



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Hearing Date: July 1, 2021

To: Humboldt County Planning Commission

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

Subject: **Morris Coastal Development Permit and Special Permit**  
Record Number PLN-13908-CDP  
Assessor's Parcel Number (APN) 515-271-024  
1277 Stagecoach Road, Trinidad

**Table of Contents**

**Page**

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	9
Maps	
Topo Map	15
Zoning Map	16
Aerial Map	17
Location Map	18
Assessor Parcel Map	19
Site Plans	20
Tree Removal Plan	21
Attachments	
Attachment 1: Recommended Conditions of Approval	22
Attachment 2: Applicant's Evidence in Support of the Required Findings	27
Attachment 3: Referral Agency Comments and Recommendations	28
Attachment 4: Public Comments	32
Attachment 5: Draft LSAA dated September 2018	42

Please contact Alyssa Suárez, Planner II, at 707-268-3703 or by email at [asuarez@co.humboldt.ca.us](mailto:asuarez@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> July 1, 2021	<b>Subject</b> Coastal Development Permit and Special Permit	<b>Contact</b> Alyssa Suárez
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**Project Description:** A Coastal Development Permit and Special Permit for new residential accessory structures, Major Vegetation Removal of trees with a diameter greater than twelve (12) inches at four and one-half (4.5) feet trunk height, and development within the 100-foot protective buffer for Streams and Riparian Corridor and Wetlands. Development within the protective buffer involves the removal of 150 trees with an average diameter of 18 inches, for public safety purposes under a CalFire 150-300 foot Structure Protection Exemption, and 29 trees outside the buffer for a total of 179 trees. The installation of two wells, one located 20 feet from Hobson Creek, and the second well located at the edge of the Riparian Corridor buffer. Other accessory structures include the remodel of an existing single story 1,070 square foot single story garage/guest house including the addition of 96 square feet of enclosed, heated area along the existing covered porch; a new 728 square foot two car garage; construction of a 992 square foot two-story shop building and office; construction of a new single story detached 96 square foot ADA restroom; and a new front entry gate.

**Project Location:** The subject property is located at 1277 Stagecoach Road approximately 0.62 miles south from the intersection of Patricks Point Drive, in the community of Trinidad, California, on the property known as 1277 Stagecoach Road.

**Present Plan Land Use Designations:** Rural Residential (RR(b)), Trinidad Area Plan (TAP), Density: 5 acres per dwelling unit, Slope Stability: Low Instability (1) and High Instability (3)

**Present Zoning:** RA-5-M/D,R) Rural Residential Agriculture-Minimum lot size 5.0 acres (RA-5), Manufactured Home (M), Design Review (D), Streams and Riparian Corridor Protection (R)

**Record Number:** CDP-17-062                      **Application Number:** 13908

**Assessor's Parcel Number:** 515-271-024

**Applicant**  
Maclyn and Janet Morris  
PO Box 1360  
Boyes Hot Springs, CA 95416

**Owner**  
Same as applicant

**Agent**  
Michael Helm  
200 Seventh Ave #110  
Santa Cruz, CA 95062

**Environmental Review:** Project qualifies for exemption from environmental review pursuant to Section 15301 (Existing facilities), 15302 (Replacement and Reconstruction), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the CEQA guidelines.

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

**Major Issues:** Tree removal in ESHA, Riparian Areas, Neighborhood Concerns

## Morris Coastal Development Permit and Special Permit

Record Number: CDP-17-162/SP-17-156

Application Number: 13908

Assessor's Parcel Number: 515-271-024

### Recommended Commission Action

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

*Find the project exempt from environmental review pursuant to Section 15301, 15302, 15303 and 15304(i) of the State CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit and Special Permit based on evidence in the staff report, and adopt the Resolution approving the Morris project subject to the recommended conditions.*

**Executive Summary:** The applicant is requesting a Coastal Development Permit and Special Permit for improvements to their residential property which include a new garage/shop/office building, the remodel of an existing garage/guest house into an Accessory Dwelling unit, a second new detached garage, a detached restroom facility, replacement of an existing entry gate, two new wells and the removal of 179 trees. Staff is recommending approval of all proposed activities with the exception of tree removal that is greater than 150 feet from the habitable structures on the subject property. A Special Permit is required for Design Review and Major Vegetation Removal in the coastal zone.

The full scope of work will include the following development:

**Project 1:** Construction of a new detached two-story garage/shop building with a lower floor area of 992.5 square feet, and upper floor with an office and storage room totaling 880 square feet. The height of the proposed shop is 35 feet. A roof mounted 7-kilowatt (KW) solar photovoltaic system will be installed on the building.

**Project 2:** Remodel of an existing single story 1,070 square foot single story garage/guest house including the addition of 96 square feet of enclosed, heated area along the existing covered porch. The remodel would include the addition of a bedroom, bathroom, living room, and kitchen. The unit would be considered an Accessory Dwelling Unit (ADU).

**Project 3:** Construction of a new single story 728 square foot detached two-car garage. Electricity would be installed, but no plumbing.

**Project 4:** Construction of a new single story detached 96 square foot ADA restroom. Plumbing would be connected to the existing septic tank and leach field.

**Project 5:** Replacement of an existing entry gate with a new 8-foot-tall wood privacy fence with pillars and lighting. The new gate would be operated by keypad entry.

**Project 6:** Installation of two (2) new wells for a total of three working wells. One well would require construction of a spring box well for irrigation, domestic and fire safety water storage capacity. The spring box would withdrawal groundwater from a bench along the side of Hobson Creek, and has been authorized by CDFW under a draft Lake or Streambed Alteration Agreement (LSAA). The water will be stored in four (4) new water storage tanks consisting of 4,990 gallons each for a total of 7 water storage tanks (3 tanks existing). The spring box well will replace an existing water intake structure. In order to construct the well, a 12-foot-wide and 125-foot-long access road must be constructed from the southwest portion of the property and will process from the driveway parking areas through the lawn and through the natural areas associated with Hobson Creek. No trees need to be removed to accommodate the temporary access road. All disturbed areas will be restored

by removing invasive species and retaining and replanting native species, recontouring slopes excavated for the road, removing existing concrete debris from the area, and installing soil erosion prevention measures in all disturbed areas as identified in the *Restoration Plan* prepared by SHN dated May 2020.

**Project 7:** Major Vegetation Removal of 150 trees with a diameter at breast height ranging from four (4) to fifty (50) inches at four and one-half (4.5) feet trunk height, within the 100-foot protective buffer for Streams and Riparian Corridor and Wetlands. An Additional 29 trees outside of the Streams and Riparian Corridor are proposed for removal under the Cal Fire Structure Protection Exemption, for a total of 179 trees to be removed. The tree removal is intended to address tree crown and understory fire hazard, branch wind-throw, and provide defensible space within the 150 feet to 300 feet of a legally permitted or (habitable) structure, as provided for under Public Resources Code Sections 4290. Tree removal is proposed within the 100 ft protective buffer of the riparian corridor as defined in Humboldt County Zoning Ordinance §314-33.1.6. A tree removal plan, by the RPF, provides information on: logging economics worksheet, methods of tree removal, a map showing the location of log landings, and equipment staging areas.

### Parcel Characteristics

The 8.8-acre parcel is within the Trinidad Local Coastal Area Plan (TAP). The neighborhood is rural and consists of large-lot-style residential development. The parcel is designated Rural Residential (RR), which allows for residential uses of rural lands not permanently designated for resource protection and not suitable for rural community neighborhood development. Much of the property is generally flat and drains in a westerly direction. The parcel is zoned Rural Residential Agriculture, minimum parcel size 5-acres (RA-5). The parcel has a Manufactured Home (M) combining zone; a Design Review (D) combining zone; and a Streams and Riparian Corridor Protection (R) combining zone.

The parcel is currently developed with a single-family residence, two large open lawns, a septic system, one operating well with three (3) water tanks 3,600 gallons each; two existing accessory structures including a 1,000 square foot structure garage and guesthouse, and a 992 square foot storage shed and workshop. Access to the parcel is off of Stagecoach Road, a County maintained road. A long and flat, paved driveway approximately 12 feet wide provides access to the residential curtilage and accessory structures. The parcel is within the Trinidad Coastal Scenic Area, known for exceptional scenery and visual qualities. The parcels in the immediate vicinity are buffered with trees and vegetation around the property edges sufficiently enough to result in adequate privacy between adjacent roads and properties. The parcel is within the Cal Fire State Responsibility Area and requires 30-foot fire safe setbacks from all property lines. There is an existing viewshed easement over and across a portion of APN 515-271-023, and a reciprocal viewshed easement over and across the subject parcel.

### Natural Setting

The parcel is bounded along the north by Hobson Creek, a class I (fish bearing) perennial coastal stream listed in the Trinidad Local Coastal Area Plan (TAP). A class II unnamed perennial stream (non-fish-bearing but habitat for amphibians) enters the property at the southeast corner of the property and drains into an artificial pond. The unnamed tributary continues to drain from the pond outflow in a westerly direction. It flows through the property and meeting with Hobson Creek, eventually flowing into the Pacific Ocean. Another more minor unnamed tributary to Hobson Creek is at the northwest corner of the property. There are also several wetland areas containing hydrophytic vegetation located within the project footprint. Vegetation within the project footprint consists mainly of coast redwood intermixed with Douglas-fir, Sitka spruce, and Grand fir of mixed age, mostly second-growth, with scattered larger trees mixed with numerous smaller trees. Overall trunk diameter ranges from approximately 4" to 69". Vegetation within the western portion of the property, near the front entrance, is primarily non-native species such as eucalyptus and Monterey cypress.

Environmentally Sensitive Habitat Areas (ESHAs) are "Any area in which plant or animal life or their

habitats are either rare or especially valuable because of the unique nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments, including rivers creeks, and associated riparian habitats (Zoning Ordinance section 313-143). The *Environmentally Sensitive Habitat Areas (ESHAs) Assessment* prepared by SHN dated October 2018 identifies three special status vegetation alliances in the project footprint: Coastal brambles (*Rubus [parviflorus, spectabilis, ursinus]* shrubland Alliance), red alder riparian forest (*Alnus rubra* Riparian Forest Alliance) along Hobson Creek, and Slough sedge swards (*Carex obnupta* herbaceous Alliance). In addition, four areas within the project footprint contain palustrine wetlands. Several invasive species are present within the parcel and surrounding lands.

The location of the project parcel is within the Wildland-Urban Interface zone of the Cal Fire State Responsibility Area. Cal Fire has determined that the location of the project parcel results in a zone identified as Moderate Fire Hazard Severity. The forested areas on the subject property are well stocked and have achieved full crown closure with little to no separation of tree crowns (also called vertical continuity). The property also contains a significant horizontal continuity with ground-level fuels with small diameter tree crowns occupying the lower and mid-canopy. Due to the Moderate Fire Hazard rating, the vegetation conditions, and unpredictable climate patterns, wildfire is a safety hazard for the property owner and surrounding parcels.

#### Major Vegetation Removal

The project involves proposed removal of 150 healthy trees within the 100-foot Riparian Corridor buffer as defined in the "R" combing zone Streams and Riparian Corridor Protection (section 313-33.1), and an additional 29 trees outside of the ESHA buffer for a total of 179 trees to be removed. In addition, Wetland Buffer Areas (section 313-125) require a 100-foot setback depending on size and sensitivity of the wetland. According to the Supplemental Tree Letter from Western Timber Services, Inc. dated June 19, 2021, no mature trees will be removed. The Structure Protection Exemption administered by Cal Fire under PRC 4290 and 4291, allows landowners to cut and remove healthy, merchantable tree species within 0-150 of a legally permitted structure and within 150-300 feet of a legally permitted habitable structure subject to specific limitations. The resulting enhanced fire protection is due to elimination of the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns to reduce fire spread, duration and intensity. Of the trees proposed for removal, 118 are redwood trees, 24 are Sitka spruce, three (3) are Douglas fir, and the remaining five (5) trees are non-native eucalyptus. The average diameter of all trees is 18 inches. The proposed Structure Protection Zone for 150-300 feet overlaps with the 100-foot protective buffers for the watercourses and the wetlands on the property. The Structure Protection Exemption must be facilitated by a Registered Professional Forester (RPF) consistent with Timber Harvesting requirements of California Forest Practice Rules. As such, selective tree removal for public safety purposes is allowed in the Riparian Corridor when mitigation measures specified within the "R" zone regulations (section 313-33.1) are included in the project design. Conditions of approval will memorialize the additional measures proposed by the applicant.

Staff conducted several site visits with the project Applicant and Biologist and Registered Professional Forester (RPF), Cal Fire Staff, CDFW Staff, Coastal Commission Staff. These site visits aimed to determine the impacts of the tree removal within the 100-foot protective Riparian and Wetland protective buffer, reduce the number of trees proposed for removal, and minimize the effects of increased sunlight within the protective buffer. The Applicant agreed to reduce the proposed number of trees in the ESHA buffer from 162 to 150. All tree removal avoids the identified ESHAs. However, the project design addresses potential effects to ESHA due to increased light intensity, increased wind intensity, invasive species introduction, or more favorable conditions for invasive species growth, increased sediment/stormwater introduction, and physical damage to vegetation during tree removal.

#### Design Review

The proposed tree removal involves trees along the property boundaries of the 8-acre property, specifically those adjacent to the rear property line (east side of the lot). Visual effects of the tree removal would be temporary during the transport of logs outside the property. After the tree

removal project, all disturbed areas would be reseeded prior to onset of winter rains. This a requirement under the conditions of approval for the project. The construction of the detached accessory buildings will be designed to minimize any impacts to natural contours and slopes. The proposed access road for the Hobson Creek well diversion would be recontoured to natural slope as identified in the *Restoration Plan* prepared by SHN. All siding and roofing materials for the proposed accessory structures will not be of reflective materials, except for glass windows and corrugated metal roofing for fire resistance. The proposed wells would not have a visual impact on any surrounding properties. Setbacks from property lines maintain adequate distances from surrounding parcels and comply with the 30-foot SRA setbacks.

