



**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: November 18, 2021
To: Humboldt County Zoning Administrator
From: Leiloni Shine, Contract Planner
Subject: **Hanks Coastal Development Permit and Special Permit**
Record Number PLN-2017-13733
Assessor's Parcel Number 514-112-019
881 1ST Avenue, in the Westhaven area

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Please contact Leiloni Shine, Contract Planner, at 707-671-6928 or by email at leiloni@landlogistics.com if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

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

From: Leiloni Shine, Contract Planner, Land Logistics

Hearing Date	Subject	Contact
November 18, 2021	Follow-Up Coastal Development Permit and Special Permit	Leiloni Shine, Contract Planner

Project: A follow-up Coastal Development Permit (CDP) and Special Permit (SP) to an Emergency CDP and SP (CDP 17-047E, SP-17-074E approved August 29, 2017), under Humboldt County Code Section 312-15, which allowed the applicant to remove up to 15 hazardous trees from within 50 feet of a habitable structure. The subject trees were mature redwood trees, 20"-50" DBH, with an estimated age of 50 years. The trees showed a measurable lean towards the residence and were close to rubbing against the roof. The roof of the residence and other accessory structures were damaged from falling branches from past storms, and other trees had existing branches that appeared to be weakening. Inspection of the area immediately south of the property revealed that the area the trees were located in is not protected and therefore vulnerable to strong winds from the south, increasing the risk to windthrow and falling branches. The residence has previously been damaged by falling branches during winter wind events in 2016/2017. A letter from a Registered Professional Forester was submitted verifying that the trees pose a danger to the residence.

Project Location: The project is located in Humboldt County, in the Westhaven area, on the north side of 1st Avenue, approximately 230 feet east from the intersection of Haven Way and 1st Avenue, on the property known as 881 1st Avenue.

Present Plan Land Use Designations: Rural Village (RV), Trinidad Area Plan (TAP), Density: 3 Dwelling Units per acre Slope Stability: Relatively Stable (0). Density: Range is 0 to 3 unit per acre. Slope Stability: Low Instability (1)

Present Zoning: Residential Single Family, No Further Subdivision, Manufactured Homes, Streams and Riparian Corridor Protection (RS-X-M/R).

Assessor Parcel Number: 514-112-019-000

Record Number: PLN-2017-13733-CDP-SP

Applicant
Kimberly Hanks
881 First Avenue
Trinidad, CA 95570

Owner
Same

Agent
John Hornstein
2560 Idylbear Lane
Arcata, CA 95521

Environmental Review: Project is categorically exempt from environmental review per CEQA Section 15304 – Minor Alterations to Land.

Major Issues: None.

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

Hanks Coastal Development Permit and Special Permit
Record Number: PLN-2017-13733
Assessor's Parcel Number: 514-112-019

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 has found the project categorically exempt under Section 15304 of the State CEQA Guidelines; make the required findings for approval of the Coastal Development Permit and Special Permit; and approve the Hanks Coastal Development Permit and Special Permit as recommended by staff and subject to the recommended conditions.

Executive Summary:

A follow-up Coastal Development Permit (CDP) and Special Permit (SP) to an Emergency CDP and SP (CDP 17-047E, SP-17-074E approved August 29, 2017), under Humboldt County Code Section 312-15, which allowed the applicant to remove up to 15 hazardous trees from within 50 feet of a habitable structure. The subject trees were mature redwood trees, 20"-50" DBH, with an estimated age of 50 years. The trees showed a measurable lean towards the residence and were close to rubbing against the roof. The roof of the residence and other accessory structures were damaged from falling branches from past storms, and other trees had existing branches that appeared to be weakening. Inspection of the area immediately south of the property revealed that the area the trees were located in is not protected and therefore vulnerable to strong winds from the south, increasing the risk to windthrow and falling branches. The residence has previously been damaged by falling branches during winter wind events in 2016/2017. A letter from a Registered Professional Forester was submitted verifying that the trees pose a danger to the residence.

Alternative: The Zoning Administrator could recommend denial of the proposed Coastal Development Permit and Special Permit if the 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-2017-13733
Assessor Parcel Number: 514-112-019**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Hanks Coastal Development Permit and Special Permit.

WHEREAS, Kimberly Hanks submitted an application and evidence in support of approving a Coastal Development Permit and Special Permit to comply with Condition #4 of an Emergency Coastal Development Permit and Special Permit issued on August 29, 2017 which authorized the applicant to remove up to 15 hazardous trees from within 50 feet of a habitable structure; and

WHEREAS, the County Planning Division has determined the project is categorically exempt per CEQA Guidelines Section 15304 – Minor Alterations to Land; 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 **November 18, 2021**; reviewed, considered, and discussed the application for a Coastal Development Permit, Special Permit, and Notice of Lot Merger; 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:** A follow-up Coastal Development Permit (CDP) and Special Permit (SP) to an Emergency CDP and SP (CDP 17-047E, SP-17-074E approved August 29, 2017), under Humboldt County Code Section 312-15, which allowed the applicant to remove up to 15 hazardous trees from within 50 feet of a habitable structure. The subject trees were mature redwood trees, 20"-50" DBH, with an estimated age of 50 years. The trees showed a measurable lean towards the residence and were close to rubbing against the roof. The roof of the residence and other accessory structures were damaged from falling branches from past storms, and other trees had existing branches that appeared to be weakening. Inspection of the area immediately south of the property revealed that the area the trees were located in is not protected and therefore vulnerable to strong winds from the south, increasing the risk to windthrow and falling branches. The residence has previously been damaged by falling branches during winter wind events in 2016/2017. A letter from a Registered Professional Forester was submitted verifying that the trees pose a danger to the residence.

EVIDENCE: a) Project File: PLN-2017-13733

2. FINDING: **CEQA:** The project is categorically exempt per CEQA Guidelines Section 15404 – Minor Alterations to Land.

EVIDENCE: a) The project involves

FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT

3. FINDING: The proposed development is in conformance with the County General Plan, including the Shelter Cove and South Coast Community Plans.

EVIDENCE:

- a) The General Plan designation is Rural Village (RV). The Rural Village (RV) designation applies to the subject parcel which is currently developed with 1 single family residence. The proposed project is a follow-up CDP and SP to a previously approved Emergency CDP and SP to remove trees per documentation from a Registered Professional Forester stating that approximately 15 mature redwood trees (20"-50" DBH), with an estimated age of 70 years, posed a particular hazard because they were located within 50 feet of the residence and detached garage.
- b) The project will not add to nor subtract from the Housing Inventory. The project permits the removal of 15 mature redwood trees. The project is consistent with the County's Housing Element
- c) The project is not in an environmentally sensitive habitat area and there are no watercourses within 100 feet of any tree removal. No referral agencies cited any potential issue regarding biological resources. Due to these findings, no threats to sensitive and critical habitats are expected.

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

EVIDENCE:

- a) The parcel is Zoned RS-X-M/R. Principally permitted uses in the RS Zone include Single-Family Residences. An emergency permit obtained on August 29, 2017 allowed the removal of 15 mature redwood trees to protect the single-family residence from damage. Per Zoning Code §312-17, following the issuance of an emergency development permit(s), the applicant shall obtain all required development permit(s) in accordance with §312-17 and other provisions of the Humboldt County Code.
- b) Combining Zone M (Manufactured Homes); R (Streams and Riparian Corridor Protection); and X (No further subdivision allowed) The project is to remedy an emergency permit to allow the removal of 15 mature redwood trees. The project does not propose to further subdivide the subject parcel.

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 project is a follow-up to an emergency permit issued to remove 15 redwood trees to protect an existing residence from possible damage from falling tree limbs, etc. Referral agencies did not comment on the project. No detrimental effects to public health, safety and welfare have been identified. The project is not expected to be detrimental to property values in the vicinity nor pose any kind of public health hazard. Tree removals reduced potential hazard to residents from falling trees at the site.

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 will not add to nor subtract from the Housing Inventory.

DECISION

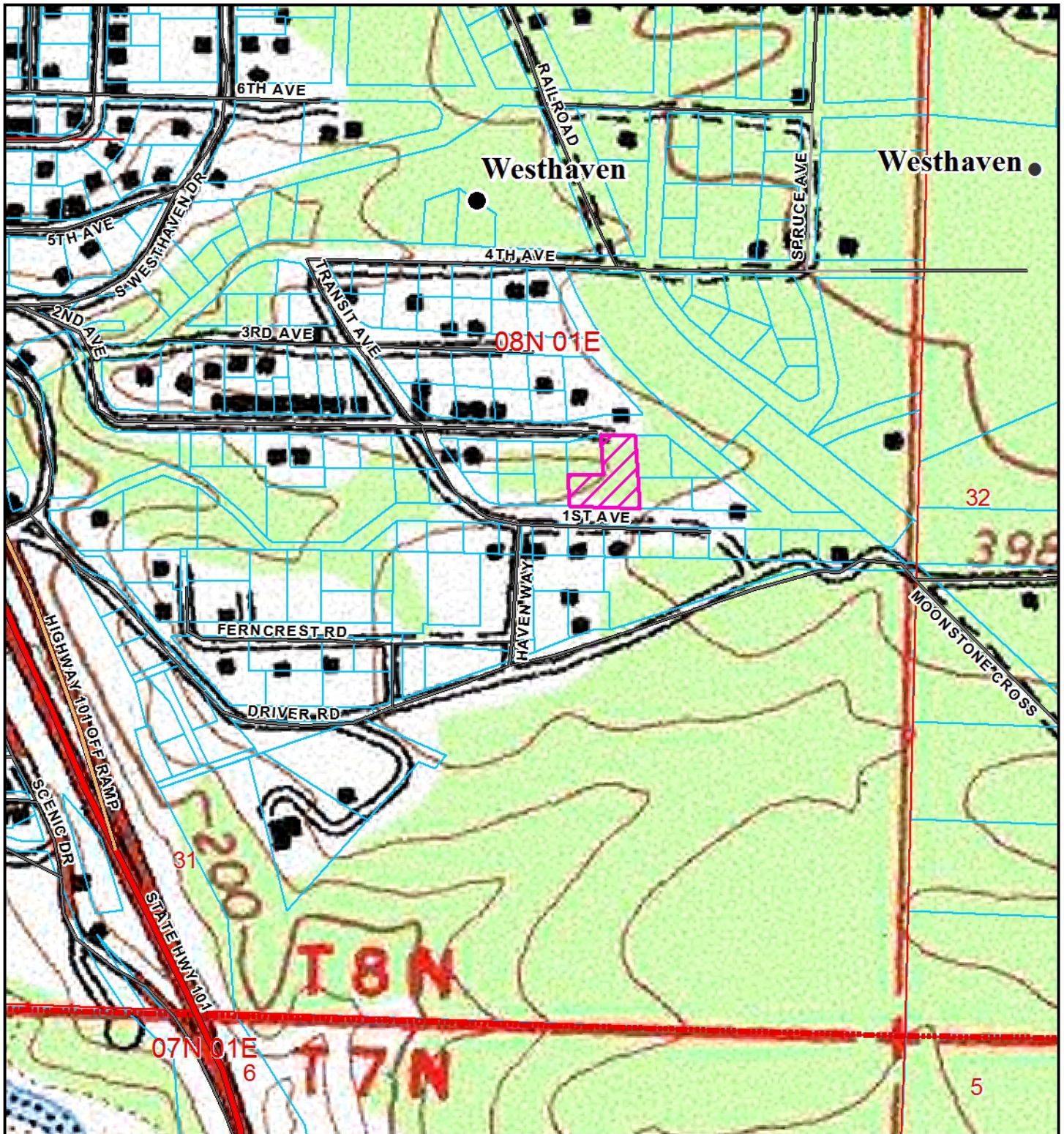
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Hanks 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 **November 18, 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



