



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: October 7, 2021

To: Humboldt County Zoning Administrator

From: Kathleen Franklin, Contract Planner

Subject: **Small-Paysinger Special Permit**
Record Number PLN-2021-16937
Assessor's Parcel Number (APN) 517-071-003
3550 Patrick's Point Drive, Trinidad Area

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

AGENDA ITEM TRANSMITTAL

Hearing Date October 7, 2021	Subject Special Permit	Contact Kathleen Franklin, Contract Planner
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Project Description: After-the-fact Special Permit for Major Vegetation Removal associated with removal of three mature alder trees and clearing of a drainage ditch (approximately 10 cubic yards) pursuant to Section 313-64.1.2 of the Humboldt County Code. Development of a living fence and restoration using native plants and non-native species removal is proposed. The tree removal and proposed work is located within the State's retained jurisdiction of the coastal zone and a Coastal Development Permit will be processed by the Coastal Commission. No additional development is requested.

Project Location: The project is located in the Trinidad Area, on the west side of Patrick's Point Drive, approximately 430 feet south from the intersection of Patrick's Point Drive and Driftwood Lane, on the property known as 3550 Patrick's Point Drive. (APN 517-071-003)

Present Plan Land Use Designation: Rural Residential (RR(A)), Density: Range is 0 to 1 unit, 2 acres; Area of Deferred Certification (ADC); Trinidad Area Plan (TAP), 2017 General Plan, Slope Stability: Parcel is in many different instability Zones (M).

Present Zoning: Rural Residential Agriculture: 2 acres minimum parcel (RA-2), Manufactured Home (M), Design Review (D), Offshore Rocks and Rocky Intertidal Areas (O),

Assessor Parcel Number: 517-071-003

Record Number: PLN-2021-16937

Applicant	Owners	Agent
Mary Small 3550 Patrick's Pt Dr Trinidad, CA 95570	Paysinger John Jr & Small Mary 3550 Patrick's Pt Dr Trinidad, CA 95570	N/A

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

Major Issues: none.

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

Small – Paysinger Special Permit
Record Number: PLN-2021-16937
Assessor's Parcel Number: 517-071-003

Recommended Action

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

Find that the Zoning Administrator finds the project Categorically Exempt under Sections 15304 and 15333 of the State CEQA Guidelines; make the required findings for approval of the Special Permit; and approve the Small-Paysinger Special Permit as recommended by staff and subject to the recommended conditions.

Executive Summary:

Background

The applicant stated in their project history that they had removed 3 mature red alders, approximately 200 sq. yds. of brush, and had cleared a County culvert and ditch located on their parcel, moving less than 10 yards of earth. This work was performed as part of conflict resolution with the owner's northeast property line neighbor. Alleged issues included trespassing, unleashed dogs which threatened the owners and their animals, cutting and removal of their vegetation, and dumping of yard waste with the result of clogging of a culvert and the waterway that historically ran down the shared property line. In addition, the applicant indicates that the neighbor removed/destroyed the survey marker at the northeast corner of their parcel.

In an attempt to resolve the issue, they decided a "good neighbor" fence would be advisable, and had the property line surveyed. The applicants indicate that the survey confirmed the property line location, and also found that the neighbor's well was located on the applicant's property.

The applicants retained an attorney to assist in approaching the neighbors concerning the fence and the adjacent property owner agreed to pay for fencing materials, to move the well and restore the drainage ditch to the mutual property line. During this time the attorney advised them of their liability to people or structures if the red alders, which were located on the property line, fell or dropped limbs. Consequently, the applicants removed the trees, cleared brush from the property line, and cleaned the culvert, claiming they did not know the work triggered the need for a Special Permit.

Current Project

When the applicant realized they needed to obtain a Special Permit, they contacted County Planning and submitted an application and all applicable documents to move the permit process forward. They hired a local biologist to help them develop a planting plan, consisting of native species only, to replace the previously existing vegetation. In addition, they intend to remove any remaining invasive species from the Project area.

They no longer propose to install fencing at their property line, but instead create a dense hedge interspersed with a selection of native plants of various heights and densities. They are proposing

to replace the three (3) red alders with three (3) Cascara in place of each red alder to solve the potential hazard of trees/limbs falling onto the neighboring property. At the suggestion of their consultant, they will erect a wire fence to keep out deer until the new plants are well established. The fence will be secured onto 2"x2" non treated wood posts. Posts will be put in the ground every 8' - 12' without digging holes. All plantings will be monitored yearly and replaced as needed for 5 years. They are also requesting permission to mark the exact property line with an approximately 1/4" cable suspended from 2 posts, one on the northeast corner of parcel, and one near the bluff west of 3602 SW corner. The posts will not be in the area of the waterway.

The applicant further stated that "Though we did not place the culvert under Patrick's Point Dr., causing water to drain to our joint properties, we propose monitoring the approximate flow during heavy rains and reporting approximate gallons per minute to the best of our ability. We would include inches of rain for the week previous to measurements. We would assess this at least 3 times yearly between November and April for the next 5 years."

Staff Recommendations: Based on the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Special Permit.

Alternative: The Zoning Administrator could recommend denial of the proposed Special Permit if the Zoning Administrator finds that the submitted evidence does not support making all of the required findings. However, based on this staff report, planning staff believes the submitted evidence does support making all of the required findings and does not recommend further consideration of this alternative.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-2021-16937
Assessor Parcel Number: 517-071-003**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Small-Paysinger Special Permit (PLN-2021-16937).

WHEREAS, Mary Small submitted an application and evidence in support of approving an After-The-Fact Special Permit to allow after-the-fact Major Vegetation Removal associated with removal of three mature alder trees and clearing of a drainage ditch (approximately 10 cubic yards) pursuant to Section 313-64.1.2 of the Humboldt County Code and the restoration of the project area using native plants and removal of non-native plant species; and

WHEREAS, the project is Categorically Exempt from environmental review pursuant to Article 19, Sections 15304 and 15333 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on **October 7, 2021**; 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 Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** After-the-fact Special Permit for Major Vegetation Removal associated with removal of three mature alder trees and clearing of a drainage ditch (approximately 10 cubic yards) pursuant to Section 313-64.1.2 of the Humboldt County Code. Development of a living fence and restoration using native plants and non-native species removal is proposed. The tree removal and proposed work is located within the State's retained jurisdiction of the coastal zone and a Coastal Development Permit will be processed by the Coastal Commission. No additional development is requested.

EVIDENCE: a) Project File: PLN-2021-16937
- 2. FINDING:** **CEQA:** The requirements of the California Environmental Quality Act have been met.

EVIDENCE: a) The Project is Categorically Exempt per CEQA Sections: 15304- Minor Alterations to Land; and 15333-Small Habitat Restoration. The project proposes new landscaping, including the replacement of existing conventional landscaping with water efficient native plant species, and does not exceed five acres in size.

