class 3 of the CEQA Guidelines;
2. The Planning Commission makes the findings in Attachment 1 of the Planning Division staff report for Case No.: CDP-07-03 based on the submitted evidence; and
3. The Planning Commission conditionally approves the proposed Coastal Development Permit as recommended in the Planning Division staff report for Case No.: CDP-07-03.

Adopted after review and consideration of all the evidence on December 6, 2007.

The motion was made by COMMISSIONER and seconded by COMMISSIONER.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

I, Kirk Girard, Secretary to the Planning Commission 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 Commission at a meeting held on the date noted above.

Kirk Girard, Director of Community Development Services By:_____
Betty Webb, Clerk

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT AND SPECIAL PERMITS ARE CONDITIONED UPON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE FULFILLED BEFORE A BUILDING PERMIT MAY BE ISSUED:

1. The applicant shall obtain an approved Sewage Disposal System Permit from the Division of Environmental Health.

2. The applicant shall apply for and obtain an encroachment permit from the Department of Public Works. The permit shall require the driveway entrance to be surfaced with asphalt concrete or portland cement concrete to County standards. The driveway must intersect the County roadway at a 90 degree angle and must not exceed 2% grade in the first 25 feet. The paved area shall extend a minimum of 25 feet from the edge of the existing roadway pavement and be flared a minimum of 30 feet at the intersection with the County road.

   No retaining walls are allowed within the County right of way. Site visibility must be maintained at the driveway entrance in conformance with County Code. All building elevations and lot grades shall be established on-site prior to the start of lot excavation in order to ensure compliance with encroachment permit requirements. The applicant shall be responsible to correct any drainage problems to the satisfaction of the Department of Public Works. A surfaced swale shall be required at the road edge to allow drainage to flow across the approach. **No culvert will be allowed under this driveway approach.**

3. A total of four (4) non-tandem, independently accessible parking spaces shall be constructed on-site prior to occupancy of the dwelling unit or before a "final" is issued for the Building Permit. The parking layout shall conform to the approved site plan and shall be developed to the satisfaction of the Department of Public Works. **The location of all on-site parking spaces shall appear on the final Building Division Plot Plan.**

4. The applicant shall:

   a) use dust control techniques when excavating to minimize dust problems on adjacent parcels,

   b) re-vegetate all disturbed areas prior to winter rain, and

   c) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.

   The plot Plan submitted for the Building Permit shall indicate that all ground bared during construction shall be landscaped and/or seeded and mulched prior to October 15th.

5. All development shall be in conformance with the approved plot plan.

On-going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. Applicant will maintain erosion control as specified in §3432(8) of the Framework Plan, utilize "Best Management Practices" and adhere to the mitigation measures identified in Conditions of Approval #1 above.

2. Alteration to natural landforms shall be minimized.

3. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. All outdoor lighting for the second unit shall be subordinate to the primary unit's outdoor lighting.

4. The Department of Public Works does not permit gates across private access roads and driveways (fronting County maintained roadways) without review and approval. Gates shall not create a traffic hazard and must provide an appropriate turnaround in front of the gate. All gates shall be set back at least 25 feet from existing edge of County road. Existing gates shall be evaluated for conformance.

Informational Notes:

1. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

   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.

