



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: November 4, 2021

To: Humboldt County Zoning Administrator

From: John H. Ford, Director of Planning and Building Department

Subject: **Morais, Coastal Development Permit for new agricultural well, PLN-2021-17100**
Application Number PLN-2021-17100
Case Numbers PLN-17100
Assessor's Parcel Number (APN) 508-041-001
1335 Silva Road, McKinleyville

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Please contact Logan Shine, Contract Planner, at 707-671-6844 or by email at Logan@landlogistics.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 4, 2021	Subject Morais Agriculture Well, Coastal Development Permit, PLN-2021-17100	Contact Logan Shine, Contract Planner
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Project Description: Application for a Coastal Development Permit to develop a new agricultural well. The 18.64-acre subject parcel is zoned Agricultural Exclusive (AE 60) and is developed with one residential structure and one barn. The proposed new well is located near an old agricultural well located at the center of the property. No additional development is proposed at this time. The parcel is held in Trust with a number of other contiguous parcels along Silva Road consisting of approximately 200 acres between US-101 and Mad River. A separate Coastal Development Permit (PLN-2021-17071) is being requested for a similar proposal on lands held in common with the subject property (APN 507-283-001).

Project Location: This project is located in McKinleyville area, on the north side of Silva Road, approximately 3,000 feet West from the intersection of US-101 South and Silva Road, on the property known as 1335 Silva Road.

Present Plan Land Use Designations: Agriculture Exclusive Prime (AEP), Density: Range is 20 to 60 acres per unit, Natural Resources (NR); McKinleyville Area Plan (McKAP), 2017 General Plan, Slope Stability: Relatively Stable (0)

Present Zoning: Agriculture Exclusive (AE 60); Archaeological Resource (A), Flood Hazard Area (F), Stream/Riparian Area (R)

Record Number: PLN-2021-17100

Case Numbers: PLN-2021-17100

Assessor's Parcel Number(s): 508-041-001

Applicant

Morais Properties California
General Partnership
1364 Silva Road
McKinleyville, CA 95519

Owner

Manuel A. Morais Trust
1364 Silva Road
McKinleyville, CA 95519

Agents

Rich Well Drilling
1251 Railroad Drive
McKinleyville, CA 95519

Environmental Review: Project is exempt from environmental review per Section 15303(d) – New Construction or Conversion of Small Structures, of the CEQA Guidelines.

State Appeal Status: Project is appealable to the California Coastal Commission.

Major Issues: None

Morais, Coastal Development Permit, PLN-2021-17100

Record Number: PLN-2021-17100

Assessor's Parcel Number: 508-041-001

Recommended Zoning Administrator 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:

Find the project exempt from environmental review pursuant to Section 15303(d) of the State CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit, PLN-2021-17100, based on evidence in the staff report, and adopt the Resolution approving the Morais project subject to the recommended conditions.

Executive Summary: A Coastal Development Permit (PLN-2021-17100) is being requested to authorize the installation of an agricultural well on a 41.43-acre parcel. The parcel is developed with a single-family residence, and existing barn. Residential development is served by onsite septic. The parcel is adjacent to a Streamside Management Area (SMA) at the western boundary. No additional development is proposed.

RECOMMENDATION: 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 approval of the Coastal Development Permit.

ALTERNATIVES: Several alternatives may be considered: 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; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are 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.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number PLN-2021-17100
Assessor's Parcel Number: 508-041-001**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Coastal Development Permit, PLN-2021-17100.

WHEREAS, on behalf of the Manuel A. Morais Trust, Stuart Dickey of Rich Well Drilling submitted an application and evidence in support of approving a Coastal Development Permit for the installation of an agriculture well on an approximately 41.43-acre parcel in the McKinleyville area (APN 508-041-001); and

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 Section 15303(d) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on November 4, 2021, and reviewed, considered, and discussed the application for a Coastal Development Permit, PLN-2021-17100, and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Coastal Development Permit, PLN-2021-17100, to authorize the installation of an agricultural well on an approximately 41.43-acre parcel.

EVIDENCE: a) Project File: PLN-2021-17100
- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with.

