



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: July 15, 2021

To: Humboldt County Planning Commission

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

Subject: **Seaside Ranch LLC Coastal Development Permit, Conditional Use Permit, Special Permit**
Record Number 9633 CDP
Assessor's Parcel Numbers (APNs) 111-221-034, 111-221-035, and 108-104-004
390, 394, and 398 Landis Road, Shelter Cove Area

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Please contact Kathleen Franklin, Contract Planner, at 916-642-5505 or by email at kathleen@landlogistics.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date July 15, 2021	Subject Coastal Development Permit, Conditional Use Permit, Special Permit	Contact Kathleen Franklin, Contract Planner
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Project Description: Coastal Development Permit, Conditional Use Permit, and Special Permit as required by Condition #1 of an Emergency Coastal Development Permit, Conditional Use Permit, and Special Permit issued on February 20, 2015. Additionally, the purpose of the CDP, CUP and SP applications is to clear an existing violation, (15-102 and 15-104), on the subject properties. The applicant is requesting approval of the site in its existing condition with no further remediation.

Emergency permits were issued to authorize interim treatments to stabilize and control potential erosion and sedimentation resulting from extensive ground disturbance and vegetation removal. The earthwork and vegetation clearing occurred during the Summer and Fall of 2014, without benefit of County review, and surrounded efforts to develop a private nature trail and fire break. Development activities included: earthwork, pruning, and clearing vegetation for approximately 700 feet of the abandoned route, and approximately 300 feet of new grading and vegetation removal within areas that were not previously disturbed.

Project Location: The project is in the Shelter Cove area on properties near the end of Landis Rd. and the southerly edge of Bay Circle, known as 20, 36, and 38 Bay Circle, and further described as 390, 394, and 398 Landis Road.

Present Plan Land Use Designation: The project area is host to multiple land use designations. The upper portions of the road are located within lands designated Residential Low Density (RL) while the lower portions of the route are designated Natural Resources (NR).

Present Zoning: The project area is host to multiple different zonings. The upper portions of the road are located within lands zoned RS-5- S₂-Q/G, D (Residential Single-Family specifying a minimum parcel size of 5,000 square feet, and including the Qualified, Alquist-Priolo Fault Hazard, and Design Review Combining Zones). Lower portions of the route are located within lands zoned NR/G, A,R (Natural Resources with the Alquist-Priolo Fault Hazard, Archaeological Resource Area, and Streams and Riparian Corridors Protection Combining Zones).

Assessor Parcel Numbers: 111-221-34, 111-221-35, and 108-104-04

Record Number: 9633 CDP

Applicant

Seaside Ranch LLC
Ben Yomtob
5300 West Atlantic Ave.
Del Ray Beach, FL 33484

Owners

Same as Applicant

Agent

LACO Associates
Mike Nelson
21 W 4th St.
Eureka, CA 95501

Environmental Review: Categorically Exempt per CEQA Sections: 15304- Minor Alterations to Land; and 15333-Small Habitat Restoration.

Major Issues: None.

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

Seaside Ranch LLC Coastal Development Permit, Conditional Use Permit, Special Permit
Record Number: CDP-9633
Assessor's Parcel Numbers: 111-221-034, 111-221-035, 108-104-004

Recommended 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 part of the consent agenda:

Find the project Categorically Exempt under Sections 15304 and 15333 of the State CEQA Guidelines; make the required findings for approval of the Coastal Development Permit, Conditional Use Permit and Special Permit; and approve the Seaside Ranch, LLC CDP, CUP, and SP subject to the recommended conditions.

Executive Summary:

Background

Pursuant to Humboldt County Code Section 312-15, an Emergency Coastal Development Permit, Conditional Use Permit, and Special Permit to authorize interim treatments to stabilize and control erosion and sedimentation from unpermitted ground disturbance and vegetation removal was issued on February 15, 2015. The earthwork and vegetation clearing occurred during the Summer and Fall of 2014, without the benefit of County review, and surrounded efforts to develop a private nature trail and fire break. The trail was created by removing vegetation and grading along an abandoned trail, which once connected between Landis Road and the mouth of Dead Man's Creek. Development activities included: earthwork, pruning, and clearing of vegetation along approximately 700 feet of the abandoned route, as well as approximately 300 feet of new grading and vegetation removal within areas that were not previously disturbed. The trail extends approximately 2,000 lineal feet from the terminus of the Bay Circle cul-de-sac and descends approximately 400 feet in elevation to a strip of beach along the coast. With the exception of the upper section (approximately 300 lineal feet), the nature trail follows the alignment of a pre-existing road. Work also involved installation/replacement of a culvert where the route crossed an ephemeral drainage.

Interim Emergency Measures included: installation of biodegradable "jute netting" on all bare soil slopes, placement of fiber rolls horizontally on all fill slopes with exposed soils, and development of "rock armoring" at the outlet of the recently installed culvert. Inspection and monitoring following implementation of the interim Best Management Practices (BMPs) and other erosion & sediment control treatments, and evaluation of the potential for drainage diversion in the event of culvert failure was proposed. At the time of issuance of the emergency permits, future follow-up permitting included an evaluation of the feasibility of retaining the unpermitted route, and evaluation of alternatives, including full restoration of the site to its predevelopment condition.