FINDINGS FOR SPECIAL PERMIT

3. FINDING: The proposed development is in conformance with the County General Plan, including the Trinidad Area Plan.

- EVIDENCE:**
- a) The General Plan Land Use designation is Rural Residential. This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. The Trinidad Area Plan also designates the land use for the Project site as Rural Residential. The parcel is developed with a single-family residence and no additional development is proposed.
 - b) The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity. The Project area is located outside of the 100-year flood zone and the tsunami inundation area. The Project is located in a geologic area of varied instability. The Project is located in a moderately severe fire hazard area and is serviced by Cal Fire. However, Cal Fire did not submit comments on the referral. The After-the-Fact Special Permit for the Project is for the previous removal of vegetation and replanting of native vegetation only. Based on these findings, the proposed Project does not increase risks or hazards.

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

- EVIDENCE:**
- a) The project area encompasses lands zoned Rural Residential Agriculture (RR-2), Manufactured Home (M), Design Review (D), Offshore Rocks and Rocky Intertidal Areas (O).
 - b) The proposed Project will address the after-the-fact removal of vegetation and the restoration of the Project area with the planting of native species plants.
 - c) The property is within the Design Review combining zone. The applicant has worked with a local biologist to design a plan to replace the removed vegetation with native species. A condition of approval has been added to ensure compliance with the plan submitted on January 12, 2021.

5. FINDING: The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

EVIDENCE: The removal of vegetation and replanting of native species plants will be performed only on the subject parcel, and will have no impact to persons or properties in the area. Therefore, it will have no impact to the public health, safety, or welfare or people residing in the Project area.

6. FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and

Community Development in determining compliance with housing element law.

- EVIDENCE:**
- a) The project in itself does not include any residential development. The project complies with the County's Housing Element as it will not add to, nor subtract from, the County Housing Inventory. The proposed Project is an After-The-Fact Special Permit for the removal and replanting of vegetation.

DECISION

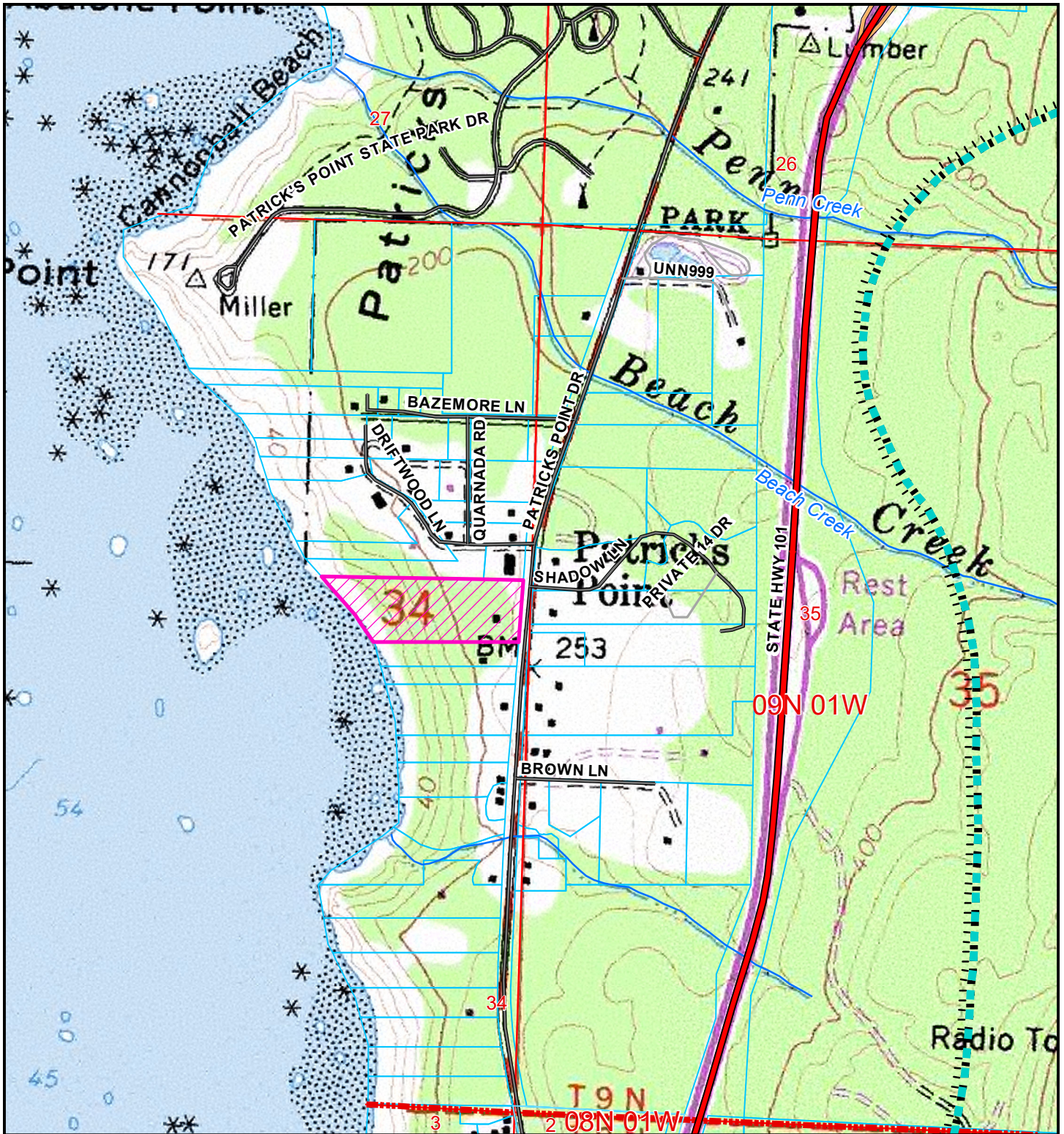
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Small-Paysinger (PLN-2021-16937), 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 **October 7, 2021**

I, John H. Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Zoning Administrator
Planning and Building Department