#### Public comment

On May 21, 2021, County staff conducted a site inspection of an adjacent neighbor that lives directly east of the project site, to assess the concerns raised with a proposed tree house that has now been withdrawn from the application. While on-site, County staff heard additional concerns regarding the amount of trees subject for removal and the concerns with drilling of two new wells on the property. In particular, the adjacent property owner holds a viewshed easement over a portion of the subject property that prohibits commercial timber harvesting and believes that the proposed tree removal may violate the terms of the easement. This easement is a private civil matter between the property owners and not subject to county discretion, however the impact of the tree removal on the viewshed may be detrimental to the public welfare and properties and improvements in the vicinity, which is a matter for consideration by the Planning Commission. Specifically, in order to approve the proposed project the Commission must find that the project would not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

In addition to the concerns raised during the visit to the adjacent property the county has formally received public comment from the surrounding neighbors. The concerns raised by the adjacent property owners include the increase in water extraction by the proposed new wells. Specifically, the proposed groundwater well that will divert water from Hobson Creek. The proposed wells are allowable uses as minor utilities to serve the project site for irrigation, domestic use, and fire protection. CDFW has issued a draft Lake or Streambed Alteration Agreement (LSAA) for the proposed well diversion that would allow a maximum instantaneous diversion rate of no more than ten (10) gallons per minute. The LSAA also requires the applicant to implement water conservation and storage strategies to be able to forbear diversion from July 15 to October 15 of each year. To ensure the applicant is compliant with the water withdrawal requirements, they are required to install and maintain an adequate measuring device to measure the instantaneous and cumulative rate of diversion. These requirements have become conditions of approval for the project for the life of the well. The same forbearance period and monitoring requirements will also be required for the proposed well located along the edge of the riparian corridor. Staff believes that, as conditioned, these concerns have been addressed and the use of the proposed wells during the rainy season will not significantly impact the surrounding parcels.

Additional concerns raised by the adjacent property owners include the proposed major vegetation removal and the effects to the scenic values that removing the trees would have on the character of the neighborhood. Staff believes that removal of trees near the rear property line (east side of the parcel) would be detrimental to the public welfare by diminishing adjacent property owners' quality of life and negatively impacting surrounding parcels and the existing natural setting. Therefore, Planning staff recommends conditional approval of the tree removal, such that removal of trees would not be allowed greater than 150 feet from the existing habitable structures. Prior to any tree removal, the applicant shall submit an updated tree removal map within 60-days of project approval excluding all trees for removal that are greater than 150 feet from the two existing habitable structures on the subject property. This has been added as a condition of approval and is described in the staff recommendation below.

An additional concern raised by the adjacent neighbors includes the use of the proposed property potentially for commercial purposes such as a vacation rental or commercial botanical garden.

The applicant has not relayed any plans to utilize the parcel for commercial use. Any future plans to utilize the project site for commercial purposes, such as a Bed and Breakfast or commercial botanical garden, would require a Conditional Use Permit and would need to be approved by the Planning Division prior to establishing the use. Additionally, to address concerns regarding planting of "botanical garden" plants, and as recommended by Coastal Commission Staff and CDFW, no non-native species are allowed on the parcel for planting.

A letter was also submitted in support of the applicant's proposal. This letter is written by the applicant's architect and describes the process of designing the proposal and expresses frustration with the amount of time that it has taken to bring this application to a decision. This application was filed on October 26, 2017.

The project as conditioned and recommended by staff is consistent with the Trinidad Area Plan (TAP) for the following reasons: 1) the proposed accessory structures, wells, and tree removal are accessory uses to the principal uses on the property in the RR(B) land use designation and are principally permitted uses in the Rural Residential Agriculture (RA-5) Zone; 2) the proposed development complies with applicable development standards of the zone, 3) All responding referral agencies have recommended conditional approval of the project, and 4) There is no evidence that the proposed development will negatively impact the environment. The Department believes that the project may be found Categorical Exempt from environmental review pursuant to Section 15301 (Existing facilities), 15302 (Replacement or Reconstruction), 15303(a) (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the CEQA Guidelines, because the project is for the construction of a new garage/shop that will be accessory to the primary residence (15303); remodel of an existing garage/guest house to an ADU that will not exceed 50% of the existing floor area (15301); construction of a new detached restroom as an accessory structure to the primary residence (15303); replacement of an entry gate that will substantially serve the same purpose as the existing gate (15302); installation of two new wells that are considered minor utilities to serve the primary residence (15303); and fuel management activities under a Department of Forestry Structure Protection Exemption (15304).

The majority of the trees proposed for removal are redwood trees with an average size of 18 inches diameter at breast height. Most of these trees are within 150 feet of the existing habitable structures on-site although a substantial number are also located within the area between 150 feet and 300 feet from these structures. Specifically, 142 trees are proposed for removal within 150 feet of the habitable structures on the subject property and 37 trees are proposed for removal between 150 and 300 feet of the structures. Notably, there are 48 healthy trees within this 150 to 300 foot area and the applicants proposal would leave only 11 healthy trees in this area. The California Forest Practice Rules (CFPR) provide for specific allowances for the removal of trees for fire prevention purposes within 150 feet of existing, legally permitted structures with some limited exceptions. The CFPR allows additional removal of trees between 150 and 300 feet from legally permitted habitable structures, subject to considerable limitations. In addition, Section 15304 of the state CEQA Guidelines specifies that fuel management activities within 100 feet of a structure are exempt from environmental review if the public agency having fire protection responsibility determines that 100 feet of clearance is required due to extra hazardous fire conditions. CalFire has the wildland fire protection responsibility in this area and recommends 150 feet of fire hazard clearance which is consistent with the intent of the 15304 exemption from CEQA. Additionally, proposed trees for removal that are greater than 150 feet from the existing habitable structures on-site are primarily located immediately adjacent to the eastern property line and has the potential to significantly impact the scenic qualities of the property to the east. These adjacent property owners have commented that removal of these trees would significantly impact their quality of life and therefore be detrimental to their general welfare.

According to the applicant's Registered Professional Forester (RPF), no mature trees are proposed for removal. The proposal is to leave the larger trees and remove the smaller, suppressed trees which would leave the dominant trees to grow and flourish. In response to the Department's suggestion

that the tree removal be limited to the area between 150 feet and 300 feet of the habitable structures on-site, the RPF has stated that this would be inconsistent with the California Forest Practice Rules and would substantially increase the fire danger. Cal-Fire has tentatively approved the tree removal as proposed by the applicant. The applicant remains extremely concerned about the fire danger on-site, having lost 3 homes in the recent Sonoma and Napa fires. According to the applicant, this property has been impacted by wildfires three times in the last 100 years.

**STAFF RECOMMENDATION:** Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit and Special Permit with conditions. However, in order to protect public welfare, Planning recommends conditional approval of the tree removal component, such that removal of healthy trees would not be allowed outside of the 150-foot zone surrounding the existing habitable structures on the subject property. The Planning Commission should consider both the public safety and fire protection needs and the public welfare in determining the appropriate amount of trees to authorize for removal. Planning staff believes that limiting the tree removal to the area within 150 feet of the on-site structures is an appropriate balance between the need for fire safety and the need to protect the public welfare.

**ALTERNATIVE:** The Planning Commission could approve all of the tree removal proposed under the 150–300-foot Cal Fire Structure Protection Exemption, or an alternative fire clearance buffer from the structures on the site.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21 -  
Record Number CDP-17-162/SP-17-156  
Assessor's Parcel Number: 515-271-024**

**Resolution by the Planning Commission of the County of Humboldt to conditionally approve the Morris Coastal Development Permit and Special Permit.**

**WHEREAS, Maclyn Morris**, submitted an application dated October 26, 2017 requesting approval of a Coastal Development Permit and Special Permit ; and

**WHEREAS**, pursuant to Sections 15301 (Existing facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the CEQA Guidelines the proposed project is found Categorically Exempt from environmental review; and

**WHEREAS**, the Humboldt County Planning Commission held a duly noticed public hearing on July 1, 2021 and reviewed, considered, and discussed the application for a Coastal Development 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:** A Coastal Development Permit and Special Permit for new residential accessory structures, Major Vegetation Removal of trees with a diameter greater than twelve (12) inches at four and one-half (4.5) feet trunk height, and development within the 100-foot protective buffer for Streams and Riparian Corridor and Wetlands. Development within the protective buffer involves the removal of 150 trees with an average diameter of 18 inches, for public safety purposes under a CalFire 150-300 foot Structure Protection Exemption, and 29 trees outside the buffer for a total of 179 trees. The installation of two wells, one located 20 feet from Hobson Creek, and the second well located at the edge of the Riparian Corridor buffer. Other accessory structures include the remodel of an existing single story 1,070 square foot single story garage/guest house including the addition of 96 square feet of enclosed, heated area along the existing covered porch; a new 728 square foot two car garage; construction of a 992 square foot two-story shop building and office; construction of a new single story detached 96 square foot ADA restroom; and a new front entry gate.

- EVIDENCE:**
- a) Project File: CDP-17-062/SP-17-156 (Application No. 13908)
  - b) *Maclyn Morris Structure Protection Exemption Project Description* prepared by Western Timber Services, Inc. as amended January 12, 2021.
  - c) *Environmentally Sensitive Habitat Areas Assessment* prepared by SHN dated October 2018.
  - d) *Environmentally Sensitive Habitat Area Impact Analysis and Invasive Species Management Plan* prepared by SHN dated February 2021.
  - e) *Restoration Plan – Temporary Access Road for Well Installation* prepared by SHN dated May 2020.
  - f) Draft Lake or Streambed Alteration Agreement (Notification No. 16-00-201-0297-R1) dated September 2018.
  - g) *Fire Hazard Assessment for the Maclyn Morris Structure Protection Exemption* prepared by Western Timber Services, Inc. dated February 25, 2020.

**2. FINDING: CEQA.** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

**EVIDENCE:** The proposed project may be found categorically exempt from environmental review pursuant to Section 15301 (Existing facilities), 15302 (Replacement or Reconstruction), 15303(a) (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the CEQA Guidelines, because the project is for the construction of a new garage/shop that will be accessory to the primary residence (15303); remodel of an existing garage/guest house to an ADU that will not exceed 50% of the existing floor area (15301); construction of a new detached restroom as an accessory use to the primary residence (15303); replacement of an entry gate that will substantially serve the same purpose as the existing gate (15302); installation of two new wells that are considered minor utilities to serve the primary residence (15303); and fuel management activities under a Department of Forestry Structure Protection Exemption (15304).

**3. FINDING:** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Trinidad Area Plan.

**EVIDENCE:**

- a) The Rural Residential (RR) land use designation applies to allow residential use of rural lands not permanently designated for resource protection and not suitable for rural community neighborhood development. The project is principally permitted in the RR designation.
- b) The project complies with the County's Housing Element as it will authorize a conversion of an existing garage/guest house (currently no restroom facility) as an Accessory Dwelling Unit (ADU) with a restroom and kitchen; therefore, adding one unit to the County Housing Inventory.
- c) The parcel is in an area of moderate geologic instability, with slopes less than 15%. The parcel is not in a designated flood zone. The parcel is within the State Responsibility Area (SRA) for fire and has a moderate fire hazard severity rating. The applicant has requested to remove 150 healthy trees within the 100-foot Riparian Corridor buffer, and 29 trees outside of the Riparian buffer, for a total of 179 trees to be removed under a Cal Fire Structure Protection Exemption. The Structure Protection Exemption administered by Cal Fire under PRC 4290 and 4291, allows landowners to cut and remove healthy, merchantable tree species within 0-150 and 150-300 feet of a legally permitted structure. The resulting enhanced fire protection is due to elimination of the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns to reduce fire spread, duration and intensity. The Structure Protection Exemption must be facilitated by a Registered Professional Forester (RPF) consistent with Timber Harvesting requirements of California Forest Practice Rules. As such, selective tree removal for public safety purposes is allowed in the Riparian Corridor when mitigation measures specified within the "R" zone regulations (section 313-33.1) are included in the project design. Conditions of approval will memorialize the additional measures proposed by the RPF. Based on concerns raised by neighboring landowners, the Department recommends conditional removal of trees such that removal would not occur within 150-feet from the rear property line in order to protect public welfare. This condition will continue to reduce potential fire hazards, while also decreasing the potential impacts to surrounding neighbors on adjacent properties. The two (2) proposed wells will be used for irrigation, domestic and fire safety water storage capacity. Increase in water storage will also

decrease potential fire hazards by providing readily available water sources. Additional project proponents, including detached accessory structures and entry gate, will not increase risks to hazards based on their location on the parcel and fire-resistant construction materials. The project will comply with SRA requirements. Based on these findings and staff recommendations, the proposed development will not increase risks to hazards.

