

July 15, 2021

Hearing Date:

COUNTY OF HUMBOLDT

PLANNING AND BUILDING DEPARTMENT CURRENT PLANNING DIVISION

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

То:	Humboldt County Planning Commission	
From:	Logan Shine, Contract Planner	
Subject:	Andrew Mesher Special Permit Record Number PLN-2020-16825 Assessor's Parcel Number (APN) 200-252-012 202 Valley Avenue, Fortuna	
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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.

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Attachment 3: Referral Agency Comments and Recommendation

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 15, 2021	Andrew Mesher Special Permit	Logan Shine, Contract Planner

Project Description: Special permit for the after-the-fact permitting of tree removal on a 1.12-acre parcel zoned Residential One Family (R-1). The project is located in Humboldt County, in the Fortuna area, on the west side of Valley Avenue, approximately 580 feet north from the intersection of Valley Avenue and Annahy Drive, on the property known as 202 Valley Avenue. Little Palmer Creek bisects the property, and a mapped Streamside Management Area (SMA) buffer zone on each side of the creek covers the entire parcel between Valley Avenue and Tompkins Hill Road. The parcel is currently developed with one (1) single-family residence, one (1) accessory structure and related sanitation and water infrastructure. No other development is proposed at this time. Tree removal occurred in areas with a slope greater than 30% grade which is also covered with other shrub and grass vegetation. Trees removed without a permit include eleven (11) Monterey pines ranging in diameter of 30" to 57" with an average stump diameter of 37.5". Staff conducted a site visit with a representative from California Department of Fish and Wildlife after receiving a site-specific Biological Assessment report with a Mitigation and Monitoring Plan (Henry, 2020).

Project Location: This project is located in Humboldt County, in the Fortuna area, on the west side of Valley Avenue, approximately 580 feet north from the intersection of Valley Avenue and Annahy Drive, on the property known as 202 Valley Avenue.

Present Plan Land Use Designation: Residential Low Density (RL), Density: Range is 1 to 7 units per acre, Fortuna Community Plan (FACP), 2017 General Plan, Slope Stability: Parcel is in many different Instability Zones (M).

Present Zoning: Residential One Family (R-1), Building Site Area: One (1) acre (B-4), Manufactured Home (T).

Assessor Parcel Numbers: 200-252-012

Record Number: PLN-2020-16825

ApplicantOwnersAgentAndrew Meshersame as applicantN/A202 Valley Ave.

Fortuna, CA 95540

Environmental Review: Project is exempt from environmental review per Section 15304(d) - Minor Alterations in Land.

Major Issues: none.

State Appeal Status: Project is not appealable to the California Coastal Commission.

Mesher Special Permit Record Number: PLN-2020-16825 Assessor's Parcel Numbers: 200-252-012

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 Planning Commission has considered the project categorically exempt as described by Section 15304(d) of the State CEQA Guidelines; make the required findings for approval of the Special Permit; and approve the Mesher Special Permit as recommended by staff and subject to the recommended conditions.

Executive Summary:

Current Project

A Special Permit to authorize the after-the-fact permitting of tree removal in a Streamside Management Area. The trees removed are Monterey pine which are invasive to the area. The management goal is to mitigate fire and windthrow hazards through vegetation removal and replanting native riparian species. No additional development is proposed as part of this permit.

Special permit for the after-the-fact permitting of tree removal on a 1.12-acre parcel zoned Residential One Family (R-1). The project is located in Humboldt County, in the Fortuna area, on the west side of Valley Avenue, approximately 580 feet north from the intersection of Valley Avenue and Annahy Drive, on the property known as 202 Valley Avenue. Little Palmer Creek bisects the property, and a mapped Streamside Management Area (SMA) buffer zone on each side of the creek covers the entire parcel between Valley Avenue and Tompkins Hill Road. The parcel is currently developed with one (1) single-family residence, one (1) accessory structure and related sanitation and water infrastructure. No other development is proposed at this time. Tree removal occurred in areas with a slope greater than 30% grade which is also covered with other shrub and grass vegetation. Trees removed without a permit include eleven (11) Monterey pines ranging in diameter of 30" to 57" with an average stump diameter of 37.5". Staff conducted a site visit with a representative from California Department of Fish and Wildlife after receiving a site-specific Biological Assessment report with a Mitigation and Monitoring Plan (Henry, 2020).

Based upon the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff has found that the project will not result in a significant impact on the environment as proposed, and that the applicant has submitted evidence in support of making all of the required findings for approving the proposed after-the-fact permitting per the Recommended Action.

Alternative: The Planning Commission could recommend denial of the proposed 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 PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number PLN-2020-16825 Assessor Parcel Numbers: 200-252-012

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Mesher Special permit (16825).

WHEREAS, Andrew Mesher submitted an application and evidence in support of approving a Special Permit to allow for the after-the-fact permitting of tree removal in a Streamside Management Area.

WHEREAS, the County has determined that the project is categorically exempt from environmental review, as described by §15304(d) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on, July 15, 2021; reviewed, considered, and discussed the application for a Special Permit; and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

1. FINDING: Project Description: The application is for a Special Permit (SP) to

allow for the after-the-fact permitting of tree removal in a Streamside

Management Area (SMA).

EVIDENCE: a) Project File: PLN-2020-16825

b)

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act

have been met.

EVIDENCE: The revised Biological Assessment (Henry 2020) addresses project a)

impacts related to water quality and sensitive habitat in the SMA.

FINDINGS FOR SPECIAL PERMIT

3. FINDING: The proposed development is in conformance with the County

General Plan, including the Fortuna Area Community Plan (FACP).

EVIDENCE: The project complies with the County's Housing Element as it will not a)

add to nor subtract from the County Housing Inventory.

The project is located in a geologic area with many zones (M) of instability. The project area is located outside of the 100-year flood zone and the tsunami inundation area. The property is located in the Local Responsibility Area (SRA) and is serviced by the Fortuna Fire Protection District, who responds to structural fires and medical

emergencies. Based on these findings, the proposed development does not increase risks to hazards.

The project will include a protocol for monitoring and handling of C)

inadvertent discoveries.

d) The subject property is not located in a designated scenic view area.

4. FINDING:

The proposed development, which is after-the-fact tree removal or grading, is consistent with the purposes of the existing zones, in which the site is located including the Residential One Family (R-1), Building Site Area: One (1) acre (B-4), Manufactured Home (T) combining zone policies; and the proposed development conforms to all applicable standards and requirements of these regulations.

EVIDENCE:

- a) The submitted Biological Assessment (Henry, 2020) meets the requirement of Humboldt County Code Section 314-61.1.13 for development projects in the SMA. Replanting riparian vegetation in disturbed areas per Section 33.1.10 Required Mitigation.
- b) The development promotes replacement of exotic invasive tree and understory plants with native riparian species in conformance with County Zoning Regulation 313-33.1 Stream and Riparian Corridor Protection.

6. FINDING:

The development will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

EVIDENCE:

a) Grading activity, including tree removal, is limited to an area less than one acre. The Biological Assessment associated with the activity conforms to Section 331-14(h)(6)(c) of Humboldt County Code.