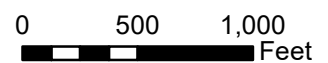
TOPO MAP

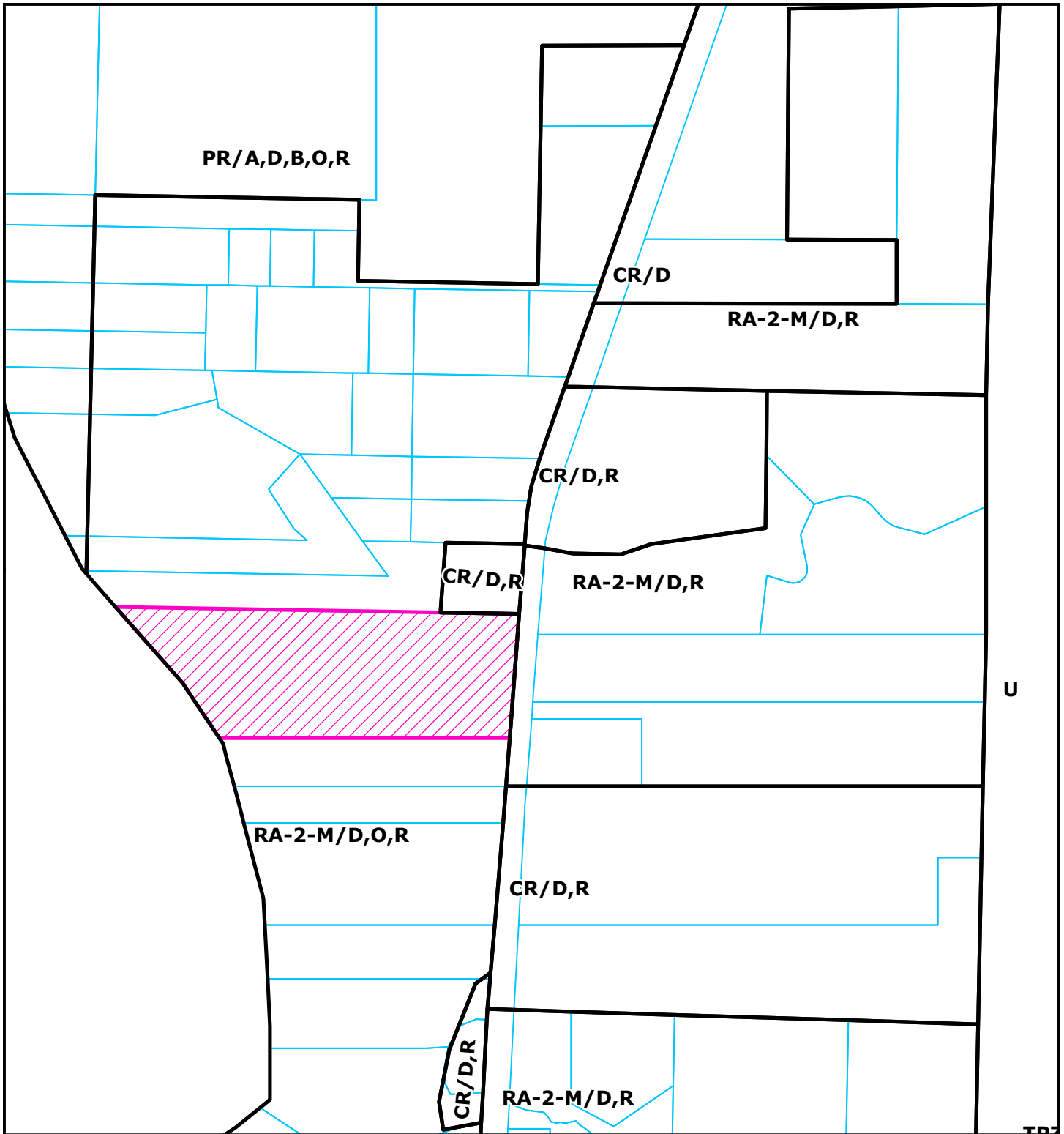
**PROPOSED SMALL & PAYSINGER
SPECIAL PERMIT
TRINIDAD AREA
PLN-2021-16937
APN: 517-071-003
T09N R01W S34 HB&M (Trinidad)**

Project Area = 

Coastal Zone Boundary 

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 SMALL & PAYSINGER
SPECIAL PERMIT
TRINIDAD AREA
PLN-2021-16937
APN: 517-071-003
T09N R01W S34 HB&M (Trinidad)**

Project Area = 

Coastal Zone Boundary 

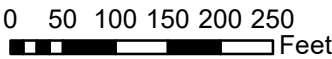
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





AERIAL MAP

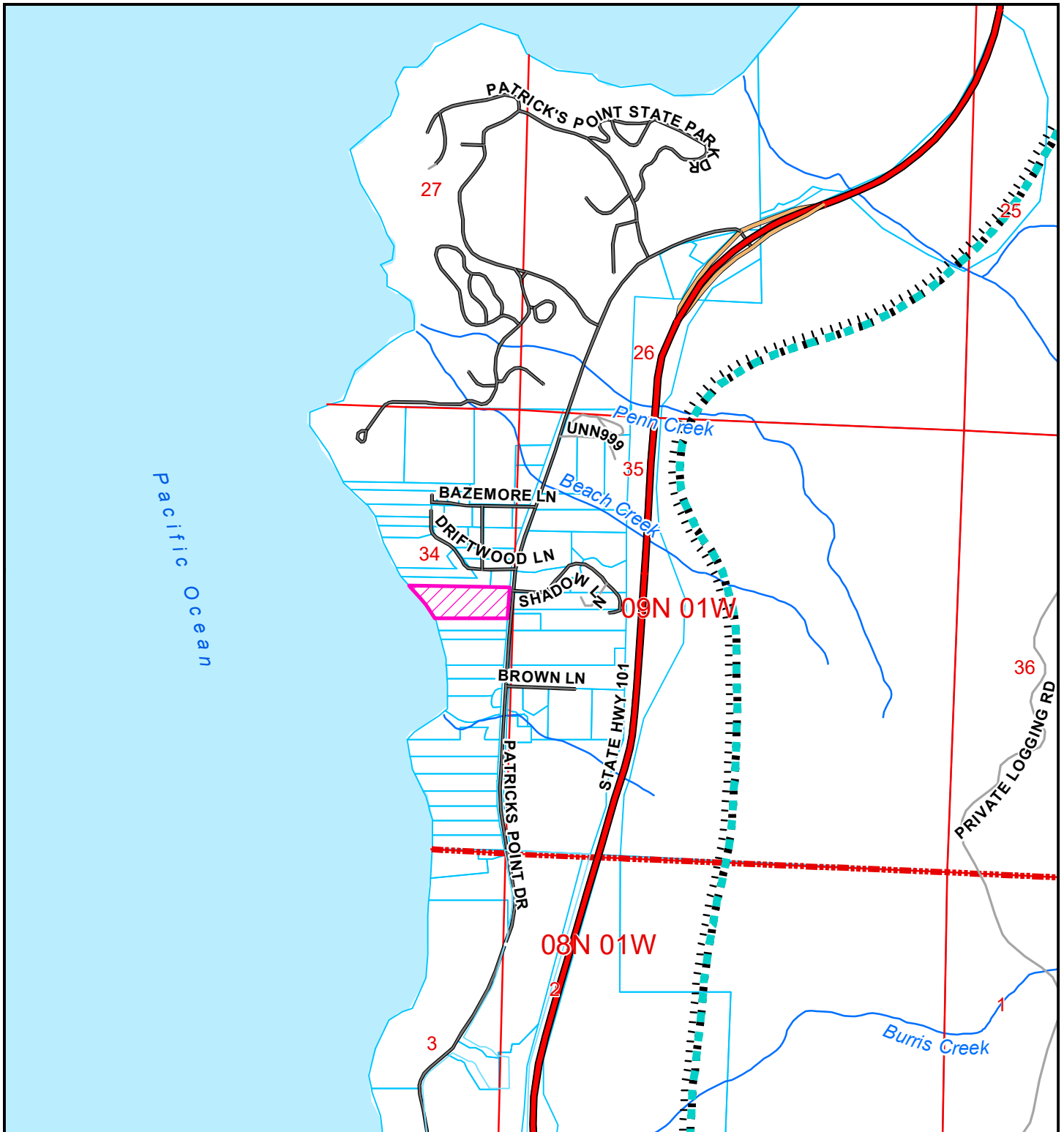
**PROPOSED SMALL & PAYSINGER
SPECIAL PERMIT
TRINIDAD AREA
PLN-2021-16937
APN: 517-071-003
T09N R01W S34 HB&M (Trinidad)**