- d) The parcel is bounded along the north by Hobson Creek, a class I (fish bearing) perennial coastal stream; a class II unnamed perennial stream enters the property at the southeast corner of the property and drains into an artificial pond; and a minor unnamed tributary to Hobson Creek is at the northwest corner of the property. There are also several wetland areas containing hydrophytic vegetation located within the project footprint. These wetlands and streams are classified as ESHA. Vegetation within the project footprint consists mainly of coast redwood intermixed with Douglas-fir, Sitka spruce, and Grand fir. Additional ESHA mapped within the study area includes: coastal brambles vegetation community, red alder riparian forest vegetation community, slough sedge sward vegetation community, wetland habitat, and riparian habitat. Potential impacts to ESHA vary depending on the ESHA being impacted. ESHA potentially impacted by tree removal within the ESHA buffer include: riparian habitat along Hobson Creek, wetland habitat in the northeastern and southern portion of the project, slough sedge sward, red alder riparian forest vegetation communities, and a Class 1 and Class 2 stream along the southern portion of the project area, which includes the artificial pond. The coastal brambles vegetation community is of a sufficient distance and is topographically disconnected from the project; therefore, no impacts are likely to result on account of this project. In order to protect ESHA from disturbance, the project will be required to comply with the recommendations identified in the *Impact Analysis and Invasive Species Management Plan* prepared by SHN. These recommendations have been added as conditions of approval. The recommendations also include an invasive species management plan that would enhance the overall natural setting of the property by requiring revegetation of natural species in disturbed area, and removal on non-native species. A cluster of trees proposed for removal that is located within 50 feet of a high-quality ESHA area is greater than 150 feet from the habitable structures on the subject parcel and as recommended by staff these trees would not be permitted for removal thereby providing additional ESHA protection. As conditioned, the project would protect biological resources on the parcel, including ESHA.
- e) The project was referred to the Northwest Information Center, Yurok Tribe, and Trinidad Rancheria. The NWIC recommended consult with local tribes. The Yurok Tribe reviewed the project and did not provide any formal comments or recommendations. Accordingly, the standard inadvertent archaeological discovery protocol has been added to the conditions of approval for the project.
- f) The parcel is within the Trinidad Coastal Scenic Area. The proposed 992 square foot garage will be wood frame, contain corrugated metal roofing, and an exterior of redwood board. These accessory structures are not expected to have any negative impacts on the visual quality of the area, as the exterior materials will blend in well with the existing development on the parcel and surrounding lots. There are no ocean views on the parcel. No threats to visual resources are anticipated. The parcel is surrounded by large trees and the existing and proposed development cannot be seen from any

road. As conditioned, the project is consistent with the physical scale and visual compatibility of the neighborhood. The accessory structures would be wood-framed and would not exceed height limits of the scenic area. The tallest structure would be approximately 35 feet. All new exterior lighting installed on the accessory structures will be shielded so that it is not directed beyond the boundaries of the property. This has been added as a condition of approval. The development is not located on a ridgeline. Timber harvest activities will take place on the parcel, and as conditioned, the project will not be detrimental to the surrounding parcels given staff has recommended that tree removal not occur within 150-feet from the rear property line to avoid impacts to public welfare. This will reduce the number of proposed tree subject for removal substantially and would maintain adequate privacy to adjacent neighbors. Given the location of the proposed accessory structures, and the obstructed views to the existing residential development from the road, the project is not anticipated to impact the designated Trinidad Coastal Scenic Areas. The proposed gate will not be out of character for the neighborhood. The project is consistent with the Visual Resources policies in the TAP.

- 4. FINDING:** The proposed development is consistent with the purposes of the Rural Residential Agriculture, minimum parcel size 5-acres (RA-5) zone in which the site is located, and conforms with all applicable standards and requirements of these regulations.

- EVIDENCE:**
- a) The subject parcel is one separate legal parcel, described as Parcel 1 of Parcel Map No. 2745 in book 24 of Parcel Maps Page 145-146. The parcel is consistent with §312-1.1.2 Legal Lot Requirement and compliant with the provisions of the Subdivision Map Act.
  - b) The proposed residential project proponents are principally permitted in the RA-5 Zone with a Coastal Development Permit and Special Permit for Design Review within the coastal zone. The proposed Major Vegetation Removal is permitted with a Special Permit and Cal Fire Structure Protection Exemption.
  - c) The project complies with all development standards including SRA 30-foot setbacks, 35-foot height limits, off-street parking, and lot coverage.
  - d) The parcel has a Manufactured Home (M) Combining Zone and does not contain any manufactured homes. All existing and proposed structure are wood framed. The project is consistent with the M combining zone.
  - e) The parcel also has a Design Review (D) Combining Zone, and the project is consistent with the Design Review standards as described in Finding 3(f).
  - f) The property is within the Streams and Riparian Corridor Protection (R) Combining Zone associated with Hobson Creek. The removal of trees would occur within the riparian corridor buffer. Additionally, the construction of a spring box well for irrigation, domestic and fire safety water storage capacity would be located in the riparian corridor. The spring box would withdrawal groundwater from a bench along the side of Hobson Creek, and has been authorized by CDFW under a draft Lake or Streambed Alteration Agreement (LSAA). Additional work within the corridor includes the removal of non-native trees and replanting with native vegetation. A temporary road will also be required for the spring box well, and would be restored as recommended by the Restoration Plan prepared by SHN dated May 2020. The project will comply with the standards outline in Sections 312-39.13 and

312-39.15 of the Humboldt County Code as applicable to the R combing zone as follows:

- a. The proposed tree removal has been reduced to address concerns by neighboring property owner, and will continue to have the same overall affect in its reduction to fire hazards, and there is no less environmentally damaging feasible alternative.
- b. The project requires measure to protect the environment, including impacts to ESHA and surrounding parcels and will be implemented as part of the project.
- c. Based on a review of the technical studies prepared for the project, including an ESHA Analysis and Structure Protection Exemption Project Description and mapping, the tree removal will not result in a significant adverse impact to habitat values; rather, with the implementation of the Restoration Plan and Invasive Species Management Plan, the project would enhance the natural species composition by requiring removal of non-native species and protection and revegetation with native species.
- d. The visual effects of the vegetation removal will be subordinate to the character of its setting with the requirement that removal of trees within 150-feet of the rear property line is implemented as a condition of the project.
- e. The proposed development will be sited and designed to prevent impacts which would significantly degrade wetland habitat areas, and will be compatible with the continuance of such habitat areas through the implementation of ESHA protection measures outlined in the ESHA Analysis and Invasive Species Management Plan.
- f. The biological productivity and the quality of coastal streams and wetlands on-site would not be negatively impacted by the proposed tree removal and well proposal in the riparian corridor and directly in Hobson Creek. The LSAA issued by CDFW would require compliance measures that will be required for the life of the well, and includes forbearance measures and monitoring to prevent negative impacts to the watercourse.

**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 properties or improvements in the vicinity.

**EVIDENCE:** Based upon the technical information provided by the applicant for the project, the Department finds the proposed tree removal of up to 179 trees may be detrimental to the public welfare by negatively impacting the eastern property owners' quality of life and existing environmental setting. As conditioned, the project will not be detrimental to public health safety or welfare to properties in the vicinity.

**6. FINDING:** The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE:** The only proponent of the project that will result in a separate living space includes the conversion of a garage/guest house to a 1-bedroom ADU with a kitchen and restroom. The project will not conflict with any provisions of the 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
- Conditionally approves the Morris Coastal Development Permit and Special Permit, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

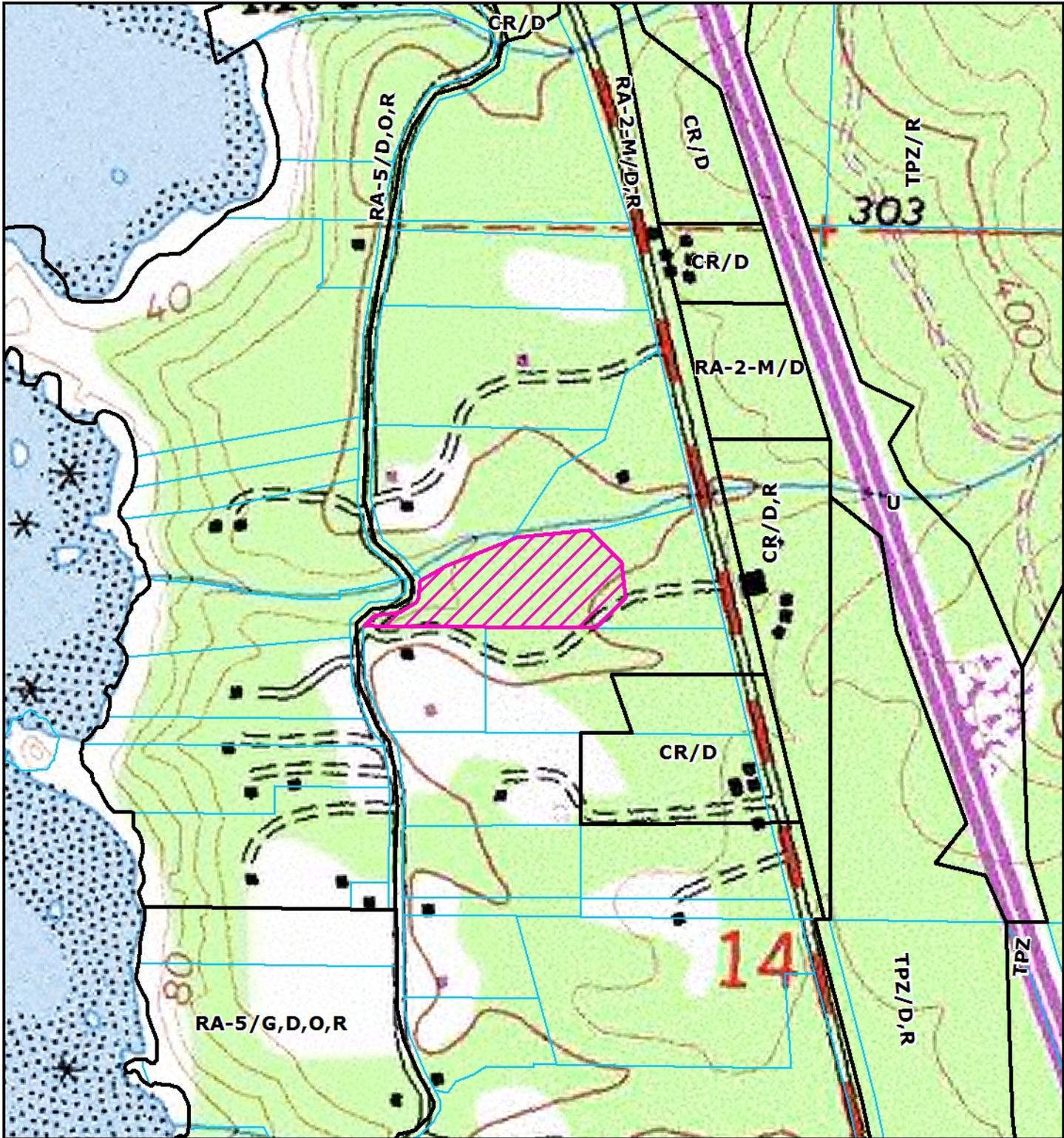
Adopted after review and consideration of all the evidence on July 1, 2021

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



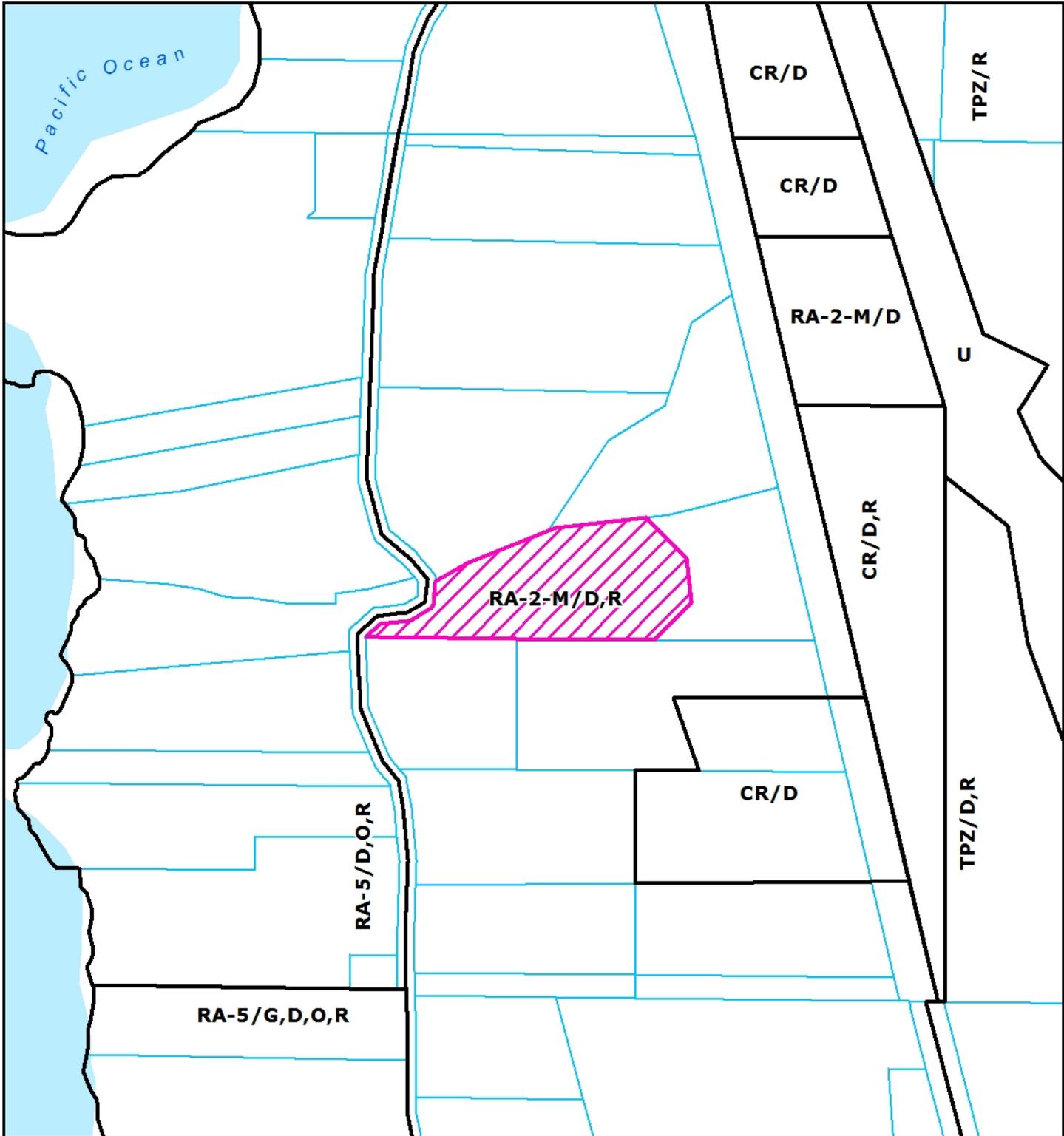
**TOPO MAP**

**PROPOSED MORRIS  
COASTAL DEVELOPMENT PERMIT &  
SPECIAL PERMIT  
TRINIDAD AREA  
CDP-17-062/SP-17-156  
APN: 515-271-024  
T8N R1W S14 HB&M (Trinidad)**

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.





