

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

**Resolution Number: 24-081**

**Record Number: PLN-2024-19041**

**Assessor Parcel Number: 017-192-006**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Lynnette Chen Coastal Development Permit.**

**WHEREAS**, Lynnette Chen submitted an application and evidence in support of approving a Coastal Development Permit for the removal of approximately 60 redwood trees ranging in size from 10 inches to 40 inches DBH. The tree removal is required for structure protection for the existing residence and a pump house for Humboldt Community Services District, as well as to provide suitable area for a septic repair. The parcel is developed with a single-family residence, a detached garage and pumphouse. The parcel is served by the Humboldt Community Services District and an on-site wastewater treatment system; 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 15302(c) (Replacement or Reconstruction) and 15304 Minor Alterations to Land of the CEQA Guidelines; and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on November 7, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit, 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 for the removal of approximately 60 redwood trees ranging in size from 10 inches to 40 inches DBH. The tree removal is required for structure protection for the existing residence and a pump house for Humboldt Community Services District, as well as to provide suitable area for a septic repair. The parcel is developed with a single-family residence, a detached garage and pumphouse. The parcel is served by the Humboldt Community Services District and an on-

site wastewater treatment system.

**EVIDENCE:** a) Project File: PLN-2024-19041

**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 proposed project is exempt from environmental review pursuant to Section 15302(c) (Replacement or Reconstruction) and 15304 Minor Alterations to Land of the State CEQA Guidelines.

**EVIDENCE:**

- a) The Class 2 exemption applies to replacement or reconstruction of existing structures and facilities.
- b) The Class 4 exemption consists of minor public or private alterations in the condition of land, water, an/ or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.
- c) A project utilizing the Class 4 exemption can be disqualified from using a Categorical Exemption if any of the exceptions listed in Section 15300.2 apply. However, none of these exceptions apply to the proposed project.

#### **FINDINGS FOR COASTAL DEVELOPMENT PERMIT**

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

**EVIDENCE:**

- a) The proposed project includes replacement of the leach field for the septic tank which will repair the failing OWTS and complies with all development 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 leach field replacement will be materially injurious to properties or improvements in the vicinity.
- b) The proposed project includes tree removal for the purpose of house protection and fire hazard abatement.



- c) The parcel was not included in the 2019 adopted Housing Element Inventory. The site is developed with an existing single-family residence and the project will help to protect the residence from hazards. The project is consistent with the goals, policies, and standards of the Humboldt County Housing Element.
- d) The subject parcel is in an area of low instability. It is not located within an Alquist-Priolo Fault Hazard Zone or an area of potential liquefaction. The project site is not located within a 100-year floodplain, tsunami hazard zone, or susceptible to coastal inundation. The subject parcel is located within a State Responsibility Area for fire protection, within a moderate fire hazard severity zone. The subject parcel is also located within the Local Responsibility Area for fire protection where Humboldt Bay Fire Protection District #1 provides structural fire protection and emergency responses. No increased threats to hazards are anticipated as a result of the project.
- e) 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). However, the Biological Assessment prepared for the project identified no such species on-site and 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). The proposed project is anticipated to have minimal impacts and conforms to the Natural Resource Protection Policies and Standards of the Humboldt Bay Area Plan.
- f) The project was referred to the Blue Lake Rancheria, Bear River, and the Wiyot Tribe, and the Northwest Information Center (NWIC). 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.
- g) The subject parcel is not located in a designated coastal scenic

area or coastal view area.

- 4. FINDING:** The proposed development is consistent with the purposes of the existing RA-5/F, R zone in which the site is located.

- EVIDENCE:**
- a) Residential uses are the primary intended use of the RA zone. The replacement of the failing leach field will ensure that the residential use of the property continues.
  - b) The tree removal will help to protect the residential use of the property from hazards.

- 5. FINDING:** The project conforms to Section 313-64.1.1 HCC: Major Vegetation Removal - Regulations Standards and Applicable Codes

- EVIDENCE:**
- a) The proposed Major Vegetation Removal would open up the forest and enhance the health of the remaining forest trees and understories.
  - b) The removal will help to protect the residence and leach field from damage due to potential failing trees. The tree removal will also aid in protection from future hazards.

- 6. FINDING:** The Project and the conditions under which it may be operated or maintained will not be detrimental to 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 recommended approval or conditional approval of the project.

- 7. 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 was not included in the 2019 adopted Housing Element Inventory. The site is developed with an existing single-family residence. The project is consistent with the goals, policies, and standards of the Humboldt County 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
- Approve the Coastal Development Permit subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **November 7, 2024**.

The motion was made by COMMISSIONER Jerome Qiriaz and second by COMMISSIONER Lorna McFarlane and the following Roll Call vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz,  
Peggy O'Neill, Lorna McFarlane, Sarah West


NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 7/0

I, John H. 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 H. Ford, Director

Planning and Building Department



## **CONDITIONS OF APPROVAL**

**Approval of the Coastal Development Permit is conditioned upon the following terms and requirements:**

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
2. Work for tree removal shall occur outside of nesting season (generally March 15-August 15 for most species).

**On-Going Requirements that must be satisfied for the life of the project.**

1. The project shall be developed, operated, and maintained as described in the Project Description, site plan, and as conditioned herein. Changes to the project other than Minor Deviations from the Plot Plan as provided in Humboldt County Code Sec. 312-11.1 shall require a modification of this permit.
2. The proposed project shall adhere to all of the applicable provisions set forth in Section 313-69.05.3 of the Humboldt County Code.
3. The County road is not constructed to allow on-street parking. All parking must be developed on-site, or applicant must construct a parking lane along the County road in a manner approved by Public Works. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: County Code §313-109.1 et seq.]
4. The applicant shall be responsible for correcting any involved drainage problems within the County road right of way to the satisfaction of the Department of Public Works Land Use Division.
5. Site visibility must be maintained at the driveway entrance [reference: County Code section 341-1 et seq.].
6. Pursuant to County Code §411-11(j) and California Streets & Highways Code §1481 & §1482, fences are not allowed within the public right of way of County maintained roads. All fencing shall be constructed outside the County right of way. Gates must be set back sufficiently from the road so that a vehicle can completely pull off the road while opening or closing the gate. Prior to constructing any fences along (or near) the road right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

7. Low Impact Development (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property will be required to comply with the MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved. Reference: National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements (WDRS) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4S), Order No. 2013-0001-DWQ, NPDES No. CAS000004 adopted 02/05/2013, MS4 permit section E.12.b; Humboldt Low Impact Development Stormwater Manual v3.0 (08/18/2021) Part A (Table 1), Part 2, and Part 3 (Section 1.4)]

**Informational Notes:**

1. This permit shall expire and become null and void at the expiration of two (2) years 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.
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 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.
3. As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.
4. 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground stone 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

**The applicant is ultimately responsible for ensuring compliance with this condition.**



# SITE PLAN

LYNNETTE CHEN/ED BODDY  
3800 MITCHELL ROAD  
EUREKA, CA. 95503

APN: 017-192-006

(1) RESIDENCE	1650 S.F.
(2) ATTACHED GARAGE	560 S.F.
NEW ADDITION INCLUDING COVERED PORCH	234 S.F.
(3) RESIDENCE HEIGHT	17'-6"

**APPROVED**  
NOV - 7 2024  
Humboldt County  
PLANNING