Project Area = 

Coastal Zone Boundary 

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LOCATION MAP

**PROPOSED SMALL & PAYSINGER
SPECIAL PERMIT
TRINIDAD AREA
PLN-2021-16937
APN: 517-071-003
T09N R01W S34 HB&M (Trinidad)**

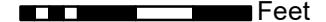
Project Area = 

Coastal Zone Boundary 

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.



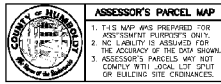
0 500 1,000 1,500 2,000 Feet



Assessor's Map Bk. 517, Pg. 7
County of Humboldt, CA.

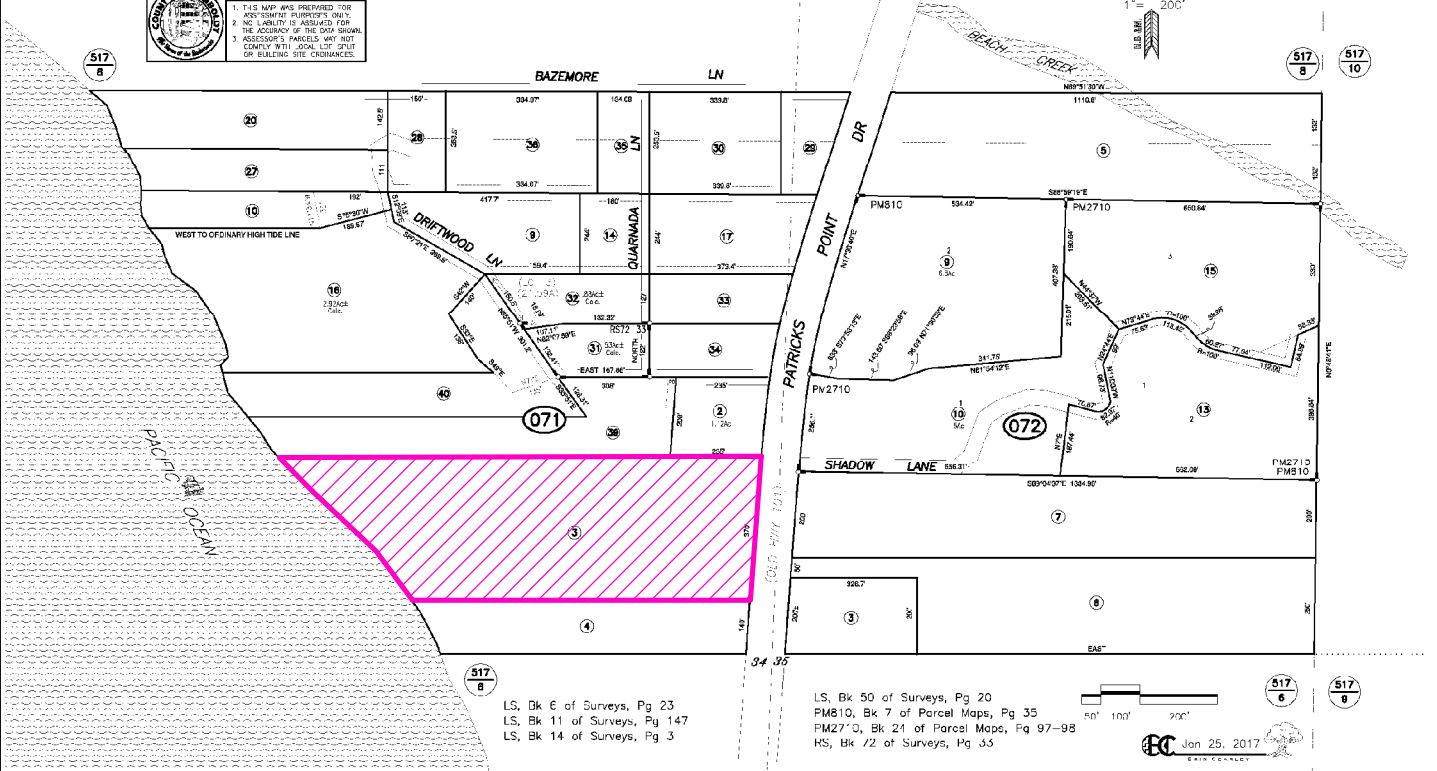
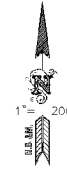
PTN SECS 34 & 35, T9N R1W, HB&M

517-07



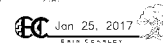
ASSESSOR'S PARCEL MAP
1. THIS MAP WAS PREPARED FOR ADMINISTRATIVE PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
3. ASSESSOR'S PARCELS MAY NOT CORRELATE WITH LOCAL LOT OR GRID BUILDING SITE CHANGES.

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



LS, Bk 6 of Surveys, Pg 23
LS, Bk 11 of Surveys, Pg 147
LS, Bk 14 of Surveys, Pg 3

LS, Bk 50 of Surveys, Pg 20
PM810, Bk 7 of Parcel Maps, Pg 35
PM2710, Bk 24 of Parcel Maps, Pg 97-98
HS, Bk 72 of Surveys, Pg 55



ASSESSOR PARCEL MAP

**PROPOSED SMALL & PAYSINGER
SPECIAL PERMIT
TRINIDAD AREA
PLN-2021-16937**

APN: 517-071-003

T09N R01W S34 HB&M (Trinidad)

Project Area =

Coastal Zone Boundary

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.



MAP NOT TO SCALE

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Conditions of Approval for the Special Permit

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

Conditions of Approval:

1. The work shall be conducted in accordance with the Project Description and Planting Plan dated January 12, 2021.
2. Changes in the project other than Minor Deviations from the Planting Plan as provided in HCC Section 312-11.1 shall require a modification of this permit.
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00.