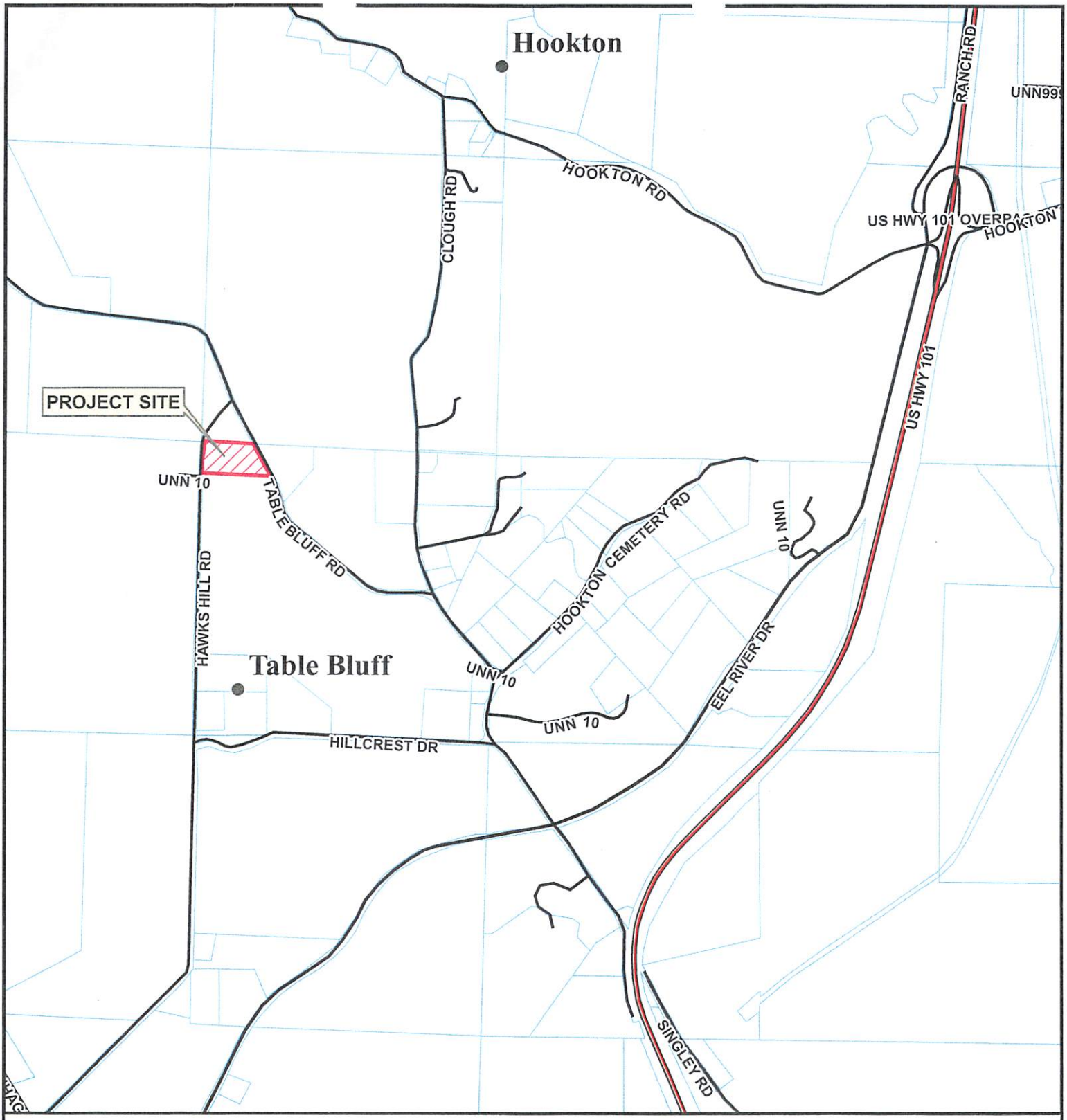
3. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

4. The January 1, 2004 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts which describe that document are available from the Planning Division.

5. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139 of the Humboldt County Code (H.C.C.) 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.

6. Any exported fill shall be placed on an approved site. **Note: Fill placed inside the Coastal Zone requires a Coastal Development Permit.**

