



# COUNTY OF HUMBOLDT

For the meeting of: 2/1/2024

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File #: 24-161

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**To:** Zoning Administrator  
**From:** Planning and Building Department  
**Agenda Section:** Consent

**SUBJECT:**

Barbara Benson Coastal Development Permit and Special Permit for Major Vegetation Removal and Accessory Residential Development.  
Record Number: PLN-2023-18299  
Assessor Parcel Number: 511-061-013-000  
McKinleyville Area

The applicant is seeking a Coastal Development Permit and Special Permit for after-the-fact Major Vegetation Removal in the Coastal Zone. The application is a response to a Code Enforcement violation (CE22-1606). The proposed project includes revegetation of recently disturbed lands due to the major vegetation removal. Additionally, a Coastal Development Permit and a Special Permit is required for the construction of an accessory structure that is greater than 15' in height or greater than 1,000 square feet of gross floor area. The applicant proposes the construction of a new animal enclosure that will be no greater than 2,000 square feet and no greater than 15 feet tall, and a new fence, the repair of an existing fence, existing patio, and the house's roof, and landscaping for a new pasture, all of which would be accessory to the existing, permitted single-family residence. The final location of the animal enclosure will be determined during the building permit process. The parcel is served by the McKinleyville Community Services District and PG&E. Trees were cut down prior to application for a permit, and two additional trees are proposed for removal. No grading is proposed.

**RECOMMENDATION(S):**

That the Zoning Administrator:

1. Adopt the resolution (Attachment 1) which does the following:
  - a. Finds the proposed project complies with the McKinleyville Area Plan and Zoning Ordinance; and
  - b. Finds the project exempt from CEQA pursuant to Sections 15301(h) (Existing Facilities), 15303(e) (New Construction or Conversion of Small Structures), and Section 15304(b) (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

2. Approves the Coastal Development Permit and Special Permit subject to the recommended conditions of approval (Attachment 1A).

**DISCUSSION:**

**Project Location:**

The project site is located in the McKinleyville area, on the west side of Letz Road, approximately 250 feet south of the intersection of Airport Road and Letz Road, on the property known as 3412 Letz Road.

**Present General Plan Land Use Designation:**

Residential Estates (RE) in the McKinleyville Area Local Coastal Plan; Density: 0 to 2 dwelling units per acre; Slope Stability: Relatively Stable (D0)

**Present Zoning:** Residential Single-Family, No Further Subdivision Allowed, Airport Safety Review, Alquist-Priolo Fault Hazard, and Noise Impact (RS-X/AP,G,N)

**Environmental Review:**

Project is exempt from environmental review per CEQA Section 15301(h) (Existing Facilities), 15303 (e) (New Construction or Conversion of Small Structures), and Section 15304(b) (Minor Alterations to Land)

**State Appeal:**

Project is appealable to the California Coastal Commission.

**Major concerns:**

None

**Executive Summary:** The applicant is seeking a Coastal Development Permit and Special Permit for after-the-fact Major Vegetation Removal in the Coastal Zone. The application is a response to a Code Enforcement violation (CE22-1606). The applicant entered into a Compliance Agreement with the County on May 25, 2023. The proposed project includes revegetation of recently disturbed lands due to the major vegetation removal. Additionally, a Coastal Development Permit and a Special Permit is required for the construction of an accessory structure that is greater than 15' in height or greater than 1,000 square feet of gross floor area. The applicant proposes the construction of a new animal enclosure that will be no greater than 2,000 square feet and no greater than 15 feet tall, and a new fence, the repair of an existing fence, existing patio, and the house's roof, and landscaping for a new pasture, all of which would be accessory to the existing, permitted single-family residence. The final location of the animal enclosure will be determined during the building permit process. The parcel is served by the McKinleyville Community Services District and PG&E. Trees were cut down prior to application for a permit, and two additional trees are proposed for removal. No grading is proposed.

**Site History:**

The County initially investigated the Code Enforcement complaint on July 7<sup>th</sup>, 2022. Notices were

served May 16<sup>th</sup>, 2023 and a Compliance Agreement was Signed on May 25,2023. The County received the permit application on August 15, 2023.

The Applicant removed approximately 24,656 square feet of vegetation. A Biological Assessment prepared by LACO Associates (Attachment 3A) concluded that 15 trees were removed. Based on the greater composition of vegetation on site, the Assessment determined that ten (10) of the trees were non-native species and five (5) of the trees were native tree species.