7. 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.

a) The project does not include any residential development and will not limit future residential development on the property.

DECISION

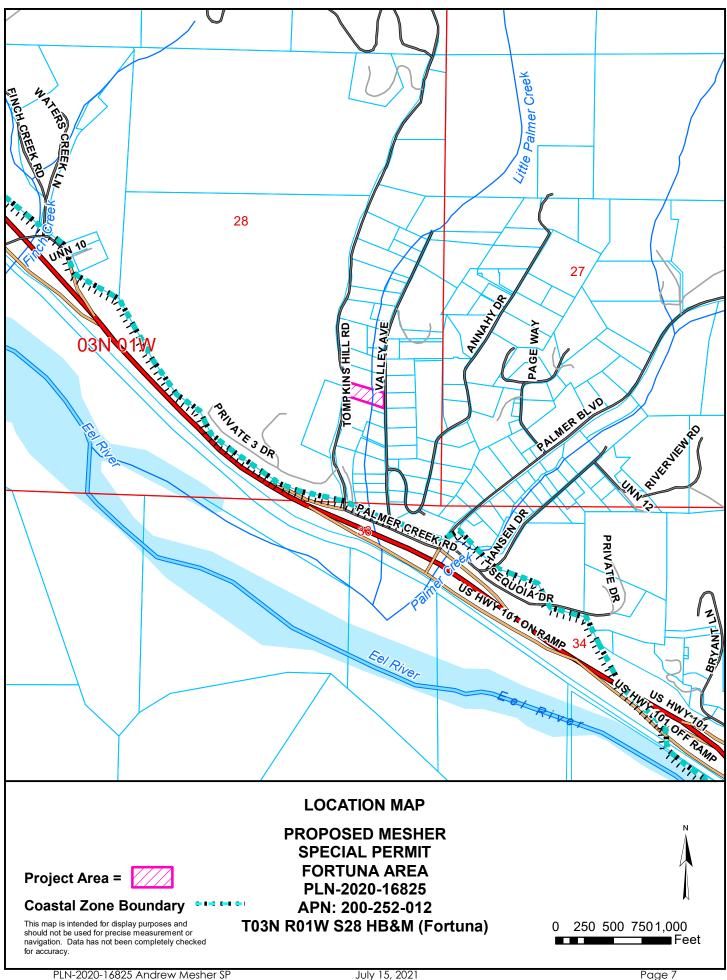
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Mesher (16825), based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on July 15, 2021

I, John H. Ford, Planning Director 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 Planning Commission at a meeting held on the date noted above.

John H. Ford, Planning Director
Planning and Building Department





AERIAL MAP

PROPOSED MESHER SPECIAL PERMIT FORTUNA AREA PLN-2020-16825

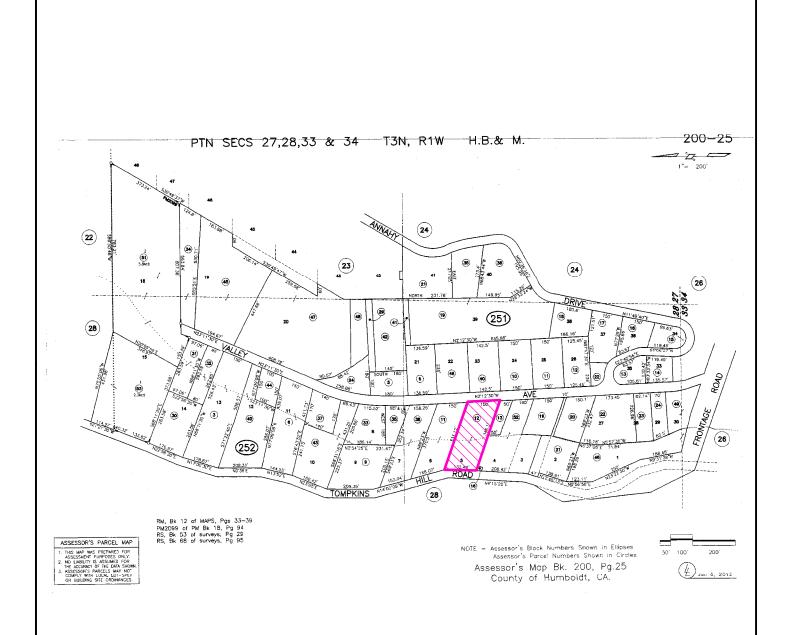
* APN: 200-252-012 T03N R01W S28 HB&M (Fortuna)

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.

Project Area =



Coastal Zone Boundary



ASSESSOR PARCEL MAP

PROPOSED MESHER SPECIAL PERMIT FORTUNA AREA PLN-2020-16825

APN: 200-252-012

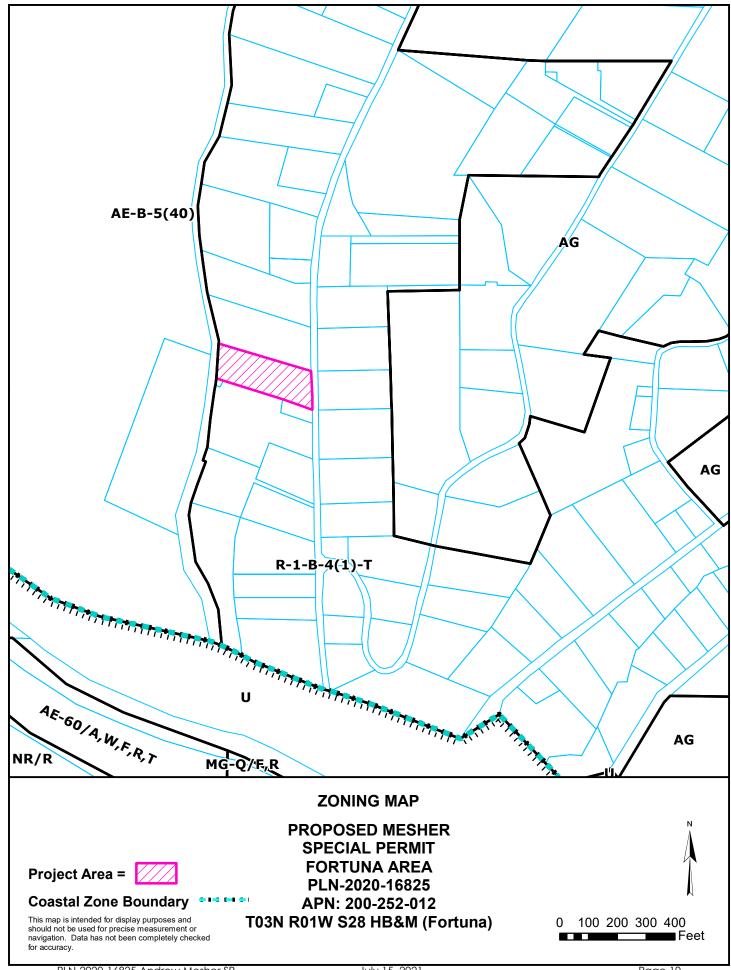
T03N R01W S28 HB&M (Fortuna)

