

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

Resolution Number 23-

**GECK-MOELLER COASTAL DEVELOPMENT PERMIT
PROJECT NUMBER PLN-2022-17700
ASSESSOR PARCEL NUMBER 308-231-002**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE GECK-MOELLER DEVELOPMENT PERMIT

WHEREAS, the owner submitted an application and evidence in support of approving the Coastal Development Permit request; 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 exemptions found in Section 15303 (New Construction) of the CEQA Guidelines; and

WHEREAS, a public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the project; and

WHEREAS, on July 6, 2023, a public hearing was held before the Humboldt County Planning Commission during which the Planning Commission reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing; and

NOW, THEREFORE, be it resolved, determined, and ordered that the Planning Commission makes the following findings:

PROJECT DESCRIPTION

- 1. FINDING:** A Coastal Development Permit (CDP) for the construction of a new approximately 2,024 SF two-story residence, 984 SF uncovered deck, 40 SF entry deck, gravel driveway with paved apron, a detached two-car garage constructed on an existing 25x25-foot concrete slab, 48 SF pump house, and the retroactive permitting of an existing well. The CDP will also

authorize 1.3 acres of brush clearing for the home site, and north of the residence for the planting of fruit trees, logan berries, and a residential garden area. The parcel is currently developed with a well and on-site wastewater treatment system. The existing OWTS will be replaced. The Humboldt County Planning Commission will consider an approval of the Coastal Development Permit per §15303 of the State CEQA Guidelines.

EVIDENCE: a) Project File: PLN-2022-17700

CEQA

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been met. The Humboldt County Board of Supervisors has considered the project and finds the proposed construction of a Single-Family Residence and vegetation removal is exempt from environmental review pursuant to Sections §15303 (New Construction) of the State CEQA Guidelines.

- EVIDENCE:**
- a) The Class 3 exemption consists of one single family residence. The driveway encroachment along Hawks Hill Road will be paved to comply with requirements set by the Land Use Division of Public Works.
 - 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.
 - c) Two Botanical Surveys, a Wetland Delineation, a Registered Professional Foresters Evaluation of the parcel and subject activities, and an Archeological Investigation, all submitted by the applicant, provide sufficient evidence that the proposed project will not have an effect on the environment.

312-1.1.2 Legal Lot Requirement

3. FINDING:

The lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE:

The project parcel is eligible for an Unconditional Certificate of Subdivision Compliance pursuant to section 66499.35(c) of the Subdivision Map Act due to the issuance of a building permit #82-0178 B4.

FINDINGS APPLICABLE TO ALL PERMITS

4. FINDING: The proposed development is in conformance with the certified Local Coastal Plan, the Eel River Area Plan (ERAP).

EVIDENCE: a) §5.3 Agricultural Exclusive, 3.34 Agriculture – Eel River Area Plan (ERAP)

The property is planned Agriculture Exclusive, reflecting the existing land uses in the area. Ag Exclusive is intended for prime and non-prime agricultural lands for long-term productive agricultural use. Nonagricultural development must not impair agricultural viability or diminish the productivity of prime agricultural lands. The production of food, fiber or plants and an incidental single-family residence occupied by the owner/operator are specifically identified as principal uses within the AE plan designation.

§30250 (a) Lands that are prime agricultural lands based on the adopted definition of prime lands of the State of California shall be planned for continued agricultural use, and no division or development of such lands shall be approved which would lower the economic viability of continued agricultural operations on them.

The proposed single-family residence and vegetation removal would allow for the continued agricultural use of lands north of Hawks Hill Road. Vegetation removal will allow for the property to return to utilization of prime soils. The applicant/owner will be planting berry and fruit trees and ancillary gardening areas north of the residence. These lands were historically used for grazing but have since overgrown. Clearing of these lands will allow for the construction of a home and revitalization of ag lands north of Hawks Hill Rd.

