

CALIFORNIA COASTAL COMMISSION

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Staff: Melissa B. Kraemer
Staff Report: June 29, 2007
Hearing Date: July 13, 2007
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-06-032

APPLICANTS: Stanley and Laurel Shuttleworth

PROJECT LOCATION: 1461 Kane Ridge Road, Big Lagoon area, Humboldt County (APN 518-051-032)

PROJECT DESCRIPTION: (1) Construction of a 2,018 square-foot, one-story single-family-residence at a maximum height of 22 feet, an attached 588-sq-ft two-car garage, a 307 sq-ft covered porch, and a 500 sq-ft low deck or patio; (2) development of an approximately 10-ft-wide by 200-ft-long gravel driveway; (3) development of an on-site septic tank and leachfield; (4) development of a 3,000 gallon water storage tank and propane tank; and (5) removal of approximately 150 trees over the 2.8-acre homesite.

GENERAL PLAN DESIGNATION: Area of Deferred Certification. Humboldt County North Coast Area Plan - Agricultural General, 20-acre density (AG-20)

ZONING DESIGNATION: Area of Deferred Certification Rural Agricultural, minimum 20-acre lot size, Special Designation for Manufactured Home Building Type Modification and Coastal Elk Habitat combining zones (RA-20-M/E)

OTHER APPROVALS: Humboldt County Special Permit No. 06-14 (for "major vegetation removal" in the coastal zone)

SUBSTANTIVE FILE
DOCUMENTS:

Humboldt County Local Coastal Program
Commission File No. CP-3-85 (State Coastal Conservancy)
Commission CDP No. 1-86-113 (Calif. State Parks Found.)
Commission CDP No. 1-86-204 (Croft)
Commission CDP No. 1-88-73 (Bumblebee/Hennings)
Commission CDP No. 1-88-255 (Beaupré)
Commission CDP No. 1-92-80 (Allen)
Commission CDP No. 1-92-81 (Pehrson)
Commission CDP No. 1-93-69 (McKeegan & Olsgard)
Commission CDP No. 1-97-031 (Harmon)
Commission CDP No. 1-99-065 (Shuttleworth)
Commission CDP No. 1-00-042 & -042-A1 (Bost/Roden)
Commission CDP No. 1-01-004 (Harmon)
Commission CDP No. 1-01-064 (Fox)
Commission CDP No. 1-02-007-W (Leach)

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve this application with special conditions.

The applicants are seeking authorization for the following developments: (1) Construction of a 2,018 square-foot, one-story single-family-residence at a maximum height of 22 feet, an attached 588-sq-ft two-car garage, a 307 sq-ft covered porch, and a 500 sq-ft low deck or patio; (2) development of an approximately 10-ft-wide by 200-ft-long gravel driveway; (3) development of an on-site septic tank and leachfield; (4) development of a 3,000 gallon water storage tank and propane tank; and (5) removal of approximately 150 trees over the 2.8-acre homesite. The project area is located in Humboldt County, on the east side of Big Lagoon, at 1461 Kane Ridge Road (APN 518-051-032).

The proposed project is located in the Big Lagoon area of Humboldt County. Humboldt County has a certified LCP, but the subject property is located within an area of deferred certification. The ADC, which is locally known as the “Stagecoach Hill” region, consists of approximately 600 acres of rural, mostly undeveloped, mostly forested land divided into minimum 20-acre parcels. The Stagecoach Hill area has not been identified as a highly scenic area. The project site is not visible from the highway due to the intervening topography and vegetation. The site is not visible from public vantage points, as the road serving the development, Kane Ridge Road, is a private road. The subject site is within the habitat range of the Western Azalea (*Rhododendron occidentale*), which the Commission has, in the past, considered environmentally sensitive. The project site is also within an area designated under the Humboldt County LCP as Elk Range Habitat.

Because of its relative abundance and distribution across a relatively wide geographic range, the Commission finds that neither Western Azalea as a species nor the particular variety of Western Azalea that occurs in the Stagecoach Hill area meet the rarity test for designation as ESHA under Coastal Act Section 30107.5. However, the Commission finds that Western Azalea on

Stagecoach Hill is, in some circumstances (such as at the Stagecoach Hill Azalea Preserve), especially valuable because of its special nature and because it is easily disturbed or degraded by human activities. In this sense, Western Azalea does qualify as ESHA under Section 30107.5 of the Coastal Act. On the subject site, however, the Commission finds that the Western Azalea habitat does not meet the definition of ESHA under Section 30107.5 because it is neither rare nor especially valuable because of its special nature or role in an ecosystem.

Although the Commission concludes that Western Azalea on the subject site is not itself ESHA, under certain circumstances, the proposed project could potentially result in adverse impacts to Western Azalea habitat areas in the vicinity of the subject property that do meet the definition of ESHA per Coastal Act Section 30107.5. Therefore, the project is conditioned to ensure that future landscaping that the applicants may choose to install on the property does not adversely impact the long-term genetic integrity of any azalea ESHAs in the project vicinity. Staff notes that such a condition has been included as a condition of approval for at least six other permits that the Commission has issued in the ADC region. The project is also conditioned to preclude the use of invasive plant species as landscaping on the site and certain rodenticides that could cause significant adverse cumulative impact to environmentally sensitive wildlife species. As conditioned, the Commission finds that the project will be sited and designed to prevent impacts which would significantly degrade adjacent environmentally sensitive habitat areas and will be compatible with the continuance of those areas. Furthermore, the project is conditioned to restrict the exterior lighting of the residence to minimize disturbance to migrating Elk that may be passing through the property.

The Commission also finds that the project, as conditioned, is consistent with Coastal Act Section 30251, as the project would not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area. Furthermore, the proposed development is consistent with Section 30231 of the Coastal Act because existing water quality and biological productivity will be protected and maintained from impairing waste discharges.

The Motion to adopt the Staff Recommendation of Approval with Conditions is on Page 4.

STAFF NOTES

I. Jurisdiction and Standard of Review

The proposed project is located in the Big Lagoon area of Humboldt County. Humboldt County has a certified LCP, but the subject property is located within an area of deferred certification. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

Motion:

I move that the Commission **Approve** Coastal Development Permit No. 1-06-032 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS

1. Landscaping Restrictions

- A. No other species of the genus *Rhododendron* shall be planted on the parcel, except for the existing native Western Azalea, *Rhododendron occidentale*. If plantings of the native Western Azalea are installed on the property at any time, plantings shall only be of local genetic stock from the Stagecoach Hill area.
- B. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the site of the proposed development. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.

- C. Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used.

2. Lighting Restrictions

All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress, egress, and use of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will be directed to shine beyond the boundaries of the subject parcel and more than 50 feet away from the approved structures.

3. Final Revised Erosion and Runoff Control Plan

- A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-06-032**, the applicants shall submit a final Erosion and Runoff Control Plan for review and approval of the Executive Director. The Erosion and Runoff Control Plan shall be in substantial conformance with the Erosion Control Plan submitted as part of the application entitled, "Erosion Control Plan – APN #518-051-32, prepared by Craig R. Newman, RPF #1758, except that the plan shall be revised to be made consistent with the following requirements:

- 1) Bare soil areas to be reseeded pursuant to BMP #3 of the submitted erosion control plan shall be reseeded with native grass seed obtained from local genetic stocks. If documentation is provided to the Executive Director that demonstrates that native grass seed from local genetic stock is not available, native grass seed obtained from genetic stock outside the local area may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the site of the proposed development. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.

- B. The permittee shall undertake development in accordance with the approved Erosion and Runoff Control plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, for review and approval, documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares the following:

A. Site Location & Description

The subject parcel (APN 518-051-32) is located in the Big Lagoon area of Humboldt County, at 1461 Kane Ridge Road (see Exhibit Nos. 1, 2, and 3). Humboldt County has a certified LCP, but the subject property is located within an area of deferred certification (ADC). The ADC, which is locally known as the “Stagecoach Hill” region, consists of approximately 600 acres of rural, mostly undeveloped, mostly forested land divided into minimum 20-acre parcels zoned locally as Rural Agricultural (RA-20) with Manufactured Home (M) and Coastal Elk Habitat (E) combining zones. The Stagecoach Hill area encompasses portions of the coastal hills east of Big Lagoon and State Highway 101. The subject property is approximately 0.5-miles from Highway 101.

The subject parcel is within the McDonald Creek watershed. The subject site is within the habitat range of the Western Azalea (*Rhododendron occidentale*), which the Commission has, in the past, considered environmentally sensitive. The project site is also within an area designated under the Humboldt County LCP as Elk Range Habitat.

The proposed project area is situated between 550 to 600 feet above mean sea level, with flat to gently sloping terrain (northeastward). The site consists of second-growth forest stands with scattered forest openings (canopy cover ranges from 20 to 100 percent). No wetlands or watercourses occur on or near the proposed project area. According to the botanical survey conducted for the project (Exhibit No. 6), dominant vegetation on the site consists of Sitka spruce (*Picea sitchensis*) with scattered Douglas-fir (*Pseudotsuga menziesii* var. *menziesii*) and

coast redwood (*Sequoia sempervirens*). Understory vegetation varies from relatively open to relatively brushy and includes various ferns, grasses, herbs, and shrubs, including Western Azalea (*Rhododendron occidentale*). In total, the botanical survey identified 37 azalea plants in the project area, plus at least four additional plants on the adjacent property to the south.

The Stagecoach Hill area has not been identified as a highly scenic area. The project site is not visible from the highway due to the intervening topography and vegetation. The site is not visible from public vantage points, as the road serving the development, Kane Ridge Road, is a private road.

The approximately 600-acre Stagecoach Hill area surrounding the project site is rural, mostly undeveloped, mostly forested, with minimum parcel sizes of 20-acres. There are approximately nine total residences that have been permitted in the Stagecoach Hill area over the past few decades (see substantive file documents, page 2).

B. Proposed Project

The proposed project area covers approximately 2.8 acres (roughly 13 percent) of the approximately 20.8-acre parcel. All proposed developments are confined to the southwestern side of the parcel (see Exhibit No. 4). The proposed project involves the following components:

(1) Major Vegetation Removal

The applicants propose to harvest timber in an area of approximately 2.8 acres (or approximately 13 percent of the 20.8-acre parcel) under an approved “Less Than 3-Acre Conversion Exemption” filed with the California Department of Forestry and Fire Protection. On the development area, the existing second-growth forest is proposed to be harvested (approximately 150 Sitka spruce trees), stumps will be grubbed and removed or reduced to chips by a stump grinder, the logging slash will be removed or chipped, and the site will be graded to match the existing topography. A portion of the area is proposed to be developed to a rural home site along with gravel driveway, parking area, and leach field (see below). The remainder of the cleared area will be converted to a partially shaded yard.

(2) Home Site Development

In addition to the timber-harvesting phase of the project, the applicants propose the following developments on the subject site: (a) construction of a 2,018-ft², one-story single-family-residence at a maximum height of 22 feet (see Exhibit No. 5); (b) construction of an attached 588- ft² two-car garage at a maximum height of 22 feet; (c) construction of a 307 ft² covered porch; (c) construction of a 500 ft² low deck or patio (less than 18 inches above finished grade); (d) development of an approximately 10-ft-wide by 200-ft-long gravel driveway; (e) development of an on-site 1,800 gallon septic tank and leachfield (2,000 ft² leachfield plus 1,500 ft² reserve area); (f) development of an on-site water well; (g) development of a 3,000 gallon water storage tank; (h) placement of a new propane tank on a concrete foundation; and (i) relocation of an

existing 6-ft x 12-ft metal shed. Minimal grading (less than 50 yds³) is proposed at the new residence site. Electric and telephone utilities are available at the existing private access road, and the applicants proposed to install new underground electric lines along the driveway to a meter at the proposed garage.

The applicants submitted an Erosion Control Plan for the proposed project's harvesting and construction phases prepared by registered professional forester Craig Newman (Exhibit No. 7). The plan includes various recommendations for construction timing (during the non-rainy season only), preservation of existing vegetation (the perimeter of the project area has been flagged to ensure that vegetation removal is limited to the approved project area), reseeding disturbed soil areas, installation of silt fences or fiber rolls to control any surface soil erosion that may occur, dust control, site stabilization, and other recommendations.

C. Local Coastal Program History

The subject property is located within an uncertified area of Humboldt County's Local Coastal Program. In 1982, the Kane Road (or Stagecoach Hill) area was not certified by the Coastal Commission as part of the North Coast Area Land Use Plan because of substantial issues relating to the following: (a) litigation over alleged illegal subdivisions in the area; (b) the presence of the native western azalea and the absence of any protection or management plans for this species; (c) the minimum parcel size necessary to ensure agricultural productivity and to avoid adverse impacts to potential timber production on surrounding lands; and (d) general water quality and scenic view concerns, including the protection of Roosevelt Elk habitat areas.