7. No major vegetation removal is authorized by this Coastal Development Permit.



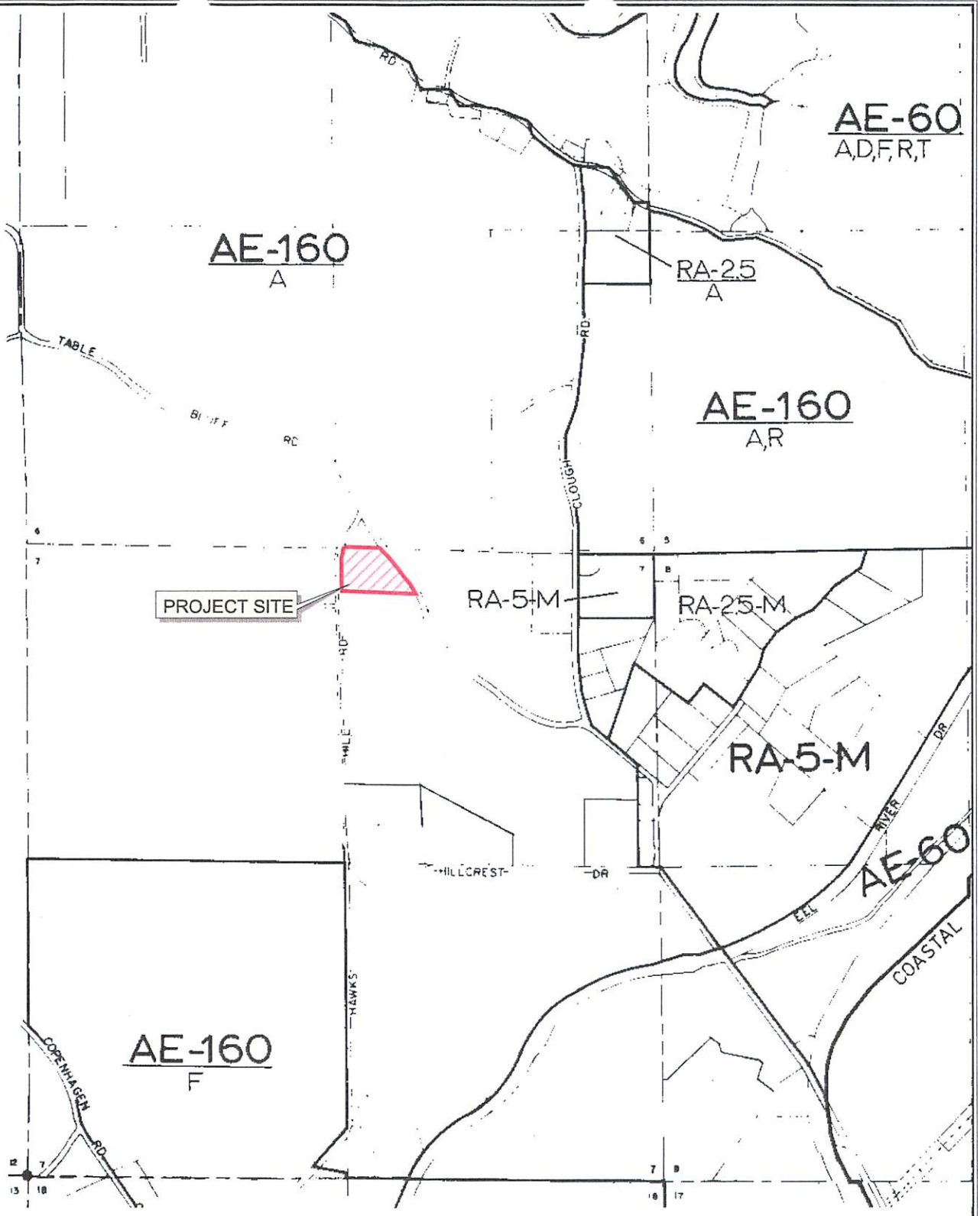
LOCATION MAP

Project Site =

PROPOSED MARTIN
COASTAL DEVELOPMENT PERMIT
LOLETA/TABLE BLUFF AREA
CDP-07-03
APN: 308-241-38
T03N R01W S07 H B & M

N

0 500 1,000 1,500 2,000 Feet



PROJECT SITE =

ZONING MAP

PROPOSED MARTIN
COASTAL DEVELOPMENT PERMIT
LOLETA/TABLE BLUFF AREA
CDP-07-03
APN: 308-241-38
T03N R01W S07 H B & M

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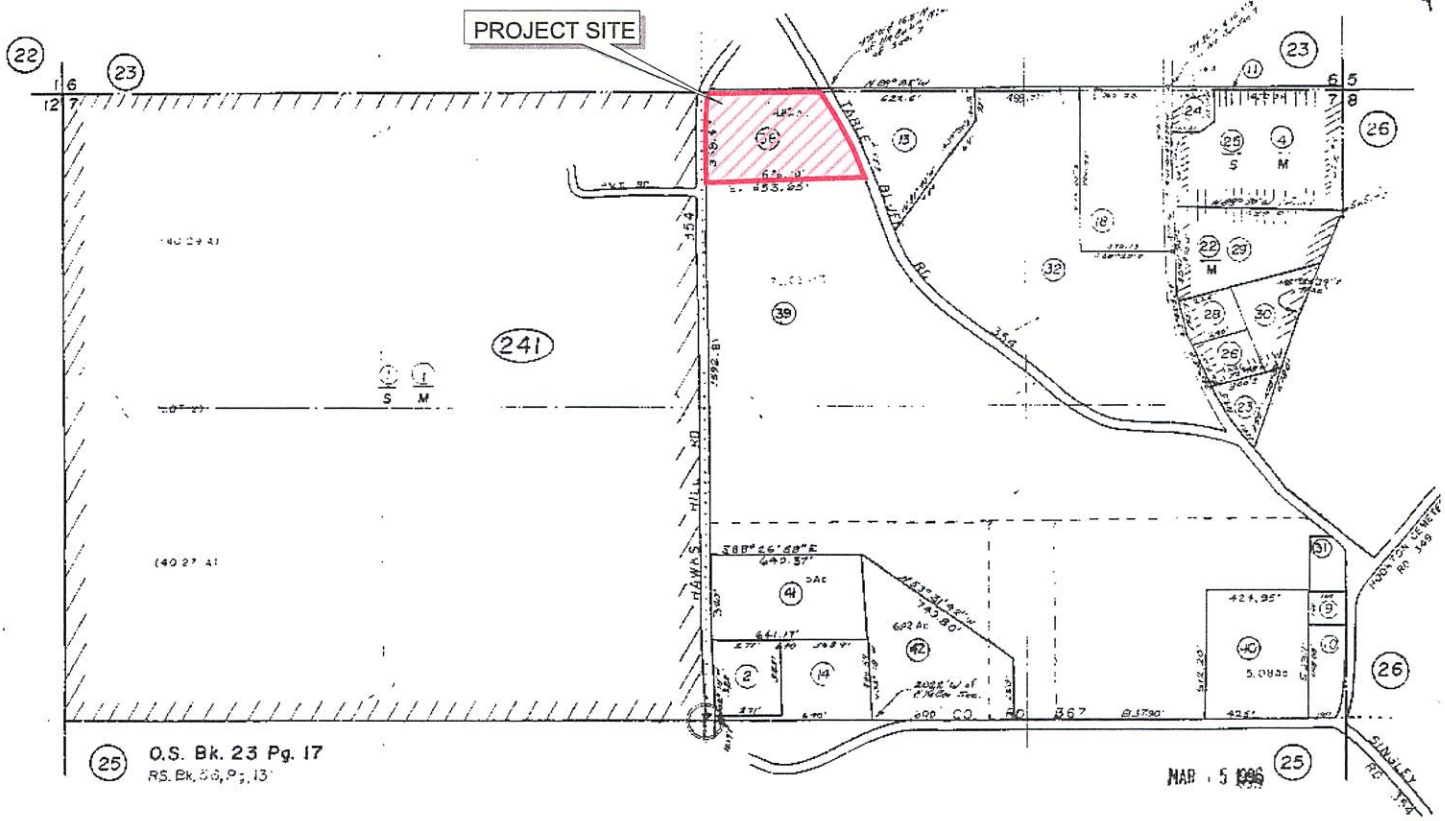
MAP NOT TO SCALE

308–24

PTN SECS 6,7 & 8 3N 1W



PROJECT SITE =

ASSESSOR PARCEL MAP

PROPOSED MARTIN
COASTAL DEVELOPMENT PERMIT
LOLETA/TABLE BLUFF AREA
CDP-07-03
APN: 308-241-38
T03N R01W S07 H B & M

MAP NOT TO SCALE

ATTACHMENT 1
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 Coastal Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit and Special 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; and

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. 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. GENERAL PLAN CONSISTENCY: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Framework Plan (FP) and 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/Grazing specifying a 160 acre minimum lot size (AEG160). Principal uses include residences incidental to agricultural use.	This project involves the development of a single-family residence, attached garage, detached barn, and septic system on an approximately 4.3 acre parcel. Residential uses in support of agricultural uses are principally allowed.
Housing: §3.26 (ERAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The project is consistent with the Humboldt County Housing Element because it will result in the addition of a dwelling unit to the County's housing inventory.
Hazards: §3.28 (ERAP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	The property is located in an area of low instability. The building inspector recommended approval, and indicated that building permits would be required for the proposed structures and grading. The property is located within a moderate fire hazard area. The California Department of Forestry and Fire Protection (CAL FIRE) and the Loleta Fire Protection District (LFPD) recommended conditional approval of the project. Cal Fire's response contained the standard recommendations for development. The area is located within an area of minimal flooding (Zone C) according to FIRM Map # 060060 0940 B. All other referral agencies have recommended approval or conditional approval of the project.