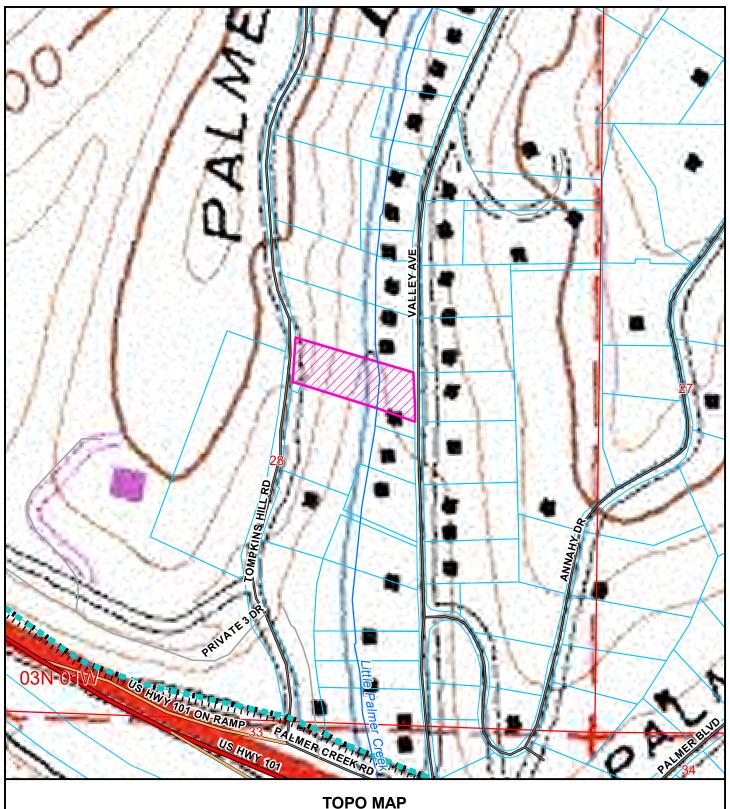
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MAP NOT TO SCALE

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.

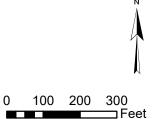




PROPOSED MESHER SPECIAL PERMIT FORTUNA AREA PLN-2020-16825

APN: 200-252-012

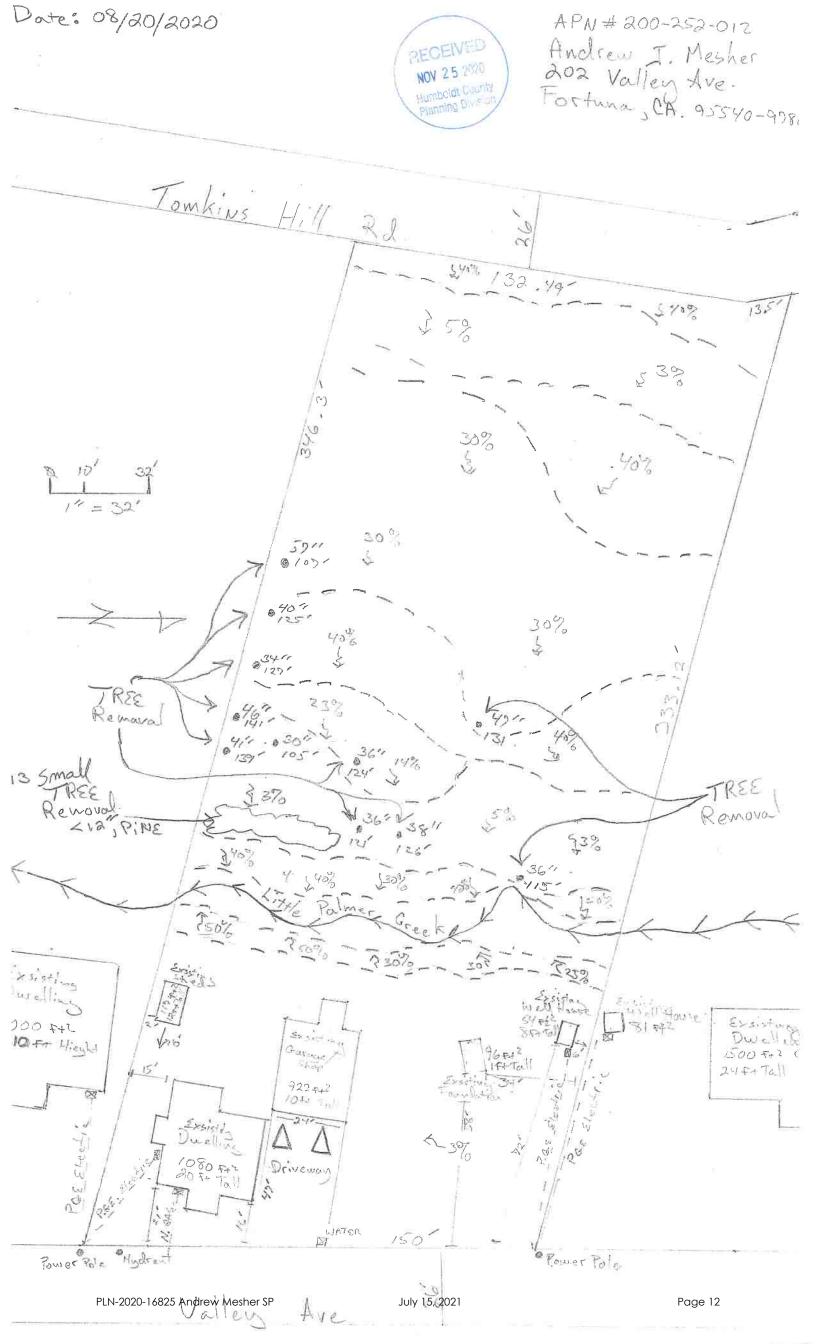
T03N R01W S28 HB&M (Fortuna)



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.



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Conditions of Approval for the Special Permit

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

Conditions of Approval:

- 1. The applicant follows recommendations made by CDFW in email correspondence dated February 11, 2021:
 - a. The Streamside Management Area (SMA) shall be measured from top of bank or edge of riparian drip line.
 - b. Invasive species such as cotoneaster, jubata grass, and bull thistle identified in the SMA shall be managed or removed.
 - c. Vegetation management in the SMA will maintain at least fifty percent cover of willow and/or red alder.
- 2. The applicant follow the Recommended Mitigation and Monitoring Plan as written in the revised Biological Assessment (Henry 2020) dated December 8, 2020
- 3. 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.
- 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. 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:

- Application Form (in file)
- Plot Plan (attached)
- Tree Inventory (attached)
- Biological Assessment (Henry, 2020) (attached)
- Current Deed (in file)

Tree Inventory, Meshner Special Permit PLN-2020-16825

Tree No, on site Plan and Species	<u>Diameter at cut</u>	<u>Distance from</u> Structures	Condition of Tree
1	Approx. 57 in.		
2	Approx. 40 in.		
3	Approx. 34 in.		
4	Approx. 46 in.		
<u>5</u>	Approx. 41 in.		
6	Approx. 30 in.		
7	Approx. 36 in.		
8	Approx. 36 in.		
9	Approx. 38 in.		
10	Approx. 36 in.		
11	Approx. 47 in.		
12-24	<u>All <12 in.</u>		

- Stumps stay in ground
- No other trees proposed for removal under this Special Permit PLN-2020-16825
- Phase 2 tree removal, as shown on site plan, to occur under separate modification, date TBD.