D. Locating and Planning New Development

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The proposed development is located in a rural area where one single-family home per parcel is a principally permitted use. The applicants propose to install a new septic system and to develop an on-site water well (the Commission approved Waiver No. 1-99-065 for the applicants to drill test wells in 1999). The Humboldt County Health Department has determined that suitable areas exist on the property to accommodate a septic system and has determined that the proposed water well is adequate to serve the development. Existing electric and telephone lines are located at the edge of the property to which the applicants propose to connect. As described in the Findings below, the project as conditioned will not have significant adverse impacts on coastal resources including ESHA, wetlands, visual impacts, and water quality.

Therefore, the Commission finds that the proposed development is consistent with Coastal Act Section 30250(a) to the extent that it has adequate water and septic capability to accommodate it and it will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

E. Protection of Environmentally Sensitive Habitat Areas (ESHA)

Coastal Act Section 30240 states the following:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Act Section 30107.5 states the following:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The Coastal Act thus establishes a high standard for protection of areas that are identified as environmentally sensitive. Only resource-dependent uses, such as habitat restoration, are allowed within an ESHA, and all development within or adjacent to an ESHA must be sited and designed to prevent significant disruption of ESHA.

The Coastal Act protections for ESHA are different in approach than certain other environmental laws. For example, the California Endangered Species Act, administered by the Department of Fish and Game, allows the “incidental take” of a state-listed species if the impacts of the take are minimized, fully mitigated, and would not result in jeopardy to the species.¹ Similarly, the U.S. Fish and Wildlife Service may issue incidental take permits under the federal Endangered Species Act for a sensitive species if the impacts are offset through a Habitat Conservation Plan.² The Coastal Act, though, does not allow avoidable impacts to ESHAs, even with mitigation. If an ESHA is identified, it must be avoided unless the proposed development is dependent on the resource. This fundamental requirement of the Act was confirmed in the *Bolsa Chica* case, wherein the Court found the following:

*“Importantly, while the obvious goal of section 30240 is to protect habitat values, the express terms of the statute do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development. Rather, the terms of the state protect habitat values by placing strict limits on the uses which may occur in an ESHA...”*³

¹ California Fish and Game Code 2081.

² Federal Endangered Species Act, Section 10.

³ *Bolsa Chica Land Trust v. Superior Court* 71 Cal.App.4th 493, 507. A limited exception to this rule potentially lies in Coastal Act Sections 30200(b) and 30007.5, which allow the resolution of conflicts between Coastal Act Chapter 3 policies in a manner which on balance is most protective of significant coastal resources.

The subject site provides Western Azalea habitat and Roosevelt Elk habitat. As noted previously, the site is within the habitat range of the Western Azalea (*Rhododendron occidentale*), which the Commission has, in the past, considered environmentally sensitive. The project site is also within an area designated under the Humboldt County LCP as Elk Range Habitat. Potential impacts to each of these habitats and their mitigation are discussed in the following two sections.

1) Western Azalea

a. Background

i. History of protection

Western Azalea is not protected under state or federal endangered species laws as a rare, threatened, or endangered species, but it is a favorite species among horticulturalists and azalea enthusiasts. Because Western Azalea is the only polyploid species of azalea [*i.e.*, its DNA has 78 chromosomes versus 26 (diploid) in most other azalea species], the species is capable of hybridization with other *Rhododendron* species (and production of fertile offspring) and therefore has been popular in the horticultural industry for decades. Horticulturalists also favor the Stagecoach Hill azaleas in particular for their striking beauty and variety of flower colors and shapes, and the strain has received international recognition. The Spring 1977 edition of the magazine *Pacific Horticulture* documents the uniqueness of the Western Azalea in the Stagecoach Hill area (Mossman 1977). In particular, the author describes the extraordinary variability in a suite of plant features in the population (*e.g.*, flower color, shape, and size; petal number and texture; leaf size, shape, and edges; plant habitat; *etc.*) not documented for the species in other locales.

In the Stagecoach Hill region, Western Azalea forms an unusually expansive (nearly 600 acres) and flourishing stand, which most likely resulted from past land history and management regimes that have promoted the species, including several intense fires, clearing, agriculture, and timber harvesting over the past several decades. Active management is needed to maintain abundant, flourishing azalea stands, and both the Stagecoach Hill Azalea Preserve (a 42-acre public park within the ADC managed by the California State Parks Foundation) and the Azalea State Reserve in McKinleyville (a 30-acre public park managed by the Department of Parks and Recreation) actively manage the areas to maximize the growth and flowering of the Western Azalea. Management techniques include hand clearing competing vegetation (*e.g.*, various shrub species), cutting down small trees (to maintain an open canopy), and either broadcast burning or lopping and scattering the vegetative spoils (to promote azalea regeneration). In the absence of vegetation management, azaleas tend to be shaded out by encroaching conifers and other competing vegetation. Additionally, Western Azalea has a very shallow root system and is susceptible to disturbance or degradation from soil-compacting human activities and developments.

Efforts have been made by various agencies and organizations over the decades to protect and manage the Stagecoach Hill Western Azalea and its habitat area:

- In 1977, the magazine *Pacific Horticulture* documented the uniqueness of the Western Azalea on Stagecoach Hill and reported that the California State Parks Foundation and the American Rhododendron Society were working to raise funds (\$60,000 needed) “to purchase Stagecoach Hill...[and]...to protect forever this extraordinary land of *Rhododendron occidentale*” (Mossman 1977).
- In 1981, the Humboldt County Board of Supervisors adopted the North Coast Area Plan (NCAP) segment of the Humboldt County Local Coastal Program. The NCAP (Section 3.41.A.1.f) identifies “*Azalea habitats at Kane Road*” (i.e., the Stagecoach Hill area) as a type of ESHA, and states that “*The boundaries of this area and its management needs should be identified in a special study.*”
- In 1981, the Humboldt County Board of Supervisors requested the Coastal Conservancy’s assistance to protect this special native azalea habitat area so that its long term viability would be ensured.
- In 1982, the Coastal Commission denied certification to a portion of the NCAP (including the Kane Road area of Stagecoach Hill). The denial was based, in part, on the unresolved issues regarding the protection of the azalea and its habitat area.
- In 1984, the Coastal Conservancy authorized funds to the California State Parks Foundation to prepare a management plan (a 40-acre model enhancement plan) and an acquisition strategy for all of the prime azalea habitat in the Stagecoach Hill area.
- In 1985, the Coastal Commission granted conceptual approval (Commission File No. CP-3-85) to the California State Parks Foundation for the following: (1) a 40-acre model enhancement plan (in the area now known as the Stagecoach Hill Azalea Preserve); and (2) an acquisition strategy and priority system to purchase 570 acres on Stagecoach Hill containing most of the azalea habitat area. The prime areas of azalea habitat on Stagecoach Hill were mapped and identified (see Exhibit No. 10), and 14 parcels of land were tentatively earmarked for public acquisition by the State of California. According to staff’s recent communication with the Coastal Conservancy, Phase 2 (the acquisition strategy) “never materialized” due to lack of funding (M. Spellman, pers. comm., April 9, 2007).
- In 1986, the Commission granted a coastal development permit (CDP No. 1-86-113) to the California State Parks Foundation to proceed with the model management enhancement plan. (This 42-acre parcel has been the only property acquisition in the area to date because of limited State funding; see above.)
- From 1987 through 2002, the Commission granted permit approval for the construction of eight homes, lot improvements to support a future home (i.e., after-the-fact permit for grading, clearing vegetation, installing a well, and road improvements), construction of a detached art studio adjacent to an existing home, a land division/lot line adjustment in the area, and drilling of test wells (including on the Shuttleworth subject property). These permits include the following: 1-86-204 (Croft); 1-88-73 (Bumblebee/Hennings); 1-88-255 (Beaupré); 1-92-80 (Allen); 1-92-81 (Pehrson); 1-93-69 (McKeegan & Olsgard); 1-97-031 (Harmon); 1-99-065

(Shuttleworth); 1-00-042 & -042-A-1 (Bost/Roden); 1-01-004 (Harmon); 1-01-064 (Fox); and 1-02-007-W (Leach). Although the Commission has not denied any of the proposed projects on these parcels, the Commission has imposed special conditions to protect and minimize harm to the Western Azalea. These conditions have included such requirements as the following:

- i. a botanical survey of the property to map azalea plants in relation to proposed developments;
- ii. recordation of a deed restriction showing the location of the azaleas and agreement not to “disrupt or harm any of the azalea plants”;
- iii. resiting certain parts of a project to minimize disruption to azaleas;
- iv. marking of azalea plants potentially subject to disruption during construction;
- v. relocating azalea plants which would be unavoidably impacted by the project (for parcels where no other less environmentally damaging feasible development exists);
- vi. recordation of a deed restriction stating the applicants and future owners of the property agree to the following: (a) not to disturb any azalea plants on the property; (b) not to plant any other *Rhododendron* species on the property (to prevent hybridization and dilution the gene pool of the native species); (c) to allow relocation of a traveled way to avoid azalea plants; and (d) to allow Commission review of all future development on the property to ensure no significant disruption to the azaleas or their habitat area; and
- vii. preparation of a landscaping plan to plant 20 Western Azaleas (grown from local stock) to mitigate for unpermitted vegetation clearing (permitted in an after-the-fact permit issued by the Commission) that impacted an indeterminable number of azalea plants.

ii. Recent questions concerning appropriateness of treating all Western Azalea habitat as ESHA

More recently, applicants have raised questions as to whether all Western Azalea habitats in the Stagecoach Hill area should be considered ESHA. In many instances when the Commission designates ESHA on the basis of a particular plant species, the Commission is guided in large part on whether the species is ranked as a List 1 or List 2 species by the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants of California*. The CNPS ranking system (CNPS 2007) defines List 1B plants as “rare, threatened, or endangered in California, and elsewhere” (List 1A plants are those presumed extinct in California). CNPS List 2 plants are those that are “rare, threatened, or endangered in California, but more common elsewhere.” A threat code extension following the list ranking (e.g., List 1B.1, 1B.2, or 1B.3) further ranks the species’ in terms of its percentage of occurrences that are “threatened” in California (the higher the number, the higher the threat). All plants appearing on CNPS Lists 1 and 2 meet the definitions within the Native Plant Protection Act and the California Endangered Species Act as species eligible for state listing as a rare, threatened, or endangered plant. In addition, pursuant to the California Environmental Quality Act (CEQA) guidelines (Section 15380), the effects of a

development project on species which meet the criteria for listing, even if not currently included on any list, must be fully considered during project environmental review. Given the significance of the CNPS listing as a threshold for determining the relative significance of potentially adverse impacts on biological resources and for setting requirements for formulating related mitigation and monitoring programs, plant species that are listed as CNPS List 1B or 2 and the area in which they grow meet the Coastal Act definition of an ESHA as they are both: (1) *“an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem;”* and (2) *“which could easily be disturbed or degraded by human activities or developments.”* Species on the CNPS List 3 are those for which more information is needed before an appropriate list ranking can be assigned (e.g., List 3 species may, after further review, be moved to List 1B or List 4). CNPS List 4 species are effectively on a “watch list,” comprising those plants which are of limited distribution or infrequent throughout a broader area in California. Plants on List 3 or on List 4 may, in some instances, meet the criteria for listing and may, in some instances, meet the Coastal Act definition of ESHA.

Western Azalea has not been assigned a listing status by the CNPS Rare Plant Program. In addition, in many locations on Stagecoach Hill, Western Azalea plants appear in small isolated patches within heavily forested areas. In such locations, the plants often do not blossom with the same magnificence and variety of color as they do in more exposed locations where the azaleas are particularly abundant. Therefore, questions have been raised as to whether Western Azalea habitats on Stagecoach Hill should be considered to be ESHA.

b. Applying ESHA Definition: What Constitutes ESHA?

ESHA, as defined in Section 30107.5 of the Coastal Act, is *“...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities.”* Thus, Section 30107.5 sets up a two part test for determining an ESHA. The first part is determining whether an area includes plants or animals or their habitats that are either: (a) rare; or (b) especially valuable because of their special nature or role in an ecosystem. If so, then the second part asks whether such plants, animals, or habitats could be easily disturbed or degraded by human activities. If so, then the area where such plants, animals, or habitats are located is deemed ESHA by Section 30107.5.

i. What constitutes “rare?”