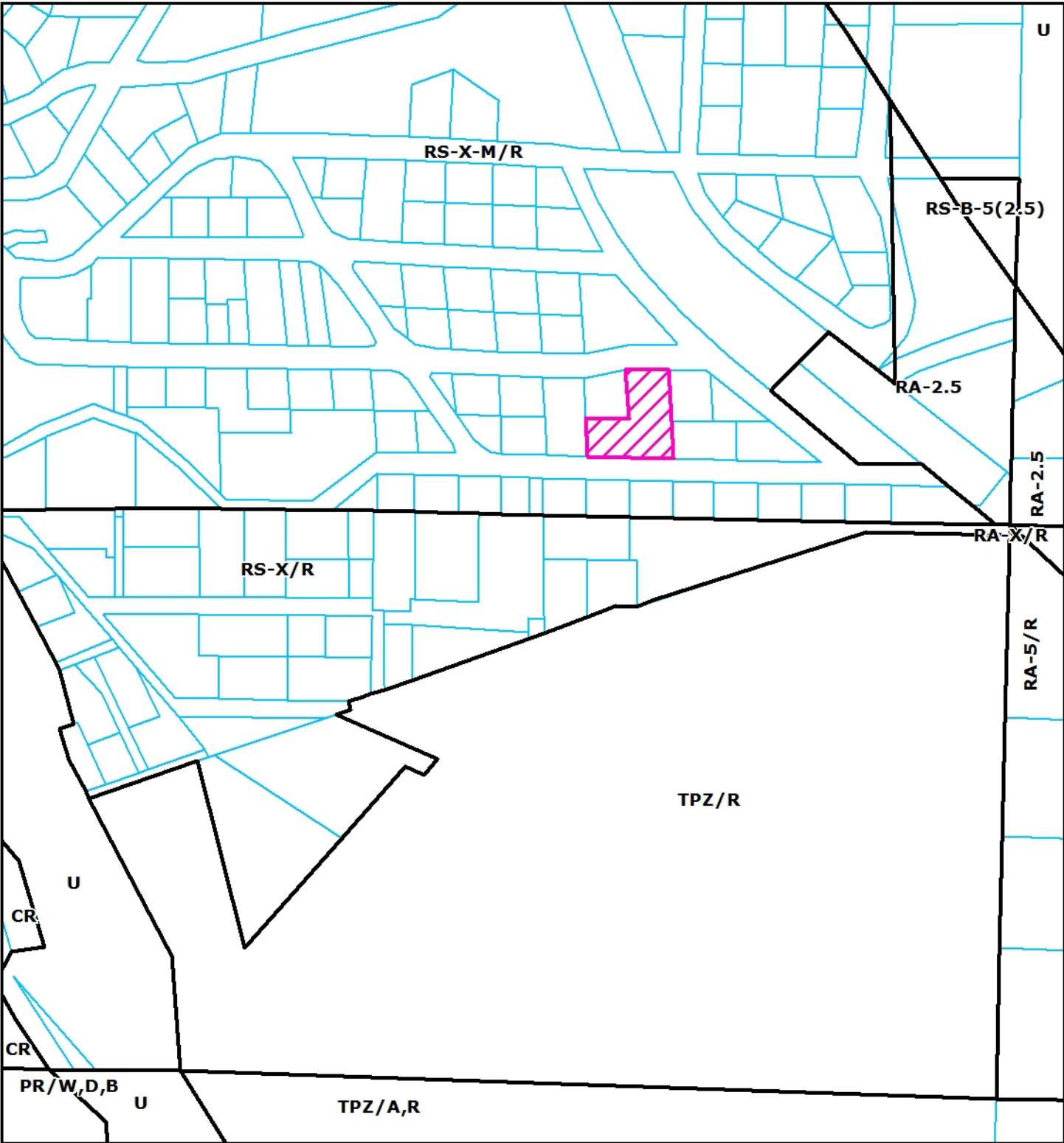
TOPO MAP

**PROPOSED HANKS
 COASTAL DEVELOPMENT PERMIT &
 SPECIAL PERMIT
 WESTHAVEN AREA
 CDP-17-047/SP-074
 APN: 514-112-019
 T08N R01E S31 HB&M (Crannell)**

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.



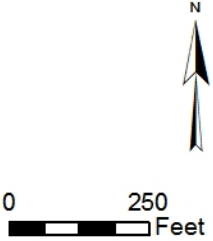


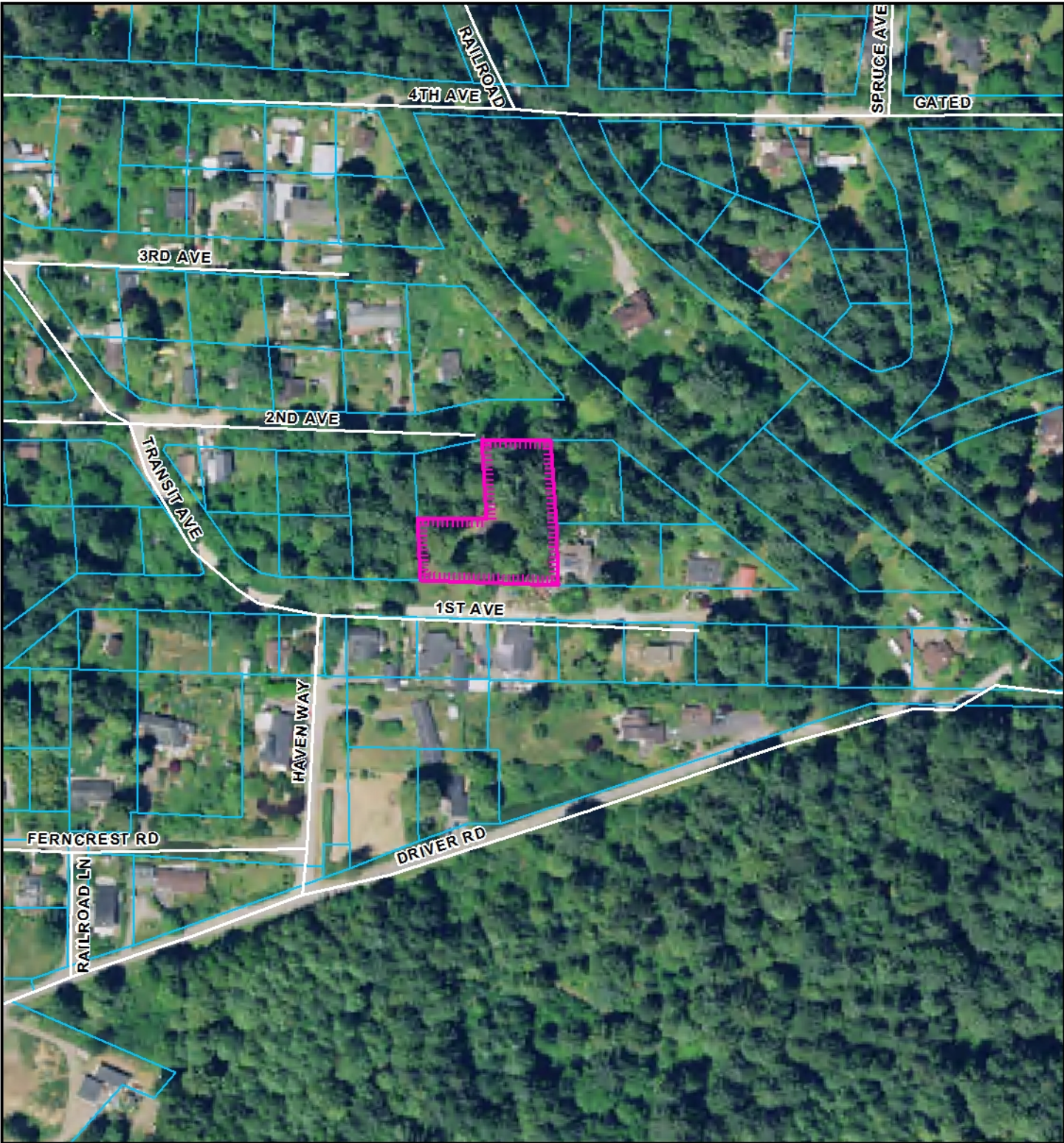
ZONING MAP

**PROPOSED HANKS
 COASTAL DEVELOPMENT PERMIT &
 SPECIAL PERMIT
 WESTHAVEN AREA
 CDP-17-047/SP-074
 APN: 514-112-019
 T08N R01E S31 HB&M (Crannell)**

