



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: December 16, 2021
To: Humboldt County Zoning Administrator
From: Logan Shine, Contract Planner
Subject: **Smultea Coastal Development Permit**
Record Number PLN-2021-17258
Assessor's Parcel Number (APN) 515-022-036

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Please contact Logan Shine, Contract Planner, at 707-671-6844 or by email at logan@landlogistics.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date December 16, 2021	Subject Smultea Coastal Development Permit	Contact Logan Shine, Contract Planner
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Project Description: Application for a Coastal Development Permit to drill a test well for residential development on a vacant parcel and remove two (2) red alder trees less than 12 inches diameter at breast height (4.5 feet) at the junction of Belvedere Lane (private road) and Kay Road (County-maintained).

Project Location: The project is located in the Westhaven area, on the West side of Kay Road, approximately 275 feet from the intersection of Kay Avenue and Kay Road, on the property known to be in Section 31 of Township 08 North, Range 01 East, Humboldt Base & Meridian, directly North and adjacent to the property known as 700 Seaside Lane.

Present Plan Land Use Designation: Rural Residential (RR(E)). Trinidad Area Plan, 2017 General Plan. Density: 0 to 1 units per acre, Slope Stability: Low Instability (1), Moderate Instability (2).

Present Zoning: Rural Residential Agriculture (RA) - Modified Building Standards Including Provision for Manufactured Homes (SM) / Design Review (D)

Assessor Parcel Numbers: 515-022-036

Record Number: PLN-2021-17258

Applicant

Mari Smultea
30606 SE 64 St. #256
Preston, WA 98050

Owners

same as applicant

Agent

N/A

Environmental Review: Project is exempt from environmental review per Section 15303(d) – New Construction or Conversion of Small Structures, of the CEQA Guidelines.

Major Issues: none.

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

Smultea Coastal Development Permit
Record Number: PLN-2021-17258
Assessor's Parcel Number: 515-022-036

Recommended Zoning Administrator 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 a part of the consent agenda:

Find the project exempt from environmental review pursuant to Section 15303(d) of the State CEQA Guidelines, make all of the required findings for approval of the modification of the Coastal Development Permit, PLN-2021-17258, based on evidence in the staff report, and adopt the Resolution approving the Smultea project subject to the recommended conditions.

Executive Summary: Application for a Coastal Development Permit to drill a test well for residential development on a vacant parcel and remove two (2) red alder trees less than 12 inches diameter at breast height (4.5 feet) at the junction of Belvedere Lane (private road) and Kay Road (County-maintained).

The project is located in a relatively stable and moderate instability geologic area and is located outside of the 100-year flood plain and tsunami inundation area. The property is located in the Local Responsibility Area (SRA) and is serviced by the Westhaven Community Services District who responds to structural fires and medical emergencies.

The development of water infrastructure facilitates the future residential use of the parcel, for which a subsequent Coastal development Permit would be required.

RECOMMENDATION: Based on 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 approval of the Coastal Development Permit.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number PLN-2021-17258
Assessor Parcel Numbers: 515-022-036**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Smultea Coastal Development Permit, PLN-2021-17258.

WHEREAS, the applicant, Mari Smultea, submitted an application and evidence in support of approving a Coastal Development Permit to drill a test well and remove two red alder trees along the County right-of-way.

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 project is categorically exempt from environmental review pursuant to Section 15303(d) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on December 16, 2021, and reviewed, considered, and discussed the application for a Coastal Development Permit, PLN-2021-17258, 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:** Application for a Coastal Development Permit to drill a test well and remove two (2) red alder trees less than 12 DBH at the junction of Belvedere Lane (private road) and Kay Road (County-maintained).

EVIDENCE: a) Project File: PLN-2021-17258

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act have been complied with.

EVIDENCE: a) Project is exempt from environmental review per Section 15303(d) – New Construction or Conversion of Small Structures, of the CEQA Guidelines.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT

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

EVIDENCE: a) Developing water infrastructure for residential development is in conformance with the designated land use. The activities will occur on a parcel planned Rural Residential Agriculture (RA), Modified Building Standards(SM) and Design Review (D).

b) The project complies with the County's Housing Element as it will not currently add to nor subtract from the County Housing Inventory. In fact, it will facilitate the construction of a new dwelling unit at a future date.