Biological Assessment for APN 200-252-012-000



Prepared for: Andrew Mesher

Prepared by:
Jack Henry
Wildlife Biologist
jhenry@timberlandresource.com

Timberland Resource Consultants

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1.0 Summary of Findings

Timberland Resource Consultants visited the project parcel in fall of 2020 to assess vegetation removal. At the time of the site visit the landowner had removed ten trees from their property. Four of these trees occurred within the Streamside Management Area (SMA) of Little Palmer Creek. No evidence was found that direct, indirect, or cumulative impacts other than tree removal have occurred. Mitigation is proposed to minimize any additional risk potential brought on by tree removal within the county SMA. The landowner also proposes to remove the additional nonnative trees and replant with native riparian species.

2.0 Introduction

2.1 Purpose and Need

This Biological Assessment has been prepared for Andrew Mesher (Landowner). A Stop Work Order was issued to the Landowner on June 15, 2020 for potential tree removal work within a Streamside Management Area (SMA). Timberland Resource Consultants was retained to draft a biological assessment per Humboldt County Code Section 314-61.1.13. The following report contains an assessment of the SMA with property boundaries, tree removal activities performed by the Landowner, and the potential impacts of associated work within the SMA.

2.2 Site Description

The project occurs on APN 200-252-012-000. The project parcel occurs 0.7 miles west of the city of Fortuna, California in the Palmer Creek Urban Study Area. This unincorporated area is located within the city of Fortuna's Sphere of Influence but water/waste treatment is provided by the Palmer Creek Community Service District. The project is located in the SE ¼ of Section 28, T3N, R1W, HB&M. The parcel is zoned for single family residential with some modifiers; combined zoning is R-1-B-4(1)-T.

2.3 Biological Assessment Area

The project is located in a relatively developed semi-rural neighborhood within the sphere of influence of the city of Fortuna. As a result activities within the project parcel are unlikely to impact habitats or wildlife outside of the parcel due to the low quality of habitats as well as the presence of the neighborhood and nearby city. However, the subject of the assessment is work within an SMA and potential impacts to Little Palmer Creek. As a result the entire Little Palmer Creek watershed will be considered the Biological Assessment Area (BAA) for this report.

3.0 Regulatory Background

3.1 Local Policies, Ordinances, and Regulations

The Humboldt County General Plan and Humboldt County Code contain language protecting and regulating activities that may affect watercourses, wetlands, other aquatic features, and the lands directly adjacent to these features. These regulations are outlined in County Code Section 314-61.1, also known as the "Streamside Management Areas and Wetlands Ordinance" or "SMAWO." The SMA may be loosely defined as the natural resources and land directly adjacent to aquatic features whose interactions are vital to the functioning of these systems.

4.0 Methods

4.1 Field Observations

All field data was collected by wildlife biologist, Jack Henry, using direct observations, measurements, and ocular estimations during site visits conducted on September 11 and October 28, 2020. A 200' Lufkin FE200 HI-VIZ measuring tape and Forestry Pro (Nikon Laser Range Finder) was used for recording distances to the nearest tenth of a foot. Slope percent was measured using a Suunto PM-5/360 PC Clinometer to the nearest degree. The reach of direct field observations covered terrestrial and aquatic habitat present within the project parcel.

4.2 Review of Scientific Literature

Scientific literature and data have been sourced from multiple locations. The majority of reference material has been sourced from online journal archives and databases. If hardcopies or pdfs could not be

acquired the web url and date of reference is present within the bibliography. Some species data is sourced from agency factsheets such as the U.S. Department of Agriculture (USDA), U.S. Geological Survey (USGS), and U.S. Fish and Wildlife Service (USFWS).

Additional information is sourced whenever possible from agency and non-governmental organization databases. These include the NRCS Web Soil Survey, CALTREES, California Natural Diversity Database, National Wetland Inventory GIS, NOAA Regional Climate Center, CalFlora, California Native Plant Society, Calscape, iNaturalist, eBird, and Streamstats.

4.3 Agency Consultation

California Department of Fish and Wildlife Senior Environmental Scientist (Fisheries Specialist) Nicholas Simpson was consulted through email correspondence on watercourse conditions and historical data associated with Little Palmer Creek.

4.4 Impact Analysis

Direct, indirect, and cumulative impacts have been evaluated using knowledge of the ecology of sensitive species/habitats in combination with management guidelines for private and public land-use. Familiarity with species, habitats, ecologic history, and current conditions in Humboldt County further assist with broader determinations. The project is located in an area previously developed and zoned for residential land-use by Humboldt County. This designation comes with a degree of acknowledgement that wildlife/habitat conservation is not the focus of permitted activity in the general area.

5.0 Site Conditions

5.1 Terrestrial Habitat

Terrestrial habitat within the property parcel and adjacent does not neatly fit into any one habitat or natural plant alliance due to the impacted nature of the general area. As discussed in Section 2.1, the project parcel occurs in a developed neighborhood along Little Palmer Creek. No one tree species displays dominance across a large area. Instead ornamental plantings, encroachment by invasive species, and regular human disturbance have resulted in a mosaic of vegetation communities and habitat types along the Little Palmer Creek watershed.

The CalFire Vegetation (fveg) layer [ds1327] in the CNDDB BIOS identifies the project parcel as Montane Riparian. Although willows (*Salix spp.*) and red alder (*Alnus rubra*) are present along Little Palmer Creek, they are concentrated in a narrow band along the watercourse and do not dominant the surrounding slopes. Outside of the stream channel, tree cover is variable and generally transitions to shrub dominance correlating with distance. The area may potentially be classified as Coastal Scrub if fewer trees were present or in acute areas where trees are lacking. Little Palmer Creek watershed contains Redwood forest along the upper slopes transitioning to Montane Riparian/Coastal Scrub with patches of Annual Grassland intermixed.

Within parcel boundaries, land east of Little Palmer Creek consists of a flat developed pad that contains the domestic curtilage of the house. This area contains ornamental flowering plants and nonnative lawn grass. Little Palmer Creek consists of a narrow terrace with Pacific willow (Salix lucida) and red alder creating a disjointed canopy. There are no overstory trees along the channel on the neighboring southern parcel. Understory vegetation along the channel consists of dense thickets of Pacific dewberry (rubus ursinus) intermixed with patches of salal (gaultheria shallon), sword fern (polystichum munitem), and slough sedge (Carex obnupta). West of Little Palmer Creek is a moderately sloped hillside dominated by the nonnative Monterey Pine (Pinus radiata). Approximating from the 2016 and 2019 Google Orthoimagery, total canopy cover was at least 60%. From observations on-site, the understory was likely barren with some shade tolerant species such as poison oak (Toxicodendron diversilobum), thimble berry (Rubus parviflorus), and Douglas' iris (Iris douglasiana). Nonnative weedy or ruderal species can be found throughout the parcel, these include cotonoeaster (Cotonoeaster spp.), wild carrot (Daucus carota), barley (Hordeum spp.), Yorkshire fog, Pampas grass (Cortaderia selloana), and pennyroyal (mentha pulegium). Vegetation communities within the parcel and surrounding do not provide potential habitat for

rare or endangered species due to the fragmented/isolated location, prominence of nonnative vegetation, and history of human development/activity.