Project Area = 


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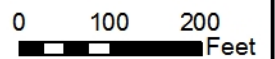


AERIAL MAP

**PROPOSED HANKS
 COASTAL DEVELOPMENT PERMIT &
 SPECIAL PERMIT
 WESTHAVEN AREA
 CDP-17-047/SP-074
 APN: 514-112-019
 T08N R01E S31 HB&M (Crannell)**

Project Area = 

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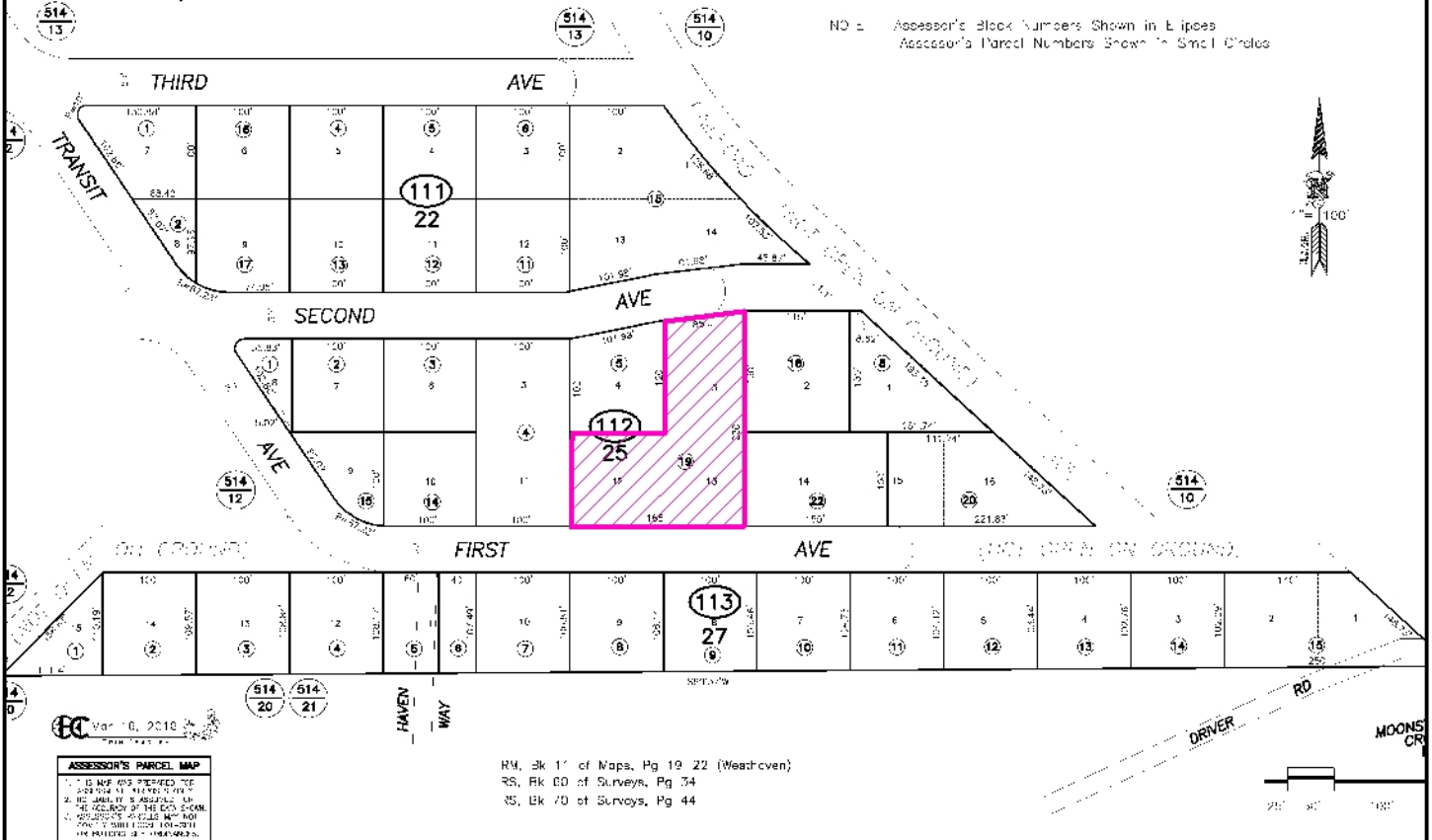


Assessor's Map Bk. 514, Pg. 11
County of Humboldt, CA.

PTN SE1/4 SEC 31, T8N R1E, HB&M

514-11

NO. 1 Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Small Circles



ASSASSOR'S PARCEL MAP
THIS MAP WAS PREPARED FOR THE COUNTY OF HUMBOLDT, CALIFORNIA, BY THE COUNTY ASSESSOR, IN ACCORDANCE WITH THE PROVISIONS OF THE COUNTY OF HUMBOLDT, CALIFORNIA, AND THE PROVISIONS OF THE STATE OF CALIFORNIA, AND THE PROVISIONS OF THE FEDERAL GOVERNMENT.

RM, Bk 11 of Maps, Pg 19-22 (Weatheren)
RS, Bk 00 of Surveys, Pg 74
SS, Bk 70 of Surveys, Pg 44

ASSESSOR PARCEL MAP

**PROPOSED HANKS
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
WESTHAVEN AREA
CDP-17-047/SP-074**

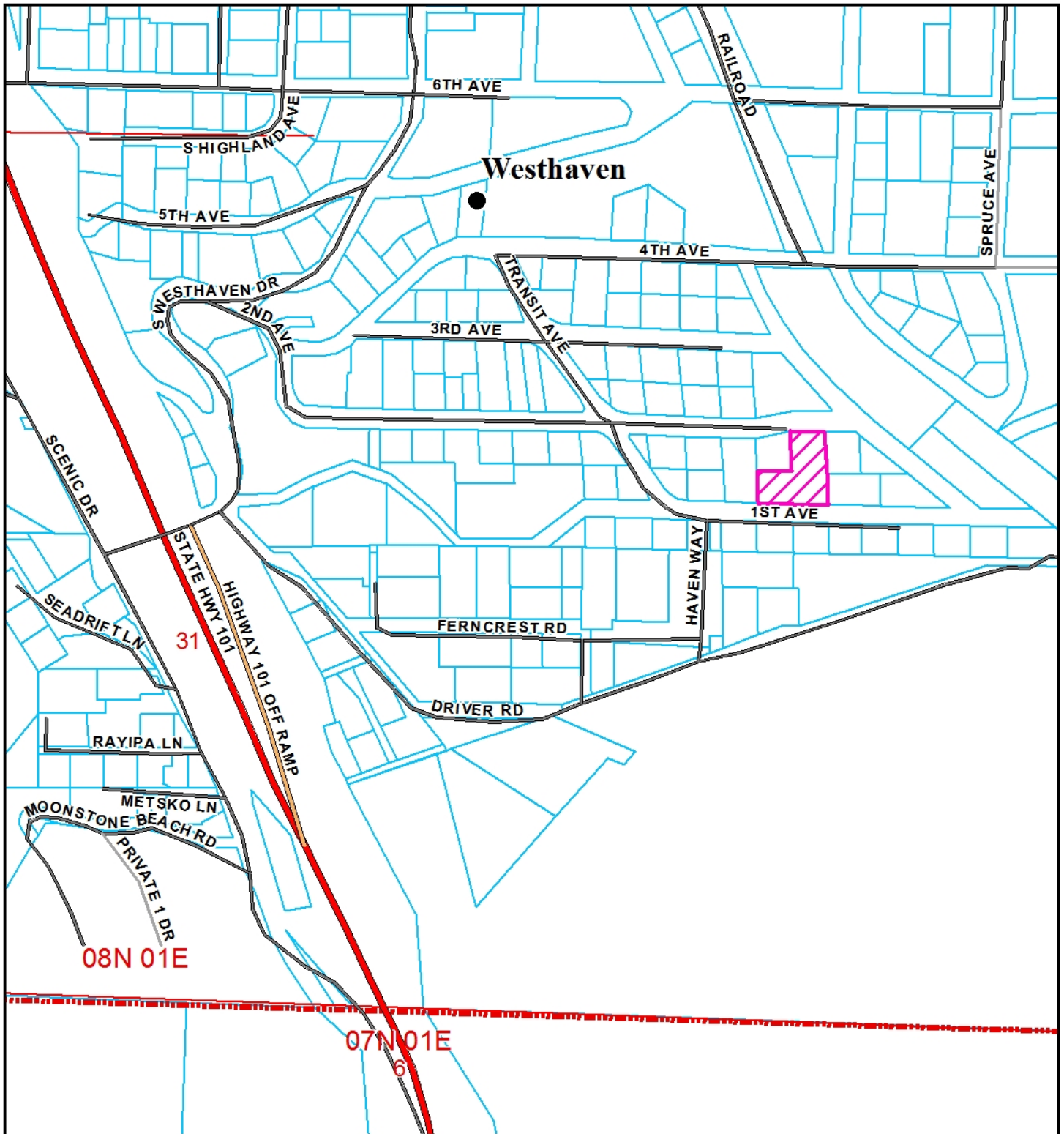
**APN: 514-112-019
T08N R01E S31 HB&M (Crannell)**

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.