Informational Notes:

1. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.
2. The applicant is responsible for receiving all necessary permits and/or approvals from other federal, state and local agencies.
3. The Special Permit shall expire and become null and void at the expiration of five (5) years after all appeal periods have lapsed (see "Effective Date"); except where use in reliance on the permit has commenced prior to such anniversary date. The period within which use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

ATTACHMENT 2

Applicant's Evidence in Support of the Required Findings

Attachment 2 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- A. Application Form (in file)
- B. Applicant's Letter of Project History
- C. Site and Planting Plan
- D. Attorney Letter dated April 26, 2019 (attached)
- E. Project Photographs (attached)
- F. Current Deed (in file)

Steve Werner
swerner@co.humboldt.co.us
Planning Dept. of Humboldt County
3015 H Street
Eureka, CA 95501

Mary Small and John Paysinger
3550 Patrick's Point Dr
Trinidad, CA 95570
707-601-9867
marysmall@earthlink.net
January 6, 2021



Dear Mr Werner,

The history of the project at 3550 Patricks Pt Dr, Trinidad:

3 mature red alders cut down, approx. 200 sq. yds. of brush cut, a county culvert and ditch cleared with less than 10 yards of earth moved.

We've had problems with our northeast property line neighbors from the outset: trespassing, cutting and removal of our trees and plants, their well is on our property, dumping of yard waste onto our property with resultant clogging of a culvert and the waterway that historically ran down the shared property line, removal and destruction of a marker above our NE corner survey stake and removal of survey markers on the line, loose dogs threatening us and our animals on our property.

We decided a "good neighbor" fence would be helpful, We had the line surveyed (and had to pay again for the surveyors to relocate our NE corner after the neighbors removed it). The survey confirmed that the neighbors were dumping on our property, blocking a drainage ditch from a culvert under Patrick's Pt Dr., and that their well was on our property.

There were 3 large leaning red alder trees on the line, 2 leaning over the neighbors' motel and water tanks at 3602. Because of the trees and the well, we asked a lawyer to help us come to an agreement about the fence. Josh, our lawyer told us that we might be liable if those trees came down on structures or people at 3602. We have many alders and they fall and drop limbs without warning (see pictures attached of alders leaning and broken). The owner of the property agreed to pay for fencing materials, to the adjustment of the well situation, and to the restoration of the drainage ditch to our mutual property line. We were to take down the alders and cover labor for a fence.

We are including a letter from our lawyer, Josh Kaufman, to the owner of 3602 Patrick's Point Dr. that details the above information.

Our mistake:

Unfortunately, we didn't realize we needed permits for all of that. We can't replace the alders as they were, nor would we want to recreate that hazard. The fence had not been started. We'd cleared the culvert and a portion of the ditch where a previous tenant at 3602 had poured in yard waste (before we had survey proving the line) blocking the flow. We did cut brush, but no trees, to accomplish this.

Proposed solution:

Michael van Hattem and Josh Levine suggested we prepare a restoration plan for the disturbed area and at the same time create a living fence. We have hired Gary Lester, *an experienced local biologist, to consult with us. Michael stated he could be contacted at 499-9547 for his appraisal of the seasonal waterway/ditch from the culvert.* Michelle Kraemer, who also viewed the site, suggested we could also mark the line with a small cable and 1/2" rebar stakes.

We have flagged the area with different colors to correspond with the species and locations of proposed plantings on the plot map submitted with this letter. We hope to create a dense hedge of native plants interspersed with a large selection of natives of various heights and densities. We hope we will be allowed to plant something in place of the 3 cut alders that will not create a hazard to people and property in the future, *i.e.* 3 Cascara in place of each red alder. As suggested by our consultant we would erect a wire fence to keep out deer until plants are established IF deer feed on new plants. Fence will be secured onto 2"x2" non treated wood posts. Posts will be put in the ground every 8' - 12' without digging holes. All plantings will be monitored yearly and replaced as needed for 5 years. We will also remove invasive species, English Ivy and Croscosmia, from the property line to 15' south of the line (the proposed planting area).

Though we did not place the culvert under Patricks Point Dr., causing water to run through our joint properties, we propose monitoring the approximate flow during heavy rains and reporting approximate gallons per minute to the best of our ability. We would include inches of rain for the week previous to measurements. We would assess this at least 3 times yearly between November and April for the next 5 years.

We would also like to mark the exact line with a small (approx. 1/4") cable suspended from 2 posts, one on the NE corner of our property, one near the bluff west of 3602 SW corner. Posts will not be in the area of the waterway.

Thank you,

Mary Small and John Paysinger

cc Alyssa Suarez, Melissa Kraemer, Michael van Hattem, Josh Fraley, Gary Lester

Handwritten signature in blue ink, reading "John Paysinger / M Small".

Hi Mary,

The Planning deposit for the Special Permit is \$1,400. It is the Administrative Special Permit fee. The total made out to the department includes the referral fees on page two of the fee schedule (totaling \$2,042.00).

Thank you,
Alyssa

From: Mary Small <marysmall@earthlink.net>
Sent: Monday, October 12, 2020 7:48 PM
To: Suarez, Alyssa <asuarez@co.humboldt.ca.us>
Subject: Re: Special Permit/Design Review application materials



Thank you Alyssa. I see 2 "special permits" listed . One for public hearing and one for administrative. Cools you please tell us specifically which fees we need to pay ? Thank you.
Mary

On Oct 9, 2020, at 4:55 PM, Suarez, Alyssa <asuarez@co.humboldt.ca.us> wrote:

Hi Mary-

I have reviewed the scope of work with my Supervisor and a Senior Planner. The work will require a Special Permit for Design Review in the Coastal Zone for the after the fact tree removal and revegetation plan. Please see the following application materials and fees required for processing:

- Application Form signed ✓
- Fee Schedule signed ✓
- Plot Plan and Plot Plan Checklist (should show the entire parcel, all proposed work and setbacks from property lines, building, watercourses, septic system, wells, etc.). See complete checklist.
- Copy of a current grant deed for the property -
- Indemnification Agreement ✓
- Hazardous Waste Statement ?

The Special Permit can take approximately 3 months to reach decision, given all application materials have been submitted.

Thank you,
Alyssa

<image001.png>

Alyssa Suárez
Planner
Current Planning Division
3015 H Street Eureka, CA 95501
Phone: 707-288-3703
Email: asuarez@co.humboldt.ca.us

<Special Permit fees.pdf>
<Application Form - Planning rev 08.12.2019.pdf>
<Plot Plan Checklist.pdf>
<INDEMNIFICATION AGREEMENT.pdf>
<HAZARDOUS WASTE AND SUBSTANCES STATEMENT.docx>

SURVEY NOTES

- A. THE PURPOSE OF THIS RECORD OF SURVEY IS TO ILLUSTRATE THE SURVEY AND MONUMENTATION OF THE PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 2008-13843-2
- B. CONTROL FOR THIS SURVEY IS BASED ON BOOK 40 OF SURVEYS, PAGE 52. SEE THE NOTE THEREON REGARDING THE HIGHWAY MONUMENTS SET FOR A 60 FOOT RIGHT OF WAY, HOWEVER AN 80 FOOT WIDE RIGHT OF WAY WAS ACQUIRED BY THE STATE OF CALIFORNIA.
- C. THE SOUTH LINE OF THIS PARCEL IS 140 FEET NORTH FROM THE SOUTH LINE OF LOT 3. THE NORTH LINE IS 510 FEET FROM FROM THE SOUTH SOLAR OBSERVATION FROM BOOK 40 SURVEYS, PAGE 52.
- D. THE BEARING OF THE SUBDIVISION LINE NORTHERLY FROM THE QUATER CORNER IS FROM BOOK 16 SURVEYS, PAGE 102. THIS BEARING HAS NOT BEEN VERIFIED BY THIS SURVEY AND IS USED FOR DIMENSIONING PURPOSES ONLY.