5.2 Aquatic Habitats

The BAA consists of the Little Palmer Creek watershed. Little Palmer Creek drains approximately 310 acres of land directly into Palmer Creek before flowing into the Eel River and then the Pacific Ocean. Approximately 70 acres or 23% of the watershed exists as residential lots within the Palmer Creek Urban Study Area. Rough approximations for other land types within the watershed are as follows: 33% timberland production, 31% grassland/pastureland, and 13% mixed forest/scrub.

Little Palmer Creek displays a moderately entrenched channel dominated by riffle/glide habitat with two shallow pools present within the reach overlapped by the project parcel. Substrates observed within the channel were mostly fines with some gravel embedded. Small woody debris is present in-channel. Intermittent hydrology was observed during both site visits in fall of 2020 and is also identified in a recent Timber Harvest Plan (THP) in the watershed (1-15-063-HUM).

Little Palmer Creek has no record of bearing fish but it does provide potential aquatic habitat for both fish and amphibians. Although the nearby Palmer Creek has a history of bearing fish, Little Palmer Creek has no record of fish presence. Fish passage is at least partially temporally obstructed by a long culvert that extends beneath the railroad tracks and Highway 101, at least 700' of culvert. Potential fish habitat is present in the form of pools greater than 1-foot deep (maximum bankfull depth) and associated rearing habitat. This watercourse also provides potential aquatic habitat for northern red-legged frog (rana aurora), rough-skinned newt (taricha granulosa), and pacific chorus frog (pseudacris regilla).

5.3 Unpermitted Vegetation Removal

In the summer of 2019, the landowner removed vegetation from approximately 0.55 acres of the parcel. This consisted of ten trees in total, 9 of which were Monterey pine and one was Douglas-fir. Their diameters vary but all were within 30" to 40" diameter at breast height. Four of these Monterey Pines occurred within the SMA. All work was done by hand, no equipment was used. At the time of the assessment all logs had been bucked into rounds and were piled on the slope. Vegetation was cleared by the landowner because the trees posed a fall risk to the residence on-site. There is no sign of ground disturbance or soil erosion. Vegetation has already begun to sprout along the hillside, mostly in the form of shrubs (cotonoeaster) and grasses (Yorkshire fog).

5.4 Proposed Vegetation Removal

The landowner would like to remove the additional nonnative Monterey pine along the channel of Little Palmer Creek. This would require the removal of 16 young Monterey pines ranging from 1"-6" DBH. All of these pines occur on the second terrace outside of the stream bank, at least 15' from the Ordinary High Water Mark (OHWM). Removal of this vegetation would not alter the bed, bank, or channel of the watercourse. The landowner would like to replant with native hardwoods that do not pose as much of a potential fall-risk to the residence. The trees do not currently pose a risk to the structure, but as they grow taller they eventually will. Native riparian hardwoods would be better suited to provide ecological services to the riparian corridor when compared to nonnative conifer species.

6.0 Impacts Analysis

6.1 Direct Impacts

Direct impacts at the site consist of vegetation removal from the upland portion of the Little Palmer Creek SMA. No vegetation was removed from within the channel or 20 feet. No potential habitat for threatened or endangered species has been removed. Additionally, potential habitat removal within property boundaries has not significantly reduced or fragmented vegetation along Little Palmer Creek. Although it cannot be determined if special status herbaceous plants occurred within the project site, the likelihood of them occurring within a backyard that has experienced anthropogenic activity for at least 50 years is extremely low. Additionally, tree removal has been conducted in a relatively low intensity manner resulting in no ground disturbance. Monterey pine is nonnative to this area of California and there is

ongoing debate if the species impacts native communities in nonnative settings (Steers et al 2013). There are no direct impacts to Little Palmer Creek as a result of these activities. Nonnative vegetation was removed from the outer portion of the SMA and thus potential impacts are predominantly indirect.

Proposed tree removal would not directly impact the watercourse as it occurs outside of the channel. No disturbance to the bed, bank, or channel of the watercourse will occur. Trees will be removed by hand with a chainsaw, no equipment is necessary. Trees are small enough diameter that their removal will not result in ground disturbance.

6.2 Indirect Impacts

Given the existing conditions of the Little Palmer Creek watershed indirect impacts are unlikely to have occurred although potential for indirect impacts are present. The removal of vegetation from a SMA presents the potential for indirect impacts to occur to water quality and aquatic habitat within a stream. Potential indirect impacts include increased water temperatures, increased run-off, and sediment discharge. Although no trees directly above the channel of Little Palmer Creek were removed, the trees that were removed provided indirect shading to the watercourse. The removal of this indirect shade is unlikely to impact water temperatures within Little Palmer Creek. This is because the majority of Little Palmer Creek is open residential yards with a narrow riparian overstory. Canopy cover likely provides a small proportion of temperature control compared to shrub layer and micro-topography. These features have not been impacted along the reach of Little Palmer Creek within property. Vegetation removal is unlikely to cause increased run-off within parcel boundaries. There are no signs of soil erosion from the most recent winter and the ground is already covered with herbaceous plants and graminoids. This plant cover mitigates the potential increases in run-off and soil erosion as a result of vegetation removal. Given baseline conditions and the low intensity of project activities no indirect impacts have occurred.

Proposed tree removal would occur in a similar fashion to the pre-existing removal. The pines proposed to be removed are young, maximum 20 years, and provide little canopy value to the watercourse given their open crowns. Indirect impacts to Little Palmer Creek as a result of proposed tree removal are unlikely and would be temporary until planted vegetation reaches a mature age to provide ecological services (5-10) years depending on species).

6.3 Cumulative Impacts

Cumulative impacts arise from the combined impact of past, present, and future human activities in association with natural processes. The biological assessment area has experienced intense human activity since at least the founding of the city of Fortuna, California in 1906. Historic activities have impacted overall water quality, in-stream habitat, and potential wildlife resources in the BAA. These activities include unregulated timber harvesting and the development of the Little Palmer Creek Urban Study Area. Given the broad implications of developing and zoning this neighborhood, the contribution of the landowner's activities towards the impairment of the abovementioned resources are minor if existent. Humboldt County's current General Plan and Code prohibits development within the SMA. Proposed tree removal will not contribute to potential cumulative impacts in the watershed as planting is proposed and over-time will improve the riparian corridor along Little Palmer Creek. There is no reasonably foreseeable land-use or permitted activity that has the potential to cumulate with the Landowner's actions and result in significant degradation of natural resources.