EVIDENCE: a) Project is exempt from environmental review per Section 15303(d) – New Construction or Conversion of Small Structures, of the CEQA Guidelines

FINDINGS FOR THE COASTAL DEVELOPMENT PERMIT, PLN-2021-17100

- 3. FINDING** The proposed development is in conformance with the County General Plan.

EVIDENCE a) This land use designation, Agriculture Exclusive (AE), applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. Residential subdivision is not supported. Residential uses must support agricultural operations. Density range is 20-60 acres/unit. The current uses include residential and agricultural; the parcel is developed with a single-family residence with attached garage, served by an onsite septic system, and an existing barn. The proposed agriculture well will allow for continued agricultural production. Therefore, the project is in conformance with the County General Plan.

- 4. FINDING** The proposed development is consistent with McKinleyville Area Local Coastal Plan (McKAP).
- EVIDENCE**
- a) The land use designation for the parcel within the McKAP conforms with the General Plan land use designation.
 - b) The McKAP Section 3.34-30241 states: The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy and conflicts shall be minimized between agricultural and urban land uses...
- 5. FINDING** The proposed development is consistent with the purposes of the existing Agriculture Exclusive: 60 acres minimum parcel (AE-60), Archaeological Resource Area Outside of Shelter Cove (A), Flood Hazard Areas (F), and Streams and Riparian Corridor Protection (R) of the proposed zone.
- EVIDENCE**
- a) The current uses include residential and agricultural; the parcel is developed with a single-family residence and attached garage served by an onsite septic system, and an existing barn. No additional development is proposed at this time. General Agriculture is a principally permitted use in the AE zone (Sec. 313-7.1). Reasonable mitigation of archaeological and paleontological resources satisfied through agency referrals as required in the A combining zone (Sec. 313-16.1.5.1). New agriculture wells are allowed permitted developments in the F combining zone (Sec. 313-21.1.5). Wells are a permitted use in the R combining zone (Sec. 33.1.7.2.3).
 - b) A condition of approval has been included to address the inadvertent discovery of cultural resources during construction of the proposed agriculture well.
 - c) A condition of approval has been included indicating that the applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
- 6. FINDING** The installation of an agricultural well will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- EVIDENCE**
- a) The proposed agriculture well will continue agricultural use on the parcel and will be beneficial to the public health, safety, and welfare, allowing for continued agricultural operation, and will not be materially injurious to properties or improvements in the vicinity.
- 6. FINDING** The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
- EVIDENCE**
- a) The parcel's General Plan land use designation (AE) and zoning (AE-60, A/F/R) allow residential and agricultural use. The project will not negatively impact compliance with Housing Element law.