There are several types of rarity, but each of them are fundamentally related to threats to the continued existence of species that naturally occur in larger or more widespread populations. Increasing numbers of species have become absolutely rare, having been reduced to a few hundreds or thousands of individuals. The prognosis for these species is very poor. Another common pattern is for species to be globally rare but locally abundant. Such species only occur at a few places either as a result of natural processes or human perturbations. Some species are characterized as “narrow endemics” because they have evolved adaptations to a very limited range of environmental variables (e.g., soil type, temperature, presence of fog, *etc.*), which restrict their spatial distribution. Many other species have restricted distributions as a result of

human activities, especially agricultural and urban development that results in habitat loss. Many natural endemics have also suffered such habitat loss – compounding the risk to them. All these species may be abundant in the few areas where they still occur. However, regardless of the cause of their restricted distribution, the survival of these species is at elevated risk because localized impacts may affect a large proportion of the population with devastating effects. At the other end of the spectrum of rarity are species that are geographically widespread, but are everywhere in low abundance. Some species naturally occur in this pattern and have life-history characteristics that enable them to persist. However, naturally abundant species that have been reduced to low density throughout their range are at heightened risk of extinction, although their wide distribution may increase their opportunities for survival.

ii. What constitutes “especially valuable?”

All native plants and animals and their habitats have significant intrinsic value. However, the “especially valuable” language in the Coastal Act definition of ESHA makes clear that the intent is to protect those species and habitats that are out-of-the-ordinary and special, even though they may not necessarily be rare. As in all ESHA determinations, this requires a case-by-case analysis. Common examples of habitats that are especially valuable due to their role in the ecosystem are those that support rare, threatened, or endangered species, and those that provide important breeding, feeding, resting or migrating grounds for some stage in the life cycle of animal species and that are in short supply (*e.g.*, estuaries provide nursery habitat for many marine fishes such as the California halibut). Habitats may also be especially valuable because of their special nature. Examples include those rare instances of communities that have remained relatively pristine, areas with an unusual mix of species, and areas with particularly high biological diversity.

iii. Are all examples of rare habitats or all areas supporting individuals of rare species ESHA?

The reason ESHA analyses are all site-specific is that there is no simple rule that is universally applicable. For example, a plot of a rare habitat type that is small, isolated, fragmented, and highly degraded by human activities would generally not meet the definition of ESHA because such highly impacted environments are so altered that they no longer fit the definition of their historical habitat type. Larger, less isolated, more intact areas that are close to or contiguous with other large expanses of natural habitat are more likely to have a special nature or role in an ecosystem and hence meet the ESHA definition, but “large,” “isolated,” “intact,” and “close to” are all terms that are relative to the particular species or habitat under consideration. What is spatially large to a Pacific pocket mouse is small to a mountain lion or bald eagle. What is isolated for a dusky footed woodrat may not be for a California gnatcatcher. Similarly, an area supporting one or a few individuals of a rare species might not meet the definition of ESHA because scattered individuals might be common and not significant to the species. However, this is relative to the actual distribution and abundance of the species in question. If a few individuals of a species previously thought to be extinct were found, the area would clearly meet the definition. Whereas, if the same number of individuals of a species with a population of 25,000 were found in an isolated, degraded location, the area may not meet the definition. A conclusion of whether an area meets the definition of ESHA is thus based on a site- and species-

specific analysis that generally includes a consideration of community role, life-history, dispersal ability, distribution, abundance, population dynamics, and the nature of natural and human-induced impacts. The results of such analysis can be expected to vary for different species; for example, it may be different for pine trees than for understory orchids.

iv. Identifying ESHA over time

Case-by-case analysis of ESHA necessarily occurs at discrete moments in time. However, ecological systems and the environment are inherently dynamic. One might expect, therefore, that the rarity or sensitivity of species and their habitats will change over time. For example, as species or habitats become more or less abundant due to changing environmental conditions, they may become more or less vulnerable to extinction. In addition, our scientific knowledge and understanding of ecosystems, specific species, habitat characteristics, and so forth is always growing. We discover large numbers of new species every year.⁴ The CNPS *Inventory of Rare and Endangered Plants of California* grew from approximately 1,400 listings in 1974 to over 2,100 listings in 2001.⁵ New legal requirements, such as the numerous environmental laws adopted in the 1970s, may be adopted that reflect changes in our values concerning the current conditions of natural resources. Consequently, ESHA evaluations may change over time. Areas that were once not considered ESHA may become ESHA.⁶ It is also possible that rare species might become less so, and their habitats may no longer be considered ESHA. Because of this inherent dynamism, the Commission must evaluate resource conditions as they exist at the time of the review, based on the best scientific information available.

c. Portion of Western Azalea Habitat That May Be Considered ESHA

i. Rarity

The first test for determining ESHA under Section 30107.5 is whether an area includes plants or animals or their habitats that are either (a) rare, or (b) especially valuable because of their special nature or role in an ecosystem. The Commission first considers whether the Western Azalea habitat on Stagecoach Hill can be considered “rare.”

Western Azalea is a deciduous shrub in the Heath Family (Ericaceae), generally 1 to 3 meters tall, with relatively large (~3.5 to 5 cm long), showy, funnel-shaped flowers clustered at the ends of leafy branches (Munz & Keck 1959). According to the most recent flora of California, *The Jepson Manual* (Hickman 1993), there are approximately 1,000 species in the genus *Rhododendron* distributed across the temperate Northern Hemisphere and Australia, but only one species of azalea (*i.e.*, mostly deciduous species of the genus *Rhododendron*, subgenus *Pentanthera*) occurs in California (the 15 other azalea species native to North America all occur in the eastern part of the continent). Western Azalea has been documented along streambanks, seeps, and in coniferous forests below 2,200 meters in elevation across California’s northern and

⁴ See, generally, E.O. Wilson, *The Diversity of Life* (W.W. Norton, New York, 1992).

⁵ CNPS (http://www.cnps.org/programs/Rare_Plant/inventory/analyses.htm).

⁶ See, for example, California Coastal Commission, Staff Report Changed Circumstances and Project Amendments, A-4-STB-93-154-CC and A-2 (Arco Dos Pueblos Golf Links).

central coasts, in various mountain ranges across the state, and in southwestern Oregon (Hickman 1993).

There is considerable diversity in the form and appearance of this species, and at least three native varieties of the species are recognized in California [Kartesz 1998; R. Bencie pers. comm. (email), May 1, 2007]. The variety that occurs along the North Coast (including in the Stagecoach Hill area) is *R. occidentale* var. *paludosum*. The geographic distribution of this variety includes the North Coast, the Klamath Ranges, and southwestern Oregon (R. Bencie pers. comm. (email), May 1, 2007).

In addition to the CNPS *Inventory* (discussed in Section IV-E-1-a-ii above), the California Department of Fish and Game (CDFG) maintains the California Natural Diversity Database (CNDDDB) *Rarefind 3*, which includes all rare, threatened, and endangered species in the state (including all CNPS List 1 and List 2 species). The CDFG also maintains a separate list of over 1,000 California terrestrial natural communities that are recognized by the CNDDDB, many of which are considered rare or potentially rare (http://www.dfg.ca.gov/bdb/html/natural_communities.html). The natural communities on the list are based on the classification put forth in *A Manual of California Vegetation* (MCV) (Sawyer & Keeler-Wolf 1995, and the upcoming new edition expected to be published in 2008), which has been adopted as the standard vegetation classification by state and federal agencies and as the standard reference for vegetation used by consultants and planners. Western Azalea stands are not a distinct natural community type recognized by the CNDDDB or the MCV. According to Dr. John Sawyer, the primary author of the MCV and the updated MCV (in progress), the Western Azalea stands on Stagecoach Hill may indeed qualify as a distinct vegetation type (a new alliance, an association of another alliance, or a unique stand), but no plot data currently exist to substantiate the type. (The major floristic groups, called alliances and associations, are defined by quantifiable and scientifically defensible classification rules.)

Therefore, because of its relative abundance and distribution across a relatively wide geographic range, neither Western Azalea as a species nor the particular variety of Western Azalea that occurs in the Stagecoach Hill area meet the rarity test for designation as ESHA under Coastal Act Section 30107.5. Furthermore, because at the present time there is no Western Azalea natural community type that is listed on the CDFG special communities list as rare or potentially rare, the Western Azalea again does not meet the rarity test for designation as ESHA under Coastal Act Section 30107.5.

ii. “Special nature”

The Commission next considers whether the Western Azalea habitat on Stagecoach Hill can be considered to be especially valuable because of its special nature or role in an ecosystem. Although not currently listed as a rare vegetation type, Dr. Sawyer (the first author of *A Manual of California Vegetation*) believes that although Western Azalea as a species is not rare, the Stagecoach Hill and other regional stands of the azalea may be a rare and unique vegetation type, and they “merit preservation whether...placed in an alliance, called a habitat, or given another designation” [J. Sawyer, pers. comm. (email), March 23, 2007].

Staff visited the Stagecoach Hill Azalea Preserve (also located in the ADC, a few miles north of the subject site) to observe azalea habitat that would meet the definition of ESHA per Coastal Act Section 30107.5 (see photos, Exhibit No. 9). As described above, the Stagecoach Hill Azalea Preserve is a 42-acre park owned by the California State Parks Foundation that is managed specifically to promote and enhance Western Azalea habitat. According to the Commission's ecologist Dr. John Dixon, the Western Azalea habitat at the Stagecoach Hill Azalea Preserve is unique and "special" for several reasons. First, the sheer expanse of azaleas in the area is unique and impressive (azaleas span the majority of the 42-acre site). Second, the dominance of Western Azalea in the vegetation structure of the habitat area is unique and potentially rare (see Dr. Sawyer's comment above). As discussed above, park management actively removes competing trees and shrubs, which are absent or minimal in the area. Therefore, the dominant vegetation of the area, which includes Western Azalea and the native Pacific Reed Grass (and potentially other species), is a type not documented elsewhere in the range of the species. Western Azalea has been documented as a major component of four different vegetation types in California and Oregon including (1) Port Orford-cedar/Western Azalea Forest; (2) Port Orford-cedar/Western Azalea/ Sedge species Temporarily Flooded Forest; (3) Douglas-fir/Tanoak/Western Azalea Forest; and (4) Black Cottonwood/Western Azalea Forest (NatureServe 2006).

In conclusion, the vegetation assemblage at the Stagecoach Hill Azalea Preserve, of which Western Azalea is a dominant species, appears to be unique and "special." Because of this, the Western Azalea stands in the region, including the Stagecoach Hill Azalea Preserve, are being analyzed for vegetation classification purposes (J. Sawyer, pers. comm. [email], June 25, 2007). Depending on the results of the analysis, the Western Azalea at the Stagecoach Hill Azalea Preserve (and potentially elsewhere in the region) may be considered a unique vegetation type in the updated *Manual of California Vegetation*. If so, the Western Azalea vegetation type also would be placed on the CDFG special communities list as rare or potentially rare.

Therefore, for all of the reasons discussed above, the Commission finds that Western Azaleas on Stagecoach Hill are, in some circumstances (such as at the Stagecoach Hill Azalea Preserve), *"especially valuable because of their special nature or role in an ecosystem..."*

iii. "Easily disturbed"

The second test for determining ESHA under Coastal Act Section 30107.5 is whether the habitat could be easily disturbed or degraded by human activities and developments. Western Azalea has a relatively shallow root system that could be adversely impacted by soil compaction activities. Furthermore, as mentioned in Section IV-E-1-a-i above and discussed in more detail below in Section IV-E-1-e, Western Azalea has a tendency to hybridize with other planted *Rhododendron* species, which could lead to impacts to the long-term genetic integrity of the species in the event that horticultural rhododendrons installed in a residential landscape setting cross-pollinate with the native species. Therefore, for all of the reasons discussed above, the Commission finds that native Western Azalea *"...could be easily disturbed or degraded by human activities and developments."*

d. Western Azalea Habitat on Project Site Not ESHA

The above analysis shows that conditions may be present for the native Western Azalea habitat at the Stagecoach Hill Azalea Preserve, and perhaps other areas of Stagecoach Hill, to qualify as ESHA under Section 30107.5 of the Coastal Act because it is especially valuable because of its special nature and because it easily disturbed or degraded by human activities. The Commission now considers whether the Western Azalea habitat at the project site qualifies as ESHA in the manner that the Western Azalea habitat at the preserve may.

As discussed above, in some circumstances (such as at the Stagecoach Hill Azalea Preserve), Western Azalea habitat is unique first, because of the sheer expanse of azaleas in an area, and second, because of the dominance of Western Azalea in the vegetation structure of the area (see Exhibit No. 9). [Furthermore, azaleas in the area have been documented as having exceptional variability in flower color and shape (Mossman 1977).] Typically along the North Coast, Western Azalea comprises a lesser component of the vegetation assemblage of Sitka spruce forests. In a typical Sitka spruce forest setting, Western Azalea may or may not be present, and where it is present, it is usually just one minor component of an understory vegetation assemblage that includes various other smaller trees, shrubs, herbs, and ferns such as cascara (*Rhamnus purshiana*), huckleberry (*Vaccinium* spp.), various *Rubus* species, sword fern (*Polystichum munitum*), and various others. This assemblage is the case on the subject property. Although 37 Western Azalea plants occur across the approximately 3-acre site, the species on the site is neither a dominant vegetation component nor present in impressive numbers as it is at the Stagecoach Hill Azalea Preserve. Instead, the project site is mostly forested with Sitka spruce, and the understory is composed of a variety of native and nonnative species. The azaleas on the subject site are mostly isolated and intermixed with competing shrubs and trees (see photos, Exhibit No. 9). Furthermore, the proposed project area is at the very margin of the prime azalea habitat mapped by the State Coastal Conservancy in the 1980s as part of their acquisition program efforts (Commission File No. CP-3-85), and the subject property was never designated as a target acquisition area (see Exhibit No. 10). The Commission's ecologist, Dr. Dixon, concludes that there is no apparent basis for saying that the habitat on the project site is especially valuable. As discussed previously, nor can Western Azalea in the area be considered "rare."