MAP NOT TO SCALE



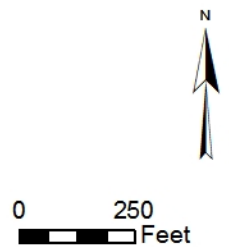


LOCATION MAP

**PROPOSED HANKS
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
WESTHAVEN AREA
CDP-17-047/SP-074
APN: 514-112-019
T08N R01E S31 HB&M (Crannell)**

Project Area = 

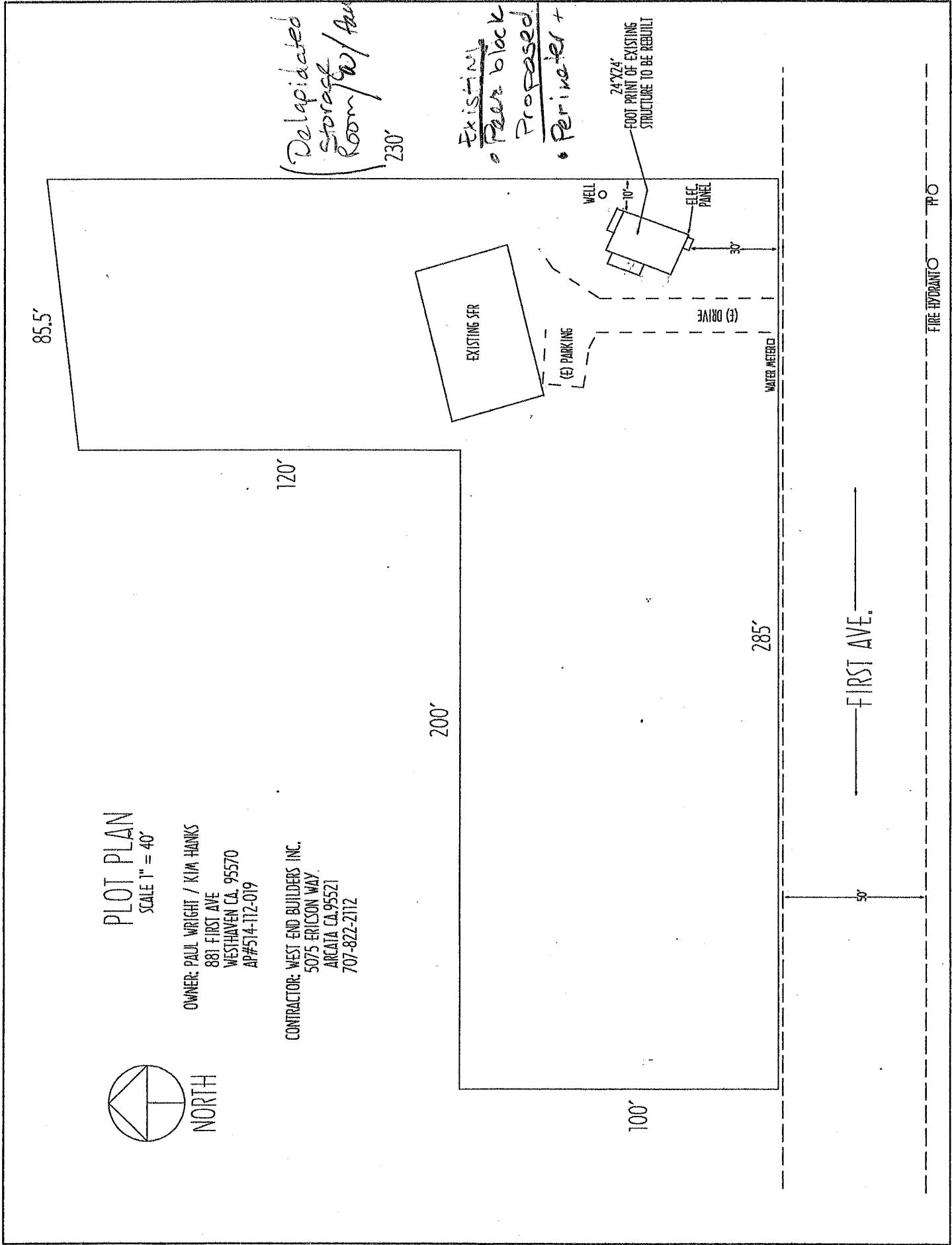
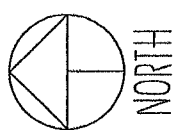
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



PLOT PLAN
SCALE 1" = 40'

OWNER: PAUL WRIGHT / KIM HANKS
881 FIRST AVE
WESTHAVEN CA. 95570
AP#514-112-019

CONTRACTOR: WEST END BUILDERS INC.
5075 ERICSON WAY
ARCATA CA. 95521
707-822-2112



**ATTACHMENT 1
CONDITIONS OF APPROVAL**

Approval of the follow-up Coastal Development Permit and Special Permit is conditioned upon the following terms and requirements.

1. All work shall be consistent with the application site plans received by the Planning Division on August 7, 2017. No trees other than the hazard tree described in the letter from Blair Forestry Consulting, dated August 1, 2017 are authorized to be removed by this permit. **The applicant shall provide the Planning Division 72 hours prior notice if further work is necessary.**
2. All activities related to the removal of trees under this permit shall be in strict conformance with the Small Woodland Performance Standards.
3. Tree removal and the landing location of all trees proposed for removal shall be located at least 100 feet away from the unnamed streams located on the adjoining parcels to the east and west of the project parcel.
4. Following the issuance of emergency development permit(s), the applicant shall obtain all required development permit(s) in accordance with §312-17 and other provisions of the Humboldt County Code. **Securing of this follow-up CDP and completion or satisfaction of all conditions will satisfy this condition.**
4. 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, 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, groundstone 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 to be Native American, the NAHC will then 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.

Informational Notes:

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
2. The follow up Coastal Development Permit to the Emergency CDP shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); All permit conditions of the follow up CDP shall be satisfied prior to such anniversary date. The term of this permit may be extended as provided by Section 312-11.3 of the Humboldt County Code.

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 Zoning Administrator 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.

ATTACHMENT 2
APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 3 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)
- Grant Deed (on file)
- Indemnification Agreement (on file)
- Blair Forestry Consulting – Timber Hazzard Assessment (on file)
- August 29th 2017 Emergency Coastal Development and Special Permit (on file)



Providing Professional Forestry Services

PO Box 2517
McKinleyville, CA 95519

CELL 707.834.2990
EMAIL blairforestry@gmail.com

August 1, 2017

Ms. Kim Hanks
881 1st Avenue
Trinidad, CA 95570
707-382-2921
kimiha01@yahoo.com

Re: Timber Hazard Assessment (APN 514-112-19)

Ms. Hanks,

As requested, I conducted a site visit of your Westhaven property on July 24, 2017 to assess the safety hazard large redwood trees pose to your home. There are approximately 10-15 mature redwood trees (20"-50" DBH) with an estimated age of 70 years within 50 feet of your home. Your partner showed me where large limbs, 6"-12" in diameter, had come down during past winter storms and damaged your roof and yard. Some of the trees that were damaged previously by winter storms have become weakened and are more likely to fall or lose large branches in the near future, which could cause damage or harm to you and your family. Your home is at increased risk during the winter period when winter storms produce the strongest winds directly from south. Inspection of the area immediately south of your property showed little to no protection from these high winds, which puts your home at increased risk to windthrow and falling branches.

It is my professional opinion, and for the safety of you and your family, that you have these hazard trees in and around your property removed immediately.

If you have any questions please feel free to contact me.

Regards,



Thomas Blair, Registered Professional Forester 2607
BLAIR FORESTRY CONSULTING

Attachments:



Kim Hanks
T8N-R1E Sec 31 HBM
Crannell 7.5' USGS Quad
1 inch = 750 feet



Kim Hanks
881 1st Avenue
Trinidad, Ca 95570
APN 514-112-19





Kim Hanks
T8N-R1E Sec 31 HBM
Grannell 7.5' USGS Quad
1 inch = 125 feet

House Location





DEPARTMENT OF FORESTRY AND FIRE PROTECTION

135 Ridgway Ave.
Santa Rosa, CA 95401
Website: www.fire.ca.gov
(707) 576-2959



Date: August 04, 2017
Ref.: 1-17EX-218-HUM

KIMBERLY HANKS
881 FIRST AVE
TRINIDAD, CA 95570

Dear MS. HANKS:

This is to acknowledge that your **Fire Hazard Tree Removal Exemption** was accepted on **August 3, 2017**. It has been assigned the above listed Exemption number. All timber operations must be complete within one year.

*****Please read the enclosed notice regarding Listed Anadromous Salmonids, Sudden Oak Death, Coastal Pitch Canker, Fire Hazard Reduction and Slash Treatment Measures*****

NOTE TO TIMBER OPERATOR: You are responsible for ensuring compliance with the slash provisions, and notifying your local CAL FIRE Unit within 15 days prior to the actual date timber operations will begin.

Compliance with all provisions of the Forest Practice Act, rules pursuant to Section 1038 (c) under Title 14 of the California Code of Regulations will be determined by future inspection(s). Note: If this exemption overlaps any portion of an existing THP, MTHP, PTHP or NTMP, CAL FIRE will enforce the more restrictive operational standard that applies.

If you have any questions you may contact your local CAL FIRE Forest Practice Inspector, or me at (707) 576-2959.

Sincerely,

Glenn Flamik
Forester II, Forest Practice
RPF #2909

Enclosure

cc: Unit
Board of Equalization
LTO – John Henry Hornstein A-8615
File
ftp://thp.fire.ca.gov/THPLibrary/North_Coast_Region/

STRUCTURE PROTECTION EXEMPTION
(Removal of fire hazard trees up to 300 feet from an
Approved and Legally Permitted or (Habitable) Structure

FIRE HAZARD 150 ft. (§ 1038(c)(1)-(5))
 FIRE HAZARD 300 ft. (§ 1038(c)(6))*

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
TIMBER HARVESTING PLAN REQUIREMENTS
RM-73 (1038(c)) (7/15)

**VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE
OPERATIONS MAY NOT COMMENCE FOR FIVE WORKING DAYS FROM DATE OF
RECEIPT BY CAL FIRE**

FOR ADMIN. USE ONLY

Ex. # 1-17EX-218 HUM M, CK

Date of Receipt AUG - 3 2017

Date Accepted by CAL FIRE 8-3-17

Date Expires 8-2-2018

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1038(c) to cut or remove trees in compliance with Public Resources Code (PRC) Sections 4290 and 4291.