Revegetation Details:

The County proposes to require the applicant revegetate 8,218 square feet of the parcel with native plants to maintain consistency with the McKinleyville Area Local Coastal Plan's Coastal Act Goals and Policies to protect, maintain and, where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and manmade resources. As major vegetation removal occurred without proper permits and discretion, the applicant should revegetate 8,218 square feet with native plants (Condition 4). The applicant originally requested the County not require revegetation and requested that the County permit the development of an enclosure for equine animals, the cultivation of a grazing pasture, and the construction of fences across the parcel. Their justification was that the trees failed to self-prune and became difficult to maintain, causing visual blight. In conversation, the applicant offered to replant other plant species to enhance the property.

CDFW supports the alternative revegetation plan with certain requirements. As a condition of approval, a revegetation plan shall be submitted prior to the issuance of building permits. Revegetation shall be initiated and reviewed by a botanist within 90 days of the completion of the construction of accessory structures (Condition 6). The removal of two additional trees is proposed and may be permitted provided it only occur pursuant to CDFW's requirements for tree removal to only occur outside of migratory nesting bird season. (Condition 5).

CDFW recommended the applicant replant the native trees 1:1 with locally appropriate tree species, a selection of native shrubs, **or** native grasses (Condition 4), which would provide a greater habitat heterogeneity as well as potential landscaping benefits. They recommended reaching out to the North Coast California Native Plant Society for assistance. Additionally, they wanted to ensure no plantings were invasive plant species. All proposed plants shall be obtained from local genetic stocks from within Northern California and the Pacific Northwest (Condition 4). Again, they recommended reaching out to the North Coast CNPS for a list of appropriate species. These recommendations are included in the Conditions of Approval 4 and contact information is available in Informational Note 2.

LACO recommended the ten (10) non-native trees that were removed should be replaced with a 1:1 ratio of native tree species, and the five (5) native trees that were removed should be replaced with a 2:1 ratio of native trees. These recommendations will not be required as the applicant has requested approval of an alternative plan and CDFW has indicated support for the alternative plan, which is required as a condition of approval. They also recommended new plantings should be observed by a qualified botanist immediately after planting, and that the vitality of the revegetated areas be witnessed yearly for five (5) years after planting (Condition 6). Additionally, they recommended a survival report be submitted to the County Planning and Building department at the end of five (5) years. The County

chose to require two (2) years of monitoring and a report at the end of that period inquiring about a 90% success rate. If the success rate is less than 90%, additional planting, monitoring, and reporting will be required (Condition 7).

Accessory Development and Animal Keeping Accessory Use:

The applicant proposes the construction of a new animal enclosure that will be no greater than 2,000 square feet and no greater than 15 feet tall, and a new fence, the repair of an existing fence, existing patio, and the house's roof, and landscaping for a new pasture, all of which would be accessory to the existing, permitted single-family residence. Because the animal enclosure is going to be greater than 1,000 square feet, the Humboldt County Code requires a Special Permit for its development.

The development is intended to support the principally permitted 'Animal Keeping' accessory use allowed in the Humboldt County Code (HCC Section 313-43.3). To keep large equine animals, the minimum lot size shall be one (1) acre. Maximum animal density is two animals plus one animal for each additional 20,000 square feet of lot area. Total animal density for a 3.81-acre parcel is 8 animals.

The proposed animal enclosure shall be set back the following distances:

- a. 50 feet from dwellings;
- b. 50 feet from front lot line;
- c. 20 feet from side lot line;

Although the proposed animal enclosure is connected to the larger fenced area, animals on site are not allowed to roam in that area without supervision (Condition 8).

Violation (CE22-1606):

On June 6, 2022, County Code Enforcement began investigating a reported violation on the property. Code Enforcement determined there were two violations on the property, the first being Major Vegetation Removal without permits and the second being Development in the Coastal Zone without permits. Tree and Vegetation Removal was estimated to be a total area 24,656.5 sqft. The development which occurred was the Major Vegetation Removal. The issuance of PLN-2023-18299 is the prescribed corrective action required to resolve the violations.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have provided standard comments, recommended approval, or conditional approval (Attachment 4).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; or
2. The Zoning Administrator could elect to add or delete conditions of approval; or
3. The Zoning Administrator could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval.

Consequently, planning staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
  - A. Conditions of Approval
2. Site Plan
3. Applicant's Evidence in Support of the Required Findings
  - A. Biological Assessment
4. Referral Agency Comments and Recommendations

APPLICANT AND PLANNER INFORMATION:

Applicant

Barbara Benson  
3412 Letz Rd  
McKinleyville, CA 95519

Owner

Same as Applicant

Please contact Collin Slavey, Assistant Planner, at 707-445-7245 or by email at [cslavey@co.humboldt.ca.us](mailto:cslavey@co.humboldt.ca.us), if you have any questions about the scheduled item.