Biological Resource Protection: §3400 (FP) §3.40 (ERAP)	To protect designated sensitive and critical resource habitats.	Based on the County's resource protection maps, previous development projects in the area and ongoing consultation with the United States Fish & Wildlife Service (USFWS), it was determined that there may be sensitive and critical resource habitats in the vicinity. The California Natural Diversity Database (CNDDB) shows the parcel to be firmly within the range of the Siskiyou Checkerbloom and at the edge of the range for Point Reye's Birds'-Beak. Additionally, a population of Western Lily is known to be located on a nearby parcel immediately west of the property and Hawks Hill Road. In consultation with Dave Imper of the United States Fish & Wildlife Service, a site visit was performed on June 30, 2007, prior to application. The site visit was conducted during the appropriate season to detect both Western Lily and Checkerbloom and it was determined that no Lily or checkerbloom habitat was present on the property. The project was referred to USFWS during Coastal review and was recommended for approval.
Cultural Resource Protection: §3.29 (ERAP)	New development shall protect cultural, archeological and paleontological resources.	An informational note has been added to the Conditions of Approval regarding legal requirements should ground-breaking activities reveal presence of archaeological resources or human remains. Both the North Coast Information Center and the Wiyot Tribe recommended approval of this project.
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/scenic area. Additionally, the subject parcel is not located adjacent to, or along the ocean or any public recreation areas. Therefore, the proposed project will not adversely impact the scenic and visual qualities of coastal areas.

2. <u>The proposed development is consistent with the purpose of the existing zone in which the site is located.</u> The following table identifies the evidence which supports finding that the proposed development is in consistent with the purpose(s) of the existing zone(s) in which the site is located.

ZONE	Purpose	Finding in Support of
313-16.1 A: Archaeological Resource Area Outside Shelter Cove	The purpose of these regulations is to provide for reasonable mitigation measures where development would have an adverse impact upon archaeological and paleontological resources.	The project was referred to NCIC and the Wiyot Tribe for comment. The Wiyot Tribe and NCIC recommended approval. An informational note has been included with the Conditions of Approval which advises the owner of their responsibility to stop all work and contact an archaeologist in the event that cultural resources are discovered during ground disturbing activities.

3. <u>The proposed development conforms with all applicable zoning regulation requirements.</u> 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
§313-7.1 Agricultural Exclusive Zone	Principally permitted uses include: general agriculture, timber production, minor utilities and single family residential when incidental to an agricultural use.	As indicated above, the proposed development is considered a principally permitted use per Humboldt County Code Section 163.1.9.9 but remains appealable to the California Coastal Commission. The proposed improvements will not preclude future and ongoing agricultural use of the property. The development has been situated closer to the perimeter of the property, thus preserving the greatest amount of open pasture. In order to protect the agriculturally zone properties from nuisance complaints, the owner's have signed a copy of the County's "Right to Farm" declaration.
§313-6.1 Development Standards		
Minimum Parcel Size	160 acres.	4.8 acres.
Maximum Density	One dwelling unit per legally created lot.	One dwelling unit is proposed.
Maximum Lot Depth	None Specified	Approximately 574 feet (avg.).
Minimum Yard Setbacks per Zoning:	30 foot setbacks are required for development in the State Responsibility Area.	<u>Front</u>: 100 ± feet and 245 ± feet <u>Sides</u>: 30 feet and 2,130 ± feet
Maximum Ground Coverage	None Specified	Approximately 3.2 %
Maximum Structure Height	None Specified	The proposed structure will be no taller than 35 feet.
SEE SECTION 2 ABOVE FOR EVIDENCE SUPPORTING ADHERENCE TO THE A COMBINING ZONE.		

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 reviewing referral agencies have approved the proposed development. The use is principally permitted in the zone and the applicant has demonstrated compliance with all development standards. The development of a driveway to a publicly maintained road (Hawks Hill Road) is proposed as a part of this project. The building site meets all setbacks. Conditions of project approval call for use of best management practices to control both on and off-site erosion. Adequate parking has been demonstrated consistent with the intended use and occupancy. Based on the foregoing, no direct physical impacts on properties or improvements in the vicinity are anticipated.
§15303 of CEQA	Categorically exempt from State environmental review.	Class 3, Section 15303(a); New Construction or Conversion of Small Structures. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.

ATTACHMENT 2
Applicant's Evidence In Support of the Required Findings

Attachment 2 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]
- Grant Deed [in file]
- Site Photos [in file]
- Declaration of East Ranch Water System Maintenance Association [in file]
- Plot Plan [enclosed with maps]
- Project Description [in file]
- "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" (Right to Farm) [in file]

ATTACHMENT 3
Referral Agency Comments and Recommendation

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Conditional Approval		✓
County P/W, Land Use Division	✓	Conditional Approval		✓
Department of Environmental Health	✓	Approval		✓
California Coastal Commission		No Response		
Department of Fish & Game	✓	Approval		✓
California Department of Forestry & Fire Protection	✓	Conditional Approval		✓
Loleta Fire Protection District	✓	Approval		✓
NCIC	✓	Approval		✓
Wiyot Tribe	✓	Approval		✓