Nevertheless, the County, in issuing the Special Permit for "major vegetation removal" on the site (SP-06-14; Exhibit No. 8), conditioned the permit approval to require the project to adhere to various mitigation measures to minimize impacts to Western Azalea habitat on the property. These include the following:

- All individual azalea plants within the timber harvest area shall be flagged for protection from any unintentional equipment disturbance.
- All equipment operators and timber fallers shall be made aware of the significance of the flagging and make the effort to protect all azaleas.
- In the cases where individual azaleas cannot be protected, then those plants shall be moved if possible and replanted in the subject area or along the southern property line once all possible disturbance from timber harvest operations has ceased. Removal of

mature plants shall be conducted with equipment capable of excavating the roots with soil in place. Plants to be moved shall be pruned, and irrigation shall occur until the onset of winter rains.

- When individual azaleas are lost, then that number of plants shall be replaced and planted on-site (or on adjacent property opposite the southern property line). Replacement plants shall be 1 gallon size or larger, and plants shall be irrigated unless planted during the wet season.

These mitigation measures in combination with the opening up the site through tree removal activities is expected to increase the amount of and enhance the habitat available for azaleas (which prefer sunny and moist open areas).

In conclusion, the Commission finds that the Western Azalea habitat on the subject site does not meet the first of the two part test under Section 30107.5 for determining ESHA because it is neither rare nor especially valuable because of its special nature or role in an ecosystem. In conclusion, the Commission finds that the Western Azalea habitat at the subject site is not ESHA.

e. Protection of Adjacent Western Azalea Habitat ESHA

Although the Commission concludes that Western Azalea on the subject site is not itself ESHA, under certain circumstances, the proposed project could potentially result in adverse impacts to Western Azalea habitat areas in the vicinity of the subject property that do meet the definition of ESHA per Coastal Act Section 30107.5.

Since rhododendrons will readily cross-pollinate with one another (a well-documented tendency), and since Western Azalea in particular is a species prized by the horticultural industry for its ability to cross-pollinate with different azalea varieties and hybrids (and produce fertile offspring), it is feasible that native Western Azaleas, including those within an ESHA in the vicinity of the subject parcel (see Exhibit No. 10), could cross-pollinate with horticultural azaleas installed in a residential landscape setting (rhododendrons in general are typically pollinated by bumblebees). If cross-pollination were to occur, successive generations of progeny would likely result in a mixture or hybrid variety of the two parent plants, and subsequent backcrossing could affect the long-term genetic integrity of the Western Azalea in the Stagecoach Hill region. Therefore, in order to ensure that future landscaping that the applicants may choose to install on the property does not adversely impact the long-term genetic integrity of any azalea ESHAs in the project vicinity, the Commission attaches Special Condition Nos. 1 and 4. Special Condition No. 1 imposes a restriction stating that no other rhododendron species may be planted on the property except for the existing native Western Azalea. Staff notes that such a condition has been included as a condition of approval for at least six other permits that the Commission has issued in the ADC region (including Commission CDP Nos. 1-88-73, 1-88-255, 1-92-80, 1-92-81, 1-93-69, and 1-97-031). In addition, Special Condition No. 4 requires the applicant to record a deed restriction detailing the specific development authorized under the permit, identifying all applicable special conditions attached to the permit, and providing notice to future owners of the

terms and limitations placed on the use of the property, including this restriction against planting rhododendron species except for the existing native Western Azalea.

In addition to the risk of hybridization with horticultural varieties, Western Azalea ESHA in the vicinity of the subject property could be adversely affected by the proposed development if non-native, invasive plant species were introduced from landscaping at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native vegetation, thereby disrupting the value and function of the adjacent ESHA. The applicant has not proposed a specific landscaping plan as part of the proposed project. However, to ensure that the ESHA is not adversely impacted by any future landscaping of the site, the Commission attaches Special Condition No. 1, which precludes the use of invasive or otherwise problematic species. Similarly, Special Condition No 3, which requires the submittal of final revised erosion control plan, specifies that reseeding of disturbed areas be done with non-invasive and non-problematic plant species using local genetic stock when available.

To help in the establishment of vegetation, rodenticides are sometimes used to prevent rats, moles, voles, gophers, and other similar small animals from eating the newly planted saplings. Certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to poses significant primary and secondary risks to non-target wildlife present in urban and urban/ wildland areas. As the target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, these compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. Therefore, to minimize this potential significant adverse cumulative impact to environmentally sensitive wildlife species, the Commission attaches Special Condition No. 1 prohibiting the use of specified rodenticides on the property governed by CDP No. 1-06-032.

As conditioned, the Commission finds that the project will be sited and designed to prevent impacts which would significantly degrade adjacent environmentally sensitive habitat areas and will be compatible with the continuance of those areas, and is therefore consistent with Coastal Act Section 30240.

2) Roosevelt Elk Habitat

The project site is within an area designated on the Humboldt County Zoning Maps as “coastal elk habitat.” This designation is intended to ensure that development within the range of the Roosevelt Elk is sited and designed to prevent impacts that would significantly disrupt elk use. Although the range of the species is limited, the Roosevelt Elk is not protected under state or federal endangered species laws as a rare, threatened, or endangered species. The Roosevelt Elk is a harvested animal and, according the staff of the Department of Fish and Game, the Roosevelt Elk population in the area is expanding and doing well. Therefore, the Commission finds that the use of the subject property by elk does not make the subject property an environmentally sensitive habitat area for Roosevelt Elk, as no evidence has been presented that the Roosevelt Elk or its potential habitat on the site is either rare or especially valuable because of its special nature or role in the ecosystem, as is necessary for an area to be considered environmentally sensitive under Section 30107.5 of the Coastal Act. Nonetheless, the proposed development will not

adversely affect the elk habitat. The applicant is not proposing any fencing that could impede elk migration, and no significant habitat displacement would occur, as the proposed residence would not result in a significant increase in development density.

Furthermore, as discussed in the finding on Visual Resources below, the project will be conditioned to restrict the exterior lighting of the residence (Special Condition No. 2). The special condition requires that exterior lighting be minimized, directed downward, and not extend more than 50 feet from the perimeter of the approved development. These lighting restrictions will minimize disturbance to migrating Elk that may be passing through the property. Therefore, as conditioned, the project would not adversely impact or displace elk habitat.

3) Conclusion

For all of the reasons discussed above, the Commission finds that the project, as conditioned, is consistent with Section 30240 of the Coastal Act as the project (a) will not encroach into any environmentally sensitive habitat area or needed buffer, and (b) has been sited and designed to prevent impacts which would significantly degrade adjacent environmentally sensitive habitat areas and will be compatible with the continuance of those areas.

F. Visual Resources

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance and requires, in applicable part, that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The subject property is not within a highly scenic area. In addition, the proposed development will not block views to the ocean, as no views are afforded through the site to the ocean and along the coast because of intervening topography and vegetation. The development will not be visible from Highway 101, or from any other public road or public lands, because the surrounding forests and natural landforms screen the house site from public view. The subject parcel is accessed via Kane Ridge Road, a private roadway (see Exhibit No. 3). The proposed timber harvesting area would not be visible from Highway 101, or from any other public road or public lands, because the proposed harvest is small in scale (2.8 acres of a 20.8-acre forested parcel), will utilize selective harvesting (not all trees within the harvesting area will be removed), and will similarly be screened from view from Highway 101 and other public vantage points. The project would not result in the alteration of natural landforms, as the site is relatively flat and will require only a minimal amount of grading. The project, as conditioned, is also generally visually compatible with the large-lot, rural residential character of the surrounding area.

Although the proposed residence and timber harvesting will not be directly visible from public vantage points, lighting associated with the proposed residence could still adversely affect visual resources if the lighting were allowed to shine skyward and beyond the boundaries of the parcel. The glow of lighting emanating above the subject property would be visible from distant public vantage points. Such lighting would not be compatible with the character of the area as the

Stagecoach Hill area is very sparsely developed with relatively minimal lighting. Therefore, the Commission attaches Special Condition No. 2, which requires that all exterior light be the minimum necessary for the safe ingress, egress, and use of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward. These limitations on the lighting will ensure that the project as conditioned will not cast a skyward glow that would be incompatible with the rural character of the area. In addition, Special Condition No. 4 requires the applicant to record a deed restriction detailing the specific development authorized under the permit, identifying all applicable special conditions attached to the permit, and providing notice to future owners of the terms and limitations placed on the use of the property, including these lighting restrictions to protect visual resources.

Therefore, the project, as conditioned, would be consistent with Section 30251, as the project would not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

G. Protection of Water Quality

Coastal Act Policy

Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Analysis

Storm water runoff from new residential development can adversely affect the biological productivity of coastal waters by degrading water quality. Recognizing this potential impact, Section 30231 requires the protection of coastal waters to ensure that biological productivity is maintained and to protect public health and water quality. New development must not adversely affect these values and should help to restore them when possible.

The subject parcel includes gently sloping portions of a 20-acre parcel that is currently largely forested. As the parcel proposed for residential development does not currently contain any developed impervious surfaces, the majority of stormwater at the site infiltrates prior to leaving the site as surface runoff. However, the increase in impervious surface area from the proposed development would decrease the infiltrative function and capacity of the existing permeable land on site. The reduction of permeable surface area would lead to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site.

Runoff originating from the development site generally drains northward. Sediment and other pollutants entrained in runoff from the development that reaches streams would contribute to degradation of the quality of coastal waters and any intervening sensitive habitat. Other than removing numerous trees from areas around the building site, the applicants propose to leave the majority of the parcel in its natural, vegetated condition which would continue to allow for infiltration of site runoff, thereby greatly reducing the potential that runoff from the completed development would affect coastal waters. The development site is located on a gently sloping area that is distant from the nearest streamcourse. The ground under the forested area around the development site is thick with leaf litter and forest-debris mulch. This thick layer of forest duff and the understory and ground cover vegetation would act as an infiltration system, trapping water that runs off from impervious surfaces of the completed development before it leaves the property.

Therefore, sedimentation impacts from runoff would be of greatest concern during construction and timber harvesting. Construction of the proposed development would expose soil to erosion and entrainment in runoff, particularly during the rainy season. The applicants have submitted an erosion control plan (Exhibit No. 7). The plan includes various recommendations for construction timing (during the non-rainy season only), preservation of existing vegetation (the perimeter of the project area has been flagged to ensure that vegetation removal is limited to the approved project area), reseeding disturbed soil areas, installation of silt fences or fiber rolls to control any surface soil erosion that may occur, dust control, site stabilization, and other recommendations. Additionally, conditions of approval of the County's special permit for timber removal on the site include the implementation of erosion control measures and BMPs as identified in Section 3432(8) of the County's Framework Plan, reseeding prior to the onset of fall rains, and a final report demonstrating compliance with the specified permit terms (see Exhibit No. 8).

To ensure that best management practices (BMPs) proposed by the applicant are implemented to control the erosion of exposed soils and minimize sedimentation of coastal waters during construction, the Commission attaches Special Condition No. 3. This condition requires the permittees to implement the plan and its proposed BMPs to control erosion and sedimentation during and following construction and timber harvesting. The condition requires that the plan first be revised in one respect, to specify that the proposed reseeding of disturbed areas be done with non-invasive and problematic plant species using local genetic stock when available. As discussed in the ESHA finding above, these limitations on the kinds of seed used will help prevent the spread of invasive exotic plant species into the Western Azalea ESHA where the exotics could adversely affect the habitat. The condition requires that a revised final plan that incorporates these seed limitations be submitted for the review and approval of the Executive Director prior to issuance of the permit.

The Commission thus finds that as conditioned, the proposed development is consistent with Section 30231 of the Coastal Act because existing water quality and biological productivity will be protected and maintained from impairing waste discharges.

H. California Environmental Quality Act (CEQA).

The Humboldt County Planning Division acted as the lead agency for this project and prepared a Mitigated Negative Declaration for the project (Exhibit No. 8). The County adopted the MND on January 4, 2007.

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full, including all associated environmental review documentation and related technical evaluations incorporated-by-reference into this staff report. Those findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

V. REFERENCES

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Sawyer, J.O. Personal communication (email, March 23 and June 25, 2007) regarding Western Azalea vegetation in the Stagecoach Hill area. Dr. Sawyer is professor emeritus of vegetation ecology at Humboldt State University.