Measures will be taken to protect the agricultural potential of the parcel. The productivity of the pasture area will be maintained to prevent the overgrowth of the area and maintain agricultural viability. Areas proposed for vegetation removal shall be maintained to prevent invasive species proliferation and restore the integrity of this prime ag land. The only improvements proposed are the building site for the single-family home and surfacing at the driveway encroachment(s). The cement pad for the 25x25 garage is existing.

- b) §3.29 Archeological and Paleontological Resources – development that would impact archeological or paleontological resources shall require reasonable mitigation.

§30244 Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Office, reasonable mitigation measures shall be required.

A Cultural Resource Investigation Report was prepared by Roscoe and Associates in November of 2016 which concludes that no historical resources, as defined in CEQA, Article 4, 15064.5 (a), were identified in the project area. The Tribal Historic Preservation Officers of both the Wiyot Tribe and the Bear River Band of Rohnerville Rancheria responded that the report was sufficient to address archaeological resource concerns.

The project is subject to the standard condition of inadvertent discovery protocol for both archaeological and paleontological resources.

- c) §3.41 Environmentally Sensitive Habitat - Designated habitats and natural resources shall be protected.

§30240(b) Development in areas adjacent to ESHA shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

Botanical field assessments were conducted on May 19, 2022, and June 20, 2022, by two TransTerra staff biologists concluding that no sensitive communities were identified on the project site. These findings are consistent with findings within the SHN Botanical Survey from August of 2016.

A Wetland delineation was executed in August of 2016 by SHN identifying that no wetlands were located on the subject parcel. There are no mapped wetlands within the proximity to the project.

No ESHA has been identified on the project parcel. Additionally, Botanical Survey from TransTerra and SHN concur that there is low probability of sensitive species due to lack of habitat. No sensitive species were identified in both technical reports submitted by the applicant.

The project area is adjacent to a grass field that duals as grazed pasture. Review of the California Natural Diversity Database reveals that the property lies near the range of a local population of Siskiyou Checkerbloom. Complete Botanical Assessments executed in 2016 by SHN and 2022 by TransTerra identified that no special status species were observed on-site, and that the potential of presence is low since the parcel is comprised of non-suitable habitat.

A Registered Professional Foresters Report on file does not identify major vegetation removal in the amount of 1.3 acres total to the north of Hawks Hill Road to facilitate the development of a single-family home and restore prime ag lands for the planting of berry and fruit trees as timber harvest. The property does not have any commercial trees within the clearing area, therefore not requiring a less than 3-acre conversion exemption.

All three technical studies identified that there are no hydrophytic vegetation, hydrophytic soils, presence of standing water, or sensitive species within the project area at APN 308-231-002. No impacts are associated with the proposed development of a single-family home and associated major vegetation removal.

- d) §3.42 Visual Resource Protection - New development shall protect special communities which have unique visual characteristics.

The property is not within a mapped coastal scenic view area. The property lies almost 0.75 of a mile south of the closest mapped coastal scenic view area. This area covers Table Bluff Road and Hookton Road north of the project site. Hills and other landforms obstruct views to and from this area. The project would not result in any permanent changes to views along Table Bluff Road or from Hawks Hill Road as a result of

new residential structures with respect to designated coastal view areas.

A visual buffer of vegetation will remain along the fence lines on the northern and southeastern borders of the western portion of APN 308-231-003 bordering Hawks Hill Road. This will provide privacy to parties to the west. Additionally, the applicant has moved proposed locations for the well pump house and fire suppression water tank so that they are not within neighboring views to the east. The eastern portion of APN 308-231-002 will remain undeveloped.

5. FINDING: The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zone in which the site is located.

EVIDENCE: a) §313-163.1.9.9 allows for single family residential as a principally permitted use but is not considered principally permitted for the purposes of appeal to the California Coastal Commission pursuant §312-13.12.3 and 30603(a)(4).

Consistent with Section 313-43.2.4.3.2 of the Humboldt County Code, as a Condition of Approval the applicant/owner is required to sign a “Right to Farm” declaration.