1. TIMBER OWNER(S) OF RECORD: Name Kimberly Hanks
Address 881 1st Ave
City Trinidad State CA Zip 95570 Phone 707-382-2921

TIMBER TAX EXEMPTION: Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from timber yield tax: timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete Items A and B below. For timber yield tax information or for further assistance with these questions call 1-800-400-7115, or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0060; or contact the BOE Web Page on the Internet at <http://www.boe.ca.gov>.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate what percentage of timber will be removed during this harvest:

Redwood 100%; Ponderosa/Sugar pine _____%; Douglas-fir _____%; Fir _____%;

Port-Orford Cedar _____%; Cedar (IC, WRC) _____%; Other conifer _____%; Other hardwood _____%.

2. TIMBERLAND OWNER(S) OF RECORD: Name Kimberly Hanks
Address 881 1st Ave
City Trinidad State CA Zip 95570 Phone 707-382-2921

I certify, under penalty of perjury, that I have read and understand the information on this form and that I am the Timberland Owner of record.

SIGNATURE: [Signature] Date 6/28/2017

3. LICENSED TIMBER OPERATOR(S): Name John Henry Horvath Lic. No. A8615
Address 2560 Idylbear lane
City ARCATA State CA Zip 9552 Phone 707-499-1899

4. EXPECTED DATE TIMBER OPERATIONS WILL COMMENCE: AJAP

If this date is unknown so state, but the Timber Operator must notify, by phone or mail, the appropriate CAL FIRE Review Team Office within a 15 day period before the actual commencement date for the start of operations.

RECEIVED

AUG - 3 2017

COAST AREA
RESOURCE MANAGEMENT

10. A Timber Operator with a valid state license must be designated upon submission of this notice.

The following suggestion may help ensure your compliance with the Forest Practice Rules:

Timber Owners, Timberland Owners and Timber Operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Exemption. Copies may be obtained from BARCLAYS LAW PUBLISHERS, P.O. BOX 3066, SO. SAN FRANCISCO, CA. 94080. or from CAL FIRE, Forest Practice Section, P.O. BOX 944246, Sacramento, CA 94244-2460; or from CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>. The Emergency rules for this exemption can be found on the Board of Forestry and Fire Protection Web page at: The CAL FIRE Web page at: http://calfire.ca.gov/resource_mgt/resource_mgt_forestpractice_pubsmemos_pubs.php

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

- Alameda, Colusa, Contra Costa, Del Norte Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties. ⇒ Forest Practice Program Manager
CAL FIRE
135 Ridgway Avenue
Santa Rosa, CA 95401
- Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties. ⇒ Forest Practice Program Manager
CAL FIRE
6105 Airport Road
Redding, CA 96002
- Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties. ⇒ Forest Practice Program Manager
CAL FIRE
1234 East Shaw Avenue
Fresno, CA 93710

**Timber Operations between 150 and 300 feet
TO BE COMPLETED BY A REGISTERED PROFESSIONAL FORESTER (RPF)**

***NOTE:** Timber operations within the 150 – 300 foot zone, requires an RPF to evaluate and certify the work to be done within this zone. The RPF must complete questions 7 & 8 if timber operations are planned per 14 CCR §1038(c)(6). Read instructions above before attempting to complete.

7. Please identify the Site classification for the harvesting area: _____
8. Provide an estimate of the PRE and POST harvest Quadratic Mean Diameter (QMD). NOTE: Trees greater than eight (8) inches diameter at breast height (dbh) in the pre-harvest stand shall be increased in the post-harvest stand.
- PRE-HARVEST (QMD): _____ AVG DBH Pre: _____
- POST-HARVEST (QMD): _____ AVG DBH Post: _____

****REGISTERED PROFESSIONAL FORESTER (RPF) CERTIFICATION:** In the professional judgement of the RPF the post-harvest slash treatment and stand conditions will be improved in such a manner which will lead to more moderate fire behaviors in the area which operations occurred. Additionally by signing the RPF is certifying that the city or county within which this exemption is located has been contacted and the exemption is in conformance with all city and county regulatory requirements.