Sawyer, J.O. & T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society. Sacramento, CA. 471 pp.

Spellman, M. Personal communication (email, April 9, 2007) regarding the State Coastal Conservancy's acquisition strategy for Western Azalea habitat in the Stagecoach Hill area. Ms. Spellman worked on the project authorized under Commission File No. CP-3-85 in 1985.

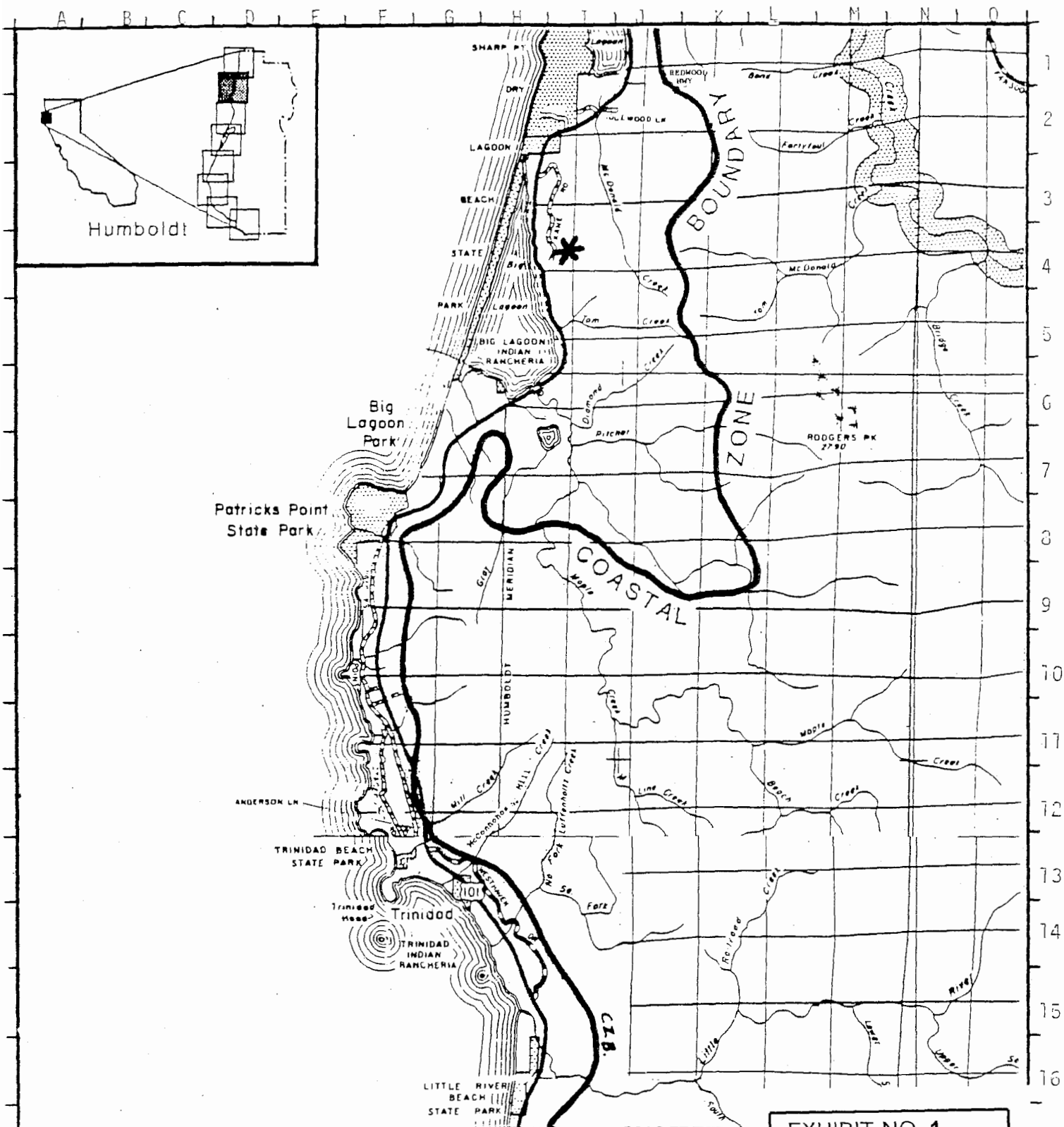
VI. EXHIBITS

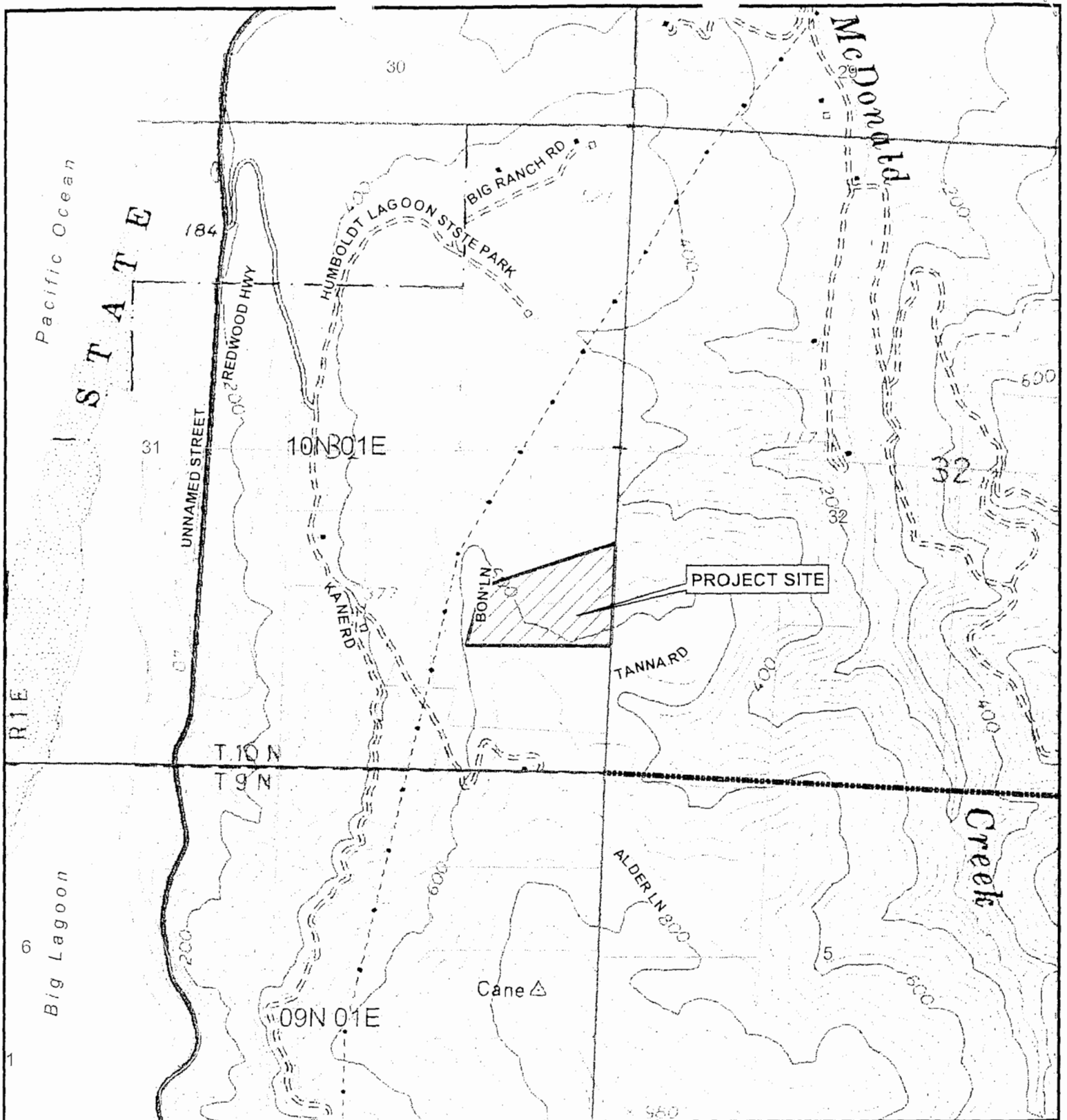
1. Regional Location Map
2. Vicinity Map
3. Assessor's Parcel Map
4. Site Plans
5. Floor Plans & Elevations
6. Botanical Survey Report
7. Erosion Control Plan
8. County Staff Report and Findings and Mitigated Negative Declaration for Special Permit No. 06-14
9. Site photos (subject site and Stagecoach Hill Azalea Preserve)
10. State Coastal Conservancy map of "best" Western Azalea habitat areas on Stagecoach Hill (produced in the 1980s and included in Commission File No. CP-3-85)

ATTACHMENT A

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.





Project Site = 

TOPO MAP

PROPOSED SHUTTLEWORTH
SPECIAL PERMIT
BIG LAGOON AREA
SP-06-14

APN: 518-051-32
T10N R1E S31 H B & M

EXHIBIT NO. 2

APPLICATION NO.

1-06-032

SHUTTLEWORTH

VICINITY MAP



0 250 500 1,000 1,500
Feet

SECS 31, 32

NOTES :

PTN. OF BIG LAGOON SHOWN ON THIS PAGE
WAS NOT MEANDERED.

518-051-03 CONTAINS 8.38A.

518 - 051 - 04 CONTAINS 8.40A.

518-051-09 & 518-051-10 = PTN DRY LAGOON
STATE PARK - DEEDS 201 P 232.

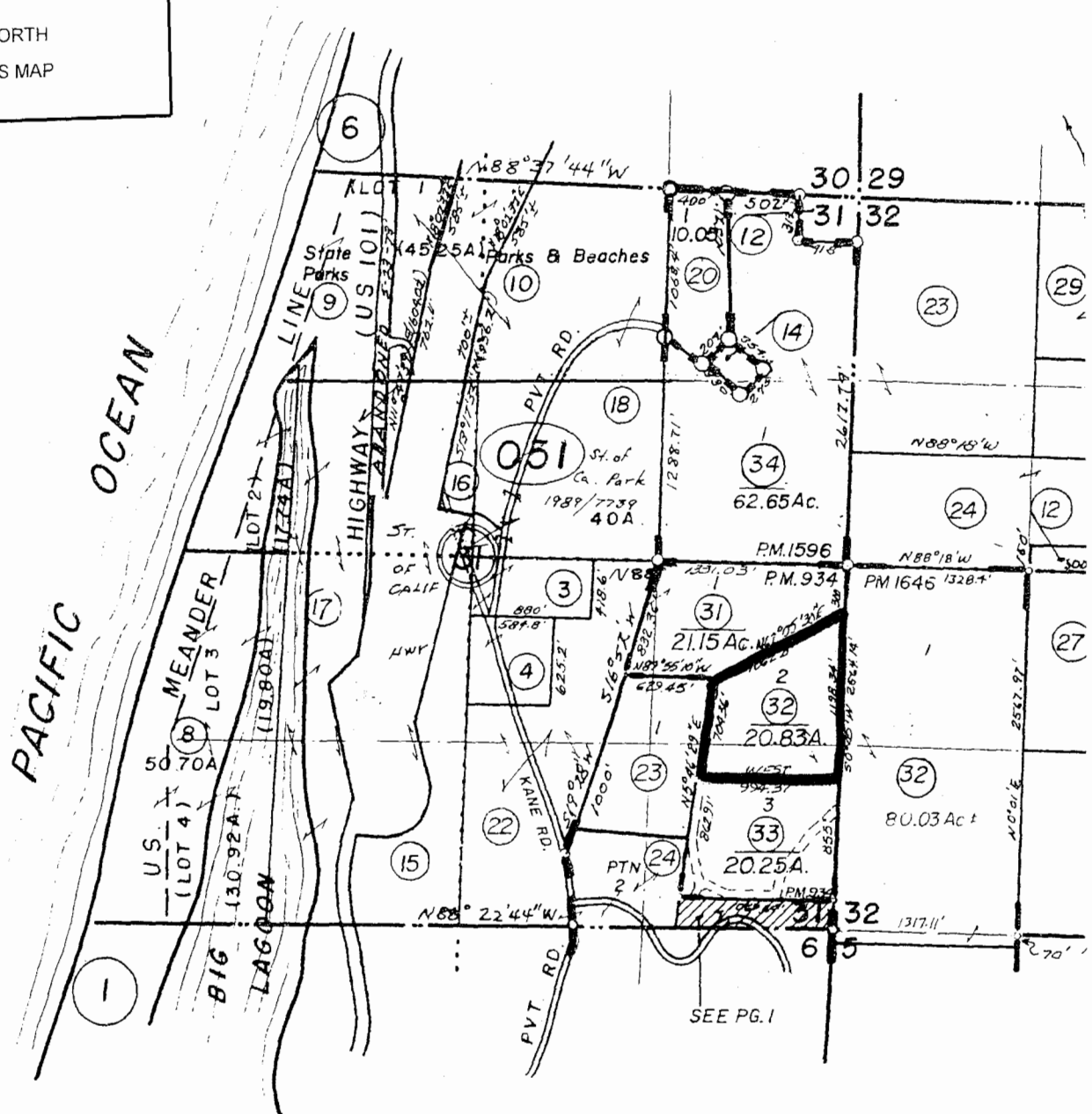
EXHIBIT NO. 3

APPLICATION NO.