- c) The project is located in relatively stable and moderate instability geologic area. The project area is located outside of the 100-year flood plain and tsunami inundation area. The property is located in the Local Responsibility Area (SRA) and is serviced by the Westhaven Community Services District who responds to structural fires and medical emergencies. Based on these findings, the proposed development does not increase risks to hazards.
- d) The project will include a protocol for monitoring and handling of inadvertent discoveries per required mitigation.
- e) The proposed development is consistent with the purposes of the existing zone in which the site is located including the combining zone policies; and the proposed development conforms to all applicable standards and requirements of these regulations.

4. FINDING: The project parcel is zoned Rural Residential Agriculture (RA), with Manufactured Homes allowed (SM) and Design Review requirements (D). The proposed development conforms to all development standards associated with the respective zones.

- EVIDENCE:**
- a) The property is within the Design Review combining zone. As the majority of these requirements address construction (i.e., exterior lighting, neighborhood compatibility, roofing and siding materials), the development of water infrastructure is compliant with these requirements.
 - b) Residential development is allowed though not requested at this time.
 - c) 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.

5. FINDING: The drilling of a test well and removal of two (2) Red alders will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) Development of water infrastructure facilitates future residential use of the parcel.

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 parcel's General Plan land use designation RR(E) and zoning Rural Residential Agriculture (RA) allow residential use. The RA zoning only allows for single family residential use and residential accessory use. The project will not negatively impact compliance with Housing Element law.

DECISION

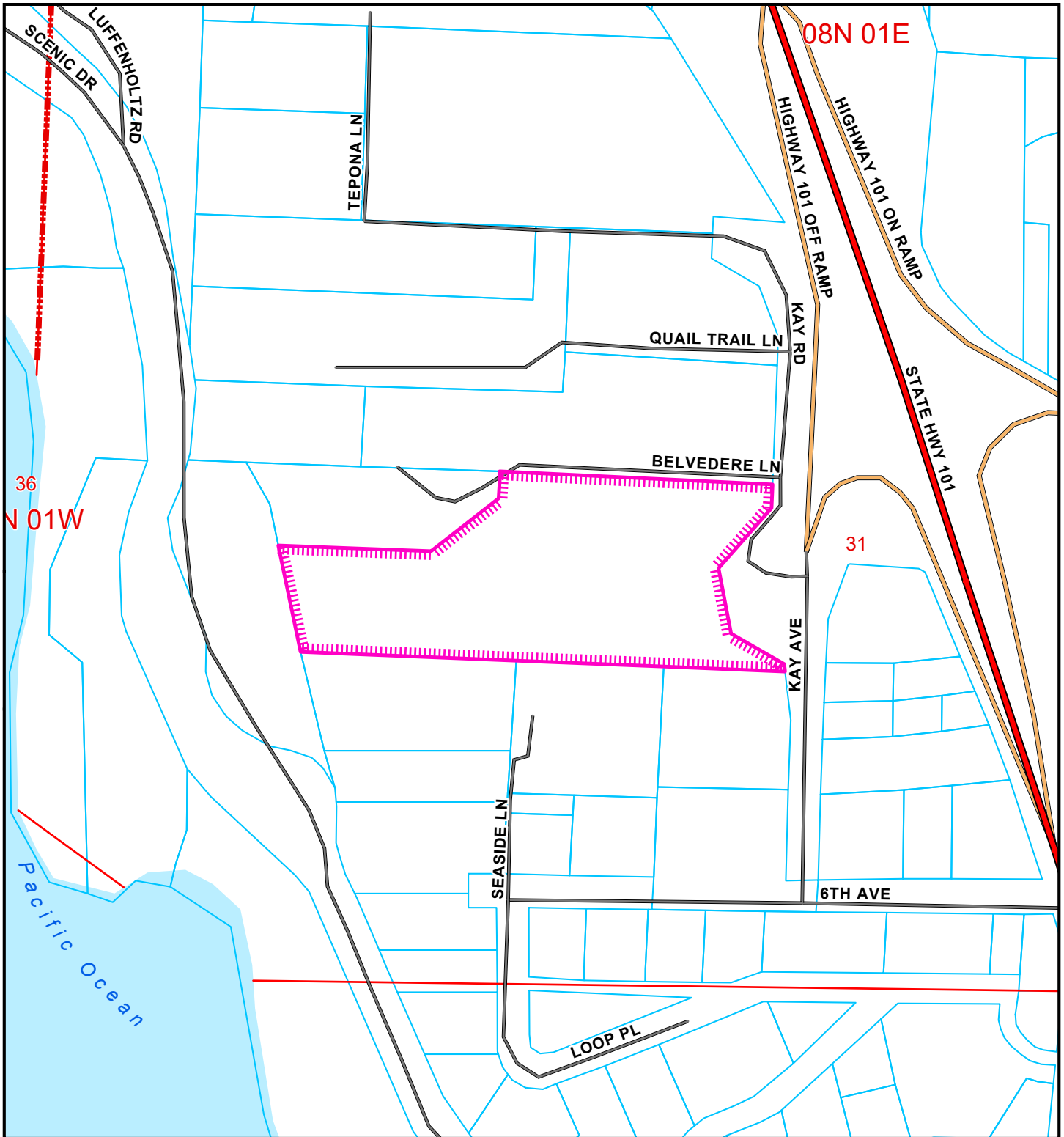
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Smultea Coastal Development 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 **December 16, 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