DECISION

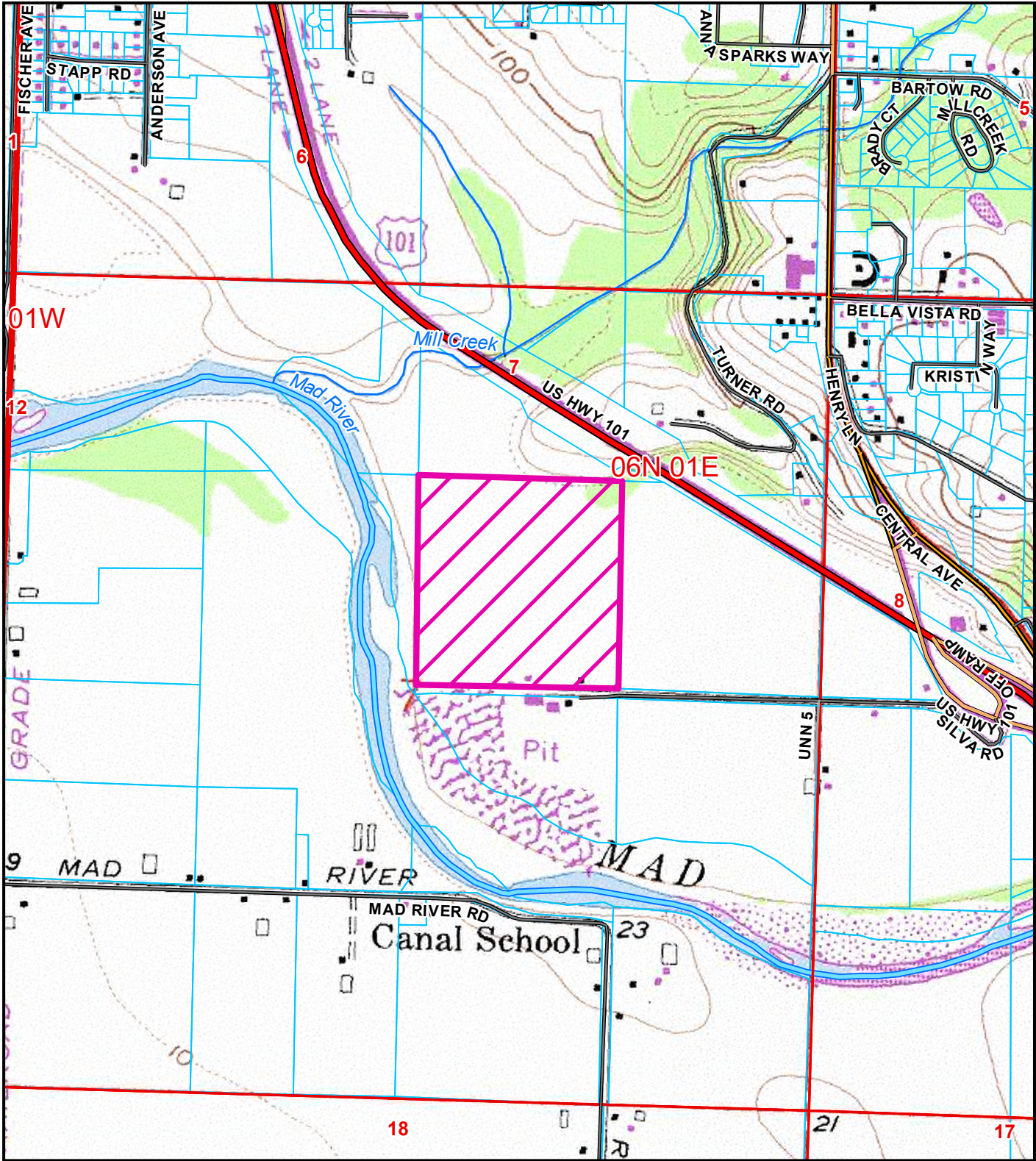
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Coastal Development Permit, PLN-2021-17100, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on November 4, 2021

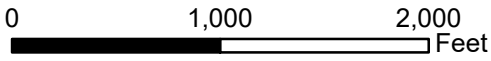
I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John Ford, Zoning Administrator,
Planning and Building Department