1-06-032

SHUTTLEWORTH

ASSESSORS MAP

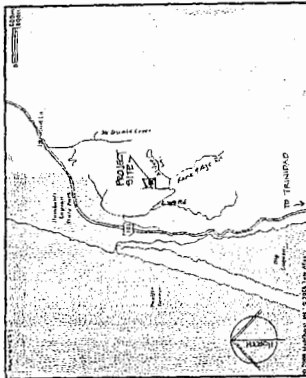


P.M. No. 934 of P.M. Bk. 8, Pg. 58

P.M. No. 1596 of P.M.Bk. 14, Pg. 11

P.M. No. 1646 of P.M. Bk. 14, Pg. 72

EXHIBIT NO. 4
APPLICATION NO.
 1-06-032
 SHUTTLEWORTH
 SITE PLAN

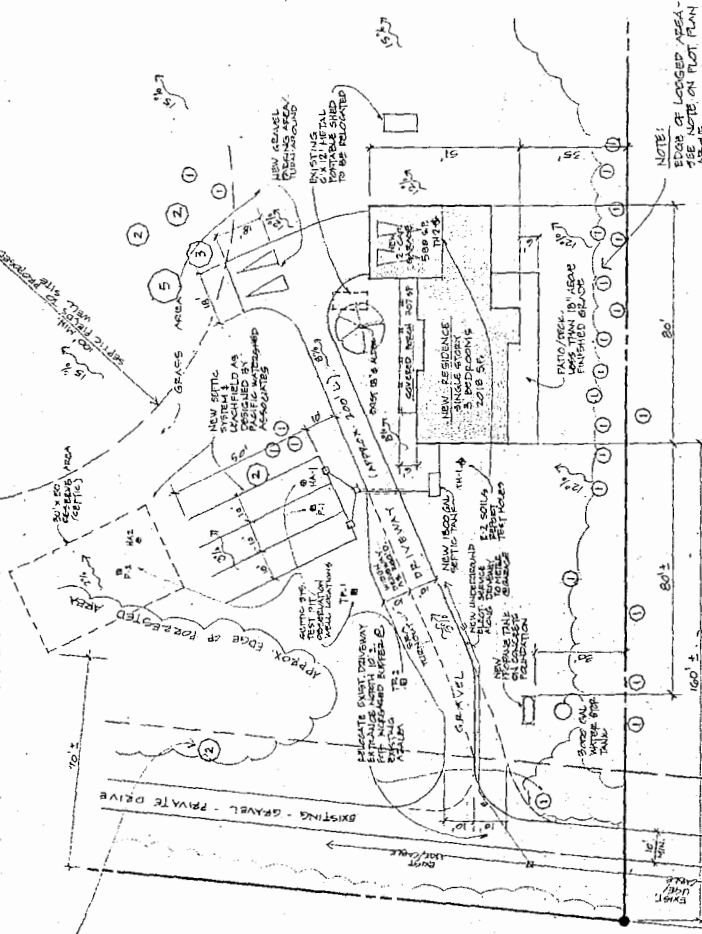


VICINITY MAP

BOTANICAL SURVEY NOTE / KEY:

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EXISTING WESTERN AZALEA PLANTS TO BE PRESERVED WHERE POSSIBLE. WESTERN AZALEA PLANTS TO BE REMOVED WHERE NECESSARY FOR PROJECT BOTANICAL SURVEY REPORT BY WINSLER & KELLY CONSULTING ENGINEERS.



ENLARGED PLOT PLAN DETAIL

SCALE: 1" = 20'-0"

PLOT PLAN DATA

LOT AREA: 20.85 ACRES

LOT PLAN DESIGNATION: AGRICULTURAL/SPACING
 LOT ZONING: RURAL RESIDENTIAL/AGRICULTURE
 CONSERVATION EASE: 100' BUFFER
 CONSERVATION EASE: 100' BUFFER

PROPOSED RESIDENCE AREA: 2010 SQ. FT.

PROPOSED GARAGE AREA: 500 SQ. FT.

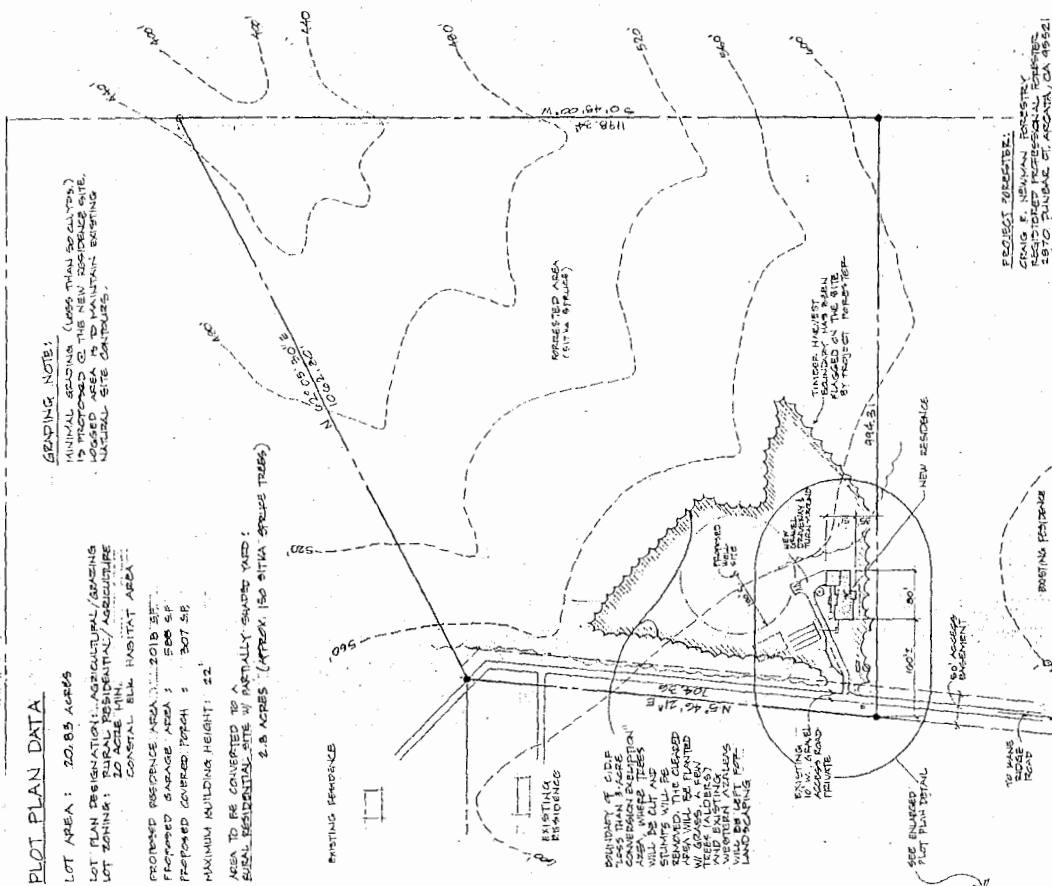
PROPOSED COVERED PORCH: 300 SQ. FT.

MAXIMUM BUILDING HEIGHT: 22'

AREA TO BE CONVEYED TO AGRICULTURAL/SPACING: 2.8 ACRES (APPROX. 150 SITHA SPRUCE TREES)

SEEDING NOTE:

MINIMAL SEEDING (LESS THAN 500 LBS.) IS PROPOSED ON THE NEW RESIDENCE SITE. LOGGED AREA IS TO MAINTAIN EXISTING NATURAL SITE CONDITIONS.



PLOT PLAN / TIMBER HARVEST MAP

SCALE: 1" = 100'-0"

PROJECT ARCHITECT:
 CRAIG F. NEWMAN ARCHITECT
 2500 S. UNIVERSITY AVENUE, SUITE 100
 (707) 822-1075

APN 518-051-32

NEW RESIDENCE
 STAN & LOUI
 SHUTTLEWORTH

RONNELLO ARCHITECT
 100 COTTONWOOD AVENUE
 WILSONVILLE, OR 97150
 (503) 261-1111

DATE: 1-06-03
 SHEET: A-1

REDUCED TO 30% ± OF
 NOTED SCALES



REDUCED TO 50% OF NOTED SCALE

**STAN & LORI SHUTTLEWORTH
PROPOSED NEW RESIDENCE
APN # 518-051-032, CDP 1-06-032
BOTANICAL SURVEY RESULTS**

Prepared By Gary S. Lester, Senior Botanist
Winzler & Kelly, Consulting Engineers
August 1, 2006

EXHIBIT NO. 6
APPLICATION NO.
1-06-032
SHUTTLEWORTH
BOTANICAL REPORT (1 of 6)

1.0 INTRODUCTION

On July 26, 2006, a botanical survey was conducted for the proposed Stan and Lori Shuttleworth new residence project area. The surveys were conducted off Kane Ridge Road, near Big Lagoon in the northwestern portion of Humboldt County (T10N, R1E, Sec. 32 HBM). The survey was conducted to determine the presence of western azalea (*Rhododendron occidentale*) and potential impacts due to site development and/or timber harvest activities. The botanical survey of the project area determined that 37 individuals of western azalea occur on the subject property in or near the proposed timber harvest area.

The surveys were conducted by Winzler and Kelly senior botanist Gary Lester.

2.0 ENVIRONMENTAL SETTING

The Shuttleworth proposed new residence project and timber harvest area consists of approximately 2.8 acres. The survey area lies in the McDonald Creek watershed. The elevations range between 550 and 600 feet above mean sea level. The survey area features a northeast aspect, with one major flat ridge top present within the project area. Soils are likely the Orick forest series. Parent materials are schistose sedimentary rocks with loam to clay loam subsurface textures (McLaughlin and Harradine, 1965).

Forest stands are primarily open canopy second growth Sitka spruce (*Picea sitchensis*) with scattered Douglas-fir (*Pseudotsuga menziesii*) and coast redwood (*Sequoia sempervirens*). Canopy coverage averages from 20% to 100%. The understory varies from limited herbaceous cover of sword fern (*Polystichum munitum*), deer fern (*Blechnum spicant*), Siberian candy flower (*Claytonia siberica*), bracken fern (*Pteridium aquilinum*), sweet cicely (*Osmorhiza chilensis*), hedge nettle (*Stachys ajugoides*), common wood rush (*Luzula comosa*) and false lily-of-the-valley (*Maianthemum dilatatum*) with recent blow down and woody debris. A shrub understory and occasional dominant cover of western azalea (*Rhododendron occidentale*), black huckleberry (*Vaccinium ovatum*), red elderberry (*Sambucus racemosa*), salal (*Gaultheria shallon*), coyote brush (*Baccharis pilularis*) and thimble berry (*Rubus parviflorus*). The seldom encountered mock azalea (*Menziesia ferruginea*) was represented by 2 individuals. Scattered shrub understory occurs, primarily in forested areas and is dominate along a portion of the southern property line. Roadside and maintained grassy habitat within the survey area primarily consists of Douglas iris (*Iris douglasiana*), ox-eye daisy (*Leucanthemum vulgare*), velvet grass (*Holcus lanatus*), Himalayan blackberry (*Rubus discolor*), regenerating conifers and hardwoods, and a variety of native and non-native grasses and herbs. An attached Appendix A provides an

entire plant species list from the project site. No listed plant species were located in the project area.

3.0 METHODS

A field survey of the project parcels was conducted on, July 26, 2006, and involved approximately 3 person-hours. Winzler & Kelly senior botanist Gary Lester conducted the survey. Mr. Lester is qualified to conduct California north coast plant surveys. He has undergraduate degree in Botany and has received training in recognition of the local flora and in rare plant identification and survey protocol.

The survey area topographic maps, aerial photography maps, and the Rodgers Peak Quad California Department of Fish and Game Natural Diversity Data Base were consulted prior to and during the survey to determine potential sensitive species occurrence.

The surveys were conducted following protocol developed by James Nelson for the California Department of Fish and Game (DFG 2000). An intuitively controlled, seasonally appropriate survey was conducted that sampled the identified potential habitat. The survey was moderate to high in coverage (75-100%). The surveys in forested habitats concentrate on the most suitable sensitive-species habitat within the stand. Plants were identified to the lowest taxonomic level (genus or species) necessary for rare plant identification. The scientific nomenclature follows the Jepson Manual (Hickman 1993).