Registered Professional Forester (RPF) : _____ Lic. No. _____ Date: _____

Address _____

City _____ State _____ Zip _____ Phone _____

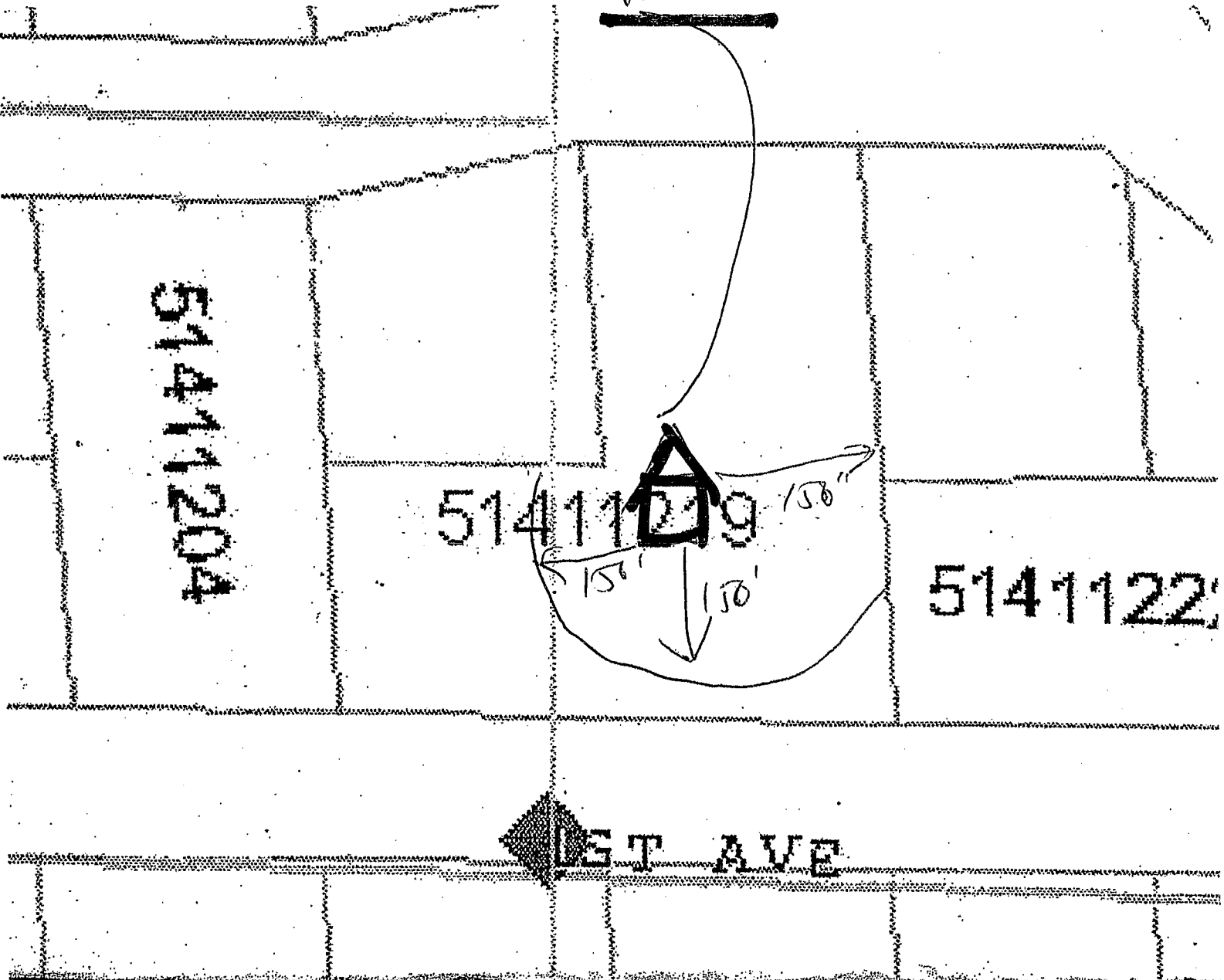
Signature: _____

RECEIVED

AUG - 3 2017
COAST AREA
RESOURCE MANAGEMENT

Detail

* Area to be logged
House



Kim Hanks
 514-112-19
 881 1st Ave
 Trinidad CA
 95570

SEC 31 TOWN RIE HBI
 APN 514-112-19

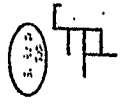
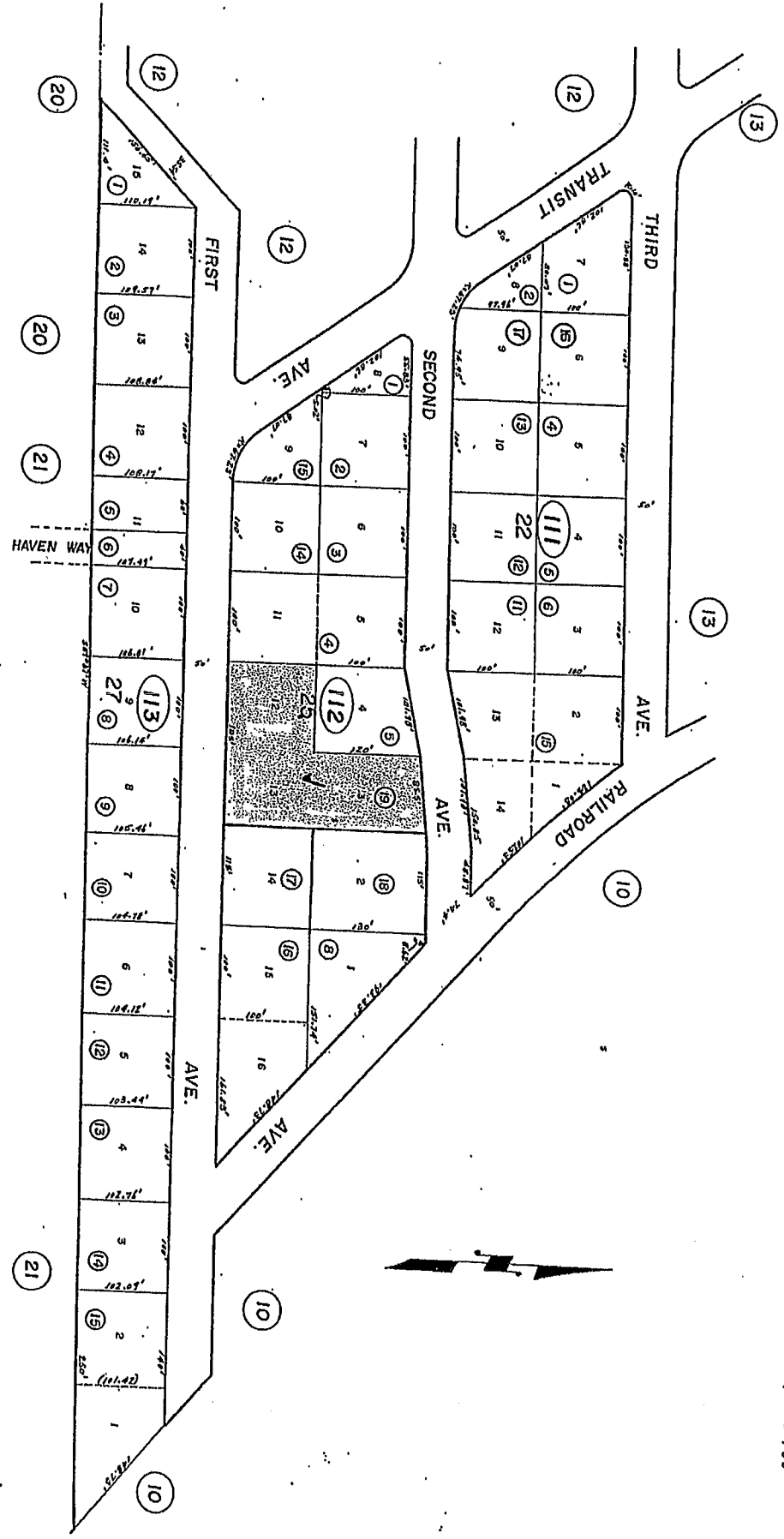
RECEIVED

AUG 2 2017

COAST AREA
 RESOURCE MANAGEMENT

WESTHAVEN
(PTN SE 1/4 SEC 31 8N 1E)

514-11
TCA.141-00
1" = 100'



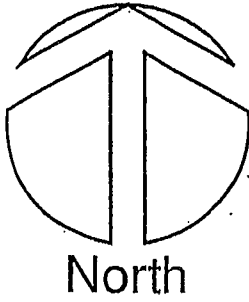
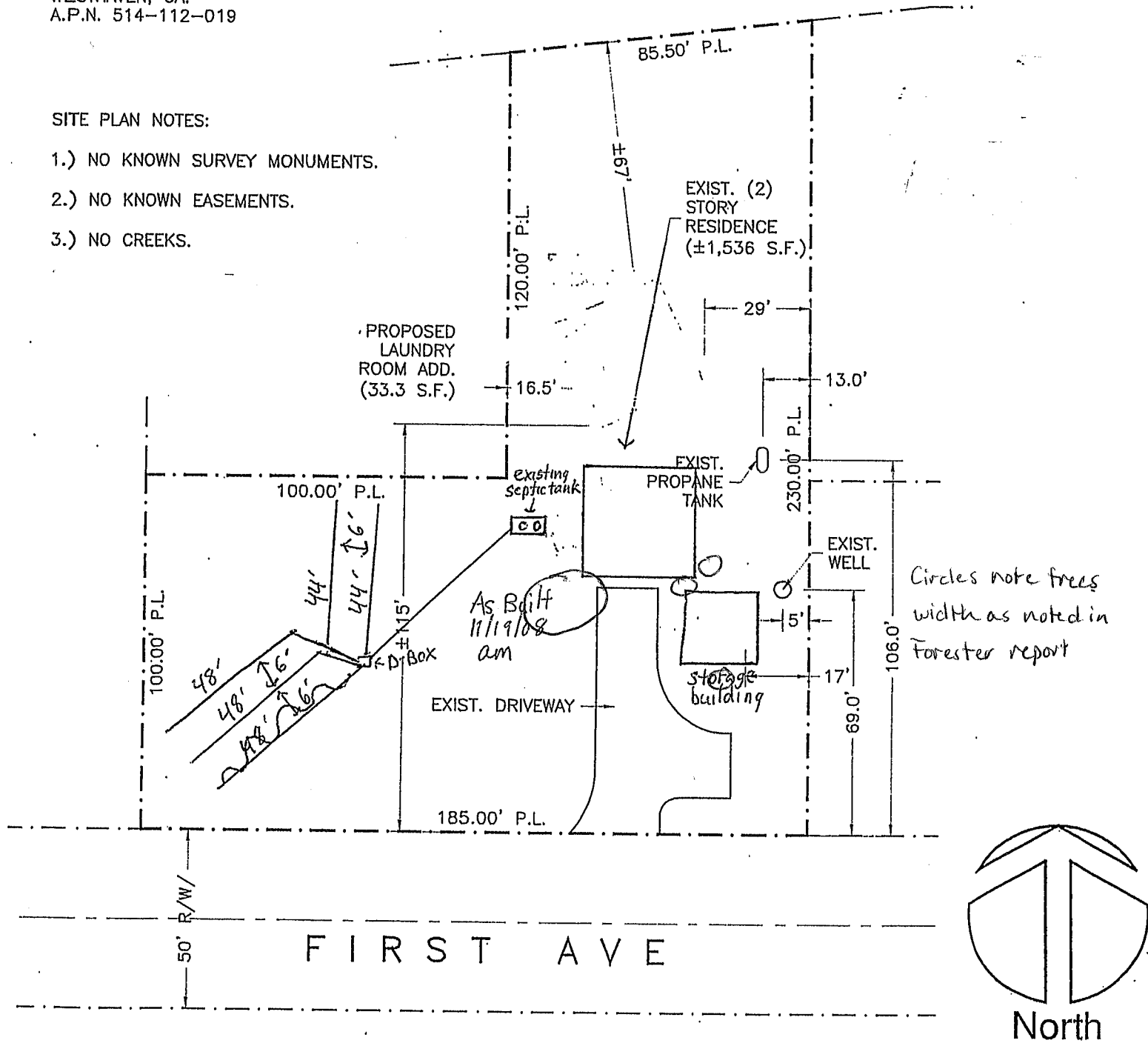
SECOND AVE

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

881 FIRST AVE.
WESTHAVEN, CA.
A.P.N. 514-112-019

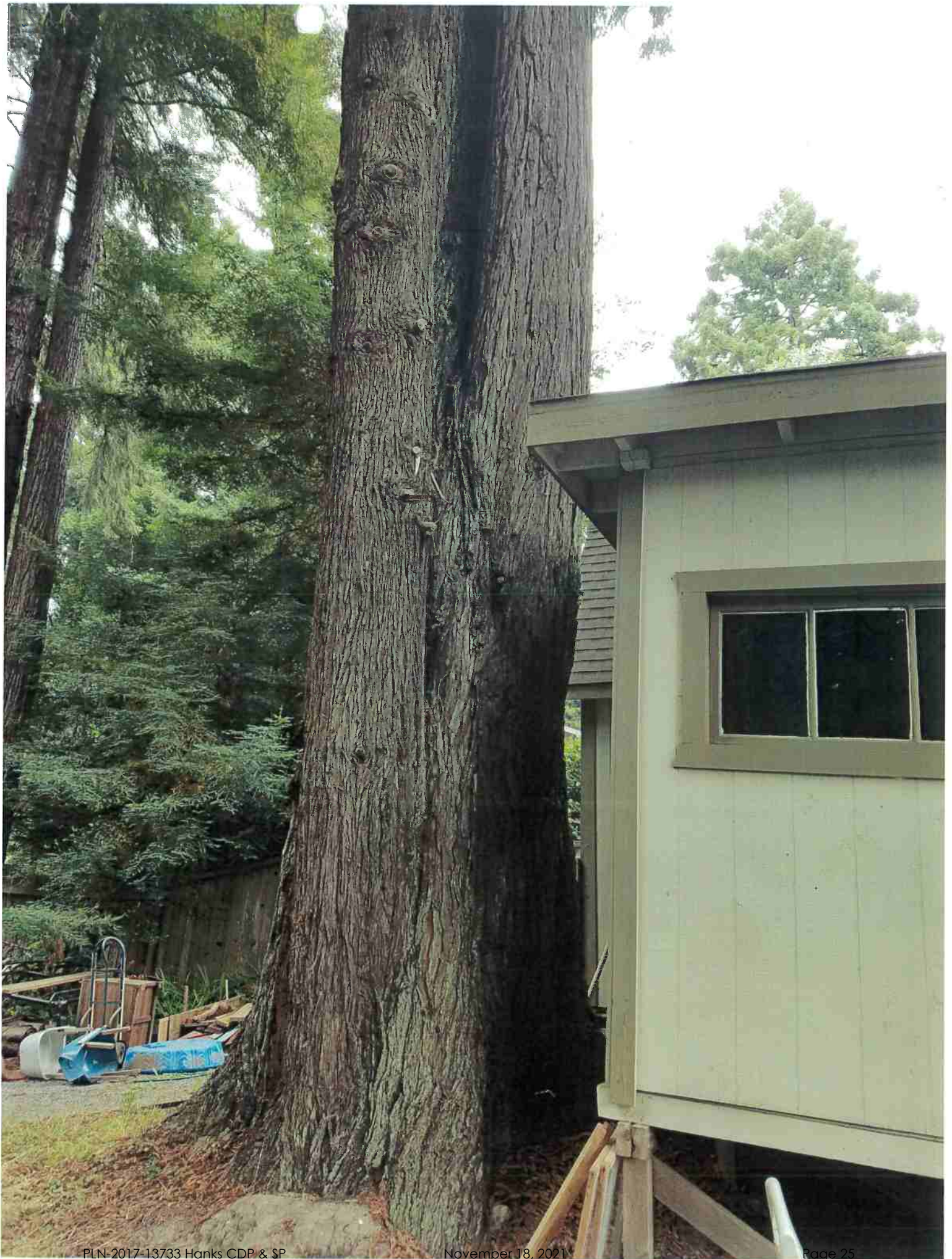
SITE PLAN NOTES:

- 1.) NO KNOWN SURVEY MONUMENTS.
- 2.) NO KNOWN EASEMENTS.
- 3.) NO CREEKS.