Current Project

The current application is to comply with the previously issued Emergency CDP, CUP, and SP. LACO, the agent for the applicant, has stated that on March 12, 2020, LACO staff conducted a site visit to evaluate the condition and effectiveness of the previously installed BMPs and drainage culvert to determine if they continued to function as designed and were achieving effective erosion and sedimentation control. As detailed in the *Site Visit and Minimization Measure*

Inspection Technical Memorandum, prepared by LACO on July 14, 2020, the Site has continued to naturalize to its former state. Cut slopes appeared stable and revegetation was occurring. All BMPs previously installed on-site appear to have functioned as intended.

During the March 2020 inspection of the culvert, the rock armoring was observed to still be in place and functioning as intended. Natural Revegetation has occurred within the culvert footprint and the area appears stable. The culvert inlet was observed to be partially blocked with debris, it appeared functional and did not appear to be hindering performance. By email on April 17, 2020, LACO received photos and work description confirming the culvert had been maintained for the 2020 season. All debris had been cleared and the culvert appeared to be fully functional.

LACO has recommended that the culvert continue to be maintained annually (i.e., remove debris accumulation). LACO stated that "No other actions appear necessary at this time and no further minimization measures are necessary."

In addition to the *Memorandum*, LACO submitted numerous photographs of the trail areas affected by the previous ground disturbance and vegetation removal. The placement of the temporary erosion controls and rock armoring at the outlet of the culvert/slope drain to act as a water velocity dissipation device have been effective and no further minimization actions are necessary. LACO recommended that the culvert continue to be annually maintained by removing any rock and debris accumulation. This recommendation has been included in the Conditions of Approval.

The Applicant has stated his intention to abandon the nature trail and allow it to continue to revert back to a fully natural state, with no further disturbance or maintenance proposed.

There is a policy issue here as to whether the site should be allowed to naturally revegetate or whether more intentional restoration measures should be taken. Normally restoration of illegal grading would involve restoring the site to its natural condition including natural grades. Restoration would also include planting native vegetation and monitoring to restore the natural environment. If the vegetation loss and grading were recent within the last couple seasons, then it would be normal to require complete restoration. In this case erosion control has been in place for over 6 years and the site is stable. To regrade and revegetate the trail a significant amount of disturbance would be required. This would essentially start the stabilization process all over again. At this point that is not recommended.

Staff Recommendations: Based on the on-site inspection as detailed above, the Applicant's stated intention to cease any additional disturbance to, and abandon the construction of the "nature trail", 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 the required findings for approving the CDP, CUP and SP.

Alternative: The Planning Commission could decide that the area disturbed needs to be regraded to capture the pre-grading condition and that the site needs to be revegetated with native vegetation. With this alternative the CDP, CUP and SP would be approved with added conditions to require more formal restoration. However, based on the circumstances, planning staff believes the submitted evidence does support making all of the required findings and does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number CDP-9633**

Assessor Parcel Numbers: 111-221-034, 111-221-035, and 108-104-004

Certifying compliance with the California Environmental Quality Act and conditionally approving Seaside Ranch, LLC Coastal Development Permit, Conditional Use Permit, and Special Permit

WHEREAS, LACO Associates submitted an application and evidence in support of approving a Coastal Development Permit, Conditional Use Permit, and Special Permit to comply with Condition #1 of an Emergency Coastal Development Permit, Conditional Use Permit, and Special Permit issued on February 15, 2015 which authorized interim treatments to stabilize and control erosion and sedimentation resulting from ground disturbance and vegetation removal; 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 Humboldt County Planning Commission held a duly noticed public hearing on July 15, 2021; reviewed, considered, and discussed the application for a Coastal Development Permit, Conditional Use Permit, and Special 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:** **Project Description:** Coastal Development Permit, Conditional Use Permit, and Special Permit as required by Condition #1 of an Emergency Coastal Development Permit, Conditional Use Permit, and Special Permit issued on February 20, 2015. The CDP, CUP and SP applications is to clear the existing violation (15-102 and 15-104) on the subject properties. The CDP, CUP and SP find that the interim treatments to stabilize and control potential erosion and sedimentation resulting from recent extensive ground disturbance and vegetation removal have been completed and are adequate. No additional development is requested.

EVIDENCE: a) Project File: CDP-9633

- 2. FINDING:** **CEQA:** The requirements of the California Environmental Quality Act have been met. The activities approved as part of this CDP, CUP and SP are exempt from further environmental review.

EVIDENCE: a) CEQA Guidelines Section 15333-Small Habitat Restoration Projects exempts projects less than 5 acres in size to assure maintenance, restoration, enhancement or protection of habitat for fish, plants, or wildlife.

b) An Emergency CDP, CUP and SP was issued in February 2015 to stabilize and control potential erosion and sedimentation resulting from ground disturbance and vegetation removal on the project site. Interim Emergency Measures included: installation of biodegradable "jute netting" on all bare soil slopes, placement of fiber rolls horizontally on all fill slopes with exposed soils, and development of "rock armoring" at the outlet of the recently installed culvert. The

current Project does not propose any additional ground disturbance or vegetation removal, nor does it propose the placement of additional stabilization or erosion controls.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, AND SPECIAL PERMIT – Code § 312-17

3. FINDING: The proposed development is in conformance with the Local Coastal Plan.

EVIDENCE: a) The Land Use designations include: The upper portions of the project area are located within lands designated Residential Low Density (RL) while the lower portions of the project area is designated Natural Resources (NR). The current application is for a Coastal Development, Conditional Use Permit, and Special Permit which is a request to:

1. Satisfy Conditional #1 of the previously approved Emergency CDP, CUP and SP permits approved on February 20, 2015.
2. To clear the existing Complaint of Possible Violation (15-102 and 15-104) issued on February 5, 2015

4. FINDING: The Project is consistent with the purposes of the existing zone in which the site is located and the conforms to all applicable standards and requirements of these regulations.