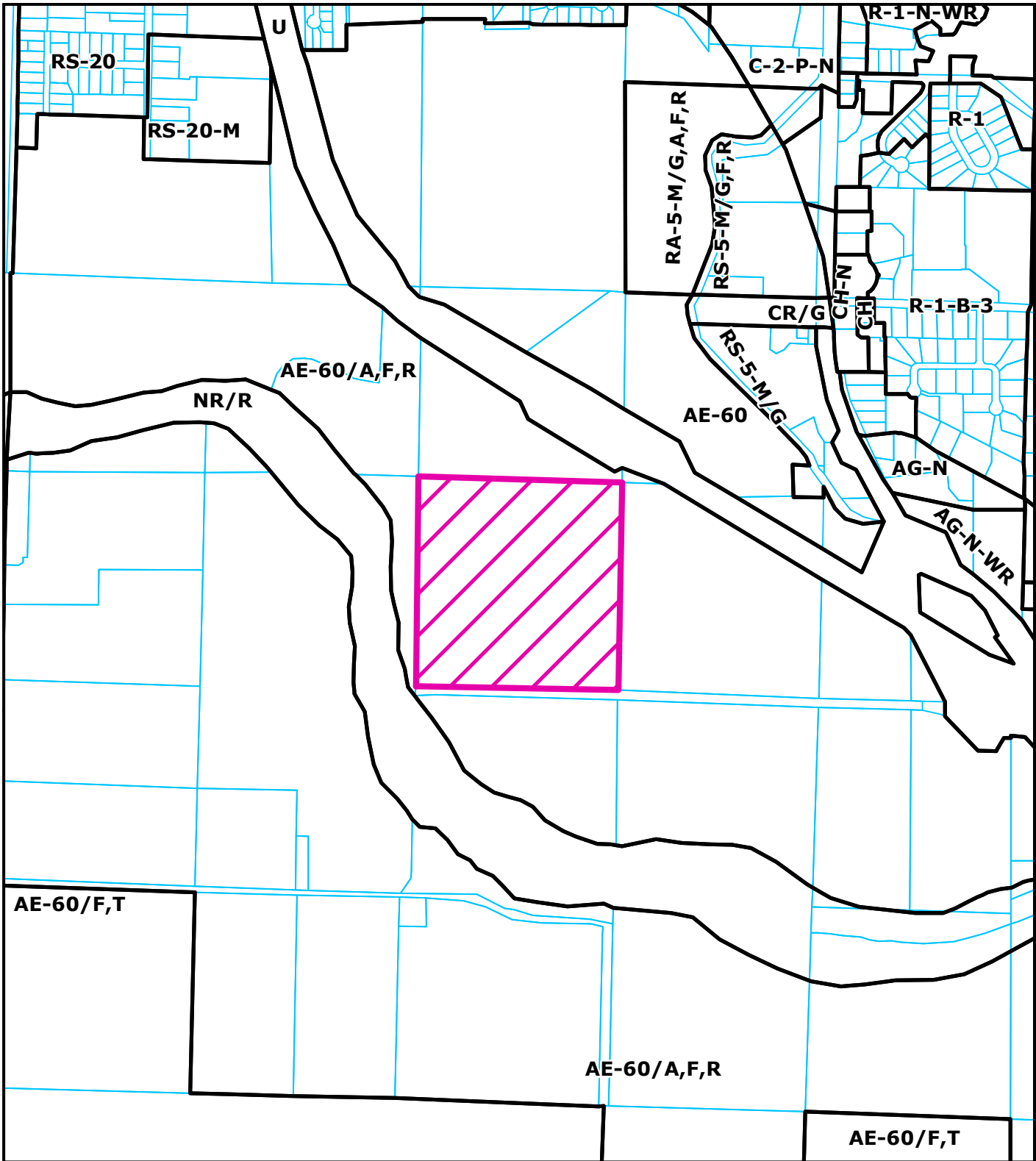


TOPO MAP
PROPOSED MORAIS CDP WELL
MCKINLEYVILLE AREA
PLN-2021-17100
APN: 508-041-001
T06N R01E S7 HB&M (ARCATA NORTH)