4.0 SENSITIVE SPECIES ANALYSIS

Sensitive Plant Species Historically Reported Nearby

The California Natural Diversity Database (CNDDB) includes historical records for one species within the Rodgers Peak in comparable habitat (excluded are seven species found in freshwater and salt marsh habitats) 7.5 minute USGS quadrangle:

- 1) Running pine (*Lycopodium clavatum*) has been recently reported near Big Lagoon, in the Maple Creek watershed.

Potential Sensitive Species Present

All species included on List 1 and 2 (herein referred to as sensitive species) of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California (Tibor, 2001) were reviewed to determine potential presence in the vicinity of the timber harvest area. The CNPS inventory includes all species listed as rare or endangered by the Federal and State governments. Based on the species identified in the CNDDB records, the range of habitats present, and the geographical range of the various sensitive species, the species considered most likely to occur in the vicinity of the project area are listed in Table 1. Northern reed grass (*Calamagrostis nutkaensis*), characteristic of the north coastal prairie habitat, was found along the southern property line and within the proposed development area. Although an indicator of habitat supporting western lily (*Lilium occidentale*), the presence of the northern reed grass does

not appear to have that role in the Big Lagoon area (Dave Imper, U. S. Fish & Wildlife Service, Botanist, pers. comm. July 26, 2006) where no western lily have been found. The Sitka spruce forest habitat appears suitable to support running pine, a CNPS list 1B species, but it was not encountered in the project area. No special habitats (such as rock outcrops or ultramafic-derived soils) were present, eliminating many sensitive species specific to those types of habitats. The sensitive lichen species, *Usnea longissima*, was considered potentially present and was surveyed for.

The following summaries are for the sensitive plant species shown in Table 1:

Flaccid sedge grows in marshes and wet meadows below 2,300 feet in coastal prairies and forests to low elevation yellow pine forests. Marginal habitat for this species may occur on the edges of low gradient streams and in roadside seeps within the plan area. **Meadow sedge** occurs in moist forests and moist to wet meadows in the North Coast Range and Sierra Nevada.

The **running pine** occurs in moist, moderately open redwood or mixed evergreen forests, often on northern aspects or ridge tops, occasionally at the edge of exposed old dirt roads, habitats which occur within the survey area. Running pine is evergreen, non-flowering, and visible throughout the year. The scattered clearings within the Sitka spruce forest understory appeared quite suitable for running pine in the project area but it was not encountered both within the proposed harvest area and on adjacent habitat.

Indian-pipe is a non-green plant that obtains nutrition from a host plant, typically Douglas-fir, via a mycorrhizal association with the fungus *Russula brevipes*. Its known distribution ranges from the north coast of California to British Columbia, in both coniferous and mixed evergreen forests. The preferred microsite conditions are typically shady and moist with a deep humus layer of topsoil. Historical populations are known from Redwood Creek and Redwood Acres. Indian pipe was not considered potentially present due the insignificance of Douglas-fir and suitable microclimate.

Howell's montia was recently discovered on several low flats above the Van Duzen River east of Carlotta (Redcrest quadrangle), and in the Freshwater Creek watershed north of Eureka (Arcata South quadrangle). The nearest known occurrences of Howell's montia occur approximately 8.5 miles south of the project area (Freshwater Creek). This species occupies exposed, recently impacted haul or skid roads and turnouts that remain seasonally moist through May.

The **maple-leaved checkerbloom** is a perennial, sub-shrub member of the mallow family. Historical records indicate the maple-leaved checkerbloom is (or was) widely distributed over much of the northwestern California and western Oregon. Of the non-coastal sites listed in the CNDDB, there is a close association with past disturbance or canopy removal.

The nearest known occurrence of the **Siskiyou checkerbloom** is located approximately 1.5 miles northwest of the project area. Suitable habitat for the Siskiyou checkerbloom includes relatively mesic roadsides, meadows, slumping hillsides and cutslopes, with native soils largely intact. Habitat for the **coast checkerbloom** is not well defined, but in general appears to overlap with

the Siskiyou checkerbloom and includes wet meadow and moist forest openings. Potential habitat for both of these species is considered to be marginal within the survey area.

TABLE 1 Sensitive Species Potentially Present in the Kane Ridge Road Project Area			
Species	Common Name	CNPS List	Preferred Habitat
<i>Carex leptalea</i>	flaccid sedge	2	Marshes, wet meadows below 2,300' in coastal prairie to yellow pine forest; flowers May – July.
<i>Carex praticola</i>	meadow sedge	2	Moist to wet meadows, stream banks, moist woods in coastal prairie to forest; flowers May – July.
<i>Lycopodium clavatum</i>	running pine	2	Moist openings in redwood forest on trunks, branches, dirt roads, exposed soil (variable habitat); identifiable year-round.
<i>Monotropa uniflora</i>	Indian-pipe	2	Shady, damp woods (coniferous to mixed evergreen) mycorrhizal associate with Douglas-fir; flowers June-July.
<i>Montia howellii</i>	Howell's montia	1A	Wet openings in forest on compacted soils; flowers April-May.
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom	1B	Disturbed roadsides along coast, disturbed openings (moist?) in redwood forest; <700m (Jepson); flowers late May-June.
<i>Sidalcea malvaeflora</i> ssp. <i>patula</i>	Siskiyou checkerbloom	1B	Openings in redwood forest, coast scrub and prairie; flowers late May-June.
<i>Sidalcea oregana</i> ssp. <i>eximia</i>	coast checkerbloom	1B	Wet meadows; moist, open, unstable banks; (moist disturbed openings) in redwood forest; flowers late May-June.

5.0 RESULTS

Seasonally appropriate surveys were conducted for all potentially occurring sensitive species. The focused botanical survey of the Kane Ridge Road project area determined that no sensitive plant species present in the plan area are found on the published CNPS List. Only one *Carex* species was found in the project area. This eliminated the possible occurrence of flaccid or meadow sedge. Short-scaled sedge (*Carex deweyana* ssp. *leptopoda*) was the only sedge

identified in the plan area. A complete species list of those plants found in the project area is provided in Appendix A.

The western azalea, considered by Humboldt County in the North Coast Area Plan as occurring in environmentally sensitive habitat areas (ESHA), was found in the project area. Approximately 37 individuals of western azalea were located on the subject property. Four other azalea plants were observed on the adjacent property to the south. An attached development plot plan indicates the number of individuals and approximate location where the plants were found. The following mitigation measures are proposed in regard to the avoidance, relocation and planting of western azaleas potentially impacted by the proposed development.

- All individual azalea plants within the timber harvest area shall be flagged for protection from any unintentional equipment disturbance.
- All equipment operators and timber fallers shall be made aware of the significance of the flagging and make the effort to protect all azaleas.
- In the cases where individual azaleas can not be protected then those plants shall be moved if possible and replanted in the subject area or along the southern property line once all possible disturbance from timber harvest operations have ceased. Removal of mature plants shall be conducted with equipment capable of excavating the roots with soil in place. Plants to be moved shall be pruned and irrigation shall occur until the onset of winter rains.
- When individual azaleas are lost then that number of plants shall be replaced and planted on-site (or on adjacent property opposite the southern property line). Replacement plants shall be 1 gallon size or larger and plants shall be irrigated unless planted during the wet season.

7.0 REFERENCES

- California Department of Fish and Game. May 2000. *Guidelines for Assessing the Effects of Proposed Development on Rare, Threatened, and Endangered Plants and Plant Communities*. Sacramento, CA.
- Hickman, J. C. 1993. *The Jepson Manual: Higher Plants of California*. University of California Press. Berkeley, CA.
- Imper, Dave. 2006. Botanist, U. S. Fish & Wildlife Service. Personal communication.
- McLaughlin, J. and Harradine, F. 1965. *Soils of Western Humboldt County, California*. University of California, Davis, County of Humboldt, Eureka, CA.
- Tibor, David, P, Editor. 2001. *California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California*, Sacramento, CA.

APPENDIX A
SPECIES ENCOUNTERED DURING FIELD SURVEY OF
KANE RIDGE ROAD PROJECT AREA
July 26, 2006

<i>Achillea millefolium</i>	<i>Iris douglasiana</i>	<i>Taraxacum officinale</i>
<i>Agrostis stolonifera</i>	<i>Lathyrus vestitus</i>	<i>Trientalis latifolia</i>
<i>Aira caryophyllea</i>	<i>Leucanthemum vulgare</i>	<i>Trifolium pratense</i>
<i>Alnus rubra</i>	<i>Lilium columbianum</i>	<i>Trifolium repens</i>
<i>Anthoxanthum odoratum</i>	<i>Linum bienne</i>	<i>Trillium ovatum</i>
<i>Aquilegia formosa</i>	<i>Lolium perenne</i>	<i>Tsuga heterophylla</i>
<i>Aster chilensis</i>	<i>Lonicera involucrata</i>	<i>Vaccinium ovatum</i>
<i>Athyrium filix-femina</i>	<i>Luzula comosa</i>	<i>Vaccinium parvifolium</i>
<i>Baccharis pilularis</i>	<i>Maianthemum dilatatum</i>	<i>Vancouveria hexandra</i>
<i>Bellis perennis</i>	<i>Marah oreganus</i>	<i>Veronica peregrina</i>
<i>Berberis (ca. darwinii)</i>	<i>Menziesia ferruginea</i>	<i>Viola sempervirens</i>
<i>Blechnum spicant</i>	<i>Myrica californica</i>	<i>Viola sempervirens</i>
<i>Brassica rapa</i>	<i>Osmorhiza chilensis</i>	
<i>Briza maxima</i>	<i>Petasites frigidis</i> var.	
<i>Bromus catharticus</i>	<i>palmaris</i>	
<i>Bromus hordeaceus</i>	<i>Picea sitchensis</i>	
<i>Calamagrostis nutkaensis</i>	<i>Plantago lanceolata</i>	
<i>Carex deweyana</i> ssp.	<i>Poa annua</i>	
<i>leptopoda</i>	<i>Poa pratensis</i>	
<i>Cirsium vulgare</i>	<i>Polypodium glycyrrhiza</i>	
<i>Claytonia siberica</i>	<i>Polystichum munitum</i>	
<i>Conyza canadensis</i>	<i>Prunella vulgaris</i>	
<i>Cotoneaster pannosa</i>	<i>Pseudotsuga menziesii</i>	
<i>Daucus carota</i>	<i>Pteridium aquilinum</i> var.	
<i>Dactylis glomerata</i>	<i>pubescens</i>	
<i>Deschampsia</i>	<i>Ranunculus repens</i>	
<i>danthonioides</i>	<i>Raphanus sativus</i>	
<i>Dicentra formosa</i>	<i>Rhamnus purshiana</i>	
<i>Digitalis purpurea</i>	<i>Rhododendron occidentale</i>	
<i>Disporum smithii</i>	<i>Ribes menziesii</i>	
<i>Dryopteris expansa</i>	<i>Ribes sanguineum</i>	
<i>Epilobium angustifolium</i>	<i>Rubus discolor</i>	
<i>Epilobium ciliatum</i>	<i>Rubus parviflorus</i>	
<i>Erechtites minima</i>	<i>Rubus spectabilis</i>	
<i>Festuca arundinacea</i>	<i>Rubus ursinus</i>	
<i>Festuca subulata</i>	<i>Rumex acetocella</i>	
<i>Galium aparine</i>	<i>Sambucus racemosa</i>	
<i>Galium triflorum</i>	<i>Sanicula crassicaulis</i>	
<i>Gaultheria shallon</i>	<i>Senecio jacobaea</i>	
<i>Holcus lanatus</i>	<i>Sequoia sempervirens</i>	
<i>Hypochaeris radicata</i>	<i>Stachys ajugoides</i>	
<i>Ilex aquifolium</i>	<i>Stellaria media</i>	

Erosion Control Plan

APN: # 518-051-32

Owner: Stan and Lori Shuttleworth
1623 Hawk View Drive
Leucadia, CA. 92024
(760) 942-2313

Project Address: 1461 Kane Ridge Road
Orick, CA. 95555

Project Location: SE/4, Section 31, Township 10 North, Range 1 East, H.B. M.

Plan Preparer: Craig R. Newman, RPF # 1758
2870 Dunbar Court
Arcata, CA. 95521
(707) 826-9075

EXHIBIT NO. 7
APPLICATION NO.
1-06-032
SHUTTLEWORTH
EROSION CONTROL PLAN
(1 of 9)

Operator (Logging, land clearing and grading): C & Z Logging
Zack Pellitier
3000 Fieldbrook Road
McKinleyville, CA. 95519
(707) 822-8500

Project Description: This Erosion Control Plan (ECP) is developed for a site development and rural residential home construction project in accordance with Humboldt County Title III, Land Use and Development Division 3, Building Regulations, Section 331-12, Grading, Excavation, Erosion, and Sedimentation Control. The goal of the ECP is to control on and off-site pollution control. The project includes clearing a portion of a 20.8- acre undeveloped parcel to allow for the planned construction and site development. Current ground cover includes a spruce forest with a small grassy opening.