INSTRUMENT NO.
2009-230344

CORNER NOTES

- 1 FOUND 6" x 6" CONCRETE STATE HIGHWAY RIGHT OF WAY MONUMENT WITH BRASS PIN, PER STATE HIGHWAY MONUMENTATION MAP I-HUM-1-J SHEET 10 ON FILE IN THE OFFICE OF THE HUMBOLDT COUNTY SURVEYOR AS FILE NO. 003 UR 2017. SEE BOOK 40 OF SURVEYS, PAGE 52.
- 2 FOUND 1 1/2" GALVANIZED IRON PIPE, NO IDENTIFICATION, PER BOOK 40 OF SURVEYS, PAGE 52, REFERENCING THE STATE HIGHWAY MONUMENT.
- 3 FOUND BOTTOM PORTION OF A BROKEN OFF 6" x 6" CONCRETE STATE HIGHWAY RIGHT OF WAY MONUMENT, NO CENTER. PER STATE HIGHWAY MONUMENTATION MAP I-HUM-1-J SHEET 10 BEARS N27°41'53"W 0.26 FEET FROM CALCULATED POSITION SHOWN HEREON.
- 4 FOUND 7/8" IRON BAR, NO IDENTIFICATION, FOR 1/4 CORNER BETWEEN SECTIONS 34 AND 35. SEE BOOK 40 OF SURVEYS, PAGE 52.
- 5 FOUND 1" IRON PIPE WITH PLASTIC PLUG IS 4793, ON THE NORTH SIDE OF DITCH, PER BOOK 40 OF SURVEYS, PAGE 91. FALLS 0.5 FEET SOUTH OF LINE SHOWN HEREON.

Ms. Mary Small
 3550 Parkside Forest Dr.
 Triniton, CA 95570

PACIFIC OCEAN
 APPROXIMATE HIGH TIDE LINE OF THE PACIFIC OCEAN NOT LOCATED BY THIS SURVEY

LEGEND

- FOUND MONUMENT, AS DESCRIBED IN CORNER NOTES SHOWN HEREON.
- SET 1/2" GALVANIZED IRON PIPE 4-31" LONG WITH PLASTIC PLUG IS 4829
- RECORD DIMENSION R1 BOOK 40 OF SURVEYS, PAGE 52 R2 INSTRUMENT NO. 2008-13843-2 R3 BOOK 16 SURVEYS, PAGE 102
- ⊙ RECORD DIMENSION, AS SHOWN ABOVE, AND MEASURED
- ◊ CORNER NOTE NUMBER

DISTANCES SHOWN HEREON ARE U.S. SURVEY FEET AND DECIMALS THEREOF.

RECORD OF SURVEY

FOR
JOHN PAYSINGER JR. AND MARY SMALL

NE 1/4 SECTION 34 T9N, R1W, HUMBOLDT MERIDIAN
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
 MARCH 2017 SCALE 1" = 50'

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS ACT AT THE REQUEST OF JOHN PAYSINGER, IN MARCH 2017.

Michael J. O'Hern
 MICHAEL J. O'HERN, L.S. 4829
 DATED July 29, 2017



RECORDER'S STATEMENT

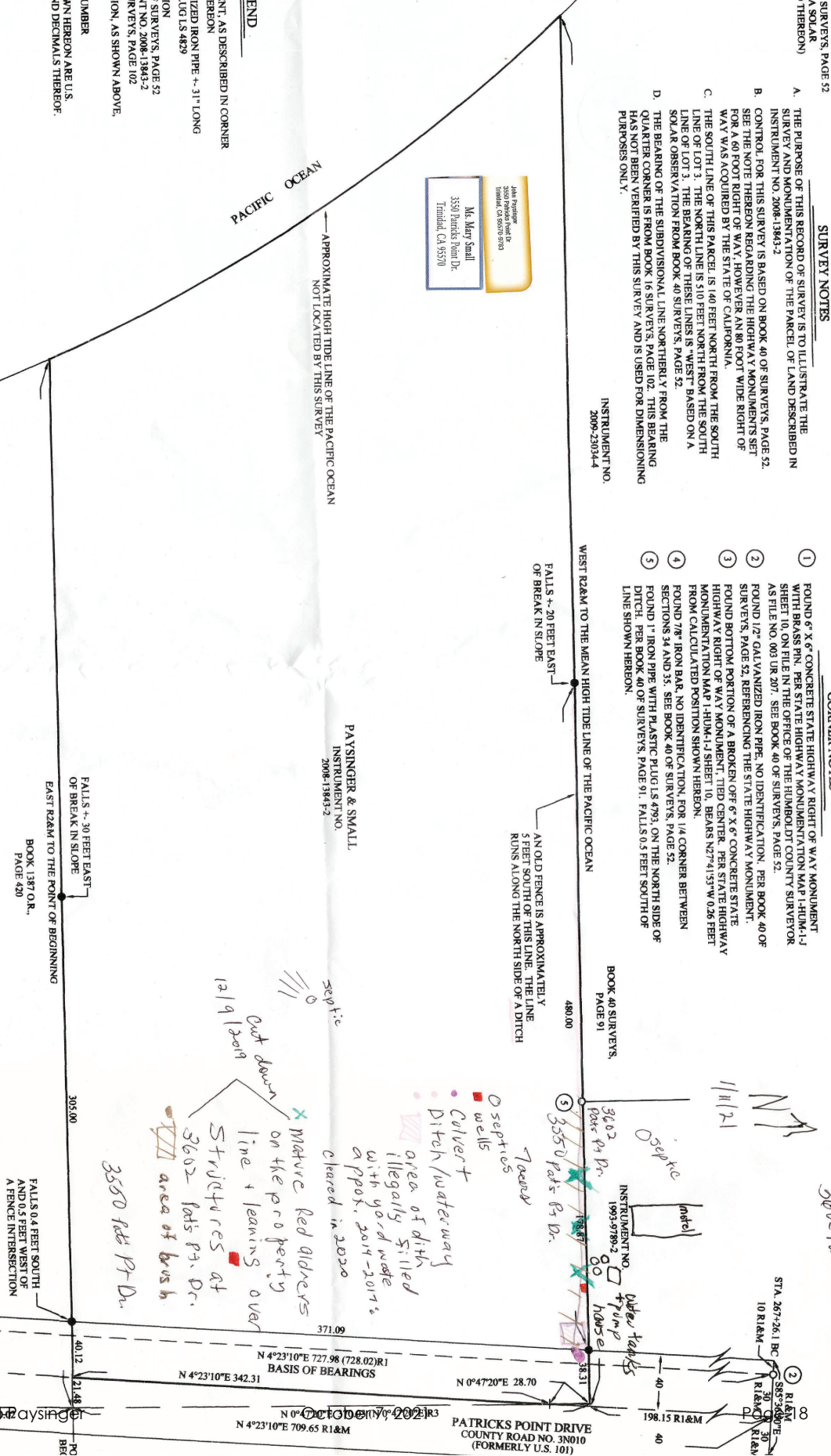
FILED THIS 27th DAY OF July 2017 AT 9:27 A.M. IN BOOK 7 OF SURVEYS, AT PAGE 9, HUMBOLDT COUNTY RECORDS AT THE REQUEST OF KELLY O'HERN ASSOCIATES, KELLY E. SANDERS HUMBOLDT COUNTY RECORDER BY Stacy Cook DEPUTY FEE \$18.00 INSTRUMENT NO. 2017-013743

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS ACT THIS 25th DAY OF July 2017.