8.0 Recommended Mitigation and Monitoring Plan

8.1 Mitigation Goals

Planting along the Streamside Management Area to replace canopy cover provided by removed Monterey pines. Plantings shall occur at such a spacing to assure survival while provided indirect shade to the channel of Little Palmer Creek. These trees will also provide riparian habitat for local wildlife.

8.2 Preparation and Planting Methods

Given the relatively low-intensity of proposed mitigations, all preparation and planting can be done by hand with hand-tools. Any of the below riparian hardwood species are recommended for planting along Little Palmer Creek.

- Willows (*Salix spp.*) Multiple species are acceptable at this site. Willow sprigs could also be sourced from individual trees on-site. This would likely have the best probability of success.
- Red alder (Alnus rubra) This species is present along Little Palmer Creek.
- Big leaf maple (*Acer macrophyllum*) Although not present within property boundaries it is present along other reaches of Little Palmer and habitat conditions on-site are well suited.

Plantings shall occur where tree removal occurred along the outer 30' of the SMA and where the removal of additional trees is proposed. Planting locations will be some-what delegated by micro-conditions on-site such as presence of existing trees, stumps, or shrubs. Eight feet minimum spacing from other plantings shall be observed to increase probability of success. Plantings should also be spaced a minimum of 4' from existing shrub vegetation. For existing tree removal, 12 trees (3 to 1 ratio) is the recommended amount of plantings given the mature size of the removed trees. A less than 1 to 1 planting ratio is recommended for the proposed removal. This is a result of the young age of these pines and their ability to grow densely in small spaces. For the proposed removal, an additional 8 trees should be planted. A total of 20 native riparian hardwood trees from the list above shall be planted along the SMA.

Planting containers and size of starts may vary, although larger individuals may be easier for success. Timing of planting is also flexible due to the climactic conditions of the mitigation area and the accessibility of irrigation methods from the nearby house. Planting shall occur outside of dates that may experience hard frosts, spring is recommended. Plantings shall be irrigated as necessary for survival. Ground preparation at planting sites should at least consist of clearing all vegetation within an 18 inch radius. Mulching around plantings is recommended for better water retention but is not mandatory.

8.3 Monitoring Requirements

Success for this mitigation project will be defined as 80% survival at the end of five years from the date of planting. Monitoring shall occur while plants display foliage and can be assessed for survival (generally May – August). Data to be recorded while monitoring shall include date of monitoring observations, number of trees alive, and any observable defects/disease/damage. Reports shall be submitted to the Humboldt County Planning Department no later than the end of every calendar year for the five year monitoring period.

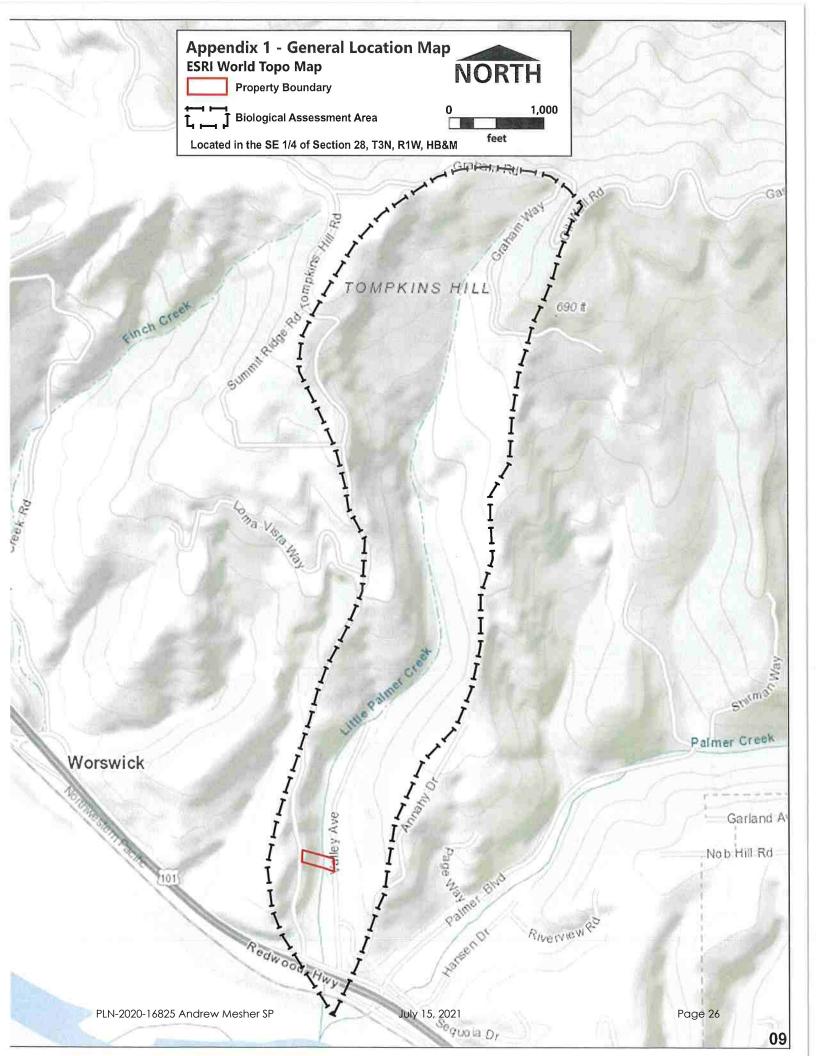
9.0 Reference Materials

- CDFW. K.E. Mayer and W.F. Laudenslayer, Jr. editors. 1988. A Guide to Wildlife Habitats of California. State of California, Resources Agency, Department of Fish and Game. Sacramento, CA. 166 pp.
- Harris, S.W. 2005. Northwestern California Birds. Mosaic Press, Happy Camp, CA.
- Hunter, J.E., Fix, D., Schmidt, G.A., Power, J.C. 2005. Atlas of the Breeding Birds of Humboldt County, California. Redwood Region Audubon Society. Eureka, CA, USA.
- Ingles, L.G. 1965. Mammals of the pacific states. Stanford University Press. Stanford, CA.
- O'Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. A Manual of California Vegetation 2nd Edition. California Native Plant Society. Sacramento, CA.
- Steel, R.J., S.L. Fritzke, J.J. Rogers, J. Cartan, and K. Hacker. 2013. Invasive pine tree effects on Northern Coastal Scrub Structure and Composition. Invasive Plant Science and Management 2013 6:231-242.

- Thomson R.C., Wright A.N., and Shaffer H.B. 2016. California amphibian species of special concern. University of California Press, Oakland, CA.
- U.S. Fish and Wildlife Service. 2011. Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls. 2012 rev. ed.

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Appendixes



Appendix 2 - Site Photographs



Photo #1: Panoramic photograph of the hillslope west of Little Palmer Creek. Small diameter Monterey pine can be seen along the transition from terrace to upland. This report proposes the removal of these pines and planting with native riparian hardwoods as well as restocking the bare hillslope. Photo date: 09/10/2020



Photo #2 & #3: Photographs looking upstream (right) and down stream (left) from the approximate center of the property. An approximate center line for the stream has been drawn in the photographs. The channel is entrenched within the vegetation. Photo date: 10/28/2020.