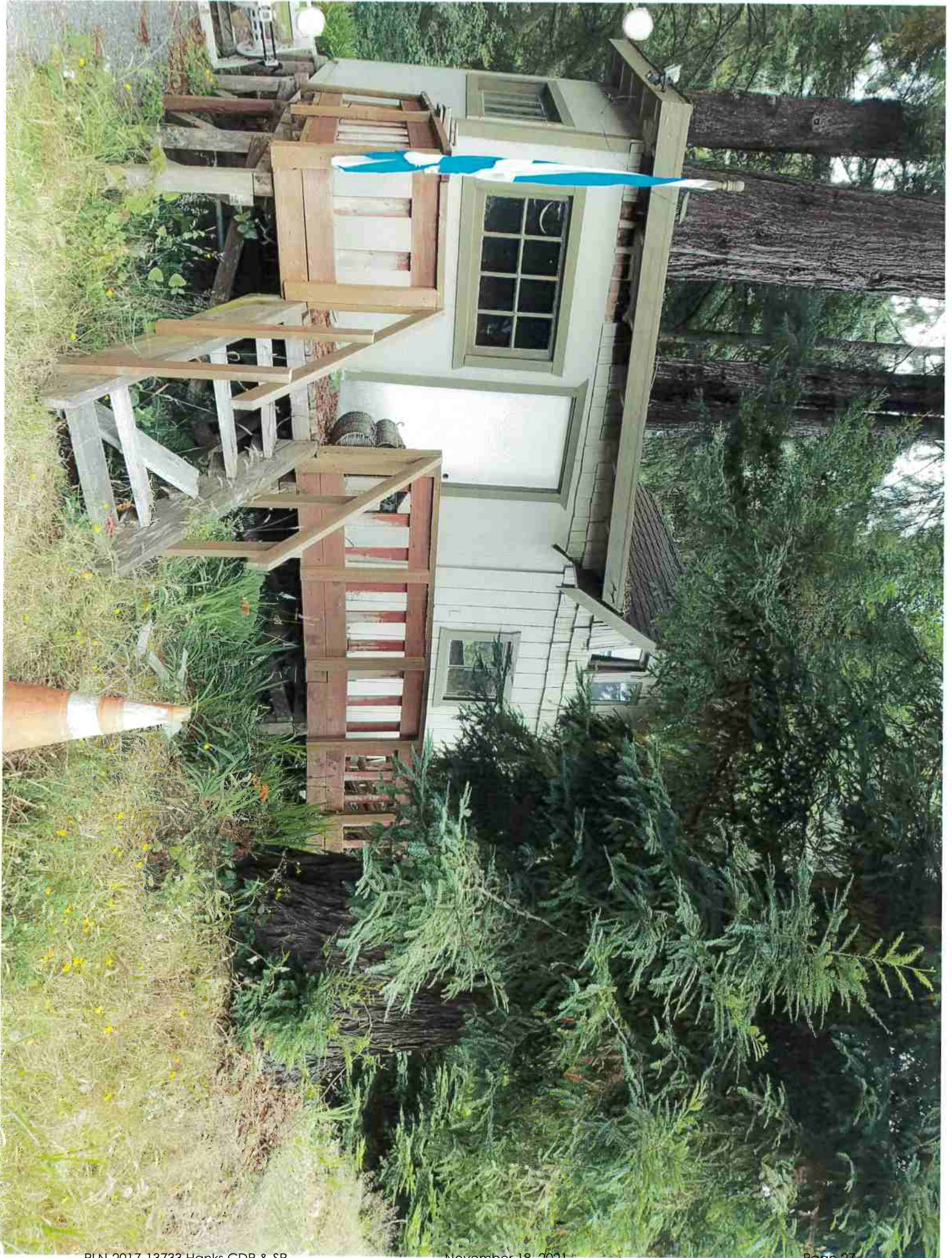


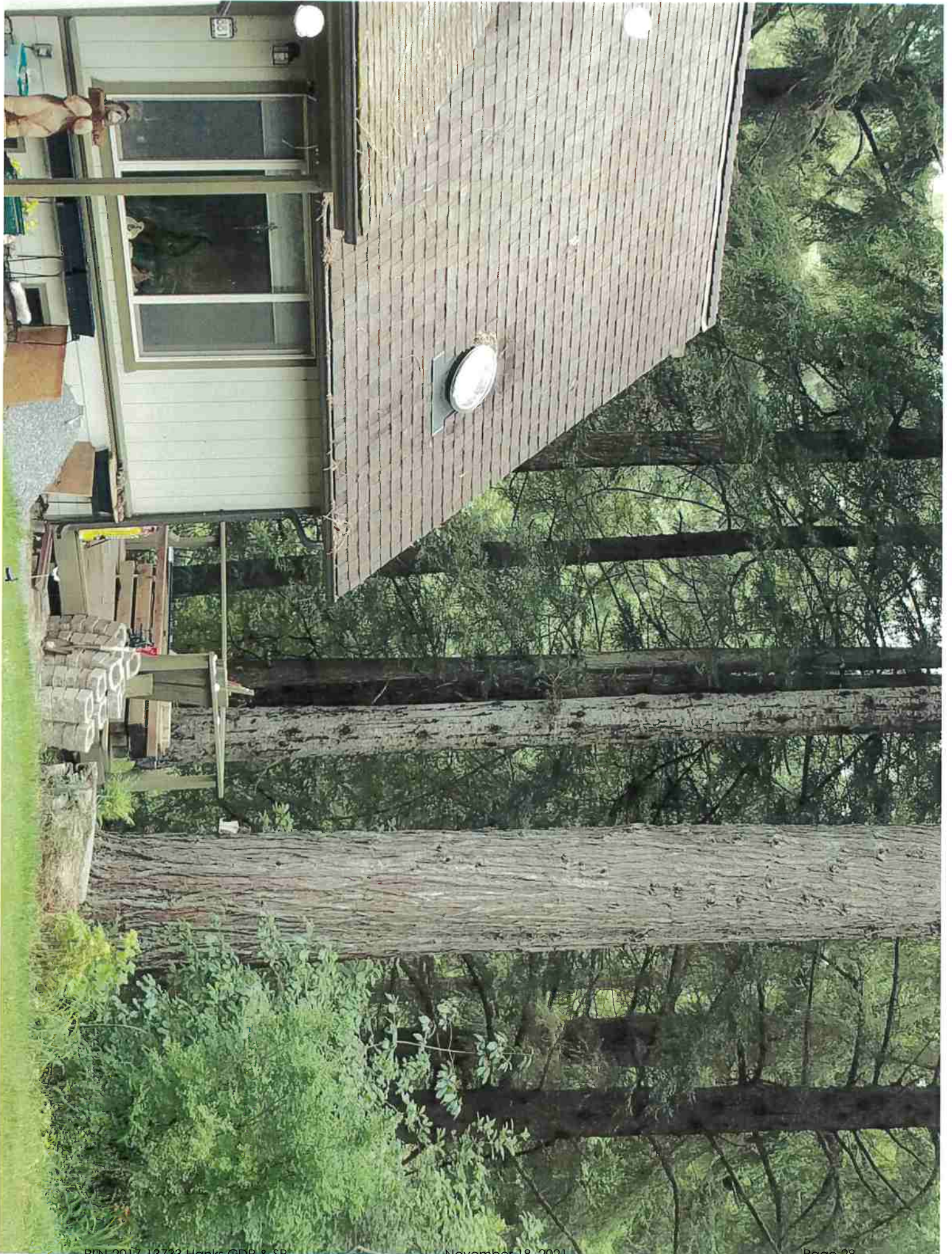
SITE PLAN

1"=40'











ADMINISTRATIVE ITEM TRANSMITTAL

To: John Ford, Director of Planning and Building Department

From: Steve Werner, Supervising Planner

Effective Date August 29, 2017	Subject Emergency Coastal Development Permit and Special Permit	Contact Tricia Shortridge
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Project: An Emergency Coastal Development Permit and Special Permit pursuant to Humboldt County Code Section 312-5 in order to allow the applicant to remove up to 15 hazard trees from within 50 feet of a habitable structure. The subject trees are mature redwood trees, 20"-50" DBH, with an estimated age of 50 years. The trees show a measurable lean towards the residence and are close to rubbing against the roof. The roof of the residence and other accessory structures were damaged from falling branches from past storms, and other trees have existing branches that appear to be weakening. Inspection of the area immediately south of the property reveals that the area the trees are located in is not protected and therefore vulnerable to strong winds from the south, increasing the risk to windthrow and falling branches. The residence has previously been damaged by falling branches during winter wind events in 2016/2017. A letter from a Registered Professional Forester was submitted verifying that the trees pose a danger to the residence.

