



COUNTY OF HUMBOLDT

For the meeting of: 4/3/2025

File #: 25-444

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Muchiru; Coastal Development Permit
Record No.: PLN-2023-18080
APN: 400-031-013
Manila area

A Coastal Development Permit (CDP) to construct a perimeter fence along the property boundary, as well as an unpermitted portion of fence that exists along approximately 25% of the property boundary. The CDP will remedy Code Enforcement Record Number CE21-0989. The property is located in the Coastal Zone and within a wetland ESHA. The fence was constructed to prevent public access onto the property and is needed to prevent litter and waste from accumulating via illegal dumping. There is no residential development on the parcel but it is served by the Manila CSD.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 25-___), which does the following:
 - a. Finds the Zoning Administrator has determined that the project is exempt from environmental review pursuant to Section 15303 (New Construction) of the State CEQA Guidelines, and as a Responsible Agency, agrees with the lead agency's findings; and
 - b. Makes all of the required findings for approval of the Coastal Development Permit; and
 - c. Approves the Muchiru Coastal Development Permit subject to the conditions of approval.

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Manila area, on the South side of Mill Street, approximately 230 feet East from the intersection of Peninsula Drive and Mill Street, on

the property known as 104 Mill Street.

Present General Plan Land Use Designation: Residential Low Density (RL), Humboldt Bay Area Plan (HBAP). Density: 3-7 dwelling units per acre; Slope Stability: Relatively Stable (0).

Present Zoning: RS-5-M/W, Residential Single Family with Combining Zone overlays of (M) Manufactured Home and (W) Coastal Wetland Areas.

Environmental Review: Project is exempt from CEQA review pursuant to 15303 (New Construction). None of the exceptions to the exemptions per Section 15300.2 of the CEQA Guidelines apply.

State Appeal: The project is appealable to the California Coastal Commission.

Major Issues: None.

Monitoring Required: None.

Executive Summary

A Coastal Development Permit (CDP) to construct a perimeter fence along the property boundary, as well as an unpermitted portion of fence that exists along approximately 25% of the property boundary. The CDP will remedy Code Enforcement Record Number CE21-0989. The property is located in the Coastal Zone and within a wetland ESHA. The fence was constructed to prevent public access onto the property and is needed to prevent litter and waste from accumulating via illegal dumping. There is no residential development on the parcel but it is served by the Manila CSD.

The property owner previously installed an unpermitted fence to stem the illegal dumping and trespassing. The presence of the fence essentially prevented all dumping into the wetland area, however the fence was eventually removed due to it's location in the County's right-of-way. Since the removal of the fence, illegal dumping and trespassing have increased, causing damage to the ESHA, as well as costs to the owner for removal of waste.

Natural Resources

The Humboldt Bay Area Plan 3.30B requires both a wetland buffer and a wetland setback from coastal wetlands, which are also considered to be Environmentally Sensitive Habitat Areas (ESHA) under the Coastal Act. Section 30240(a) also states that ESHA's shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas.

The property in question is primarily compromised of wetlands, which lie adjacent to Mill Street. There is a roughly 6-foot vegetated shoulder separating the paved surface of Mill Street from the wetlands, which are roughly 4 feet below the elevation of the street. Presently, there is a large

amount of dumping that occurs due to the lack of any barrier between the road and wetland below, allowing vehicles to approach the drop-off to the wetland and unload their waste with ease.

Despite the entirety of the fence proposed to be located either within the wetland buffer or traversing areas of the ESHA, the proposed alignment will serve as a protective device for the wetland as it will prevent illegal dumping and trespassing onto the property, which has caused substantial damage to habitat values over the past couple of years. County staff received comments from the CA Coastal Commission supporting the location of the fence. CDFW was also supportive of the fence alignment due to its net benefit in providing protection to the wetland area. The construction of the fence is a use that is dependent upon the wetland resource because it will protect the resource against disruption of habitat values.

Cultural Resources

The project was referred to NWIC, the Wiyot Tribe, Blue Lake Rancheria and the Bear River Band of the Rohnerville Rancheria. There were no initial concerns with the project details, however inadvertent archaeological discovery protocols were requested to be in place for any ground-disturbing activities that may take place and are conditioned in Attachment 1A. There are no historic buildings or other artifacts that will be impacted by the proposed project.

Housing

There are no residences on the property. The property was included in the 2019 adopted Housing Element Inventory. Construction of fencing will have no detrimental impact toward the potential of establishing housing on this parcel.

Additional Details

There is presently a large amount of illegally dumped trash on the applicant's property, within the wetland area. Manila Community Services District has recently received funding to conduct a drainage improvement program throughout the Manila region. Part of the project involves installing a new culvert and clearing the drainage ditch that runs through the applicant's property and through the wetland habitat. This effort will include the removal of trash and other elements that are impeding proper drainage and function of the wetland habitat. Constructing a fence along this area, once MCSD has completed their work, will be a continuation of MCSD's efforts to improve drainage in the Manila area as well as protecting the wetlands that run through this property and into Manila Park, which is adjacent to the property in question.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 3)

RECOMMENDATIONS:

Based on a review of Planning Division reference sources and comments from all involved referral

agencies, Planning staff concludes that the applicant has submitted evidence in support of making all of the required findings for approval of the Coastal Development Permit. Staff recommends that the Zoning Administrator find the project exempt from further environmental review pursuant to Section 15303 of the State CEQA Guidelines, as there is no substantial evidence that the project will have a significant effect on the environment.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Zoning Administrator could elect to add or delete conditions of approval. The Zoning Administrator could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Location Map
 - C. Site Plan
 - D. Survey
 - E. Wetland Delineation
2. Applicant's Evidence in Support of the Required Findings
3. Referral Agency Comments and Recommendations

Applicant

Dickson Muchiru
PO Box 5322
Eureka, CA 95502

Owner

Same as applicant

APN 400-031-013

Dickson Muchiru
104 Mill Street
Arcata, CA 95521

Agent

Brit O'Brien
2407 Frank Street
Eureka, CA 95501

Please contact Chris Lohofener, Associate Planner, at clohofener@co.humboldt.ca.us or (707)267-9390 if you have questions about this item.