LOCATION MAP

**PROPOSED MARI A SMULTEA
 COASTAL DEVELOPMENT PERMIT
 WESTHAVEN AREA
 PLN-2021-17258
 APN: 515-022-036
 T08N R01E S31 HB&M (Crannell)**

Project Area = 

Coastal Zone Boundary 

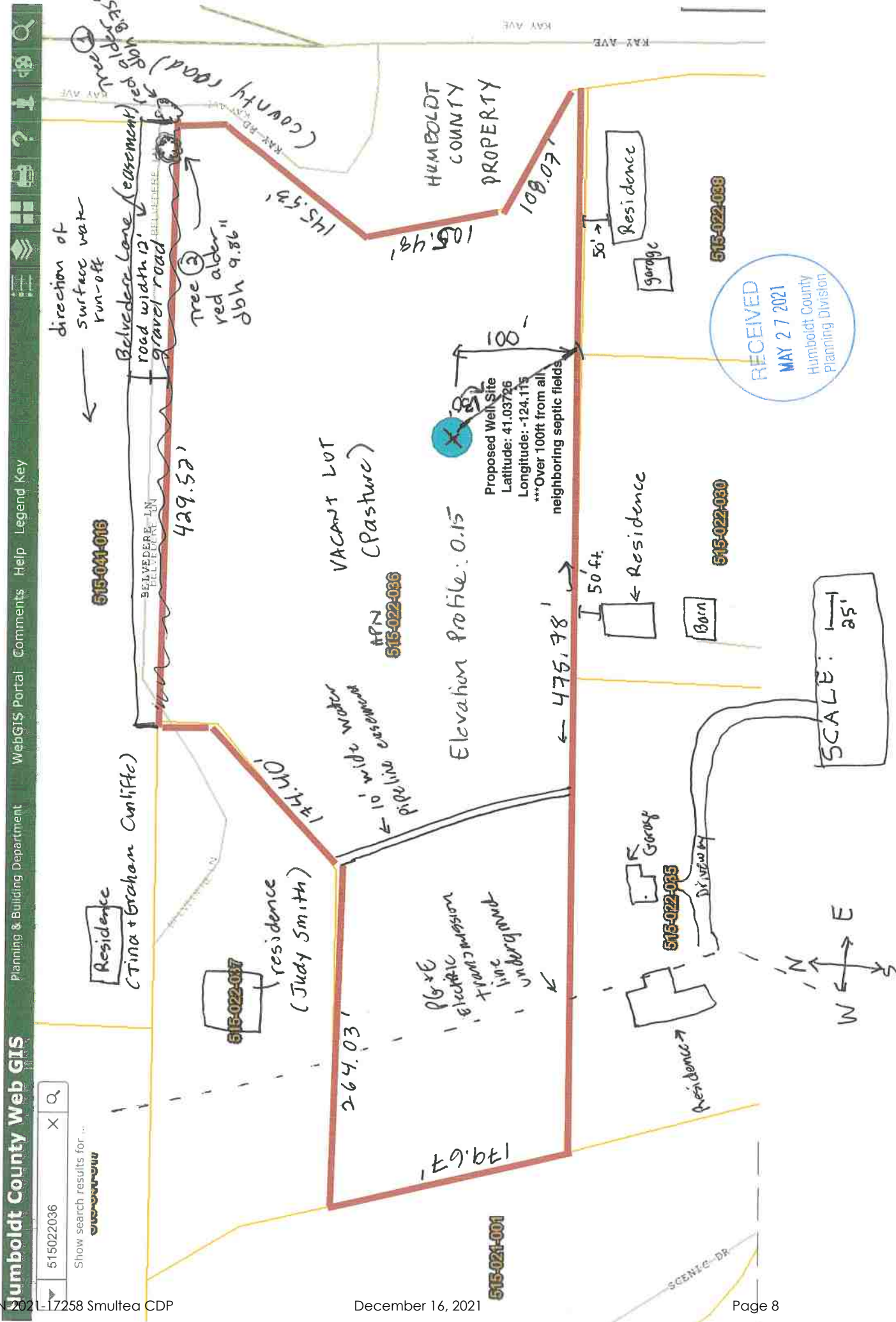
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