Planning Divis o

Appendix 2 - Site Photographs



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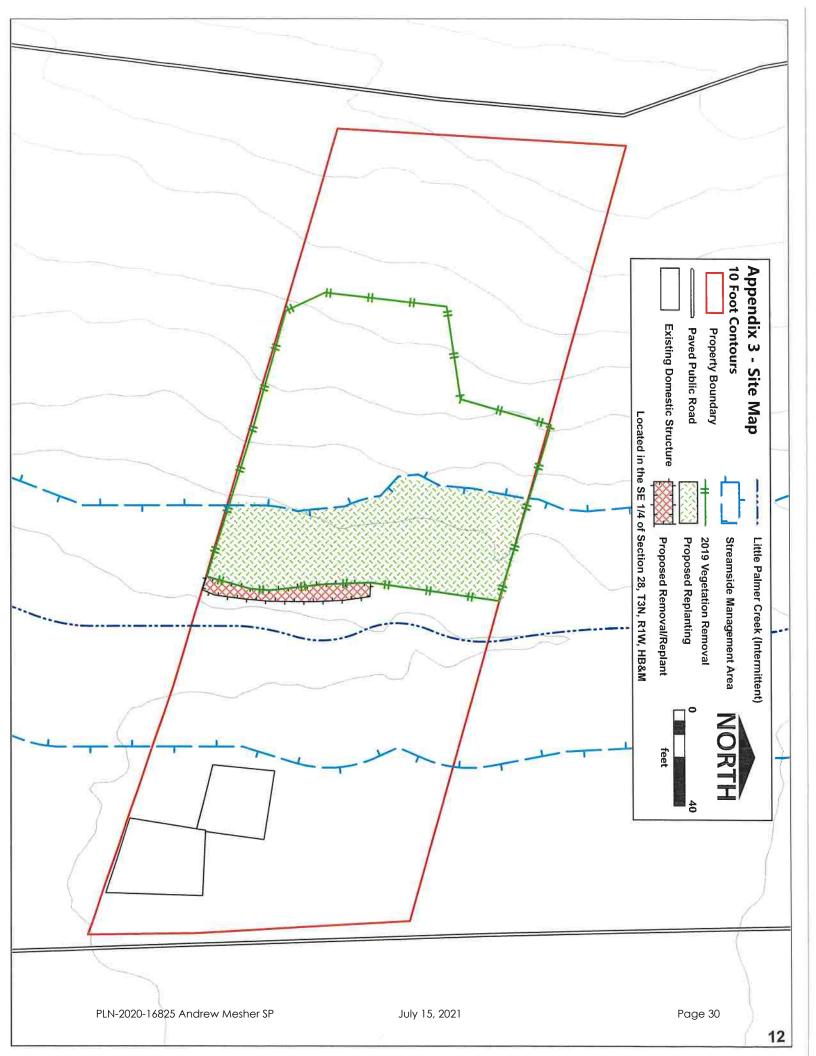


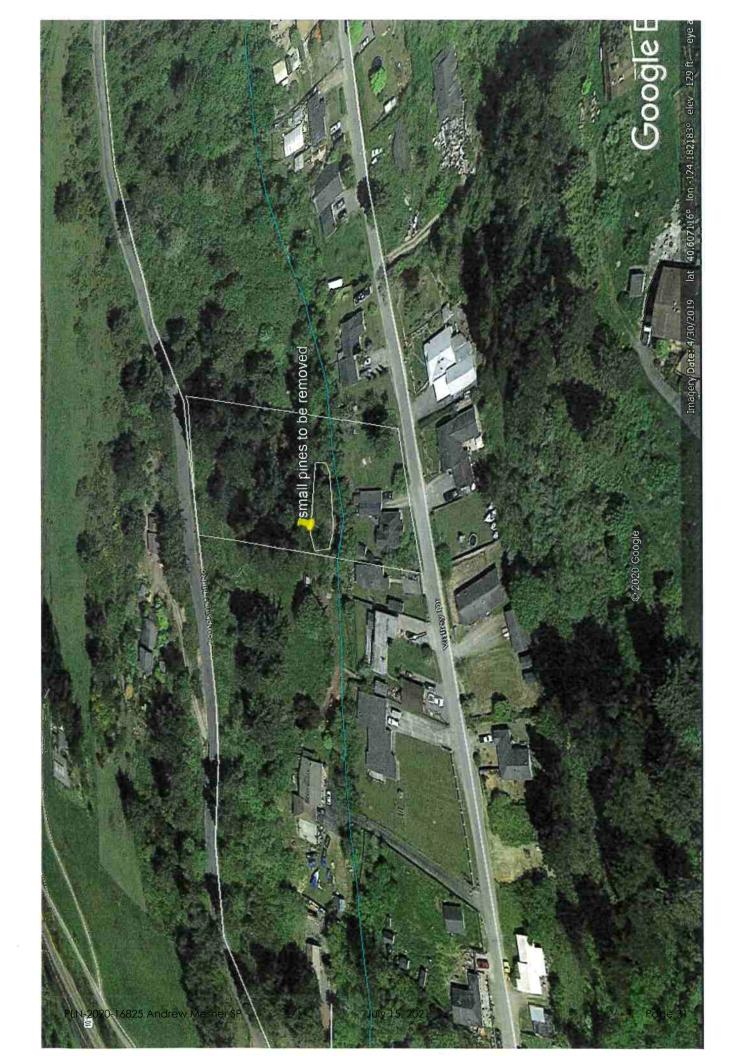
Photo #2 & #3: Photographs looking upstream (right) and down stream (left) from the approximate center of the property. An approximate center line for the stream has been drawn in the photographs. The channel is entrenched within the vegetation. Photo date: 10/28/2020.

Appendix 2 - Site Photographs



Photo #4 & #5: Photographs of channel conditions in the reach of Little Palmer Creek within property. The channel is mostly fines with the rare occurrence of gravel and woody debris. Photo date: 10/28/2020.





ATTACHMENT 3

Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	On File	Attached
County Building Inspection Division	✓	Approval	✓	✓
Code Enforcement		None		
Division of Environmental Health		None		
California Department of Fish and	✓	Conditional Approval	✓	✓
Wildlife				
Bear River Band	✓	Conditional Approval	✓	
Public Works – Land Use		None		
NCUAQMD		None		
Wiyot Tribe		None		





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

3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

12/16/2020



Project Referred To The Following Agencies:

Code Enforcement, Environmental Health, PW Land Use, Building Inspections, NCUAQMD, Cal Fish & Wildlife, Bear River Band, Wiyot Tribe

Applicant Name Andrew Mesher Key Parcel Number 200-252-012-000

Application (APPS#) PLN-2020-16825 Assigned Planner Steve Werner 707-268-3726

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: 12/31/2020

Planning Clerk County of Humboldt Planning and Building Department 3015 H Street Eureka, CA 95501

Email: PlanningClerk@co.humboldt.ca.us Fax: (707) 268 - 3792

w	e have reviewed the above application and recommend the following (please check one):
B	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.
Oth	ner Comments:
DA	TE 2-3-2021 PRINT NAME: Dean Beck

From: O"connell, Gregory@Wildlife

To: Shortridge, Tricia
Cc: Andrew J Mesher

Subject: RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Date: Friday, February 12, 2021 8:27:40 AM

Attachments: image001.png

image002.png

Tricia, thanks for inviting me to the site visit on February 11, 2021 at APN 200-252-012. Below are some comments based on the site visit:

- The flagged streamside management area looked short. It may have been measured from the stream centerline, but it should have been measured from the top of bank or edge of riparian drip line (appears to be the same at this site).
- The mitigation plan looks OK, but the property owner stated they wanted to remove more Monterey pine (invasive in our area). I recommend more willow sprigging along the stream bank where additional trees would be removed. I'm OK with the owner managing the vegetation to maintain lines of site across the stream, but I'd like to see at least 50% cover of willow and/or red alder in the stream area.
- We saw several invasive species with on the stream area and adjacent upland. I recommend removal and management of <u>cotoneaster</u>, <u>jubata grass</u>, <u>bull thistle</u>, etc.