EVIDENCE: a) The project area encompasses the following zonings: The upper portions of the project are located within lands zoned RS-5- S₂-Q/G,D (Residential Single-Family specifying a minimum parcel size of 5,000 square feet, and including the Qualified, Alquist-Priolo Fault Hazard, and Design Review Combining Zones). Lower portions of the project are located within lands zoned NR/G,A,R (Natural Resources with the Alquist-Priolo Fault Hazard, Archaeological Resource Area, and Streams and Riparian Corridors Protection Combining Zones).

b) Pursuant to Humboldt County Code Section 312-15, subsequent to the issuance of the Emergency CDP, CUP, and SP Permits, the Applicant is required by Code Section 312-17 to obtain the same, standard permits. The Coastal Development Permit, Conditional Use Permit, and Special Permit comply with Condition #1 of the Emergency Coastal Development Permit, Conditional Use Permit, and Special Permit issued on February 20, 2015. Additionally, the purpose of the CDP, CUP and SP applications is to clear the existing violation, "Complaint of Possible Violation (15-102 and 15-104)", on the subject properties. The emergency permits were issued to authorize interim treatments to stabilize and control potential erosion and sedimentation resulting from recent extensive ground disturbance and vegetation removal. The interim treatments are authorized uses per the Development Code.

5. FINDING: The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health,

safety, or welfare; or materially injurious to property or improvements in the vicinity.

EVIDENCE: The remediation of the previous ground disturbance and vegetation removal has already been accomplished, will have no impact to the public health, safety, or welfare or people residing in the Project area.

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 Project in itself does not include any residential development. The project complies with the County's Housing Element as it will not add to, nor subtract from, the County Housing Inventory. The Project remediation to the previous ground disturbance and vegetation removal has already been completed.

DECISION

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

- Conditionally approves the Coastal Development Permit, Conditional Use Permit, and Special Permit for Seaside Ranch, LLC (CDP 9633), based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **July 15, 2021.**

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

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:
 ABSTAIN: COMMISSIONERS:
 DECISION:

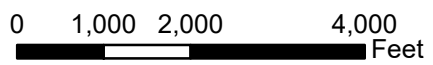
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

