

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 24-

Record Number: PLN-2023-18856

Assessor Parcel Numbers: 402-032-002 and 402-032-035

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the SN Indianola Coastal Development Permit and Special Permits.

WHEREAS, SN Indianola LLC, Co. submitted an application and evidence in support of approving a Coastal Development Permit for the after-the-fact tree removal associated with a 10% Dead, Dying, or Diseased Tree CALFIRE exemption (1-23EX-00780-HUM) and two associated Special Permits; one for Major Vegetation Removal per Section 313-64.1 of the Coastal Zoning Regulations, and the second for Design Review as required by the Design Review Combining Zone; 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 Planning Division as the Lead Agency has determined that the project qualifies for categorical exemption found in Section 15304 (Minor Alterations to Land) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on April 4, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit and Special Permits, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** A Coastal Development Permit (CDP) and two Special Permits for the after-the-fact tree removal associated with a 10% Dead, Dying, or Diseased Tree CALFIRE exemption (1-23EX-00780-HUM). The exemption allowed for up to 2.2 acres of trees that meet the Dead, Dying, or Diseased criteria to be removed. Tree planting is proposed to improve conifers stocking at approximately 300 trees per acre across approximately 4.5 acres. In total, approximately 1,350 one-year-old redwood trees will be planted across the parcels (Site). The project includes two Special Permits; one for Major Vegetation Removal per Section 313-64.1

of the Zoning Regulations, and the second for Design Review as required by the Design Review Combining Zone. The parcel is not developed, and no additional development is proposed.

EVIDENCE: a) Project File: PLN-2023-18856

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the project exempt from environmental review pursuant to Section §15304 (Minor Alterations to Land) of the State CEQA Guidelines.

EVIDENCE: a) The Class 4 exemption applies to private alterations in the condition of vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

b) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply. However, none of these exceptions apply to the proposed project.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMITS

3. FINDING: The proposed development is in is in conformance with all applicable policies and standards in the Humboldt Bay Area Plan (HBAP).

EVIDENCE: a) A Coastal Development Permit (CDP) and two Special Permits for the after-the-fact tree removal associated with a 10% Dead, Dying, or Diseased Tree CALFIRE exemption (1-23EX-00780-HUM). The exemption allowed for up to 2.2 acres of trees that meet the Dead, Dying, or Diseased criteria to be removed. Tree planting is proposed to improve conifers stocking at approximately 300 trees per acre across approximately 4.5 acres. In total, approximately 1,350 one-year old redwood trees will be planted across the parcels (Site). The project includes two Special Permits; one for Major Vegetation Removal per Section 313-64.1 of the Zoning Regulations, and the second for Design Review as required by the Design Review Combining Zone. The parcel is not developed, and no additional development is proposed. The subject parcels are vacant. The proposed project is in conformance with the purpose and goals of the Rural Residential Land Use designation.

b) The project was referred to the Department of Public Works Land Use Division (PW). PW is requesting that as a condition of

approval all tree plantings shall be outside of the County Road right of way of Indianola Cutoff Road. This has been made a condition of project approval.

- c) The parcels were included in the 2019 Housing Element Inventory with a realistic capacity of 1 unit per 2.5 acres on average. The proposed project would not prevent development of residences on the parcels and would not conflict with the Humboldt County Housing Element.
- d) According to the California Natural Diversity Database (CNDDDB), the parcels are not located within the range of any known special status species. As described in the projects Botany and Wetland Assessment prepared by Hohman and Associates, dated November 29, 2023, no plants considered sensitive, rare, threatened, or endangered (including candidate species) were detected during seasonally appropriate surveys within the boundaries of the Site. Additionally, no wetland or watercourse features were found within the extent of the Site, as surveyed in March and July of 2022. The project was referred to the California Department of Fish and Wildlife (CDFW). On January 2, 2024, a response was received from CDFW providing no comments at this time. Based on the evidence, the project will not have an impact on sensitive or critical resource habitats. The proposed project conforms to the Natural Resource Protection Policies and Standards of the Humboldt Bay Area Plan.
- e) The project was referred to the Northwest Information Center (NWIC), Bear River Band of the Rohnerville Rancheria, the Wiyot Tribe, and the Blue Lake Rancheria. Blue Lake Rancheria responded on December 27, 2023, requesting the inclusion of standard inadvertent discovery protocol as a condition of project implementation, which has been included in the Conditions of Approval.
- f) Surrounding areas include a heavily forested parcel to the east of APN: 402-032-002, residential uses occur along the south end of the Site and along the southeast half of APN: 402-032-035 with Indianola Cutoff Road running along the northeast parcel boundary. The project site is located within the Coastal Scenic Area although the proposed project would not block coastal views to the detriment of the Public. The proposed project will not alter any natural landforms nor impact compatibility with the character of surrounding areas.
- g) There will be no new noise exposure over the existing baseline noise conditions as a result of this project. There is no evidence

that the project will be exposed to noise levels or generate noise levels beyond those established in the General Plan.