Thanks again,

Greg O'Connell
Environmental Scientist
Coastal Conservation Planning
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
Gregory.OConnell@Wildlife.ca.gov

From: Shortridge, Tricia <TShortridge@co.humboldt.ca.us>

Sent: Thursday, February 11, 2021 8:17 AM

To: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>

Cc: Andrew J Mesher <ajmesher@protonmail.ch>

Subject: RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Yes Greg, Mr. Mesher has not contacted me to change the time. Thanks for checking in. My cell is 707-834-1011.

See you tomorrow at 9.



Tricia Shortridge, Planner tshortridge@co.humboldt.ca.us

Current Planning Division

Document

?

Planning and Building Department 3015 H Street Eureka CA 95501 (707) 445-7541

From: O'connell, Gregory@Wildlife < Gregory.OConnell@Wildlife.ca.gov>

Sent: Wednesday, February 10, 2021 4:40 PM

To: Shortridge, Tricia < TShortridge@co.humboldt.ca.us >

Subject: RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

HI Tricia. Are we still on for a site visit 9am tomorrow near Fortuna? Thanks, Greg 707-653-3504

From: O'connell, Gregory@Wildlife

Sent: Tuesday, February 2, 2021 10:23 AM

To: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Subject: RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Sounds Good. -Greg

From: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Sent: Tuesday, February 2, 2021 10:12 AM

To: O'connell, Gregory@Wildlife < <u>Gregory.OConnell@Wildlife.ca.gov</u>> **Subject:** RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Hi Greg, the applicant would like to do Thursday 2/11 at 9 a.m. Weather pending.



3015 H Street Eureka CA 95501 (707) 445-7541

Planning and Building Department

From: O'connell, Gregory@Wildlife < Gregory.OConnell@Wildlife.ca.gov>

Sent: Tuesday, February 02, 2021 9:30 AM

To: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Subject: RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Good morning Tricia. I could do 9am on Feb 11, or 2pm on either Feb 18/19. -Greg

From: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Sent: Tuesday, February 2, 2021 8:54 AM

To: O'connell, Gregory@Wildlife < <u>Gregory.OConnell@Wildlife.ca.gov</u>> **Subject:** RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Hi Greg, what is your schedule looking like for the 11^{th} next week or the week after on either the 18^{th} or 19^{th} ?



Tricia Shortridge, Planner tshortridge@co.humboldt.ca.us Current Planning Division



Planning and Building Department 3015 H Street Eureka CA 95501 (707) 445-7541

From: O'connell, Gregory@Wildlife < Gregory.OConnell@Wildlife.ca.gov>

Sent: Monday, January 25, 2021 1:20 PM

To: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Subject: Re: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Sure. We can pick other dates if needed. -Greg.

On Jan 25, 2021, at 12:31 PM, Shortridge, Tricia < TShortridge@co.humboldt.ca.us> wrote:

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Greg, he never got back to me last week to confirm and I send another email this morning. Can you wait till end of day today for a yea or nay?

From: O'connell, Gregory@Wildlife < Gregory.OConnell@Wildlife.ca.gov>

Sent: Sunday, January 24, 2021 5:30 PM

To: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Subject: Re: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Any updates on scheduling this site visit? Thanks, Greg.

From: O'connell, Gregory@Wildlife

Sent: Wednesday, January 20, 2021 9:54:47 AM

To: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Subject: RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Thursday Jan 28 could work for me, but it would have to be a 9am meetup. Let me know which day/time gets scheduled. Thanks, Greg

From: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Sent: Wednesday, January 20, 2021 9:53 AM

To: O'connell, Gregory@Wildlife < <u>Gregory.OConnell@Wildlife.ca.gov</u>> **Subject:** RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Warning: This email originated from outside of CDFW and should be treated with extra caution.

That works for me but Before I get to the applicant and propose Monday, does a Thursday work? This day works best for the applicant. Doesn't have to be next week (but this is preferred).

From: O'connell, Gregory@Wildlife < Gregory.OConnell@Wildlife.ca.gov>

Sent: Wednesday, January 20, 2021 9:06 AM

To: Shortridge, Tricia < TShortridge@co.humboldt.ca.us >

Subject: RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

OK How about Monday 1/25 meeting at the site at 9am? -Greg

From: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Sent: Wednesday, January 20, 2021 8:48 AM

To: O'connell, Gregory@Wildlife < <u>Gregory.OConnell@Wildlife.ca.gov</u>> **Subject:** RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Good morning - I could make that work, but want to throw out there Monday or Friday of that same week — First thing in the morning or any time starting at 3:30, Those are the days and times which would be easier for me.

Tricia

From: O'connell, Gregory@Wildlife < Gregory.OConnell@Wildlife.ca.gov>

Sent: Wednesday, January 20, 2021 7:48 AM

To: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Subject: RE: Mesher Tree Removal Project [APPS 16825; APN 200-252-012]

Hi Tricia. How about the morning of Wed Jan 27 for a site visit? -Greg

Mesher SP for after the fact tree removal APPS 16825 APN 200-252-012 CEQA-2020-0291-0000-R1

From: Shortridge, Tricia < TShortridge@co.humboldt.ca.us>

Sent: Thursday, January 7, 2021 2:40 PM

To: O'connell, Gregory@Wildlife < Gregory.OConnell@Wildlife.ca.gov>

Subject: RE: Mesher Tree Removal Project

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Also, I'd like to do a site visit for this one when you are available.

From: Shortridge, Tricia

Sent: Thursday, January 07, 2021 2:29 PM

To: O'connell, Gregory@Wildlife < Gregory.OConnell@Wildlife.ca.gov>

Subject: Mesher Tree Removal Project

Hi Greg, quick heads up that we referred this tree removal project to CDFW through the usual accela process. This email is simply meant to draw your attention to it – this is not a request for you to drop everything and respond.

The site plan, pictures, etc. are accessible to you through the Accela portal.

Happy new year!

<image001.png>
Tricia Shortridge, Planner
tshortridge@co.humboldt.ca.us
Current Planning Division

<image002.png>

<u>Planning and Building Department</u>

3015 H Street Eureka CA 95501 (707) 445-7541