 John Ford, Director
 Planning and Building Department

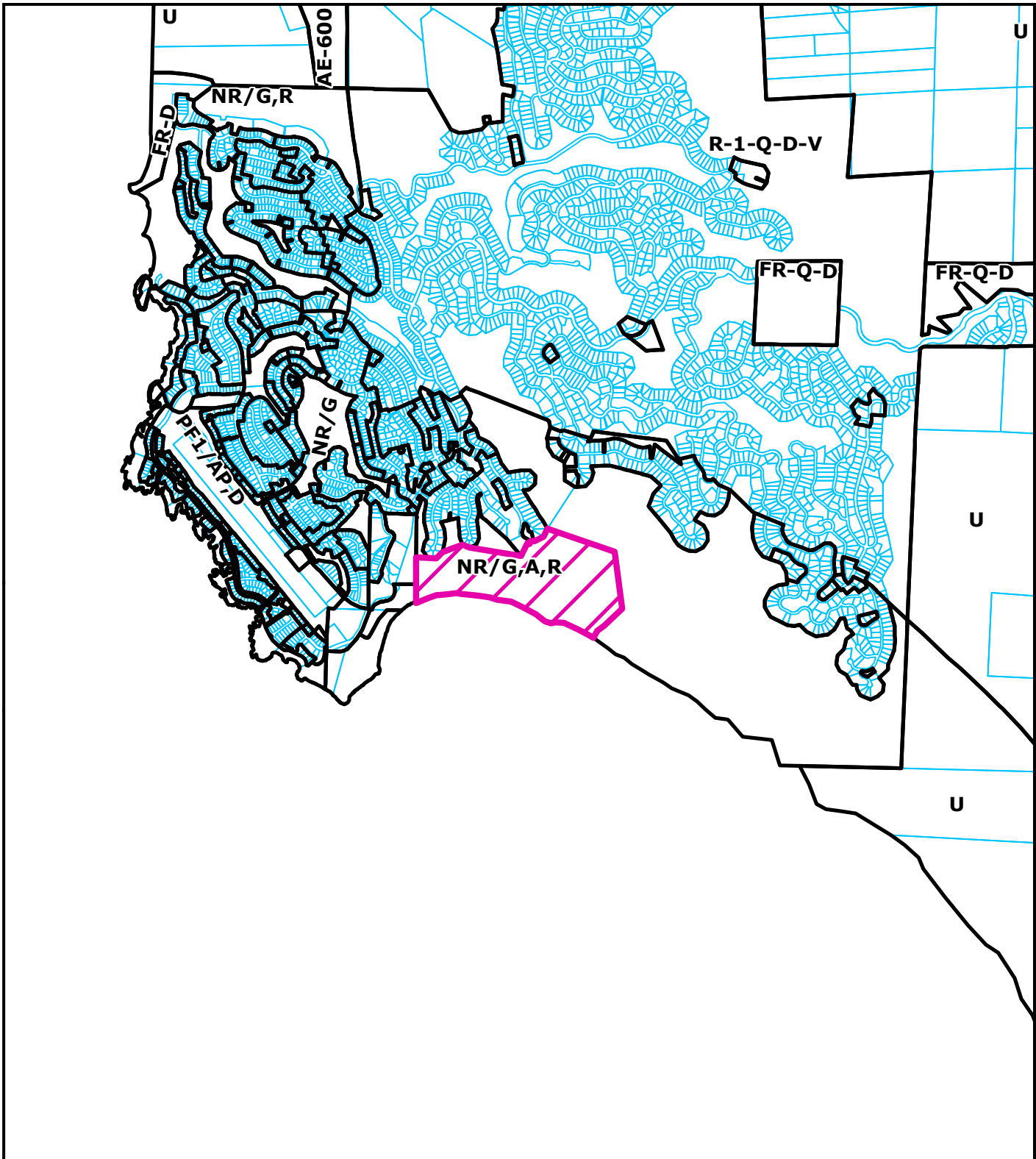


TOPO MAP
PROPOSED SEASIDE RANCH LLC
SHELTER COVE AREA
PLN-9633-CDP
APN: 108-104-004
T05S R01E S15 HB&M (SHELTER COVE)

Project Area =

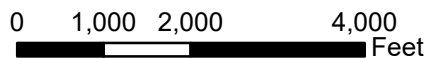


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



ZONING MAP
PROPOSED SEASIDE RANCH LLC
SHELTER COVE AREA
PLN-9633-CDP
APN: 108-104-004
T05S R01E S15 HB&M (SHELTER COVE)

Project Area = 

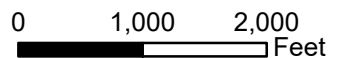


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



Project Area = 

AERIAL MAP
PROPOSED SEASIDE RANCH LLC
SHELTER COVE AREA
PLN-9633-CDP
APN: 108-104-004
T05S R01E S15 HB&M (SHELTER COVE)



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Humboldt Loop
Fire Break Trail

Humboldt
Creek
In-stream
Reservoir

RID
Lot LK

RID
Community
Center

Yomtob
Seaside Ranch

10

15

10

4000 Feet
2000
0



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Conditions of Approval for the Coastal Development, Conditional Use Permit, and Special Permit

APPROVAL OF THE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS

Conditions of Approval:

1. All Conditions identified in the Emergency CDP, CUP, and SP issued on February 20, 2017 are incorporated into this permit.
2. Changes in the project other than Minor Deviations from the Planting Plan as provided in HCC Section 312-11.1 shall require a modification of this permit.
3. No further development of the trail area is permitted.
4. Signage shall be installed at the start of the upper trail which states: "Private property, no public access allowed".
5. The existing culvert shall be maintained annually by removing any rock and/or debris accumulation.
6. 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.
7. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00.

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:

- Application Form (in file)
- LACO Project Description Letter Dated May, 2021 (**Attached**)
- Technical Memorandum, *Site Visit and Minimization Measure Inspection*, July 14, 2020 (**Attached**)
- Project Photographs (in file)
- County Violation Letter (in file)

Attachment 3
Project Description

PROJECT DESCRIPTION

Seaside Ranch, LLC Coastal Development Permit

Seaside Ranch, LLC

38 Bay Circle and 390 Landis Road, Shelter Cove, Humboldt County, California

Assessor's Parcel Numbers (APNs) 108-104-004, 111-221-034, and -035

LACO Project Number 8208.03

May 2021

Project Overview

Seaside Ranch, LLC (owner and Applicant) is requesting approval of a Coastal Development Permit (CDP) to clear the existing violations on the subject properties, identified as Assessor's Parcel Numbers (APNs) 108-104-004, 111-221-034, and 111-221-035, located at 28 Bay Circle and 390 Landis Road in unincorporated Shelter Cove (Site), for a nature trail and fire break created without the benefit of a permit. In total, the trail extends up to approximately 2,000 lineal feet from the terminus of the Bay Circle cul-de-sac and descends up to 400 feet in elevation to a strip of beach along the coast. With the exception of the upper section (approximately 300 lineal feet), the nature trail follows the alignment of a pre-existing road. The Applicant is proposing to abandon the nature trail to allow it to continue to revert back to a fully natural state, with no further disturbance or maintenance proposed.

Project History

The Applicant performed earthwork and vegetation clearing during the Summer and Fall of 2014 to develop a private nature trail and fire break. The trail was created by re-establishing portions of an abandoned road, which once connected between Landis Road and the mouth of Dead Man's Creek, on the north side. Development activities included: minor earthwork, pruning, and clearing of vegetation on approximately 700 feet of the abandoned road bed, as well as approximately 300 feet of new grading and vegetation removal within areas that were not previously disturbed. Work also involved installation/replacement of a culvert where the route crosses an ephemeral drainage.

In early February 2015, following receipt of a complaint, the County required the submittal of an application for an Emergency Coastal Development Permit (ECDP) for corrective actions to "minimize further impacts from the vegetation removal and soil disturbance". The Applicant applied for an ECDP in February 2015 to permit the installation of emergency erosion control measures and to take related actions to stabilize the nature trail during the 2015 rainy season.