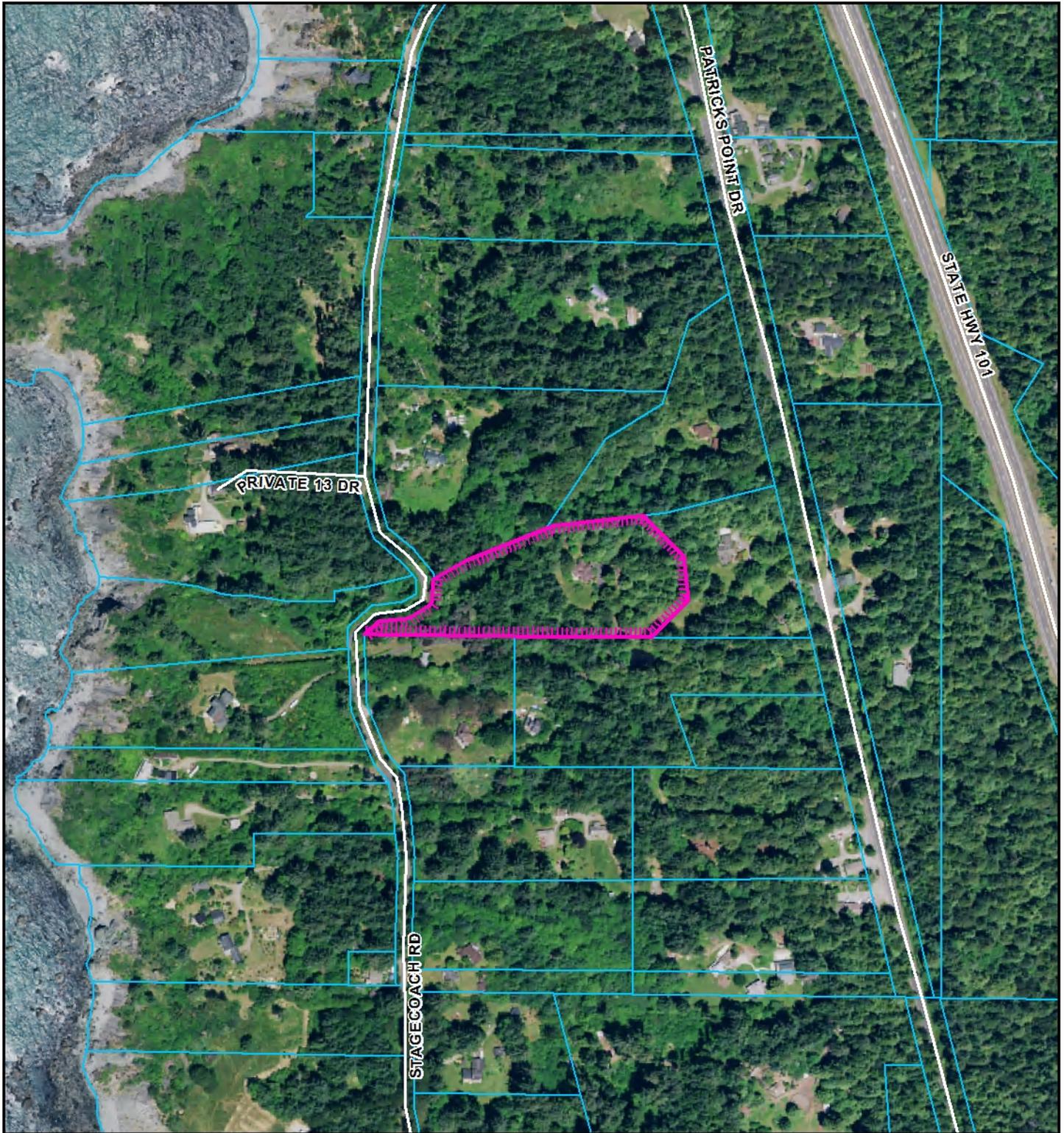
**ZONING MAP**

**PROPOSED MORRIS  
COASTAL DEVELOPMENT PERMIT &  
SPECIAL PERMIT  
TRINIDAD AREA  
CDP-17-062/SP-17-156  
APN: 515-271-024  
T8N R1W S14 HB&M (Trinidad)**

**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.





**AERIAL MAP**

**PROPOSED MORRIS  
COASTAL DEVELOPMENT PERMIT &  
SPECIAL PERMIT  
TRINIDAD AREA**

**CDP-17-062/SP-17-156**

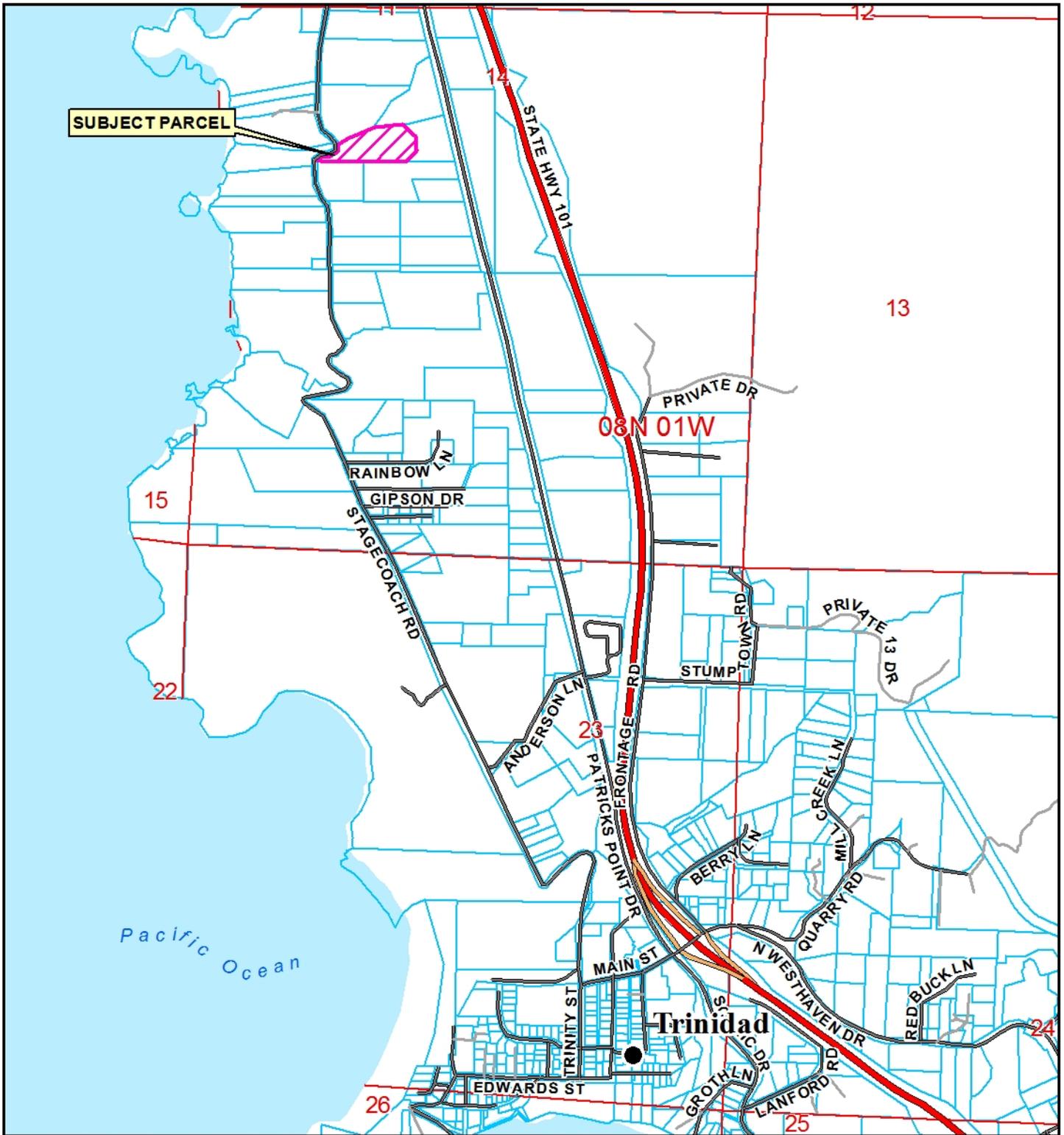
**APN: 515-271-024**

**T8N R1W S14 HB&M (Trinidad)**

**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.





**LOCATION MAP**

**PROPOSED MORRIS  
COASTAL DEVELOPMENT PERMIT &  
SPECIAL PERMIT  
TRINIDAD AREA**

**CDP-17-062/SP-17-156**

**APN: 515-271-024**

**T8N R1W S14 HB&M (Trinidad)**

**Project Area =** 

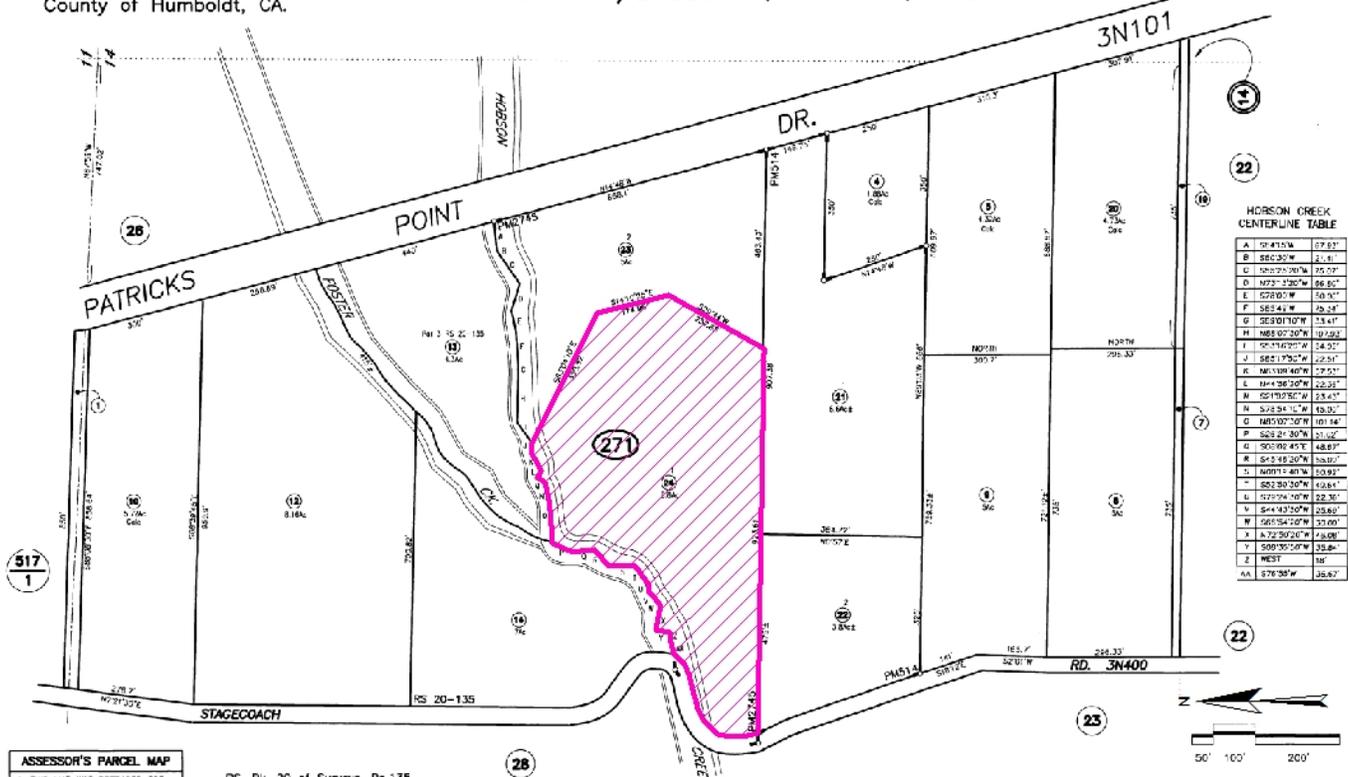
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



Assessor's Map Bk. 515, Pg. 27  
County of Humboldt, CA.

POR N 1/2 SEC 14, T8N R1W, H B & M

515-27



**ASSESSOR'S PARCEL MAP**  
1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.  
2. NO LIABILITY IS ASSIGNED FOR THE ACCURACY OF THE DATA SHOWN.  
3. ASSESSOR'S PARCELS MAP NOT CONFORM WITH LOCAL, COUNTY, STATE OR FEDERAL ORDINANCES.

