



# COUNTY OF HUMBOLDT

## Legislation Text

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File #: 23-535, Version: 1

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**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Bradley Miller Coastal Development Permit and Special Permit  
Record Number: PLN-2020-16657  
Assessor Parcel Number: 510-261-034  
McKinleyville area

A Coastal Development Permit (CDP) and Special Permit for after-the-fact tree removal of five (5) trees and the proposed removal of four (4) additional trees authorized by Humboldt County Zoning Code section 313-64.1. The CDP and Special Permit will address the previous removal of five (5) Monterey pine trees; “18-, 30-, 32-, 36- and 38- inches” in diameter and the proposed removal of an additional four (4) Monterey pine trees; “40-, 44-, 48- and 50 -inches” in diameter. The CDP/Special Permit is required because the diameter of the trees removed and to be removed exceed 12-inch diameter at 4-1/2 feet above the ground and are subject to Section 313-64.1 of the Zoning Regulations, Major Vegetation Removal. The purpose of the tree removal is to provide structure protection for the existing residences and safety for the occupants of the property from wind throw and limb fall. The project parcel is approximately 1.38 acres in size and is currently developed with one single-family residence and one secondary dwelling unit. There is no development proposed at this time.

**RECOMMENDATION(S):**

That the Planning Commission:

Adopt the resolution (Attachment 1) which does the following:

- a. Finds that the proposed project complies with the General Plan, McKinleyville Community Plan and Zoning Ordinance; and
- b. Find the project exempt from CEQA pursuant to Section 15304 of the CEQA Guidelines, and that there is no substantial evidence that the project will have a significant effect on the environment; and
- c. Approves the Coastal Development Permit and Special Permit subject to the recommended conditions of approval (Attachment 1A).

**DISCUSSION:**

**Project Location:**

The project is located in the McKinleyville area, on the west side of Annie Lane, approximately 400 feet south from the intersection of Annie Lane and Murray Road, on the property known as 2744 Annie Lane and 2733 Bolier Avenue.

**Present General Plan Land Use Designation:**

Residential Estates (RE2.5-5), Density: (Cluster) Range is 2.5 to 5 acres per unit, McKinleyville Area Plan (MCAP), 2017 General Plan, Slope Stability: Relatively Stable.

**Present Zoning:**

Residential One-Family: 20,000 Square Feet with a combining zone for Alquist-Priolo Fault Hazard (RS-20/G).

**Environmental Review:**

Project is exempt from environmental review per Section 15304 - Minor Alterations to Land of the CEQA Guidelines.

**State Appeal:**

Project is appealable to the California Coastal Commission.

**Major concerns:**

None

**Executive Summary:** A Coastal Development Permit (CDP) and Special Permit (SP) for after-the-fact tree removal of five (5) trees and the proposed removal of four (4) additional trees authorized by Humboldt County Zoning Code section 313-64.1, Vegetation Removal, Major. The CDP and Special Permit will address the previous removal of five (5) Monterey pine trees; “18-, 30-, 32-, 36- and 38- inches” in diameter and the proposed removal of an additional four (4) Monterey pine trees; “40-, 44-, 48- and 50 -inches” in diameter. The CDP/Special Permit is required because the diameter of the trees removed and to be removed exceed 12-inch diameter at 4-1/2 feet above the ground - one of three standards that qualifies tree removal as Major Vegetation Removal.

Tree removal on property zoned for single family residential is an allowed accessory use of land. Were the tree removal to involve a commercial species and generate a profit, the tree removal would constitute commercial timber production and a use permit would be required. In the present case, the tree removal would not constitute commercial timber production because the removal will not result in a net profit after deducting the cost of permitting and tree removal. The project is conditioned to require the applicant to furnish documentation verifying that the activity at completion is not a for-profit operation.

The project site is located within an established residential neighborhood. The property is developed with a single-family residence and a second dwelling unit. Water and sewer services are provided by the McKinleyville Community Services District. The tree removal is being conducted for structure protection and for the safety of the occupants from windthrow and limb fall. The work is limited to nine (9) trees. Measures have been made conditions of approval to control the days and hours of harvest operations, regulate slash disposal and prevent tree removal during the bird nesting season without appropriate surveys. There is no other development proposed at this time.

**Zoning Administrator Hearing**

The project was first heard on the January 7, 2021 Zoning Administrator hearing. Prior to the hearing public comments were submitted from two neighboring property owners which raised questions and concerns regarding the proposed tree removal, including questions regarding the use of logging and other heavy trucks on the access road to the property during tree removal and concerns related to potential wildlife (raptor) habitat provided by the trees proposed to be removed and, that loss of the remaining trees will have a significant impact on visual resources. At the January 7, 2021 hearing the Zoning Administrator did not open the hearing

and instead referred the application to the Planning Commission. During a recent phone conversation between staff and the neighbor that had questions regarding truck usage on the access road, the neighbor expressed that he no longer has questions and has no concerns about the proposed project. Regarding impacts on visual resources, the subject property is not within a designated coastal scenic/coastal view area and Monterey pine trees are not a tree species native to this location and were introduced to this site. In response to concerns related to loss of potential wildlife (raptor) habitat the applicant contracted Timberland Resource Consultants to conduct raptor surveys on the property which are described below and in Attachment 3A.

Subsequent to the Zoning Administrator hearing additional information was submitted by the applicant, A raptor survey was conducted by Timberland Resource Consultants on April 27, 2022. All trees were inspected for any evidence of nesting (i.e. stick structures, white wash, pellets, etc.) and then the trees were surveyed for an hour. No evidence of nesting was observed in the trees. During the survey period the Monterey pines were only visited by a flock of ravens and crows. No raptors were observed in the area during the survey.

The site is relatively flat and there are no streams, wetlands, or other environmentally sensitive habitat areas on site. The Bear River Band, Blue Lake Rancheria and Wiyot Tribes approve the project subject to the inclusion of the standard Inadvertent Discovery Protocol.

The applicant's arborist Trinidad Tree Service submitted a letter on July 20, 2022, stating that in May 2020 after an inspection of the group of 5 pines growing along the applicant's southern fence line, the judgement was made that the segment of leaning trees should ultimately be taken down as they presented an eminent threat to his property. As the applicant's house and property sit less than a quarter mile from the Pacific Ocean, there was concern about heavy coastal winds potentially causing a structural failure within the stand of trees. As the group of trees was leaning towards the house and growing in sandy soil, any trunk or root failure due to a high wind event could result in property damage or injury to the applicant or his family. With the ocean adjacent living situation, having strong southern winds during winter storms are a common occurrence in the neighborhood. As climates around the globe are in a warming trend, ocean temperatures are on the rise. With an average of .13 F temperature increase every 10 years. This warmer water will ultimately provide more energy for storms, resulting in higher wind speeds here on the coast. It was the arborist's professional opinion that the pines were justly removed as they presented a threat to the applicant's family and property.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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

ATTACHMENTS:

1. Draft Resolution
  - A. Conditions of Approval
  - B. Site Plan
2. Location Maps

3. Applicant's Evidence in Support of the Required Findings
  - A. Raptor Survey Letter
  - B. Arborist Letter
4. Referral Agency Comments and Recommendations
5. Public Comment

Applicant

Bradley Miller  
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Owner

Same as applicant

Agent

None

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