The ECDP was issued and emergency erosion and sediment control measures were immediately installed at the Site, including jute netting on bare slopes, fiber rolls on all fill slopes with exposed soils, and rock armoring at the outlet of the culvert/slope drain to act as a water velocity dissipation device, as recommended in the *Preliminary Erosion and Sediment Control Recommendations* technical memorandum for the ECDP, prepared by LACO Associates (LACO) on February 17, 2015 (detailed below).

Special Studies

To date, several special studies have been prepared for the Site, which are described below.

Biological Resources

The *Sensitive Plant Species Survey and Impact Mitigation* technical memorandum, prepared by LACO on February 11, 2015, noted that much of the nature trail was constructed through sensitive plant habitat. Specifically, the upper portion of the pathway was constructed in north coast scrub habitat, the central portion was built beneath Douglas-fir (*Pseudotsuga menziesii*) forests and lower portion was built through mixed Douglas-fir/red alder (*Alnus rubra*) forest/coastal bluff habitat. An additional comprehensive botanical survey was recommended prior to the commencement of any activities that may further modify vegetation, except as needed for the installation of the temporary erosion control measures. Protective temporary fencing and flagging was recommended to be placed around identified sensitive plant populations, if found, on-site to note their locations and prevent unintended construction impacts.

A *Seasonal Appropriate Sensitive Plant Species Survey* technical memorandum was prepared by LACO on July 10, 2015, where it was noted that no sensitive plant species were observed in the survey area during the early spring (March 2015) or late spring (June 2015) site visits. No sensitive animal species were observed. It was noted that natural re-vegetation was occurring in the disturbed slopes treated with jute weed matting and along portions of the trail which had been cleared of vegetation. Due to the recovery of natural vegetation, it was not considered necessary by LACO's biologist to prepare a re-vegetation plan.

Cultural Resources Investigation

A *Cultural Resources Investigation* was prepared by Archaeological Research and Supply Company in February-March 2016, where it was noted that a single archaeological resource, a prehistoric shell midden, was identified and formally recorded. No further historic or cultural resources were identified. It was recommended that the property owner avoid any future disturbance of this archaeological site and restrict access to the site from the public in order to avoid any possibility of looting or inadvertent disturbances.

Geotechnical Evaluation

An *Engineering Geologic Reconnaissance* technical memorandum was prepared by LACO on February 13, 2015, to summarize preliminary field observations and recommendations in support of the ECDP. It was noted in the report that "*while minor slumping and erosion of the recently placed side cast fill was observed, so long as the drainage system is maintained and erosion control Best Management Practices (BMPs) are installed and maintained, the potential for deep seated slope instability appears low.*"

Several actions were recommended to reduce the risk of erosion and associated bank failure, including:

- Install and maintain erosion control BMPs until a remedial earthwork project is permitted;
- Install rock armoring at the outlet of the culvert/slope drain;
- Evaluate the culvert diversion potential;
- Inspect erosion control BMPs following installation; and,
- Periodically inspect and maintain the recently installed drainage system and installed BMPs at intervals to be determined in cooperation with the regulatory agencies.

Preliminary Erosion and Sediment Control Recommendations

As noted in the *Preliminary Erosion and Sediment Control Recommendations* technical memorandum for the ECDP, prepared by LACO on February 17, 2015, the following temporary erosion controls were recommended to be installed immediately and inspected by the project engineer following installation:

- Install jute netting on all bare soil slopes, including along the inboard "cut" side of the trail, and at the outboard "fill" side of the road, and secure tightly to the soil surface with steel staples or wooden stakes;
- Install fiber rolls horizontally at intervals of up to 20 feet (measured along the slope) on all fill slopes with exposed soil; and
- Install rock armoring at the outlet of the culvert/slope drain to act as a water velocity dissipation device. Site photos superimposed with typical erosion and sediment control installation locations, as discussed above, are enclosed with this memorandum.

Site Visit and Minimization Measure Inspection (2020)

On March 12, 2020, LACO conducted a site visit to evaluate the condition and effectiveness of the previously installed BMPs and drainage culvert to determine if they continue to function as designed and are achieving effective erosion and sedimentation control. As detailed in the *Site Visit and Minimization Measure Inspection* technical memorandum, prepared by LACO on March 27, 2020, the Site has continued to naturalize to its former state. Cut slopes appear stable and revegetation is occurring. All BMPs previously installed on-site appear to have functioned as intended.

During the March 2020 inspection of the culvert, the rock armoring was observed to still be in place and functioning as intended. Revegetation has occurred within the culvert footprint and the area appears stable. The culvert inlet was observed to be partially blocked with debris, it appeared functional and did not appear to be hindering performance. By email on April 17, 2020, LACO received photos and work description confirming the culvert had been maintained for the 2020 season. All debris has been cleared and the culvert appears to be fully functional.

LACO recommends the culvert continue to be annually maintained (i.e., remove debris accumulation). No other actions appear necessary at this time and no further minimization measures are necessary.