Project Area = 

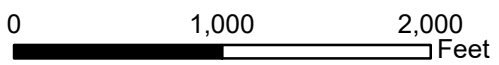


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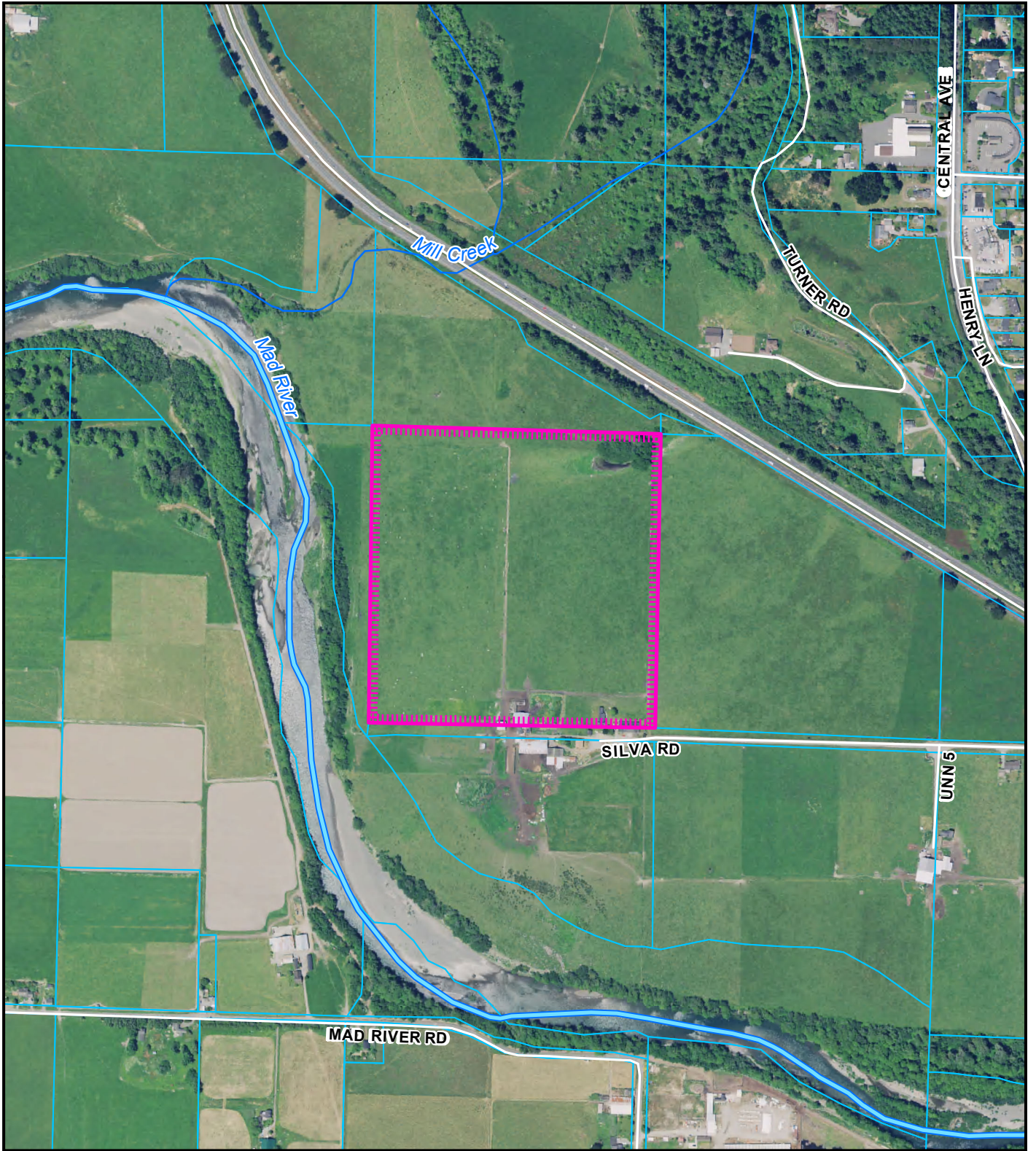


ZONING MAP
PROPOSED MORAIS CDP WELL
MCKINLEYVILLE AREA
PLN-2021-17100
APN: 508-041-001
T06N R01E S7 HB&M (ARCATA NORTH)

Project Area = 



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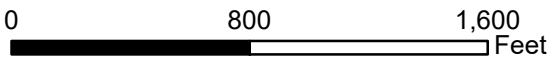


Project Area = 

AERIAL MAP
PROPOSED MORAIS CDP WELL
MCKINLEYVILLE AREA
PLN-2021-17100
APN: 508-041-001
T06N R01E S7 HB&M (ARCATA NORTH)



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



#17100

1335 SILVER RD
McKENZIEVILLE OH 45519

App: 508-041-001



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT, PLN-2021-17100, IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE COASTAL DEVELOPMENT PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials.

If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

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:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location of the proposed agriculture well.
3. Grant Deed. (On file)

ATTACHMENT 3

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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	Location
Arcata	No response		
County Counsel	No response		
Division Environmental Health	✓	Approval	On File
Public Works, Land Use Division	✓	Approval	On File
Supervising Planner	No response		
Building Inspection Division	No response		
McKinleyville CSD	✓	Approval	On File
Arcata FPD	✓	Approval	On File
California Coastal Commission	No response		
California Department of Fish & Wildlife	No response		
California Division of Water Rights	No response		
Bear River Band	✓	Conditional Approval	On File
Blue Lake Rancheria	✓	Conditional Approval	On File
NWIC	✓	Conditional Approval	On File