STA. 259+97.9 BC
 WEST 1" 30.29 R1&M



BOOK 73 OF SURVEYS, PAC

Mc Mary Small
3350 Patrick's Pt. Dr.
Henderson, CA 95029

Direction of
Water Flow

- *Carex abnupta* (orange flag)
- *Chrysum falic-femina* (light green)
- *Rhynchos purshiana* (grey)
- *Mertensia californica* (blue)
- *Garrya elliptica* (silver)
- *Sambucus racemosa* (red)
- *Lonicera involucrata* var. *ledebourii* (white)
- *Rubus sanguineus* var. *glutinosus* (yellow)
- *Polystichum nigrum* (light green)
- *Alnus rubra*
- *Rubus par-floris* (purple)
- *Rubus spectabilis* (brown)
- *Rosa sitchensis* (livid)
- *Vaccinium* (dark blue)

Ground cover:
Sedges, *Chamaecrista* } 12-18 ft
Carex lasiocarpa } inserted
Minuartia dilatata } intermentally

- Plants in 1 gallon containers supplied by Samera Restoration
- Plants to be monitored weekly (MW)
- Replaced as needed for 5 years

- Invasive species *Helianthus* and *Coreopsis* will be removed within 15 ft of the property line and monitored for removal for 5 years

3350 Patrick's Pt. Dr.

1" = 11.5'

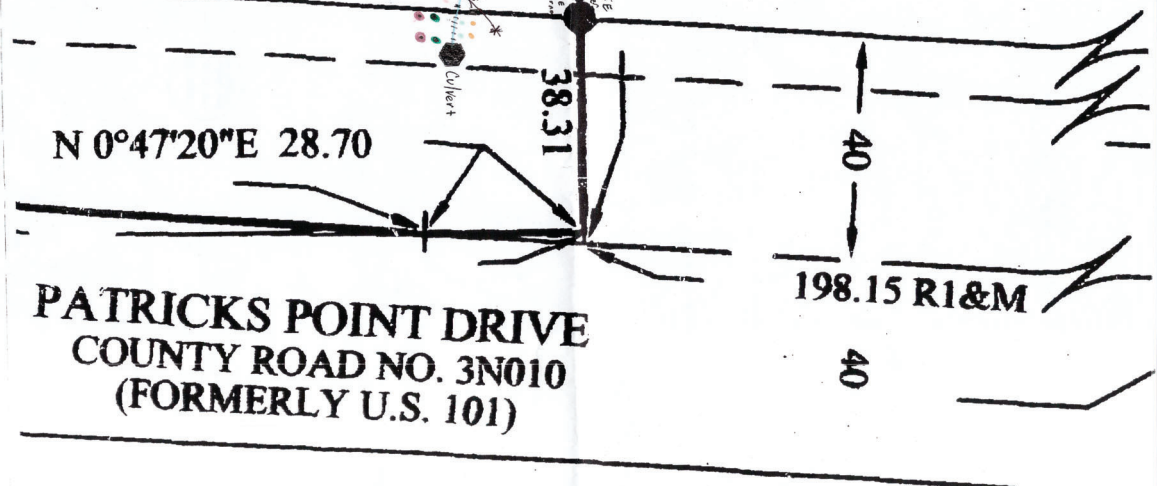
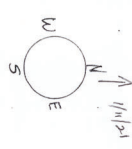
* < 10' sig. Fill removed from ditch

Historical waterway filled 5 years ago? illegal dumping (lard waste)

- water flow from culvert to be monitored 3 times yearly during rains for 5 years

INSTRUMENT NO.
1993-9789-2

3602 Patrick's Pt. Dr.



PATRICKS POINT DRIVE
COUNTY ROAD NO. 3N010
(FORMERLY U.S. 101)

CHRIS JOHNSON HAMER
ERIC V. KIRK
JASON J. EADS
JOSHUA KAUFMAN
JEFFREY W. MONSELL

STOKES, HAMER, KIRK & EADS, LLP
ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

AREA CODE 707

381 BAYSIDE ROAD, STE. A
ARCATA, CALIFORNIA
95521

TELEPHONE
822-1771

JOHN R. STOKES, III *RETIRED

FAX 822-1901

THOMAS D. ROWE (1948-2011)
JOHN R. STOKES (1917-2001)
DOROTHY L. STEEVES (1926-1996)

April 26, 2019

James and Betty Fleshman
16242 Orizaba Avenue
Paramount, CA 90723



Dear Mr. and Mrs. Fleshman,

My office represents Mary Small and John Paysinger whose real property, located at 3550 Patricks Point Drive in Trinidad, California, is south of and adjacent to real property that you own located at 3602 Patricks Point Drive.

After hiring a surveyor to determine the boundary between your parcel and my clients', they have asked me to notify you that they intend to build a fence delineating that boundary line within the next few weeks. While the old Robert Frost adage that good fences make good neighbors in part motivates Ms. Small and Mr. Paysinger, they've also had several unpleasant encounters with the current residents and their dogs at 3602 that make a better case for the fence.

Most recently someone there piled brush and other yard debris onto my clients' land, and when Ms. Small tried to remove those piles a young woman who identified herself as a tenant abusively confronted her. Soon after, someone dismantled and removed a wooden box constructed around and to protect one of the newly placed survey corners. That act in itself constitutes a trespass, damage to personal property and is a crime pursuant to Penal Code Section 605 concerning the malicious removal of boundary monuments.

While we don't intend, at this time, to pursue legal action, Ms. Small and Mr. Paysinger hope that the new fence will help to forestall future interactions like these and ask that


April 26, 2019
Page 3

Please contact me to arrange for removal of the well and to
advise me regarding access to remove the alder trees.