ATTACHMENT 5

Technical Memorandum, Site Visit and Minimization Measure Inspection, July 14, 2020

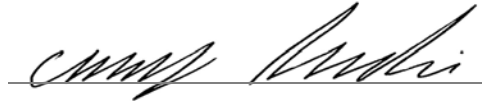
TECHNICAL MEMORANDUM

Site Visit and Minimization Measure Inspection
38 Bay Circle and 390 Landis Road, Shelter Cove, Humboldt County
Assessor's Parcel Numbers 108-104-004, 111-221-034, and -035

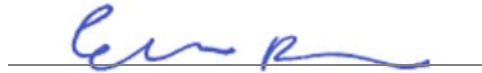
Date: July 14, 2020
Project No.: 8208.03

Prepared For: Mr. Tim Wykle
Seaside Ranch, LLC

Prepared By: Cameron Purchio
Associate Planner



Reviewed By: Elizabeth A. Burks, AICP
Planning Principal



Cc: Mr. Ben Yomtob

Attachments: Appendix 1: Site Plan
Appendix 2: Site Photos

1.0 INTRODUCTION

Seaside Ranch, LLC (owner and Applicant) is requesting approval of a Coastal Development Permit (CDP) to clear the existing violations on the subject properties, identified as Assessor's Parcel Numbers (APNs) 108-104-004, 111-221-034, and 111-221-035, located at 38 Bay Circle and 390 Landis Road in unincorporated Shelter Cove in Humboldt County, California (Site), for a nature trail and fire break created without the benefit of a permit. In total, the trail extends up to approximately 2,000 lineal feet from the terminus of the Bay Circle cul-de-sac and descends up to 400 feet in elevation to a strip of beach along the coast. The nature trail ends approximately 500 feet from the beach. With the exception of the upper section (approximately 300 lineal feet), the nature trail follows the alignment of a pre-existing road. The Applicant is proposing to abandon the nature trail to allow it to continue to revert back to a fully natural state, with no further disturbance or maintenance proposed.

1.1 Project History

The Applicant performed earthwork and vegetation clearing during the Summer and Fall of 2014 to develop a private nature trail and fire break. The trail was created by re-establishing portions of an abandoned road, which once connected between Landis Road and the mouth of Dead Man's Creek, on the north side (see Appendix 1: Site Plan). Development activities included: minor earthwork, pruning, and clearing of vegetation within approximately 700 feet of the abandoned road, as well as approximately 300 feet of new grading and vegetation removal within areas that were not previously disturbed. Work also involved installation/replacement of a culvert where the route crosses an intermittent drainage. At the time of completion, the graded and cleared surface varied from approximately 4 to 10 feet in width along the majority of the trail, narrowing to a footpath as it approached the beach.

Following receipt of a complaint in February 2015, the County required the submittal of an application for an Emergency Coastal Development Permit (ECDP) for corrective actions to "minimize further impacts from the vegetation removal and soil disturbance." The Applicant applied for an ECDP in February 2015 to permit the installation of emergency erosion control measures and to take related actions to stabilize the nature trail during the 2015 rainy season.

The ECDP was issued and emergency erosion and sediment control measures were immediately installed at the Site, including jute netting on bare slopes, fiber rolls on all fill slopes with exposed soils, and rock armoring at the outlet of the culvert/slope drain to act as a water velocity dissipation device, as recommended in the *Preliminary Erosion and Sediment Control Recommendations* technical memorandum for the ECDP, prepared by LACO Associates (LACO) on February 17, 2015.

2.0 CURRENT CONDITIONS

On March 12, 2020, an evaluation of the condition and effectiveness of the previously installed Best Management Practices (BMPs) and drainage culvert was conducted by Gary Manhart (Senior Geologist), Elizabeth Burks (Project Manager/Planning Principal), and Cameron Purchio (Associate Planner) to inspect if installed items continue to function as designed and are achieving effective erosion and sedimentation control. Additionally, the Site was examined to identify the status of reversion back to nature and revegetation, as well as if further minimization measures are necessary. Site photos taken during the site visit are included in Appendix 2.

2.1 Upper Trail

The Upper Trail refers to the approximately 635 linear feet (Sections 1 to 3). Section 1 and 2 consists of new trail/grading that was developed from the terminus of Bay Circle to the existing roadbed (See Site Plan in Appendix 1). The grading method in this portion primarily consisted of an inboard cut at a relatively steep angle, establishment of a 5- to 8-foot-wide surface with a slight outboard grade, and side cast spoils on the downhill slope. The slope of the path varies considerably with several switchbacks. The work in Section 3 on the Site Plan in Appendix 1 included 263 feet of brush clearing along the existing roadbed. This portion of the trail resides in north coast scrub habitat.

The Upper Trail was treated with BMPs recommended in the *Preliminary Erosion and Sediment Control Recommendations* (LACO, 2015). The following minimization measures were implemented:

- Installation of jute netting on all bare soil slopes, including along the inboard “cut” side of the trail, and at the outboard “fill” side of the road, securing materials tightly to the soil surface with steel staples or wooden stakes; and
- Installation of fiber rolls horizontally at intervals of up to 20 feet (measured along the slope) on all fill slopes with exposed soil.

During the March 2020 inspection, it was observed that substantial reversion of the trail has occurred. Significant revegetation has occurred within the disturbed areas, primarily coyote brush (*Baccharis pilularis*) and poison oak (*Toxicodendron diversilobum*). The average trail width is approximately 2 to 3 feet. Remnant BMPs were observed on-site and appear to have operated as intended. These include remnant jute netting and fiber rolls, as well as cross trail water bars. No significant erosion was observed on the Upper Trail apart from a single area where runoff originating upslope and off-site intercepts the trail. This drainage is approximately 6 to 12 inches wide and appears to be ephemeral in nature. The trail does not show significant erosion and only minimal rilling is visible along the trail.

Based on observations made during our site visit, we do not recommend any further actions be taken within the Upper Trail and no further minimization measures are necessary.