6. FINDING: The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) The surrounding area is developed with agricultural and residential uses similar to the proposed project. The property is located on a County-maintained road and has partially existing infrastructure to support the project.

The County Department of Public Works has reviewed the proposed driveway location and found it to be approvable with conditions.

The existing wastewater treatment system has been inspected by a licensed septic professional and will be replaced to support the new residence.

Dry weather pump testing for the existing well showed a drawdown of approximately 58 feet after 8 hours with recovery to the approximate static water level in under 3 hours when pumped at 5 gallons per minute, indicating that the well is capable of producing the required 720 gallons per day for Health Department standards. Multiple water quality tests submitted by the applicant identify that the well and ground water are safe for domestic use.

As conditioned, the proposal of major vegetation removal to accommodate the development of a single-family home and agricultural area north of Hawks Hill Road will not result in detrimental impacts to public health, safety, and welfare, or materially injurious to properties or improvements in the vicinity.

7. FINDING: The project 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 and zoning (AE-160) allow residential development. The proposed residential development on the property is consistent with the density of the parcel. The project will be consistent with Housing Element law.

DECISION

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

1. Adopt the findings set forth in this resolution; and
2. Approves the Coastal Development Permit (Record Number; PLN-2022-17700) based on the evidence referenced, described, and provided herein and as well as those materials found within the project record, subject to the attached conditions of approval.

Adopted after review and consideration of all of the evidence on **July 6, 2023**.

The motion was made by Commissioner _____ and Seconded by Commissioner ____ and the following ROLL CALL vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DECISION:

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

ATTACHMENT 1A

Recommended Conditions of Approval

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT ARE CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE FULFILLED BEFORE A BUILDING PERMIT MAY BE ISSUED OR USE INITIATED:

A. Conditions of Approval:

1. All development shall be in accordance with the approved plot plan and project description. Changes to the approved design not in conformance with Section 312-11, Minor Deviations will require a modification to the terms of this permit.
2. The owner(s) is/are responsible for demonstrating that the proposed development complies with applicable provisions of the Fire Safe Regulations, including but not limited to, setbacks for defensible space, driveway width and turnaround areas, siding & roofing materials, and required design features.
3. The owner(s) shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" Ordinance) as required by the HCC and available at the Planning Division.
4. The applicant/owner shall secure a capacity to serve/will-serve letter from Pacific Gas and Electric Co. No building permit will be issued without appropriate service to the parcel.
5. The applicant shall secure all building and electrical permits from the Humboldt County Building Division for all proposed development outlined in Coastal Development Permit PLN-2022-17700.
6. The recommended conditions provided from the Department of Environmental Health dated May 24, 2023, included herein as Attachment 4, shall be completed or secured to the satisfaction of the department. Prior to performing any work, contact the Department of Environmental Health (DEH). Satisfaction of this condition should be provided in writing from DEH.
7. The recommended conditions in the Department of Public Works memo dated May 10, 2022, included herein as Attachment 4, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works. Satisfaction of this condition should be provided in writing from the Land Use Division of the Department of Public Works.

B. On-going Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. Changes to the project, except for Minor Deviations per Section 312-11.1 of the Humboldt County Zoning Regulations, shall require modification of this permit.
2. No development is authorized to property located south of Hawks Hill Road. All development activities authorized within this Coastal Development Permit are for lands north of Hawks Hill Road.
3. No development is authorized except which has been approved strictly within the bounds of the Coastal Development Permit (PLN-2022-17700).
4. The applicant shall maintain all areas outlined as major vegetation removal. Maintenance of these areas shall be required for the life of the project to prevent proliferation of invasive species, identified in TransTerra's Botanical Survey (2022). Maintenance of these areas will also maintain the integrity of ag-lands north of Hawks Hill Road.

C. 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 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, 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 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.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date") except if temporary events

have occurred before such anniversary date. The period within which the temporary use must commence may be extended, as provided by Section 312-11.3 of the Humboldt County Code.