RS, Bk. 20 of Surveys, Pg. 135  
RS, Bk. 30 of Surveys, Pg. 114  
PM514, PM Bk. 4, Pg. 128  
PM2748, PM Bk. 24, Pgs. 145-146  
RS, Bk. 70 of Surveys, Pg. 104

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Small Circles

REC Aug 29, 2013

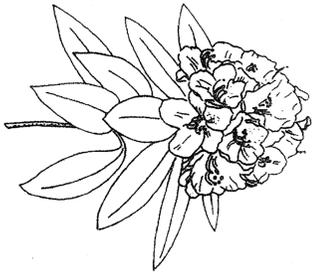
**ASSESSOR PARCEL MAP**  
**PROPOSED MORRIS**  
**COASTAL DEVELOPMENT PERMIT &**  
**SPECIAL PERMIT**  
**TRINIDAD AREA**  
**CDP-17-062/SP-17-156**  
**APN: 515-271-024**  
**T8N R1W S14 HB&M (Trinidad)**

Project Area = 

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MAP NOT TO SCALE

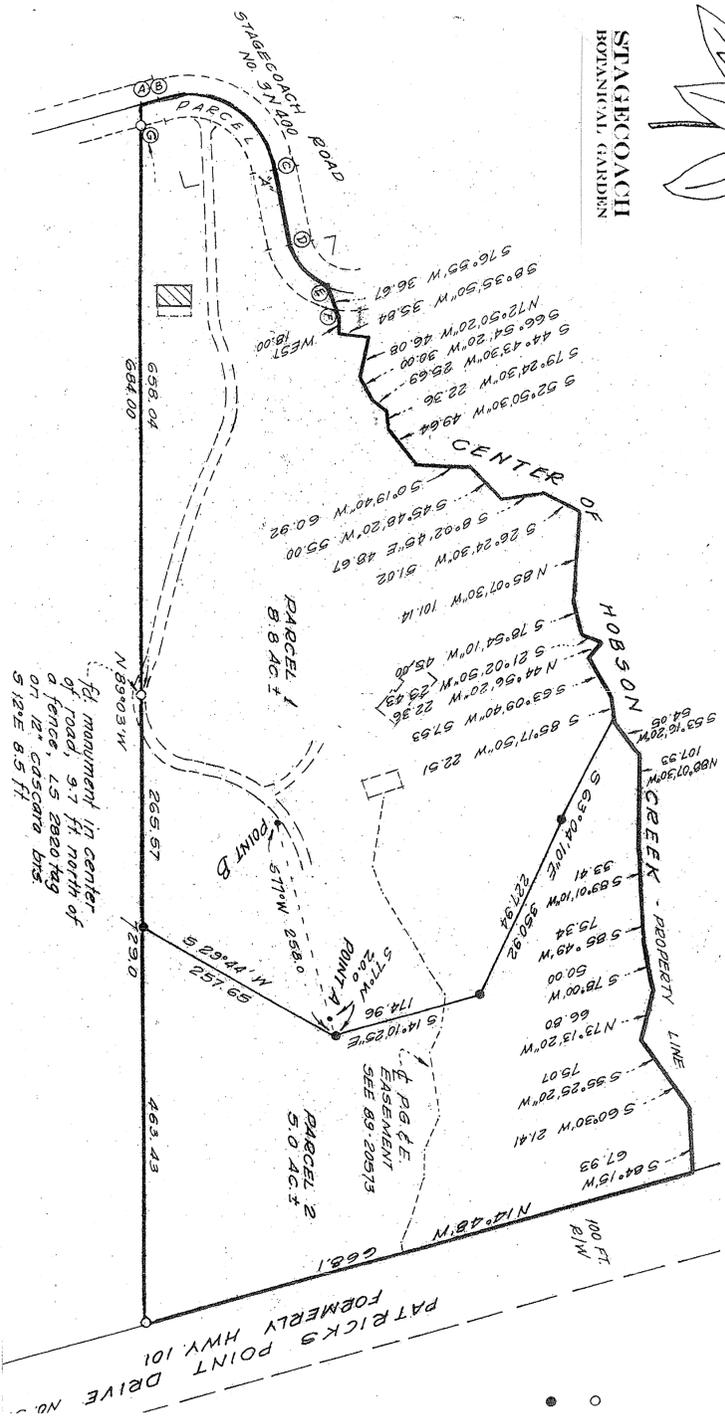




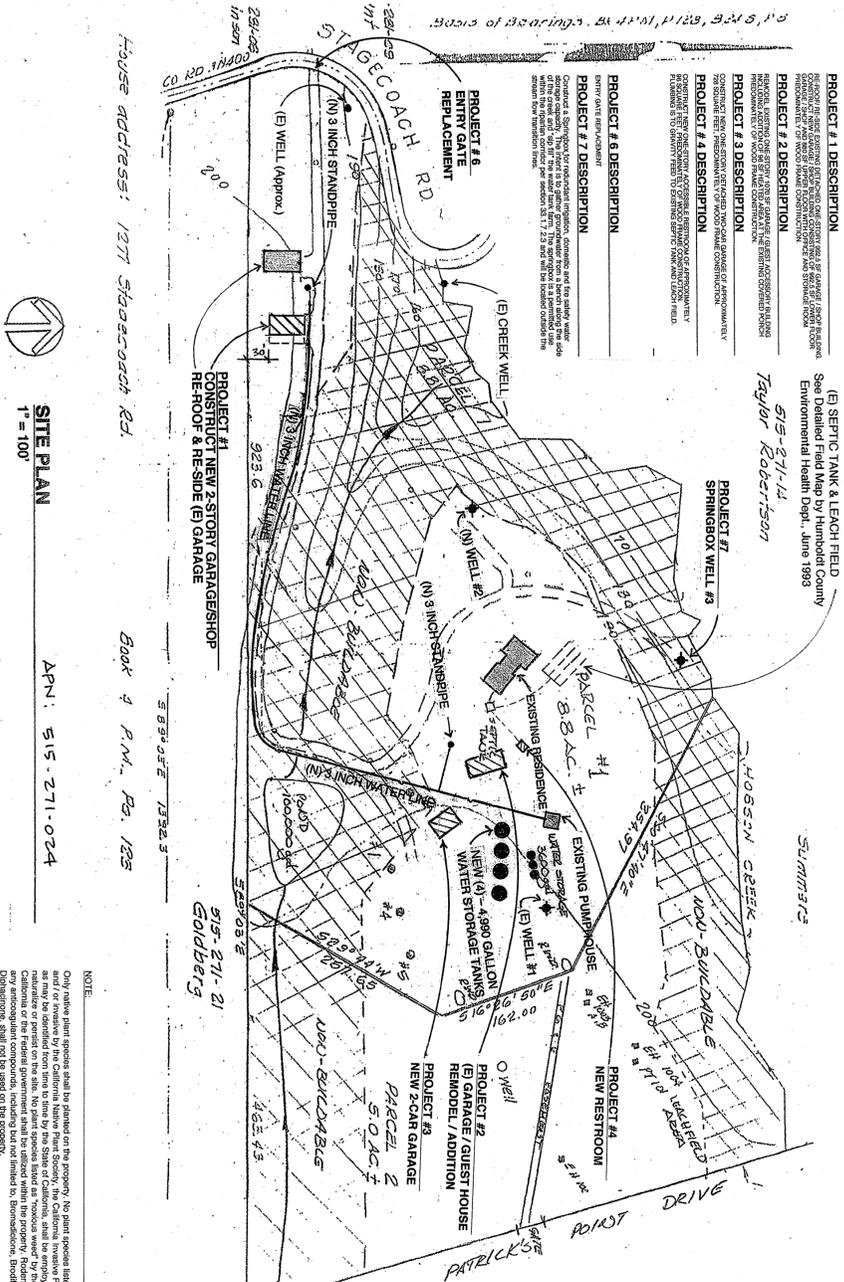
# MORRIS RESIDENCE

## 1277 STAGECOACH ROAD

### TRINIDAD, CALIFORNIA



PARCEL MAP  
1" = 100'



SITE PLAN  
1" = 100'

NOTE:  
Only native plant species shall be planted on the property. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or the California Department of Conservation shall be planted on the site. No plant species listed as "noxious weed" by the State of California or the Federal Government shall be utilized within the property. Botanists conducting fieldwork shall be required to submit a list of all plant species observed to the State of California Department of Conservation, Botany Division. All plant species shall not be used on the property.

**PROJECT # 1 DESCRIPTION**

RE-ROOF/RE-SIDE EXISTING DETACHED ONE-STORY 992.5 SF GARAGE / SHOP BUILDING. CONSTRUCT NEW GARAGE / SHOP BUILDING CONSTRUCTING CEILING AND STORAGE ROOM. PREDOMINANTLY OF WOOD FRAME CONSTRUCTION.

**SHEET INDEX**

1.0	COVER SHEET
1.1	SITE PLAN
1.2	FLOOR PLANS
1.3	EXTERIOR SECTIONS
1.4	ROOF & UPPER FLOOR FRAMING PLAN
1.5	ELECTRICAL / MECHANICAL SCHEMATICS
1.6	STRUCTURAL DETAILS
1.7	CONSTRUCTION DETAILS
1.8	
1.9	

**PROJECT # 2 DESCRIPTION**

REMODEL EXISTING ONE-STORY 1070 SF GARAGE / GUEST ACCESSORY BUILDING INCLUDING ADDITION OF 88 SF HEATED AREA AT THE EXISTING COVERED PORCH. PREDOMINANTLY OF WOOD FRAME CONSTRUCTION.

**SHEET INDEX**

2.0	COVER SHEET
2.1	SITE PLAN
2.2	FLOOR PLANS
2.3	EXTERIOR SECTIONS
2.4	ROOF & UPPER FLOOR FRAMING PLAN
2.5	ELECTRICAL / MECHANICAL SCHEMATICS
2.6	STRUCTURAL DETAILS
2.7	CONSTRUCTION DETAILS
2.8	ARCHITECTURAL SPECIFICATIONS
2.9	ENERGY COMPLIANCE FORMS
1-2	ENERGY COMPLIANCE FORMS

**PROJECT # 3 DESCRIPTION**

CONSTRUCT NEW ONE-STORY DETACHED TWO-CAR GARAGE OF APPROXIMATELY 728 SQUARE FEET. PREDOMINANTLY OF WOOD FRAME CONSTRUCTION.

**SHEET INDEX**

3.0	COVER SHEET
3.1	SITE PLAN
3.2	FLOOR PLAN & EXTERIOR ELEVATIONS
3.3	FOUNDATION & ROOF FRAMING PLAN
3.4	CONSTRUCTION DETAILS
3.5	ARCHITECTURAL SPECIFICATIONS
3.6	
3.7	

**PROJECT # 4 DESCRIPTION**

CONSTRUCT NEW ONE-STORY ACCESSIBLE RESTROOM OF APPROXIMATELY 96 SQUARE FEET. PREDOMINANTLY OF WOOD FRAME CONSTRUCTION. PLUMBING IS TO GRAVITY FEED TO EXISTING SEPTIC TANK AND LEACH FIELD.

**SHEET INDEX**

4.0	COVER SHEET
4.1	SITE PLAN
4.2	FLOOR PLAN & EXTERIOR ELEVATIONS
4.3	FOUNDATION & ROOF FRAMING PLAN
4.4	STRUCTURAL NOTES

**PROJECT # 6 DESCRIPTION**

ENTRY GATE REPLACEMENT

**SHEET INDEX**

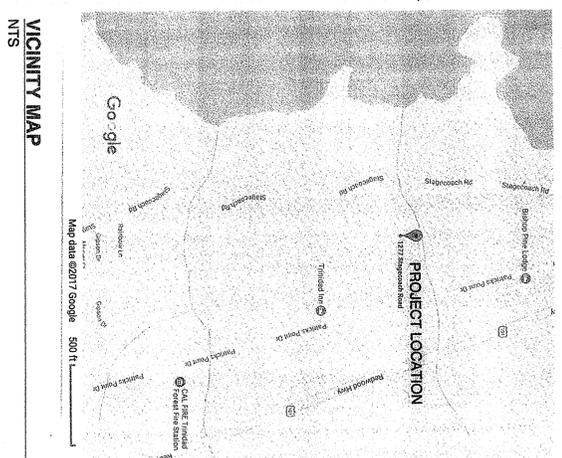
6.1	SITE PLAN / GATE PLAN / SECTION / ELEVATION
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**PROJECT # 7 DESCRIPTION**

Construct a Springbox for redundant irrigation, domestic and fire safety water storage capacity. The intent is to gather groundwater from a bench along the side of the creek and 'sip fill' the water tank farm. The springbox is a permitted use within the riparian corridor per section 33.17.2.3 and will be located outside the stream flow transition lines.

**SHEET INDEX**

7.1	SITE PLAN / SPRINGBOX DETAILS
7.2	CDPW - STREAMBED ALTERATION AGREEMENT
7.3	RESTORATION PLAN



**PROJECT DATA**

PROJECT ADDRESS: 1277 Stagcoach Road, Trinidad, CA 95070

ZONING: RA-5

OCCUPANCY: R3 / U-1

CONST. TYPE: V-B

FIRE RATING: Non-Sprinklered

PARCEL SIZE: 8.8 Acres

OWNER: Machyn Morris  
1277 Stagcoach Road  
Trinidad, CA 95070  
707-416-6907

**APPLICABLE CODES**

All work indicated on the plans shall comply with the following governing codes:

- 2016 CALIFORNIA BUILDING CODE
- 2016 CALIFORNIA RESIDENTIAL CODE
- 2016 CALIFORNIA PLUMBING CODE
- 2016 CALIFORNIA MECHANICAL CODE
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE
- 2016 CALIFORNIA FIRE CODE

**PROJECT CONSULTANTS**

**ARCHITECT**  
Michael Helm, Architect  
Michael Helm & Associates  
200 Seventh Ave., #110  
Santa Cruz, CA 95062  
831-476-5986

**STRUCTURAL**  
Shad Design Group  
3550 Stevens Creek Blvd., #220  
San Jose, CA 95128  
408-948-2244

**ENERGY**  
Monterey Energy Group  
25465 Carmel Ranchero Blvd., #8  
Carmel, CA 93923  
831-372-8828

**LANDSCAPE ARCHITECT**  
Lucile Design, Inc.  
12225 East  
Sycamore, CA 95821  
www.luciledesign.com

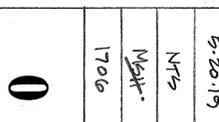
**TIMBER HARVEST PLAN**  
Western Timber Services Inc.  
P.O. Box 1136  
Arcata, CA 95518  
707-822-9829