2.2 Mid Trail

The Mid Trail refers to the approximately 339 linear feet of trail beginning in the Douglas-fir (*Psuedotsuga menzeisii*) habitat and continuing for 339 feet (Section 4; see Appendix 1). Within this section, work consisted of minor road repairs and brush clearing with hand tools and occurred within the pre-existing road. The minor road repair consisted of an inboard cut, clearing of a 4- to 10-foot-wide pre-existing road bed with a slight outboard grade, and side cast spoils on the downhill slope. The slope of the path varies considerably with some areas having slopes estimated to be up to 20 percent. This portion of the trail contains the culvert discussed below (see Section 2.4).

The Mid Trail was treated in an identical manner to the Upper Trail and the following minimization measures were implemented:

- Installation of jute netting on all bare soil slopes, including along the inboard “cut” side of the trail, and at the outboard “fill” side of the road, securing materials tightly to the soil surface with steel staples or wooden stakes; and
- Installation of fiber rolls horizontally at intervals of up to 20 feet (measured along the slope) on all fill slopes with exposed soil.

During the March 2020 inspection, it was observed that substantial reversion of the trail has occurred. Significant revegetation has occurred within the disturbed areas. The average trail width is approximately 2 to 3 feet. Remnant BMPs were observed on-site and appear to have operated as intended. These include remnant jute netting and fiber rolls, as well as cross trail water bars. Just south of the culvert present within this reach, a portion of the slope above the trail slid, depositing approximately 50 cubic yards of material within the footprint of the trail. No other significant erosion was observed on the Mid Trail.

Based on observations made during our site visit, we do not recommend any further actions be taken within the Mid Trail and no further minimization measures are necessary.

2.3 Lower Trail

The Lower Trail refers to the approximately 807 linear feet of trail which was reestablished through brush clearing on the pre-existing road and terminates approximately 500 feet from the beach (Section 5; see Appendix 1). Work in this section was accomplished with hand tools by removal of poison oak and other vegetation to create a pedestrian path along the pre-existing road alignment. This portion of the trail resides in Douglas-fir/red alder (*Alnus rubra*) forest/coastal bluff habitat.

The Lower Trail was created primarily through vegetation removal and did not contain any disturbed soils. As per the recommendations in the *Seasonal Appropriate Sensitive Plant Species Survey* (LACO, 2015), areas without disturbed soils were not further altered and allowed to naturally revegetate.

During the March 2020 inspection, it was observed that substantial reversion of the trail has occurred. Significant revegetation has occurred within the areas cleared of vegetation. Most dominant of the species observed is poison oak. The trail has an average width of 1 to 3 feet. Minor rilling is present, similar to the Upper Trail, and no significant erosion was observed.

Based on observations made during our site visit, we do not recommend any further actions be taken within the Lower Trail and no further minimization measures are necessary.

2.4 Culvert

The culvert lies within the Mid Trail and crosses an intermittent drainage. The installed culvert is corrugated polyethylene with a diameter of approximately 18 inches and a length of 25 to 30 feet. Previous investigations determined an earlier culvert in the same general location upon original installation of the road.

The culvert was treated with BMPs recommended in the *Preliminary Erosion and Sediment Control Recommendations* (LACO, 2015). The following minimization measures were implemented:

- Installation of rock armoring at the inlet and outlet of the culvert/slope drain to act as a water velocity dissipation device.
- Installation of jute netting on all bare soil slopes, including along the inboard "cut" side of the trail, and at the outboard "fill" side of the road, securing materials tightly to the soil surface with steel staples or wooden stakes; and
- Installation of fiber rolls horizontally at intervals of up to 20 feet (measured along the slope) on all fill slopes with exposed soil.

Additionally, in the 2015 LACO report, there was a recommendation that the installed culvert be evaluated for unlikely diversion potential during engineering design for permanent erosion controls for the Site.

During the inspection, it was observed that the rock armoring was still in place and functioning as intended. Revegetation has occurred within the culvert footprint and the area appears stable. The culvert inlet was partially blocked with debris but appeared functional. Flows present at the time of inspection are estimated to be less than 1 cubic foot per second (cfs). The slide, which occurred directly south of the culvert, has essentially removed any unlikely diversion potential, as the culvert footprint is effectively bounded by areas

of higher elevation and the slope of the trail no longer offers a potential relief path for water during instances of culvert overtopping. It is recommended that the debris at the inlet of the culvert, although not currently hindering performance, should be removed on a regular basis as preventative maintenance.

Based on observations made during our site visit, LACO recommended the culvert be annually maintained to prevent material from reducing inlet performance.

Upon recommendation, the Applicant performed annual maintenance for the 2020 season and provided photographs to document the culvert's current condition. As shown in Figure 12 in Appendix 2, the culvert appears free of all debris and fully functional.