- h) Slopes on the Site range from less than 15% up to between 30% and 50% with the majority of the Site depicted as having slopes less than 15% as shown on the Humboldt County WebGIS. The subject Site is located in an area of low instability. The Site is not located within an Alquist-Priolo Fault Hazard Zone and is not located within an area of potential liquefaction. There are no mapped historic landslides onsite. The Site is not located within in a FEMA 100-year or 500-year flood zone, tsunami hazard zone, or are susceptible to coastal inundation. The Site is located within a moderate fire hazard severity zone and within the Local Responsibility Area for fire protection where Humboldt Bay Fire Protection District #1 provides structural fire protection and emergency responses. The project was referred to the Humboldt Bay Fire Protection District #1 and no response was received. No additional development is proposed. No increased threats to hazards are anticipated as a result of the project.
- i) The subject parcel is undeveloped, maintaining a large timber stand with an open space in the central portion of APN: 402-032-002 that will receive the bulk of the approximately 1,350 one-year old redwood trees. The Site is not identified as a location Coastal Access, geologic findings are detailed above under the Zoning Table Hazards section, as described in the Zoning Table Natural Resource Protection Policy and Standards, no wetland or watercourses were identified onsite. No offsite signs are proposed, or any other additional development is proposed. Therefore, the proposed project is anticipated to have no significant impacts on nearby visual or environmental resources. Therefore, staff recommends approval of the Special Permit for Design Review.
- j) The proposed project is for the after-the-fact tree removal associated with a 10% Dead, Dying or Diseased Tree CALFIRE exemption (1-23EX-00780-HUM). Tree planting of approximately 1,350 one-year old redwood trees is proposed across approximately 4.5 acres of the Site. The removal of up to 2.2 acres of tree canopy constitutes major vegetation removal and requires a Special Permit. The purpose of the tree removal was to remove dead, dying, or diseased trees, which will be replaced at a rate of 2:1 with one-year-old redwood trees to improve canopy health. The restocking at a 2:1 ratio will minimize impacts associated with soil erosion from the timber removal. According to the Humboldt County WebGIS, there are no mapped historic

landslides onsite. The Site is not located within in a FEMA 100-year or 500-year flood zone, tsunami hazard zone, or are susceptible to coastal inundation. Restocking will reduce runoff from the timber removal through providing leaf canopies that intercept falling rain. Additionally, tree roots take up water and help create conditions in the soil that promote infiltration. Restocking will increase protection to adjacent trees from wind damage. The proposed project does not preclude the applicant from developing, maintaining and enjoying the subject parcel in the future. Therefore, staff recommends approval of the Special Permit for Major Vegetation Removal.

4. FINDING: The proposed project is consistent with the purposes of the existing Residential Agriculture (RA) zone in which the site is located.

EVIDENCE: a) The proposed after-the-fact project is limited to the 10% Dead, Dying or Diseased Tree CALFIRE exemption (1-23EX-00780-HUM) and tree planting of approximately 1,350 one-year old redwood trees is proposed across approximately 4.5 acres of the Site, which will not conflict with principally permitted uses in the Rural Residential Agriculture zoning district. No additional development is proposed.

5. FINDING: Development permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) The subject parcels have been determined to each be one separate legal parcel created prior to 1964.

6. FINDING: The Project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) Of the referral agencies that have provided comments, all have approved or conditionally approved the project. The proposed project complies with all standards of the zone district which are intended to protect public health, safety, and welfare. Based on staff analysis and the findings made in this report, there is no evidence that the proposed project will be materially injurious to properties or improvements in the vicinity.

7. FINDING: The proposed development does not reduce or modify 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 subject parcels were included in the 2019 County Housing Inventory. The proposed project is for the after-the-fact tree removal associated with a 10% Dead, Dying or Diseased Tree CALFIRE exemption (1-23EX-00780-HUM). No other development is proposed, and the project does not preclude future residential development. The project is consistent with the County's Housing Element.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Coastal Development Permit and Special Permits for SN Indianola LLC, CO. subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **April 4, 2024**.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John Ford, 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.

John Ford, Director
Planning and Building Department