**BOTANIST**  
Joseph Sailer  
SHN  
1068 G St. Suite 1  
Arcata, CA 95521  
707-822-5785

**MORRIS RESIDENCE**  
1277 STAGECOACH ROAD  
TRINIDAD, CALIFORNIA

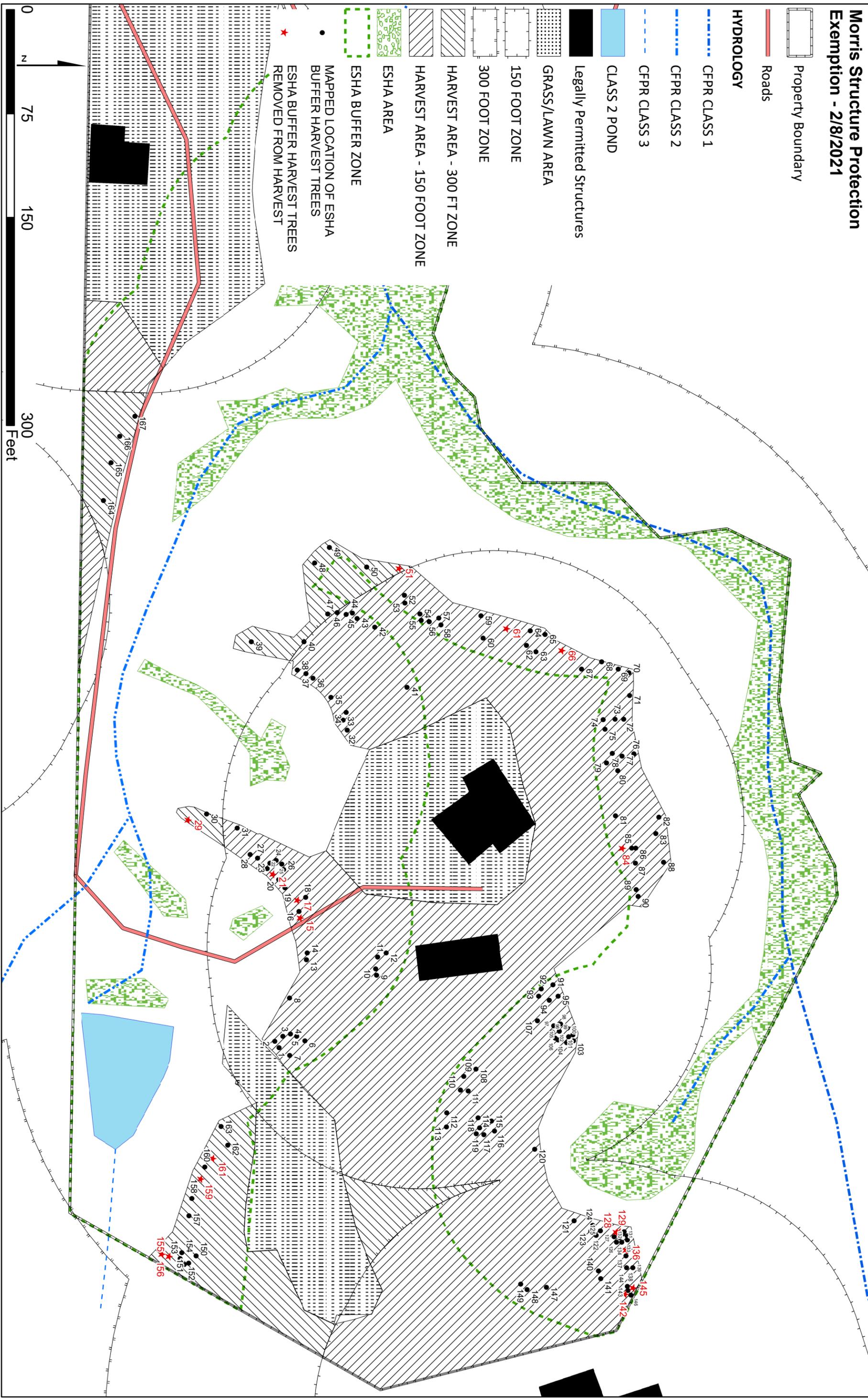
Michael Helm, AIA Architect & Associates  
200 Seventh Avenue, #110 Santa Cruz, California 95062 (831) 476-5386

COVER SHEET / SHEET INDEX  
PARCEL MAP / SITE PLAN  
5-20-19  
NHS  
MCH  
1706



2019 NCE  
5-19-21  
MCH

# Morris Structure Protection Exemption - 2/8/2021



**ATTACHMENT 1**  
**Recommended Conditions of Approval**

Approval of the Coastal Development Permit and Special Permit is conditioned upon the following requirements which must be fulfilled before work is initiated or during project implementation:

1. No healthy trees that are located greater than 150 feet from the habitable structures on the subject property shall be removed. Prior to any tree removal and within 60-days of project approval, the applicant shall submit an updated tree removal map excluding trees within 150-feet from the rear property line.
2. Development shall be consistent with the project description and Site Plan revised May 19, 2021. Changes to the project shall require a permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.
3. The applicant shall submit written documentation from the Division of Environmental Health (DEH) confirming that all the described work has been completed to their satisfaction within 10 working days of DEH approval.
4. The applicant shall provide a final Lake or Streambed Alteration Agreement (LSAA) which authorizes the proposed water well and water conversion from an unnamed tributary prior to any work within the unnamed tributary. The applicant is responsible for adherence to any recommendations outlined in the final LSAA.
5. The applicant shall develop and implement water conservation and storage strategies to be able to forbear water diversion from July 15 to October 15 of each year for the proposed new wells or other such forbearance period established by the California Department of Fish and Wildlife.
6. The applicant shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion for the proposed new wells. The device shall be installed within the flow of diverted water immediately as part of the well installation. The applicant shall maintain records of diversion, and records shall include the following:
  - a. A log including the date, time, and quantity of water diverted/extracted from the two wells shall be made available at all times.
  - b. The amount of water used per week.
  - c. Additional monitoring shall be adhered to as recommended by CDFW.
7. All tree removal and vegetation clearing shall be conducted outside of the bird nesting season (March 1 – August 15) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) section 3503, 3503.5, 3513. If work must be conducted during the nesting season, a qualified ornithologist (someone who is able to identify Northern California birds by sight and sound, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW and no vegetation removal should occur until nests have fledged or failed, as determined by a qualified ornithologist. All recommendation of the ornithologist shall become conditions of the permit.
8. The following operational requirements identified by the Structure Protection Exemption Project Description prepared by Western Timber Services dated January 18, 2021:
  - a. The Watercourse and Lake Protection Zone (WLPZ) boundary shall be flagged prior to operations. The project registered professional forester (RPF) shall inspect the flagging

- prior to operations and refresh where necessary so that the boundary is clearly visible.
- b. The Environmentally Sensitive Habitat Area (ESHA) protective buffer zone boundary shall be staked on the ground prior to operations. The project biologist shall inspect the stakes prior to operations and refresh where necessary so that the boundary is clearly visible.
  - c. Tree felling and removal shall be completed by a licensed timber operator (LTO).
  - d. A pre-operations meeting shall occur onsite with the LTO and RPF to review the overall plan of operations including operations within the ESHA. The LTO and RPF shall work together to flag equipment trails within the ESHA.
  - e. Timber shall be directionally felled away from the ESHA/WLPZ. It is recognized that in some cases, trees may need to be topped and/or felled in segments to prevent significant damage to the retained trees and vegetation within the ESHA and damage to existing buildings and infrastructure.
  - f. Logging related equipment shall only be allowed on the flagged equipment trail surfaces. Linear ingress and egress into the ESHA are the expected use of equipment trails. Turning maneuvers are not favorable and would result in unnecessary soil disturbance.
  - g. Shovel yarding equipment will be used to remove harvest trees from the ESHA if available. If not available, trees will be whole length skidded from the ESHA.
  - h. Heavily limbed or "wolf" trees shall be limbed prior to skidding to prevent excessive tilling of the soil and damage to retained trees and vegetation.
  - i. Pre-existing down logs/stumps shall be retained where feasible.
  - j. All surface fuels created by Timber Operations within 150 feet of a legally permitted structure, that could promote the spread of wildfire, including slash and woody debris, exceeding one (1) inch in diameter shall be chipped or removed. Slash beyond 150 feet of a legally permitted structure shall be chipped or removed while large woody debris created by timber operations may be retained.
9. The applicant shall employ the following recommendations identified in the Environmentally Sensitive Habitat Area Impact Analysis and Invasive Species Management Plan, as identified by SHN:
- a. Any equipment staging, temporary log storage, or equipment usage should be on level surfaces to prevent slope erosion and water movement across disturbed surfaces; and
  - b. Any areas of substantial soil disturbance should be recontoured prior to ground cover placement and replanted with native vegetation; and
  - c. Felled trees shall be cabled up to landings to minimize equipment usage within the ESHA buffer. Areas with significant native vegetation should be avoided when felling and dragging trees to the landing. Debris cleanup should be conducted by hand, burned, or chipped on site. Smaller debris can be left for erosion control. Following debris cleanup, all disturbed soils shall be covered and restored as described above; and
  - d. Trees blown down within the first year following tree removal should be replanted at a 3:1 replacement ratio using the same species that was blown over.
  - e. No heavy equipment should be operated within 50 feet of the wetland to avoid soil compaction and disturbance.
  - f. A temporary construction fence should be installed around the edge of the wetland prior to any project activities to prevent accidental encroachment into wetland areas. Following debris cleanup all disturbed soils within the vicinity of the wetlands shall be covered and restored as described above.
  - g. Invasive species to be specifically targeted include English ivy (*Hedera helix*), monte-bretia (*Crocosmia x crocosmiiflora*) and Krauss spikemoss (*Selaginella kraussiana*).
  - h. Planting of native species and active management should limit the introduction of new invasive species, and the removal and active management of the existing invasive species should ensure that these species do not become further established within the project area.
  - i. All English ivy vines growing on trees will be collared to prevent further growth of the vine into the tree canopy. Vines can be left in the trees to die; however, all English ivy material

extending any distance up the trunk of trees must be cut. This includes new vines less than 12 inches in height. Portions of the vines left in the ground can be spot treated with herbicide on the cut surface immediately after being cut to minimize regrowth.

- j. Areas with English ivy ground cover will be hand pulled and all visible plant material, including roots, will be removed. All removed material should be tarped for 12 months or burned to prevent resprouting and infestation of new areas. In areas where hand pulling is not feasible, ground-tarping can be used to smother the ivy. Tarps would need to remain in place for 18 months and would need to be secured to the ground to prevent movement. It is recommended that removal by hand be utilized, and that follow-up removal treatment occur twice yearly for a minimum of three years to prevent re-infestation. English ivy removal will be conducted within the ESHA buffer, with special attention to the areas of tree removal.
- k. Montebretia is best controlled using hand removal, specifically grubbing, digging, or hand pulling. Careful attention must be given to the removal of the corms (a swollen root for energy storage similar in appearance to a bulb) which will readily resprout if not removed. Smaller populations can be tarped to smother the plants; however, tarps would need to remain securely in place for up to two years. Treated populations will need to be retreated twice yearly for three years to ensure that full eradication has been achieved to prevent reinfestation. All removed corms and montebria plant material must be disposed of properly to prevent sprouting and infestation of new areas. This includes smashing/grinding of corms and root material, burning, or double bagging in plastic for a period of one year prior to disposal.
- l. Hand removal of Krauss spikemoss is recommended for small populations in the project area. Hand pulled material should be buried (greater than 12 inches deep) or burned. Krauss spikemoss is propagated through cuttings and fragments. Great care should be taken to avoid spreading this species on project equipment and it is recommended to conduct spike moss removal prior to commencement of tree removal. Follow up removal treatments are recommended monthly in the first year following removal to ensure that remaining fragments do not reestablish within the treated areas.
- m. The recommendation identified above shall be included in an "As-Planted" report, written following the completion of the restoration tree vegetation effort.
- n. All restoration activities should be followed by three years of monitoring, to record the success of the planting and invasive species removal, as well as recommendations should restoration activities not be successful.

10. The applicant shall employ the following recommendations identified in the Restoration Plan for the temporary road for the proposed well, as identified by SHN:

- a. Remove Broken Concrete: Broken concrete that exists within and adjacent to the footprint of the proposed temporary access road shall be removed and disposed of properly. This will require the use of a loader and truck to haul the concrete chunks out of the area. The location of the concrete will be used temporarily for the access road and will be recontoured following completion of the well installation.
- b. Relocate and Save Native Plants: All native plants will be relocated to a shaded area outside of the area of disturbance and kept alive with regular watering (3-4 times per week). Plants can be placed on plastic, plywood or on the open ground, however it is imperative that soil or mulch be placed to a depth that covers the roots of the plants to ensure survival of the plants through the construction period.
- c. Invasive Species Removal: Invasive Species removal shall occur as described by the Invasive Species Management Plan as described in Condition #7 above.
- d. Recontour Slope: Slopes will be graded for the installation of the temporary access road. Grading will be kept to a minimum during installation of the access road. Any areas that were graded for the access road will be recontoured to meet pre-project slope grade, and cuts will be recontoured to match pre-project slopes to avoid creating stormwater collection and flow patterns following completion of the project.

- e. Soil Surface Restoration: Soil surfaces should be returned to pre-project or better condition. Installation of proper best management practices (BMPs) will minimize soil erosion within the footprint of the temporary access road. Proper BMPs for soil stabilization include covering all exposed soil with weed-free straw to a depth of 1 centimeter, as well as the placement of biodegradable straw wattles (no plastic netting) at the downhill slope of the soil disturbance.
- f. Replant Native Plants: Native plants moved and kept alive for the duration of the project shall be replanted within the footprint of the access road. Plants shall be evenly spaced throughout the area of disturbance, with adequate space given to each replanted individual to ensure growth. Plants should be watered following installation to ensure that soil settles properly around the roots. Plants should be watered every other week until regular soaking rains begin, after which no additional watering is needed.
- g. Schedule: Native plant relocation must occur prior to construction, and native plant re-establishment must occur post-construction and post-soil surface restoration. Ivy collaring can occur during construction or post-construction, whenever is most convenient. Soil surface restoration must occur post-construction prior to a rainfall event and prior to native plant reestablishment.
- h. Completion of Restoration: Following completion of the restoration efforts, the project biologist will visit the temporary access road site to take photos and record conditions. Should restoration efforts be satisfactorily completed, a brief letter, including photo documentation of the restoration efforts, will be written documenting completion of restoration efforts. The letter will be sent to Maclyn Morris and applicable agencies. Should restoration efforts be incomplete or poorly conducted (i.e. straw too thin or straw wattles misplaced), Maclyn Morris will be notified and the issues resolved before a letter of completion is written.

11. The applicant shall employ the following measures for the removal of trees within the riparian buffer, pursuant to Section 313-33.1.10 of the Humboldt County Code:

- a. Replanting of disturbed areas with riparian vegetation; or posting of a performance bond guaranteeing re-establishment of natural vegetation within two years. The Restoration Plan and Invasive Species Management Plan prepared by SHN shall be completed as described above to satisfy this requirement.
- b. Retaining snags, unless removal is required by CAL-OSHA regulations or for stream bank protection;
- c. Retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons or egrets.