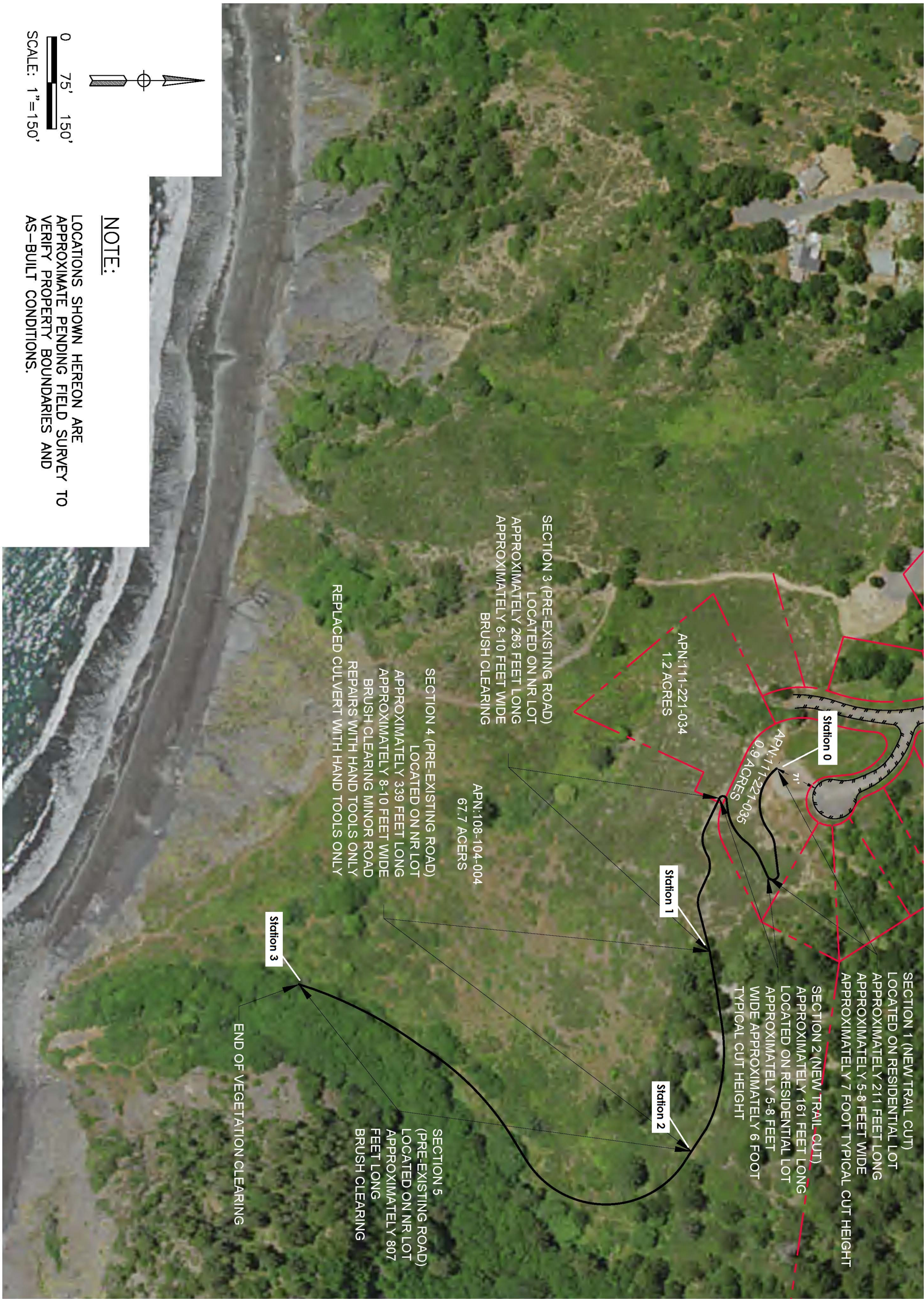
3.0 SUMMARY AND RECOMMENDATIONS

The Site has continued to naturalize to its former state. Cut slopes appear stable and revegetation is occurring. All BMPs previously installed on-site appear to have functioned as intended. The culvert is stable, functional, and the potential for unlikely diversion is greatly reduced due to the adjacent slide.

We recommend that the culvert be annually maintained for debris accumulation at the inlet. No other actions are recommended at this time and no further minimization measures are necessary.

APPENDIX 1

Site Plan



DRAWN: JDB CHECK: RSR APPROVED: RSR DATE: 6/4/15 JOB NUMBER: 8208.01 SHEET: 1 OF 1	YOMTOB GRADING PERMIT SITE PLAN BEN YOMTOB SHELTER COVE, CA	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>HISTORY / REVISION</th> <th>BY</th> <th>CHK.</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	HISTORY / REVISION	BY	CHK.	DATE																					LACO EUREKA • UKIAH • SANTA ROSA 1-800-515-5054 www.lacoassociates.com
NO.	HISTORY / REVISION	BY	CHK.	DATE																								

APPENDIX 2

Site Photos

SITE PHOTOS

Upper Trail



Figure 1. Upper Trail 3/30/2015



Figure 2. Upper Trail 3/12/2020

Mid Trail



Figure 3. Mid Trail 3/30/2015



Figure 4. Mid Trail and Slide 3/12/2020

Lower Trail



Figure 5. Lower Trail 3/30/2015



Figure 6. Lower Trail 3/12/2020

Culvert



Figure 7. Culvert Inlet ~2015



Figure 8. Culvert Inlet 3/12/2020



Figure 9. Upslope from Culvert 3/30/2015



Figure 10. Upslope from Culvert 3/12/2020



Figure 11. Culvert Inlet Debris 3/12/2020



Figure 12. Culvert Post Maintenance 4/17/2020

Attachment 5

Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	On File	Attached
County Council				
County P//W Natural Resources				
County P/W, Land Use Division	✓	No Comment	✓	
FPD: Resort Improvement District I				
NCUAQMD				
California Coastal Commission				
California Department of Fish and Wildlife				
Cal Fire	✓	Approval	✓	
Bear River Band				
Intertribal Sinkyone Wilderness Council				
NWIC				