Project Location: The project is located in Humboldt County, in the Westhaven area, on the north side of 1st Avenue, approximately 230 feet east from the intersection of Haven Way and 1st Avenue, on the property known as 881 1st Avenue.

Present Plan Designations: Rural Village (RV), Trinidad Area Plan (TAP), Density: 3 Dwelling Units per acre Slope Stability: Relatively Stable (0).

Present Zoning: Residential Single Family, No Further Subdivision, Manufactured Homes, Streams and Riparian Corridor Protection (RS-X-M/R).

Case Number: CDP 17-047E, SP-17-074E

Application Number: 13733

Assessor Parcel Numbers: 514-112-019

Applicant
Kim Hanks
881 1st Avenue
Trinidad, CA 95570

Owner
Same

Agent
John Hornstein
2560 Idylbear Lane
Arcata, CA 95521

Environmental Review: Emergency project is statutorily exempt from environmental review per Section 15269 of the CEQA Guidelines.

Major Issues: None.

State Appeal Status: Not appealable to the California Coastal Commission.

Recommendation:

- Approval based on findings in the staff report.
- Approval based on findings in the staff report and subject to the recommended Conditions of Approval.
- Denial based on findings in the staff report.

Record of Action:

- Approved as recommended by the Planning Division.
- Approved with the attached revisions.

August 29, 2017
Approval Date



John Ford
Director of Planning and Building Department

ATTACHMENT 1

CONDITIONS OF APPROVAL

Approval of the Emergency Special Permit is conditioned upon the following terms and requirements.

Conditions of Approval

1. All work shall be consistent with the application site plans received by the Planning Division on August 7, 2017. No trees other than the hazard tree described in the letter from Blair Forestry Consulting, dated August 1, 2017 are authorized to be removed by this permit.
2. All activities related to the removal of trees under this permit shall be in strict conformance with the Small Woodland Performance Standards.
3. Tree removal and the landing location of all trees proposed for removal shall be located at least 100 feet away from the unnamed streams located on the adjoining parcels to the east and west of the project parcel.
4. Following the issuance of emergency development permit(s), the applicant shall obtain all required development permit(s) in accordance with §312-17 and other provisions of the Humboldt County Code.

Informational Notes

1. The applicant is responsible for receiving all necessary permits and/or approvals from other federal, state and local agencies.
2. 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, 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, groundstone 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 to be Native American, the NAHC will then 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.

3. Under the required follow-up development permit per #2 above, additional conditions and mitigations may be required to comply with the Humboldt County Code and provisions of the California Environmental Quality Act (CEQA). Issuance of this after-the-fact emergency permit is in no way intended to limit or restrict the application of these regulations.

**ATTACHMENT 2
STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS**

The proposed development conforms with all applicable zoning regulation requirements. The following table identifies the evidence which supports finding the proposed development in conformance with all applicable policies and standards in the Humboldt County Inland Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Project Evidence
<p>312-15 Required Findings to Waive the Procedures for Emergencies An emergency is defined as: a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.</p>		
<p>§312-15.4.1</p>	<p>An emergency exists that requires action more quickly than permitted by strict adherence to procedural requirements.</p> <p>An emergency is defined as: a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.</p>	<p>Documentation (a letter dated August 1, 2017) submitted by a Registered Professional Forester indicates that the hazard trees in question show visible signs of weakness due to environmental factors including strong winds that increase the possibility of property damage or loss of life due to windthrow or a large branch falling.</p> <p>Strict adherence to procedural requirements could likely result in loss or damage to life, health, or property. Strong winds which could break, split, or blow down the trees during winter storm events.</p>
<p>§312-15.4.2</p>	<p>Public comment received on the emergency action proposed, if any, has been reviewed and considered.</p>	<p>Per the Director's waiver, no referrals were sent out as part of the emergency permit.</p> <p>A sign was placed on the property in the location of the proposed tree removal operation advertising that an Emergency Coastal Development Permit for removal of the trees was applied for, and directing people that had concerns or comments to the Planning Division office, and the assigned planner.</p>
<p>§312-15.4.3</p>	<p>The emergency action would be consistent with the policies of the adopted County General Plan and the regulations of this zoning ordinance.</p>	<p>The applicant has applied for a standard Coastal Development Permit and a Special Permit for major vegetation removal.</p>
<p>§312-15.4.4</p>	<p>The proposed work can and will likely be completed within twenty (20) working days, unless otherwise specified by the Planning Director.</p>	<p>The applicant is prepared to commence tree removal upon the issuance of this permit.</p>
<p>§312-15.4.5</p>	<p>For emergency development located within the Coastal Zone, the proposed work does not fall within the permit jurisdiction of the Coastal Commission pursuant to the Public Resources Code §30600.5.</p>	<p>The property is fully located within the County's post-LCP "local" CDP jurisdiction.</p>

Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§ 15269c of the CEQA Guidelines	Statutorily exempt from State environmental review.	Article 18, Section 15269(c) exemptions apply to specific actions necessary to prevent or mitigate an emergency.

**ATTACHMENT 3
REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

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

Referral Agency	Response	Recommendation
County Building Inspection Division	Yes	Attached
Division of Environmental Health	No	N/A
County Public Works Department	Yes	None
Northwest Information Center	Yes	Include inadvertent archaeological discovery language
Cal Coastal Commission	No	N/A
County Council	No	N/A



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



8/21/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, California Coastal Commission, Northwest Information Center

Applicant Name Kimberly Hanks **Key Parcel Number** 514-112-019-000

Application (APPS#) 13733 **Assigned Planner** Tricia Shortridge (707) 268-3704 **Case Number(s)** CDP17-047
SP17-074

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 9/5/2017

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 (please check one):

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: A SINGLE REDWOOD TREE THAT IS CLOSE TO AN EXTERIOR DECK MAYBE WITHIN OR LESS THAN 100' FROM A FLOWING UNNAMED STREAM, SUBMIT A SITE

DATE: 8/29/17 PRINT NAME: MICHAEL DAMIAN

PLAN THAT SHOW HOW FAR AWAY THIS TREE IS TO FLOWING STREAM.

NOTE: SEE PHOTO W/ PINKIE MARKED











ATTACHMENT 5
Public Comments

From: [Don Allan](#)
To: [Planning Clerk; ada@co.humboldt.ca.us](mailto:ada@co.humboldt.ca.us)
Subject: CDP 17-047E, SP-17-074E
Date: Friday, November 05, 2021 4:15:40 PM

Dear Zoning Administrator clerk:

I am writing to comment on the Hanks Coastal Development/ Special Permit for removal of up to 15 trees at 881 First Ave., Westhaven; AP# 514-112-019; CDP 17-047E, SP-17-074E. The tree removal occurred in October 2017. I live less than 300 feet in a direct line from the property and was surprised to hear chain saws and feel the ground vibrating from trees hitting the ground on a Saturday morning – reminiscent of the illegal logging tactics employed in Westhaven over the past 30 years to avoid having a public hearing and public input. I talked to planner Tricia Shortridge on the Monday after the logging occurred and I expressed to her the opinions I am going to express here. When I told her that the danger tree claim was exaggerated she admitted that she was new on the job and didn't have the experience to assess the situation herself so she took the word of a report the owner commissioned from a timber consultant – who of course is going to write a report satisfactory to the owner's goal of removing the trees even if they had to stretch the truth on the nature of the hazard trees. This is a sham process. The applicant claimed an emergency with an assessment from a forester hired to give her the answer she wanted. Some of the trees removed were more than 50 feet away from the house and posed no threat to the house – they did not lean toward the house. Further, to claim it was an emergency is just plain false. This property endured many winter storms since I have lived here (1987) without losing one large tree. Branches and tops occasionally blow out so limbing and topping is reasonable – total removal is not.

There was no reason the landowner couldn't have planned ahead and submitted a regular coastal development permit application well in advance of the planned removal to allow for public input prior to the action. Granting an emergency permit and applying for the permit after the fact is backwards and rewards bad behavior by people who do not care about the impacts on the riparian habitat, the bird habitat, or the neighborhood character. I could never understand why people buy a house in the middle of a redwood forest and then want to cut the forest down. We have special laws to protect large trees in the coastal zone and by allowing people to circumvent it through a bogus emergency permit is a travesty of the planning process and environmental protection laws in the State of California. I spoke to an unidentified man on site during the logging with an apparent relationship to the property owner and a foreign accent who told me he "didn't care for busy-body neighbors and their California attitude." He said "where I come from we do what we bloody well please with our private property." A reasonable project would have been removing the two or three trees closest to the house and to limb up tree branches that could fall onto the house, like the previous owner did, rather than total tree removal. Approval of a bogus "after the fact" permit does not provide an assessment of bird and wildlife habitat on site nor an assessment of impacts to the riparian forest and wildlife. How many nesting and roosting trees were destroyed? We normally see a lot of red shouldered hawks in the neighborhood but their occurrence is much less frequent since those trees were removed – I wouldn't doubt if some nesting trees were taken down but we will never know because there was no assessment.

Approving an after the fact emergency permit also eliminates prior notification of neighbors. Living less than 300 feet from the site, I should have had notice that the logging was going to occur prior to hearing chain saws and trees hitting the ground (feeling the shock wave as much as hearing) on a Saturday morning. I should have been given the opportunity to comment before the trees were gone. I have lived in the neighborhood for 34 years and I am very familiar with the property. Not all 15 trees were a threat to the house. This was a clever way to avoid notification of neighbors and a public hearing before the project happened. It was a bogus emergency permit in the guise of removing hazard trees that

succeeded in contributing to the destruction of wildlife habitat and the irreversible change of the neighborhood character. On this same property there was a prior violation for illegal tree removal of an old growth tree with a dead top (pileated woodpecker habitat) next to the creek, and like this one it was authorized under an after the fact permit after the habitat had been destroyed. The County needs to stop enabling bad behavior. I urge you to deny the permit and leave this as a permanent red flag on the property's title.

Don Allan

Westhaven CA