



COUNTY OF HUMBOLDT

For the meeting of: 11/7/2024

File #: 24-1554

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Lynnette Chen Coastal Development Permit
Assessor's Parcel Numbers: 017-192-006
Record Numbers: PLN-2024-19041
Eureka area

A Coastal Development Permit (CDP) for a repair of a damaged leach fields and tree removal of approximately 60 trees for structure protection for the existing residence and pump house for Humboldt Community Services District (HCSD).

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt resolutions (Resolution 24-__), (Attachments 1) which does the following:
 - a. Finds that the proposed project complies with the Humboldt Bay Area Plan and Zoning Ordinance; and
 - b. Finds the project exempt from CEQA pursuant to Section 15302(c) (Replacement or Reconstruction) and 15304 Minor Alterations to Land 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 Coastal Development Permit subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project is in the Eureka area, on the west side of Mitchell Road, approximately 400 feet northeast of the intersection of Mitchell Road and Lentell Road, on the property known as 3800 Mitchell Road.

Present General Plan Land Use Designation:

Rural Residential (RR), Humboldt Bay Area Plan (AP); Density: 1 unit per 2.5 acres; Slope Stability: Low Instability (1).

Present Zoning:

Rural Residential Agriculture, Flood Hazard Areas, and Streams and Riparian Corridors Protection (RA-5/F,R))

Environmental Review:

CEQA Exemption Section: 15302(c) - Replacement or Reconstruction., 15304 Minor Alterations to Land.

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major Concerns:

None.

Executive Summary:

A Coastal Development Permit (CDP) for a repair of a damaged leach field and tree removal of approximately 60 trees for structure protection for the existing residence and pump house for Humboldt Community Services District (HCSD).

The tree removal component is necessary for the purpose of house protection. The trees proposed for removal are clumped together in growth, with some tree growing in towards the house as opposed to straight up. Other trees are growing from stumps that are partially rotted and unstable, as opposed to roots.

A functional OWTS is required for the existing use of the parcel. The proposed project is principally permitted as a minor utility to serve the existing, principally permitted residence on site. The proximity of the leach field to the house means are too close to the house must be removed over the existing and reserve leach field; replacement of the leach field can only be done after the trees have been removed.

Public Comment

The project is being brought before the Planning Commission due to public comment received on September 30, 2024, requesting a public hearing. Comment received is summarized below and is included as Attachment 4.

- Deforestation, ecological fallout, and total destruction of their neighborhood.

Staff Response

Per the biological assessment, the trees are not considered Environmentally Sensitive Habitat Area (ESHA) or otherwise of a protected status. Additionally, the proposed projects intent is house protection and leach field protection by removing hazard trees and by maintaining a healthy forest. Per the forester's recommendation, removing these trees will cease "stem exclusion" in which smaller trees are being outcompeted and larger trees achieving canopy dominance. This will increase the health of the forest.

The trees range in size from 10 to 40 DBH, however the larger ones, including the listed 40" dbh tree is actually a collection of smaller trees that are competing against each other. These trees are growing in a cluster in which the dominate tree will eventually outcompete the other trees. Other groups of trees are growing from stumps that are partially rotted and unstable. Additionally, a few select trees are growing lopsided and towards the house as opposed to growing straight up.

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

Biological Resources: According to the California Natural Diversity Database (CNDDDB), the parcel is located within the range of *Lilium occidentale* (western lily) and *Carex praticola* (northern meadow sedge). The project is not expected to negatively impact these species. The project was referred to the California Department of Fish and Wildlife, and they requested that the tree removal occur outside of nesting season (generally March 15- August 15). A Biological Assessment was prepared on July 18, 2024 which concludes, regarding the western lily and northern meadow sedge, that "No such species were found based on floral or foliar characteristics; thus, no botanical surveys are recommended prior to project activity. The trees that will be removed are not ESHA. Per the Biological Assessment, no impacts to special status species are anticipated from the project activity.

Geologic Suitability: The subject parcel is located in an area of low geologic instability. It is not located within an Alquist-Priolo Fault Hazard Zone, within an area of potential liquefaction, or within an area with mapped historic landslides. The subject parcel is not located within in any flood zone, tsunami hazard zone, or is susceptible to coastal inundation. The subject parcel is located within a moderate fire hazard severity zone within the State Responsibility Area for fire protection. The parcel is within County Service Area #1 operated by CALFIRE who provides structural fire protection. No increased threats to hazards are anticipated as a result of the project. Removal of the trees will improve fire safety on the parcel.

Tribal Consultation: The project was referred to the NWIC, Blue Lake Rancheria, Bear River, and the Wiyot Tribe. The NWIC responded stating that an archaeological study is recommended as well as contact the local Native American tribes with which the subject parcel resides in their jurisdiction. Blue Lake Rancheria, Bear River, and the Wiyot Tribe responded requesting that the standard

inadvertent discovery protocol be added as a Condition of Approval.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comments, comments, or recommended approval or conditional approval. (**Attachment 5**).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete other 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 Plan
2. Applicant's Evidence in Support of the Required Findings
 - A. Biological Study
 - B. Addendum to Biological Study
3. Referral Agency Comments and Recommendations
 - A. California Coastal Commission
 - B. CDFW

APPLICANT AND OWNER INFORMATION:

Applicant

Lynette Chen
3800 Mitchell Road
Eureka, CA 95503

Owner

Same

Agent

Humboldt Tree Craft
Levi Cope
1230 Port Kenyon Rd.

File #: 24-1554

Ferndale, CA 95536

Please contact Derek Wiles, Planner, at dwiles@co.humboldt.ca.us or 707-445-7541 for questions about the scheduled item.