Very truly yours,

STOKES, HAMER, KIRK & EADS, LLP

By:


Joshua Kaufman

Cc: Clients

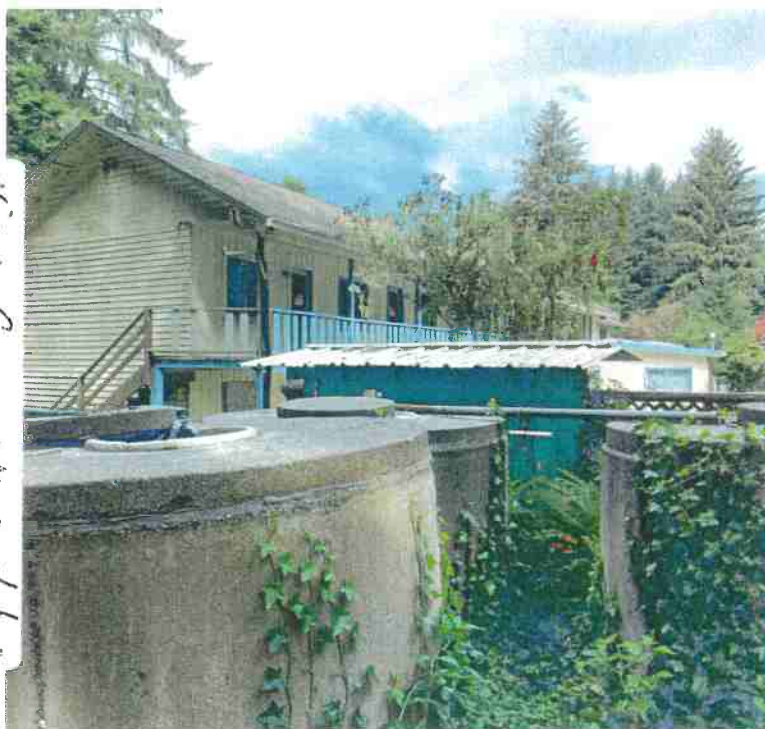


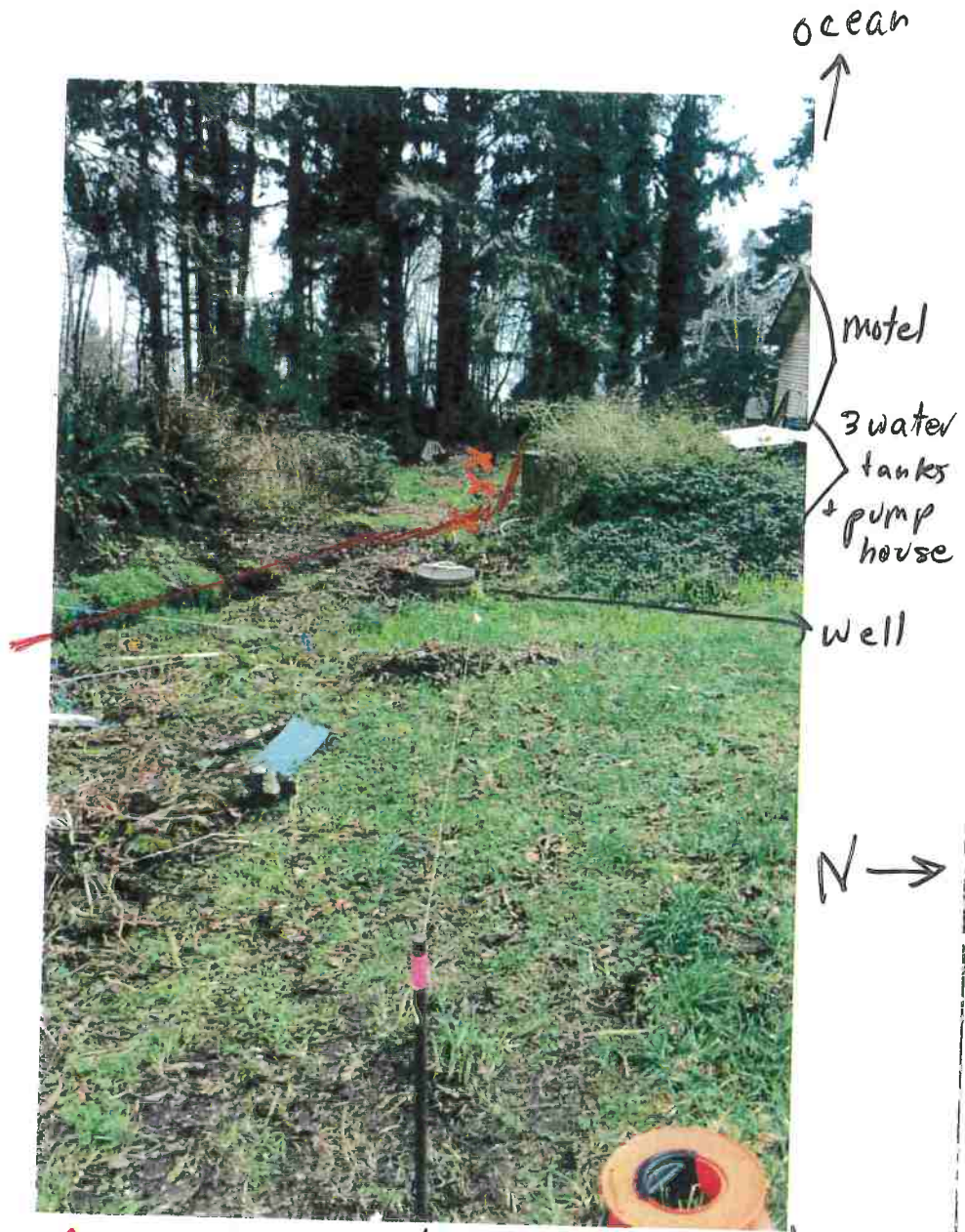
culvert draining properties from e. side of Pat. Pt. Dr.



Ditch going west from culvert (after debris cleared)

View from atop debris of large leaning alder (#3)





ocean



motel

3 water tanks
+ pump house

well

N →

- Ditch 3550

X where alders were cut

↓ 3602

property line
Patrick's Pt. Dr.

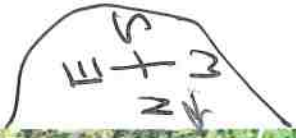
↓
Patrick's Pt. Dr.

Wash tank
↓
paved well



1/3/21

Flow from culvert
down restored ditch



1/3/21

above
↑
Culvert
opening



Example of large leaning Red alder at project site



photo taken from atop the debris of Red Alder that was leaning over motel (35' away) + propane tank



examples of broken
fallen Red Alders at
3550 Pat's Pt Dr





#3 alder (leaning over water tanks) preparing for fall



#2 alder (leans over building) preparing for fall (T is obscure in background)

#3
Fallen →



looking East towards Patrick point DR.

October 7, 2021



Tree that was removed location

Tree that was removed location

Attachment 3

Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	On File	Attached
County Building Inspection Division	✓	No Comment	✓	
County P/W, Land Use Division				
Division of Environmental Health				
California Coastal Commission				
California Department of Fish and Wildlife				
Cal Fire	✓	No Comment	✓	