Name of Applicant: Mari Smultea
 APN 515-022-036
 5/27/2021

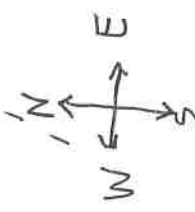
PLOT PLAN
 Mari Smultea
 Proposed Well Plat Map 5/17/2021
 Parcel #515022036
 HUMBOLDT COUNTY

Pg. 1/5



RECEIVED
 MAY 27 2021
 Humboldt County
 Planning Division

SCALE: 1/25'

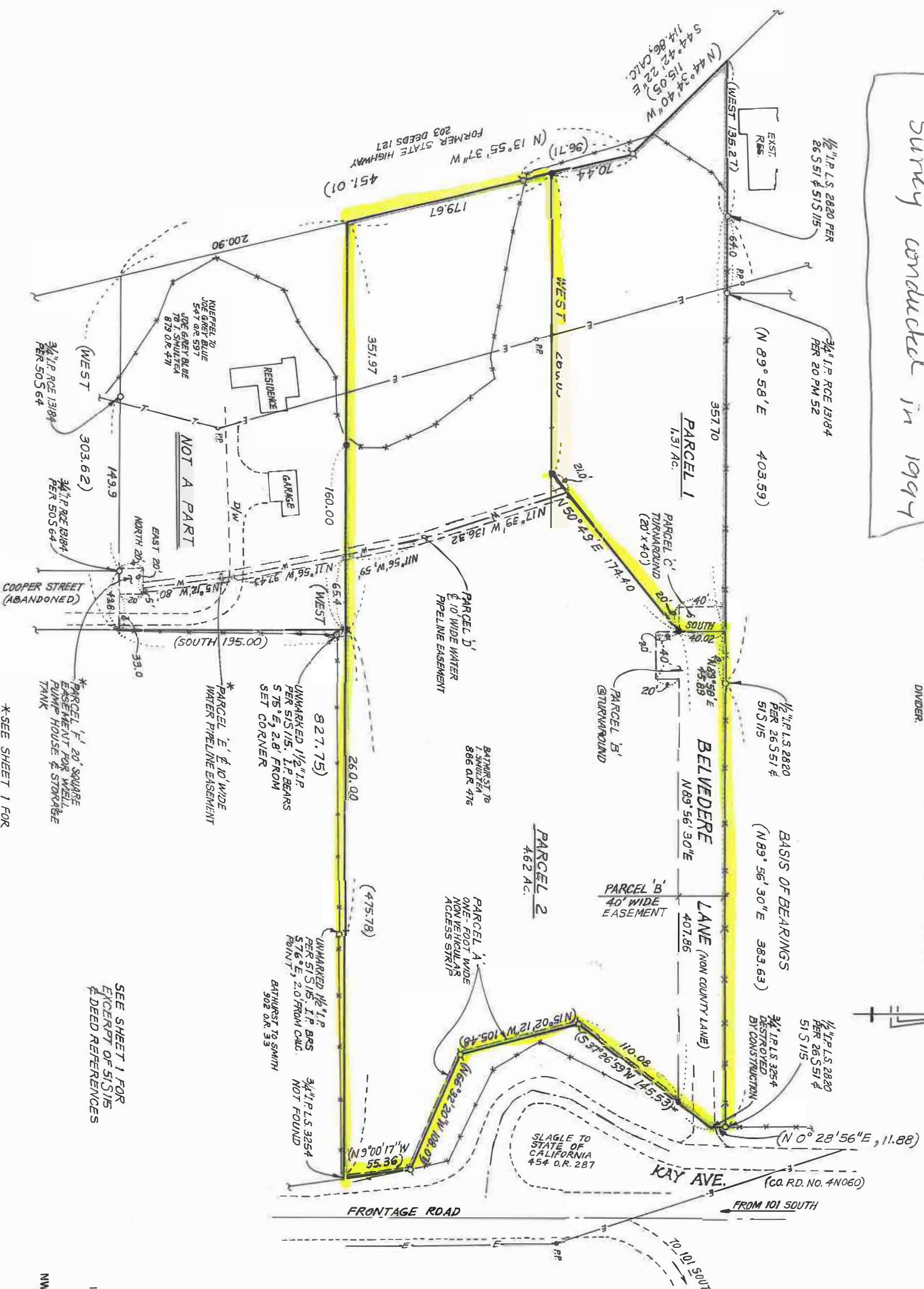


Extra diagram of Parcel APN 515-022-036 from survey conducted in 1994

FURTHER SUBDIVISIONS
 FURTHER SUBDIVISIONS OF THE LOTS CREATED BY THIS SUBDIVISION MAY REQUIRE THE PERFORMANCE OF ADDITIONAL ON-SITE AND OFF-SITE IMPROVEMENTS TO THE ROAD CONNECTING THE SUBDIVISION TO THE COUNTY ROAD OR OTHER PUBLICLY MAINTAINED ROAD IF THE COUNTY DEEMS NECESSARY. THIS WORK COULD REQUIRE THE ROAD TO BE DEVELOPED TO COUNTY ROAD STANDARDS BY THE SUB-DIVIDER.

BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS SURVEY IS FROM BOOK 51 OF SURVEYS, PAGE 115, HUMBOLDT COUNTY RECORDS.

- LEGEND
- 1/2" IRON PIPE w/ PLASTIC CAP MARKED LS 3797 SET THIS SURVEY AS SHOWN ON 515115
 - FOUND CORNERS AS DESCRIBED HEREON
 - EXISTING FENCE
 - - - EXISTING ROADS
 - () RECORD DATA PER 515115
 - E- PG & E POWER POLE WITH OVERHEAD LINES
 - W- 10' WIDE WATER PIPELINE EASEMENT



*SEE SHEET 1 FOR EASEMENT DEDICATION NOTES.

SEE SHEET 1 FOR EXCERPT OF 51515 & DEED REFERENCES



PARCEL MAP NO. 3043
 FOR
 ILIE SMULTEA
 IN
 the unincorporated area of Humboldt County
 STATE OF CALIFORNIA
 BY
 EDWARD SCHILLINGER
 NW 1/4 SECTION 31, T. 8 N., R. 1 E., H.B. & M.

SCALE: 1" = 60' DATE: MAY 1994

109-8115

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Conditions of Approval for the Coastal Development Permit

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

Conditions of Approval:

1. The work shall be conducted in accordance with the Project Description.
2. Changes in the project other than Minor Deviations from the Plot Plan as provided in HCC Section 312-11.1 shall require a modification of this permit.
3. The applicant or their contractor must apply for and obtain an encroachment permit to perform traffic control during tree removal within the county-road right of way. [reference: County Code section 411-11(a)(b)].
3. A CALFIRE permit will be necessary if removed red alder trees are commercialized. Please see California Public Resource Code 4527 for the definition of tree removal for commercial purposes. "Commercial purposes" includes the cutting or removal of trees that are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade.
4. 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.
5. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOE and will charge this cost to the project.
6. The applicant shall provide DEH with all available details associated with planned well drilling activity.

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 Coastal Development 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:

- Application Form (on file)
- Site Plan (**Attached**)
- Indemnification Agreement (on file)

Attachment 3

Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	On File	Attached
Division of Environmental Health	✓	Approval	✓	
Public Works, Land Use Division	✓	Conditional Approval	✓	
Building Inspections	No Response			
Regional Water Quality Control Board	No Response			
CA Coastal Commission	No Response			
CA Department of Fish and Wildlife	No Response			
CalFire	✓	Approval	✓	
NWIC	✓	Comments	✓	
Trinidad Rancheria	No Response			
Yurok Tribe	No Response			