12. The applicant shall incorporate Best Management Practices (BMPs) for erosion and sediment control as set forth in the County's Grading Ordinance (HCC Section 331-12.H.6(c)), including the following measures:

- a. Use dust control techniques when excavating to minimize dust problems on adjacent parcels; and
- b. Reseed disturbed areas prior to winter rain; and
- c. Take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties. This may require the application of gravel or other acceptable surface treatment to construction access and turnaround areas to the satisfaction of the Building Official.

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

- 1. The applicant is responsible for receiving all necessary permits and/or approvals from state and local agencies.

2. The applicant shall adhere to the terms of the State Responsibility Area (SRA) Standards.
3. All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
4. New utilities shall be installed underground, when feasible.
5. Only native plant species shall be planted on the property. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the federal government shall be utilized within the property. Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used on the property.

### **Informational Notes**

1. 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 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 commence 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. Any and all outstanding Planning fees to cover processing of the project shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, will 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 are Native American, the NAHC will 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 responsible for ensuring compliance with this condition.**

**ATTACHMENT 2**  
**Applicant's Evidence in Support of the Required Findings**

- Application Form (On file)
- Fee Schedule (On File)
- Site Plans (**Attached**)
- Tree Removal Plan (**Attached**)
- Elevations and Floor Plans (On file)
- Maclyn Morris Structure Protection Exemption Project Description prepared by Western Timber Services, Inc. as amended January 12, 2021 (On file)
- Environmentally Sensitive Habitat Areas Assessment prepared by SHN dated October 2018 (On file)
- Environmentally Sensitive Habitat Area Impact Analysis and Invasive Species Management Plan prepared by SHN dated February 2021 (On file)
- Restoration Plan – Temporary Access Road for Well Installation prepared by SHN dated May 2020 (On file)
- Draft Lake or Streambed Alteration Agreement (Notification No. 16-00-201-0297-R1) dated September 2018 (On file)
- Fire Hazard Assessment for the Maclyn Morris Structure Protection Exemption prepared by Western Timber Services, Inc. dated February 25, 2020 (On file)
- Supplemental Tree Letter from Western Timber Services, Inc. dated June 19, 2021.

**ATTACHMENT 3**  
**Referral Agency Comments and Recommendations**

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Public Works, Land Use Division	✓	Approval	On file
Building Department	✓	Approval	On file
California Coastal Commission	✓	Conditional Approval	On file
CDFW	✓	Conditional Approval	<b>Attached</b>
CALFIRE			
Northwest Information Center	✓	Further Study or Consultation w/ Tribes	On file and confidential
Yurok Tribe	✓	No recommendation	On file and confidential
Trinidad Rancheria			



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



DEH received  
1-31-18

17/18-1203

**PROJECT REFERRAL TO:** Health and Human Services Environmental Health Division

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, California Coastal Commission, California Department of Fish And Wildlife, Northwest Information Center, Yurok Tribe

**Applicant Name** Maclyn and Janet Morris **Key Parcel Number** 515-271-024-000

**Application (APPS#)** 13908 **Assigned Planner** Tricia Shortridge (707) 268-3704 **Case Number(s)** CDP17-062 SP17-156

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

**Return Response No Later Than** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

Applicant shall demonstrate dry weather water quantity testing for a minimum production of 1 gallon per minute for proposed residences.

**Response Date:** 2/7/2018 **Recommendation By:** Adam Molofsky

**DISTRIBUTED**

2-7-18

**From:** [O'connell, Gregory@Wildlife](mailto:O'connell.Gregory@Wildlife)  
**To:** [Shortridge, Tricia](#)  
**Cc:** [Maclyn Morris](#); [Werner, Steve](#); [Kraemer, Melissa@Coastal](mailto:Kraemer.Melissa@Coastal); [Fazio, Jay@CALFIRE](mailto:Fazio.Jay@CALFIRE); [Holloway, Catherine@Coastal](mailto:Holloway.Catherine@Coastal)  
**Subject:** Morris CDP -17-062; App #13908; HumCo APN 515-271-024 1277 Stagecoach road  
**Date:** Monday, June 22, 2020 11:04:20 AM

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Hi Tricia. Below are additional, preliminary CDFW comments and recommendations based on our June 15, 2020, site visit at 1277 Stagecoach Road in Trinidad (HumCo APN 515-271-024). It appears the proposed project is associated with County Application #13908 (CDP -17-062).

1. The California Environmental Quality Act and Coastal Development Permit documents for the project should include all proposed actions under consideration (fire hazard reduction, building modifications, tree house, new landscaping, new water and irrigation system, etc.) in the project description, including access and staging areas.
2. I have reviewed reports on stream, wetland, and natural community occurrences in the project area. Thank you. However, I have not seen documentation or an effects analysis for special status species that may occur within the effected area. CDFW has a good protocol for plants ([link](#)) and many of the same principles in that document can also be applied to animals. I can provide more info and guidance if requested.
3. There appears to be some inconsistencies regarding the intend to remove trees for fire hazard reduction and subsequent replanting of fire defensible spaces with landscaped vegetation and/or other goals for those areas. As part of the whole action under review in the CEQA and CDP I recommend including any post-tree removal plans/goals/objectives (e.g. landscaping, new infrastructure, etc) as part of the project description. This is relevant because it's my understanding that redwood trees are generally more fire resistant than many other tree species, and removing redwood trees (rather than limbing) and replanting a relatively open understory with shrubs may actually increase the fire hazard risk. If fire hazard reduction is the premise for tree removal, further explanation of future use (and a fire hazard risk analysis) in those areas should occur.
4. CDFW recommends that native vegetation removal not be conducted within the Streamside Management Areas (SMA) or other Environmentally Sensitive Habitat Areas (ESHA) . If native vegetation removal in these areas is critical for fire hazard reduction:
  - a. all trees (to be removed or remain) should be mapped in SMA/ESHA
  - b. detailed justification for each tree removed should be provided
  - c. an SMA/ESHA biological effects analysis should occur. Elements in the analysis should include changes in canopy percent cover, risk of invasive plant species recruitment or spread, changes in habitat function, and other direct and indirect potential adverse effects on the SMA/ESHA.
  - d. County should require a CDFW approved mitigation and monitoring plan. Some elements of a mitigation plan could include removal of relic concrete slabs, retention of large wood logs/stumps for habitat structure, invasive plant species removal and management, and others.
5. CDFW recommends that SMA/ESHA protection measures be established for timber falling and equipment access/staging.
6. The streamside tree mapped as a hazard (~41.0823, -124.1504) contains several trunk reiterations, providing complex structure that may be utilized by wildlife. CDFW recommends

pursuing alternatives to removal of this tree, including temporary protection and/or a minor realignment of the driveway during heavy equipment access to the parcel.

7. The County should require, as a condition of approval for the project, that tree removal and vegetation clearing associated with the Project should be conducted outside of the bird nesting season (generally no work during March 1 – August 15) in order to avoid ‘take’ as defined and prohibited by Fish and Game Code (FGC) section 3503, 3503.5, 3513. If work must be conducted during the nesting season, a qualified ornithologist (someone who is able to identify Northern California birds by sight and sound, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW and no vegetation removal should occur until nests have fledged or failed, as determined by a qualified ornithologist.
8. Construction and use of proposed tree house (~41.0829, -124.1494) should be included as part of the overall project and addressed in a biological effects analysis.
9. CDFW recommends that the County require, as a condition of approval for the project, that invasive species shall not be planted, seeded or otherwise introduced in the parcel.
10. CDFW recommends that development plan restrictions (for SMA/ESHA and mitigation areas) be recorded on file with the County.

Thank you,

Greg O’Connell  
Environmental Scientist  
Coastal Environmental Review and Permitting  
California Department of Fish and Wildlife  
619 Second Street  
Eureka, CA 95501  
[Gregory.OConnell@Wildlife.ca.gov](mailto:Gregory.OConnell@Wildlife.ca.gov)

**ATTACHMENT 4  
Public Comment**

**From:** [Margaret Adams](#)  
**To:** [Planning Clerk](#)  
**Subject:** Public Comment  
**Date:** Monday, June 7, 2021 5:49:19 PM

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Project Title: Maclyn Morris  
Record Number: PLN-13908-CDP  
Date of Hearing: July 1, 2021 (to be verified)  
Re: Coastal Development Permit, Special Permits, Variances for  
Development/Accessory Structures, Major Tree/vegetation  
Removal Harvest, Installation/Drilling of Two new additional Wells  
Assigned Planner: Alyssa Suarez

Comment to Planning Commission:

As adjoining property owners to the Morris property, we are deeply concerned about the additional water extraction(wells) requested for this complicated project. California has declared a drought emergency in 41 counties, including Humboldt. Experts list the most acute problem to be lack of controls on groundwater pumping. We are witnessing multiple properties on Patricks Point Drive, within a quarter mile of ours, receiving water deliveries for the last two months (much earlier than in the past). According to the May 27, 2021 article in the North Coast Journal, the director of the Planning Department is quoted as..."currently researching hydrological connectivity and consulting with hydro geologists to determine the impacts of drawing down wells - or drilling new ones - on regional ground and surface water." All of the neighboring properties could be severely impacted by the Morris request for increased water extraction. The Sustainable Groundwater Management Act (SGMA) was enacted to address this increasing emergency. The aquifer must be protected when annual recharge precipitation is dwindling. Additionally, Mr. Morris has placed another type of pump, that is extracting water from Hobson Creek, the creek that flows through our adjoining properties. We are unaware whether the proper authorities were consulted. We were not, and there is some question about on whose property the pump is placed.

The importance of the Riparian Zones on this property cannot be dismissed. They supply food, cover, and water for a large diversity of animals, including insects and amphibians, and serve as migration routes/stopping points for wildlife. The healthy Riparian Zone vegetation helps reduce stream bank erosion and maintain a stable channel geomorphology. We are worried about the impact to these zones because the Springbox Well is slated to be placed within 20 feet of Hobson Creek, and within the Riparian Corridor, exceeding the setback. The other well is to be placed on the edge of the Riparian Zone.

Our second concern is the commercial harvest plan for the 162 trees within an Environmental Sensitive Habitat Area (ESHA), especially the Buffer Area. Almost 80% of these are mature coastal redwoods. We believe that some trees in the Riparian Buffer could be in jeopardy. We are confused about the claim of Structure Protection Exemption and the considerable funding generation from the harvest. Maclyn and Jan Morris have both remarked that this harvest will help provide the money needed for their property projects.

An additional concern is the possibility of a future commercial use of this property. Mr. Morris has stated to us and others that he desires to create and open a "botanical garden," to the public. In fact, the #4 project in his plan is to build a stand-alone restroom in the middle of this project, perhaps for public use. In addition, his current single family home is an active VRBO destination rental. The request for so many additional permitted structures indicates a possibility for future accommodations expansion.

It is important to know the composition of the intended "botanicals" to determine their requirements, including water amounts, soil amendments and wildlife protection remedies. This Coastal Development application, with multiple Special Permits/Variances, claims to use an exemption to the California Environmental Quality Act (CEQA), Class 4, which applies to "Minor Alterations To Land." The alterations to the land, in this case, are hardly minor. There is significant environmental impact due to the location in an environmentally sensitive area (eg., Wetland or Wildlife Habitat).

Since our two properties have a lengthy eastern border, (ours entering from Patricks Point Drive), both owners are impacted on so many levels. Mr. Morris' previous plan included asking for variances for the construction of a three-

story, 57 foot high treehouse, with spiral staircase and 285 square foot deck. It was intended to be built in the 800+ year old growth redwood tree, within 8 feet of our property line - towering over the center of our yard. The massive drip line route system of this tree has extended well into our quarter-acre lawn/meadow. In the 17 years we have owned our beautiful redwood forest property, we have never scarified or leveled this lawn area as to protect the health of this magnificent tree. We have been informed that this part of his application has been withdrawn, saving this tree from serious stress and degradation.

We respectfully ask that all of our concerns be considered and addressed. We have always tried to take care of this beautiful coastal redwood and rhododendron property. It is our only home and very important to our family and to the larger Trinidad ecology.

We hope that anyone reading this will appreciate our efforts.

Respectfully,  
Duane P. Adams and Margaret F. Adams  
Adams Family Trust  
1316 Patricks Point Drive  
Trinidad, California

Sent from my iPad

Larry and Kathleen Goldberg  
1255 Stagecoach Road  
Trinidad, CA. 95770

August 4, 2018

Re: Shop Replacement Building  
CDP-Application No. 13908



To Humboldt County Planning Department:  
3015 H Street  
Eureka CA. 95501

Our neighbors, Maclyn and Janet Morris have provided to us a set of plans on the shop replacement building which they wish to build.

We are the neighbors directly east and I believe that we are the only neighbors that will see the building from our property. It is visible from the road. We like the design and think that it is a good looking building and have no objections to the replacement structure.

The building that exists now is an eye sore. The proposed shop has a solar electrical generating system which we are in support of. Additionally, they will be installing a new fire hydrant that will be of benefit to us in the event of a fire.

Since our new neighbors purchased the property, they have done a nice job of maintaining the property.

Respectfully,

Larry and Kathleen Goldberg  
cc Maclyn and Jan Morris

Project Title: Maclyn Morris  
Record Number: PLN-13908-CDP  
Date of Hearing: July 1, 2021  
Re: Coastal Development Permits, Special Permits, Variances for  
Development/Accessory Structures, Major Tree/  
Vegetation Removal Harvest, Installation/Drilling of Two New  
Additional Wells

Assigned Planner: Alyssa Suarez

Additional Comment to Planning Commission:

When we purchased our 5 acre property, seventeen years ago, we were informed of the historical legacy of the original 14 acres. Frank W. Mayer and wife, Betty, owned the property during the fifties, through the end of the eighties. They researched rhododendron species through their travels to the mountain forests of China, Japan and Burma. They spent years planting and caring for the multitude of very large rhododendron species, still present on the two divided properties today. They are planted throughout the redwood forest, even inside old tree stumps. According to the archives of the Trinidad Museum, The American Rhododendron Society recognized Mr. Mayer's efforts with a Bronze Award, in October, 1986. The couple's advanced ages eventually prompted the sale of their beloved property. At that time, there was even an interest in the property being preserved as a Trinidad area park, but the effort was not successful.

There is a concern for the health of these legacy rhododendrons, if the planned commercial harvest of the redwoods is granted. Does the Timber Harvest Company have a way of protecting these beautiful plants, so plentiful, bordering the meadow, and dispersed throughout the redwoods?

Please help protect these amazing "botanicals."

Respectfully,  
Duane P. Adams and Margaret F. Adams  
Adams Family Trust  
1316 Patricks Point Drive  
Trinidad, California

June 21, 2021

**From:** [michael helm](#)  
**To:** [Suarez, Alyssa](#); [Ford, John](#)  
**Cc:** [Johnson, Cliff](#); [Maclyn Morris, jr.](#)  
**Subject:** APP #13908, APN 515-271-024, CDP-17-062,  
**Date:** Wednesday, June 23, 2021 1:51:05 PM

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Hello Alyssa and the Humboldt County Planning Commissioners,

This letter is in support of approval for APP #13908, APN 515-271-024, CDP-17-062.

I want to reiterate that the Owner/ Applicant, Maclyn and Jan Morris have assembled a professional team consisting of a Timber Resource Specialist, Landscape Architect, Structural Engineers, Energy Consultant, Biologist, Arborist, Botanist & Wetland Ecologist, and Architect to study this property and prepare this application. We have had numerous on-site meetings with the County Supervisor, Planning Director, Planner, CDF, Cal Fire, Fish & Wildlife and the neighbors in effort to answer questions and satisfy the Trinidad Area Plan, Coastal Land Use Plan, County Codes and Zoning Ordinances.

We have provided substantive evidence and convincing discussions for the findings required for approval. Due to an extensive restoration plan, streamed alteration agreement that includes relocating and saving native plants, periodic monitoring by the Biologist, Arborist, Botanist & Wetland Ecologist, the project will have little to no effect on sensitive and critical resources or impacts on the ESHA. The development can be found compatible with the physical scale of the existing development in the neighborhood. The parcel is located in a designated coastal view/scenic area, but does not have the potential to provide coastal access. The development will not be visible from the road, neighboring parcels, or any public viewing place. It will not impact any public view toward the ocean.

The process of bringing this project to public hearing has taken over 3-1/2 years. The previous planner was uncooperative and difficult to work with, by always asking for more meetings, studies and just prior to hearing, took an unexpected medical leave. Even the County Supervisor for the area has commented that ‘the process of obtaining a permit is so difficult, that is why people do not get a permit and build illegally’.

As concession during the process, we have removed the controversial treehouse from the application, reduced the number of trees to be removed in the fire safety forestry management plan.

The Owner/Applicant is a master builder that I have known personally for almost forty years. He is sensitive to the environment, practices Green Building Standards,

has pride in his projects and is a clear communicator. I ask for your support and approval of this application (APP #13908, APN 515-271-024, CDP-17-062).

Respectfully submitted,

Michael Helm, Architect - C12642  
831-476-5386

**From:** [Margaret Adams](#)  
**To:** [Planning Clerk](#)  
**Subject:** Public comment  
**Date:** Wednesday, May 12, 2021 5:34:07 PM

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May 12, 2021

Project Title: Maclyn Morris  
Record #: PLN-13908-CDP  
Date of Hearing: May 20, 2021 6:00 p.m.  
Re: Coastal Development Permit, Special Permit and Variances  
Assigned Planner: Tricia Shortridge

Comment to the Planning Commission:

Please refer to Recorded Official Records, 1994-29594-12, Humboldt County California. This is a Reciprocal Grant of Viewshed Easements attached to Trust Deeds of the properties of Maclyn Morris (1277 Stagecoach Road) and Duane and Margaret Adams (1316 Patricks Point Drive). The two properties share a lengthy boundary. These Easements spell out particular conditions/restrictions preventing any view of man-made improved structures, including "treehouses." They further stipulate that the meadow and garden area must be preserved, including no harvest of trees. This area includes several hundred feet buffer from property line of the two properties. Therefore the requested Special Permit and Variance for Development should be evaluated for not being in compliance of the recorded and documented Reciprocal Viewshed Easements attached to the two properties Deeds of Trust.

Duane and Margaret Adams  
1316 Patricks Point Drive, Trinidad, Ca.  
707-677-3317  
Sent from my iPad

## Giannini, Trip

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**From:** dadams8@sonic.net  
**Sent:** Monday, May 17, 2021 1:57 PM  
**To:** Johnson, Cliff  
**Subject:** Re: Planning Commission Hearing Record Number PLN-13908 Morris APN:515-71-04  
**Attachments:** IMG\_2331.jpg; IMG\_2305.jpg; IMG\_2313.jpg; IMG\_2314.jpg; IMG\_2312.jpg; IMG\_2311.jpg

On 2021-05-17 13:19, dadams8@sonic.net wrote:

Mr. Johnson,

I am reaching out in regards to the proposal and upcoming hearing for Record Number PLN-13908.

I am associated with the Adams Trust property on the adjacent parcel APN 515-271-023. My mother Margaret Adams obtained some plans from you that are not current. The plans seem to be part of the original submittal from 2017 but there has been an updated set in Feb 2021 which has significant differences. We would like to obtain the correct set in order to review the potential impacts on our adjacent property.

Second and most important at this time is to receive written confirmation that this case has been removed from the May 20th agenda, and that dates for the hearing and public comment have been postponed. The proposed project would have a significant impact on our property, our property rights and property value. Please send confirmation by email ASAP.

For context on 1 project proposed, I have attached photos which show the tree proposed for the treehouse, the proximity to the property line, the line of sight from the property and the Adams' residence.

Other photos show a water pump system which Mr Morris has installed which is likely on our property in the Hobsen Creek vicinity without permission. I believe this is related to another project that is part of the proposal.

A significant number of sizeable redwoods are proposed to be removed within our viewshed and in extreme close proximity to the property line. The removing of these trees would effect the historical, cultural, and scenic values of the neighborhood the "D" combining zone regulation is included for. Removal would also permanently affect the localized climate of both properties potentially creating dryer conditions. These trees provide sound and sight buffer for our property from the current and proposed structures on the subject parcel.

Please also contact me by phone today as I have many questions about the process. We have been blind-sided by this proposal and hearing notice and not given the appropriate amount of time or materials to comment.

Thank you for your attention and consideration pertaining to this this matter.

Regards,

David Adams

Adams Trust

**ATTACHMENT 5**  
**Draft Lake or Streambed Alteration Agreement (LSAA)**



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
619 Second Street  
Eureka, California 95501  
(707) 445-6493  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



September 11, 2018

Maclyn and Jan Morris  
P.O. Box 1360  
Boyes Hot Springs, CA 95416  
707-616-9507  
[lemoynemorris@holokai-llc.com](mailto:lemoynemorris@holokai-llc.com)

Subject: Draft Lake or Streambed Alteration Agreement  
Notification No. 1600-2018-0297-R1  
Morris Diversion Project

Dear Maclyn and Jan Morris:

The California Department of Fish and Wildlife (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative **must return the draft Agreement with original signature to the above address.**

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the project.

*Conserving California's Wildlife Since 1870*

After you receive a final Agreement executed by the Department, you may begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

For more information on the process described above, please refer to Part IV in the "Notification Instructions and Process" included with your notification materials, which is also available at [www.wildlife.ca.gov/habcon/1600/notificationpackage.pdf](http://www.wildlife.ca.gov/habcon/1600/notificationpackage.pdf).

If you have any questions regarding this letter, please contact Environmental Scientist Greg O'Connell at [gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov).

Sincerely,



Cheri Sanville  
Senior Environmental Scientist Supervisor

Ec

[lemoynemorris@holokai-llc.com](mailto:lemoynemorris@holokai-llc.com)

[gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov)

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
REGION 1 – NORTHERN REGION  
619 Second Street  
Eureka, CA 95501



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2018-0297-R1  
Unnamed Tributary to the Pacific Ocean

Maelyn and Jan Morris  
Morris Water Diversion and Stream Crossings Project  
1 Encroachment

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Maelyn and Jan Morris (Permittee).

## **RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on May 9, 2018, with additional information received July 31, 2018, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

## **PROJECT LOCATION**

The project to be completed is located within an unnamed tributary to the Pacific Ocean, approximately 1.7 miles north of the town of Trinidad, County of Humboldt, State of California. The project is located in Section 14, T08N, R01W, Humboldt Base and Meridian; in the Trinidad U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 515-271-024; latitude 41.0838 N and longitude 124.1504 W at the point of diversion (POD).

## **PROJECT DESCRIPTION**

The project is limited to one encroachments (Table 1). The encroachment is for the installation and use of a 48" diameter well than is 20 feet deep and 20 feet from a stream. Water is diverted for fire protection, irrigation, and domestic use. Work for the

water diversion will include use and maintenance of the water diversion infrastructure. The Permittee has also disclosed an in-stream pond that has a functioning and adequately sized spillway located at approximately 41.0823, -124.1503.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	41.0838, -124.1504	Installation and use of a shallow well adjacent to an unnamed tributary

**PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include, Coastal cutthroat trout (*Oncorhynchus clarki clarki*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Northern Red-legged Frog (*Rana aurora*), Coastal Tailed Frog (*Ascaphus truei*), and other amphibians, reptiles, aquatic invertebrates, mammals, birds, and aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

**Impacts to water quality:**

increased water temperature;  
 reduced instream flow;

**Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:**

loss or decline of riparian habitat;  
 indirect impacts on benthic organisms;

**Impacts to natural flow and effects on habitat structure and process:**

cumulative effect when other diversions on the same stream are considered;  
 diversion of flow from activity site;  
 direct and/or incidental take;  
 indirect impacts;  
 impediment of up- or down-stream migration;  
 water quality degradation; and  
 damage to aquatic habitat and function.

**MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

**1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.6 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 1.8 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Project Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for

submissions to the CNDDDB may be found at:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

## 2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on May 9, 2018, with additional information received on July 31, 2018.
- 2.2 Listed Species. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).
- 2.3 Nesting Birds. Actively nesting birds and their nests shall not be disturbed by project activities. If construction, grading, vegetation removal, or other project-related improvements are necessary during the nesting season of protected raptors and migratory birds (**March 1 through August 15**), the Permittee shall notify CDFW of proposed work and a focused survey for bird nests and/or nesting behavior shall be conducted by a qualified biologist within seven days prior to the beginning of project-related activities. Surveys should encompass the area up to 50 feet from disturbance to account for songbirds, and up to 250 feet from disturbance for raptors. If a nest is found or suspected to be present, Permittee shall consult with CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code. If a lapse in project-related work of seven days or longer occurs, another focused survey, and if required, consultation with CDFW shall be required before project work can be reinitiated.

### Project Timing

- 2.4 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.5 Work Completion. The proposed work shall be completed by no later than **October 1, 2023**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

- 2.6 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW **at least 5-working days before the proposed work period variance.** Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.

### **Vegetation Management**

- 2.7 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.8 **Avoidance of Nesting Birds.** Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

### **General Stream Protection Measures**

- 2.9 **Fish and Aquatic Amphibians.** If possible, work shall be conducted when the affected stream channel is void of surface water. If surface water is present during construction, the Permittee shall: a) have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles three days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW's Greg O'Connell will be contacted by phone or email at (707) 441-5790 or [gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov) and work shall not commence until authorized by Mr. O'Connell or another CDFW representative.
- 2.10 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.11 **No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.
- 2.12 **Equipment Cleaning.** All machinery or heavy equipment that will be entering the stream corridor (100-feet from the edge of the stream channel) shall be cleaned of

materials deleterious to aquatic life including oil, lubricants, coolants, hydraulic fluid, soil, and other debris. Cleaning of equipment shall take place outside of the stream corridor

- 2.13 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.14 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.15 **Clean-up.** Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.16 **Erosion Control Measures**
- 2.16.1 **Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.16.2 **Erosion and Sediment Barriers.** Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored

and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

**2.16.3 Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

**2.16.4 Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

## **Water Diversion**

**2.17 Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **ten (10) gallons per minute (gpm)** at any time.

**2.18 Bypass Flow.** The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

**2.19 Seasonal Diversion Minimization.** Permittee shall develop and implement water conservation and storage strategies to be able to forbear water diversion from July 15 to October 15 of each year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.

**2.20 Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

**2.20.1** A log including the date, time and quantity of water diverted from the POD.

**2.20.2** The amount of water used per week.

**2.20.3** Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board

(Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).

### **Diversion to Storage**

- 2.21 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.22 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.23 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.24 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.25 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### **3. Reporting Measures**

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 Work Completion. The proposed well installation work shall be completed by no later than **October 1, 2023**. **Notification of completion will include photographs of the completed work, erosion control measures, and a**

**summary of any CNDDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.

- 3.3 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning the first season of well use.

## CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

### To Permittee:

Maclyn and Jan Morris  
P.O. Box 1360  
Boyes Hot Springs, CA 95416  
707-616-9507  
[lemoynemorris@holokai-llc.com](mailto:lemoynemorris@holokai-llc.com)

### To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program – Greg O’Connell  
Notification #1600-2018-0297-R1

## LIABILITY

Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW’s endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee’s alone.

## **SUSPENSION AND REVOCATION**

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

## **ENFORCEMENT**

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

## **AMENDMENT**

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## **EXTENSIONS**

In accordance with Fish and Game Code section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

## EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at [http://www.wildlife.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

## TERM

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

## AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

## AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with Fish and Game Code section 1602.

**CONCURRENCE**

The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR Maclyn and Jan Morris**

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Maclyn or Jan Morris

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Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

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Cheri Sanville  
Senior Environmental Scientist Supervisor

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Date

Prepared by: Greg O'Connell, Environmental Scientist, September 7, 2018