Site development work will include clearing an area of approximately 2.8 acres or approximately 13 percent of the parcel. On the development area, the existing spruce forest will be harvested, stumps will be grubbed and removed or reduced to chips by a stump grinder and the logging slash will be removed or chipped and the site will be graded to more or less match the existing contour. A portion of the area will be developed to a rural home site along with gravel driveway, parking area and leach field. The remainder of the cleared area will be converted to a partially shaded yard.

The timber harvest and timberland conversion will be conducted under an approved "Less Than 3-Acre" Conversion Exemption filed with the California Department of Forestry and Fire Protection.

All ground disturbing activities are confined to gentle slopes that are not directly connected to any stream or waterway. Due to the topography of the parcel and relative flatness of the operating area, no significant concentration of surface water runoff is expected.

BMP Guides used for the preparation of this plan:

- 1) California Stormwater Quality Association; Stormwater Best Management Practice Handbook.
- 2) California Regional Water Quality Control Board, San Francisco Bay Region; Erosion and Sediment Control Field Manual.
- 3) State of California Department of Transportation, Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WCPC) Preparation Manual: Construction Site Best Management Practices (BMPs) Manual.

- 4) Humboldt County Title III, Land Use and Development Division 3, Building Regulations, Section 331-12, Grading, Excavation, Erosion, and Sedimentation Control.
- 5) ATTACHMENT 1 TO SECTION 331-12; Grading, Excavation, Erosion and Sedimentation Control Standard Drawings.

Construction Schedule: The land clearing portion of the construction work is planned for the non-rainy period from April 16 to October 14th. Building construction may take place during the rainy period as long as the areas used by traffic are covered with a rock aggregate base adequate to support such use. The logging, land clearing and grading activities must be completed, and surface erosion control BMPs along with site perimeter erosion control BMPs must be installed prior to October 15th.

Inspection and Maintenance Schedule: The site shall be inspected prior to October 15th to make sure that all specified BMPs are in place and functional and again after the first cumulative 1 inch of rainfall that occurs after October 15th. The site shall be inspected throughout the rainy period during any rainfall event that produces water runoff.

Site inspections shall be conducted by the Operator or Plan preparer at the discretion of the Owners. Following the first and subsequent inspections the inspector shall notify the Humboldt County Building Department of the inspection date and condition of the site with respect to discharge of sedimentary material off-site. Existing BMP facilities shall be maintained as necessary and if any remedial treatment measures are deemed necessary, they shall be implemented immediately and the Building Department shall be notified as to the type of specific treatment(s).

BMPs:

- 1) Scheduling; The ground clearing activities are to be conducted during the non-rainy period; April 16th to October 14th.
- 2) Preservation of Existing Vegetation; Except for the areas designated for clearing, damage to existing vegetation on the ownership shall be avoided. The perimeter of the portion of the site to be cleared has been flagged on the ground by the project forester.
- 3) Seeding; Prior to October 15th, bare soil areas shall be seeded with grass at a rate of not less than 100 #/acre and shall include the application of nitrogen fertilizer at a rate of no less than 80 #/acre. Seeded areas shall not be disturbed by construction activities except for areas that must be disturbed for the foundation and construction access.
- 4) Silt Fence; Prior to commencement of the land clearing activities, a silt fence shall be installed as shown on the attached Map. This BMP is a temporary measure that will be left in place until the grass cover has become established to the extent that there is no possibility of surface soil erosion. An alternative to the silt fence would be to install a fiber roll
- 5) Wind Erosion Control; As necessary to prevent significant wind erosion (dust), the site shall be sprinkled with water. The access road shall be covered with rock aggregate to a depth that will support traffic and construction equipment. Wind erosion at this site will ultimately be controlled by the establishment of a grass cover on the disturbed area.
- 6) Stabilized construction site; As determined necessary by the building contractor, portions of the area in the immediate vicinity of the home construction may be covered with rock aggregate.
- 7) Tracking; The application of rock aggregate to the access road and parking area will prevent tracking of mud onto Kane Ridge Road.


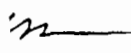
299

The final condition of the site, once the ground cover including grass, trees and azaleas as specified on the plot plan map have become firmly established, will be a non-erosive condition that will not be subject to water or wind erosion.

Notes: 1) The direction and volume of water runoff from the subject parcel will remain essentially the same during and after construction activities as before the activities begin.

2) Stumps and slash will be chipped on-site and dispersed on the undisturbed forest area or hauled off-site to a disposal site.

Prepared by: Craig R. Newman, RPF # 1758

 Signature on File 

3099



Stan & Lori Shuttleworth

Erosion Control Plan

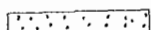
AP 3 518-051-32

Legend

Parcel Boundary

Boundary of Cleared Area

Direction of Runoff before, during and after Construction



Gravel Road/Parking



Construction (residence)



Natural Timber and Vegetation Cover



Cleared Area: Apply grass seed & fertilizer

Silt Fence

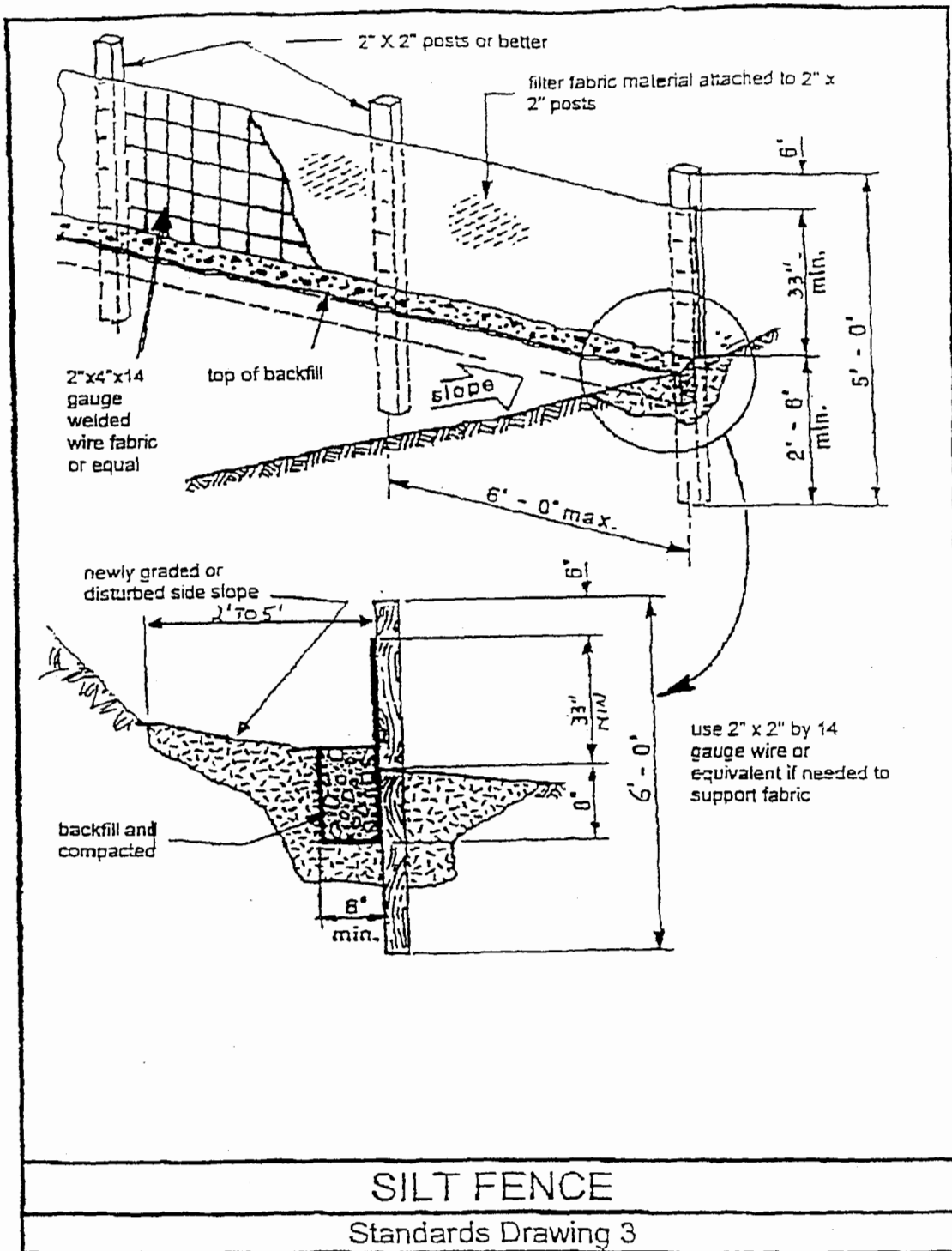
Scale: 1 inch = 20 feet

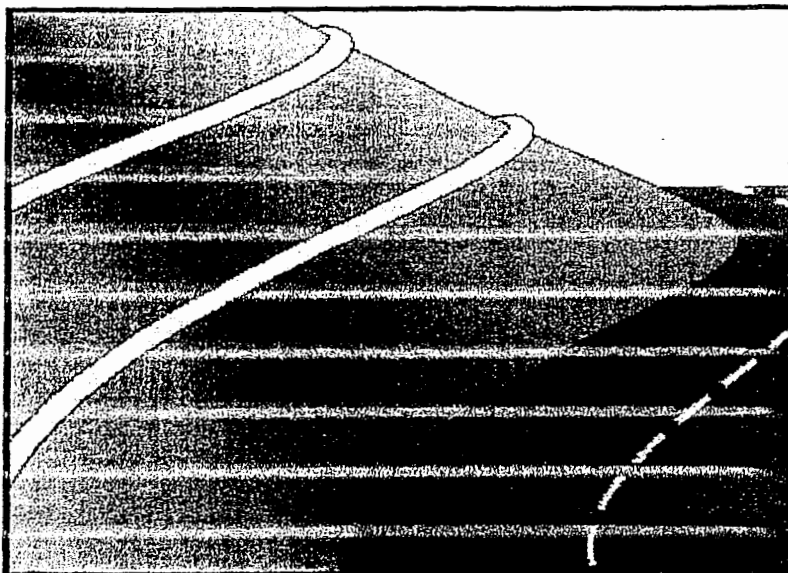
Date: November 10, 2006

Notes

- 1) Apply grass seed at a rate of not less than 100#/Ac and fertilizer at a rate of not less than 80#/Ac.
- 2) Install the Silt Fence prior to the commencement of land clearing activities.
- 3) Grade the cleared area to match the natural contour of the ground without any significant humps or swales.

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Description and Purpose

A fiber roll consists of straw, flax, or other similar materials bound into a tight tubular roll. When fiber rolls are placed at the toe and on the face of slopes, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff. By interrupting the length of a slope, fiber rolls can also reduce erosion.

Suitable Applications

Fiber rolls may be suitable:

- Along the toe, top, face, and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow
- At the end of a downward slope where it transitions to a steeper slope
- Along the perimeter of a project
- As check dams in unlined ditches
- Down-slope of exposed soil areas
- Around temporary stockpiles

Limitations

- Fiber rolls are not effective unless trenched

Objectives

EC	Erosion Control	✓
SE	Sediment Control	✓
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

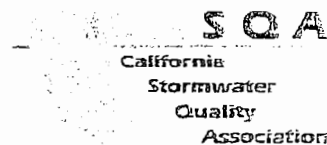
- ✓ Primary Objective
- ✓ Secondary Objective

Targeted Constituents

Sediment	✓
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

- SE-1 Silt Fence
- SE-6 Gravel Bag Berm
- SE-8 Sandbag Barrier
- SE-9 Straw Bale Barrier



- Fiber rolls at the toe of slopes greater than 5:1 (H:V) should be a minimum of 20 in. diameter or installations achieving the same protection (i.e. stacked smaller diameter fiber rolls, etc.).
- Difficult to move once saturated.
- If not properly staked and trenched in, fiber rolls could be transported by high flows.
- Fiber rolls have a very limited sediment capture zone.
- Fiber rolls should not be used on slopes subject to creep, slumping, or landslide.

Implementation

Fiber Roll Materials

- Fiber rolls should be either prefabricated rolls or rolled tubes of erosion control blanket.

Assembly of Field Rolled Fiber Roll

- Roll length of erosion control blanket into a tube of minimum 8 in. diameter.
- Bind roll at each end and every 4 ft along length of roll with jute-type twine.

Installation

- Locate fiber rolls on level contours spaced as follows:
 - Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
 - Slope inclination between 4:1 and 2:1 (H:V): Fiber Rolls should be placed at a maximum interval of 15 ft. (a closer spacing is more effective).
 - Slope inclination 2:1 (H:V) or greater: Fiber Rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective).
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into a 2 to 4 in. deep trench with a width equal to the diameter of the fiber roll.
 - Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
 - Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.

Removal

- Fiber rolls are typically left in place.

- If fiber rolls are removed, collect and dispose of sediment accumulation, and fill and compact holes, trenches, depressions or any other ground disturbance to blend with adjacent ground.

Costs

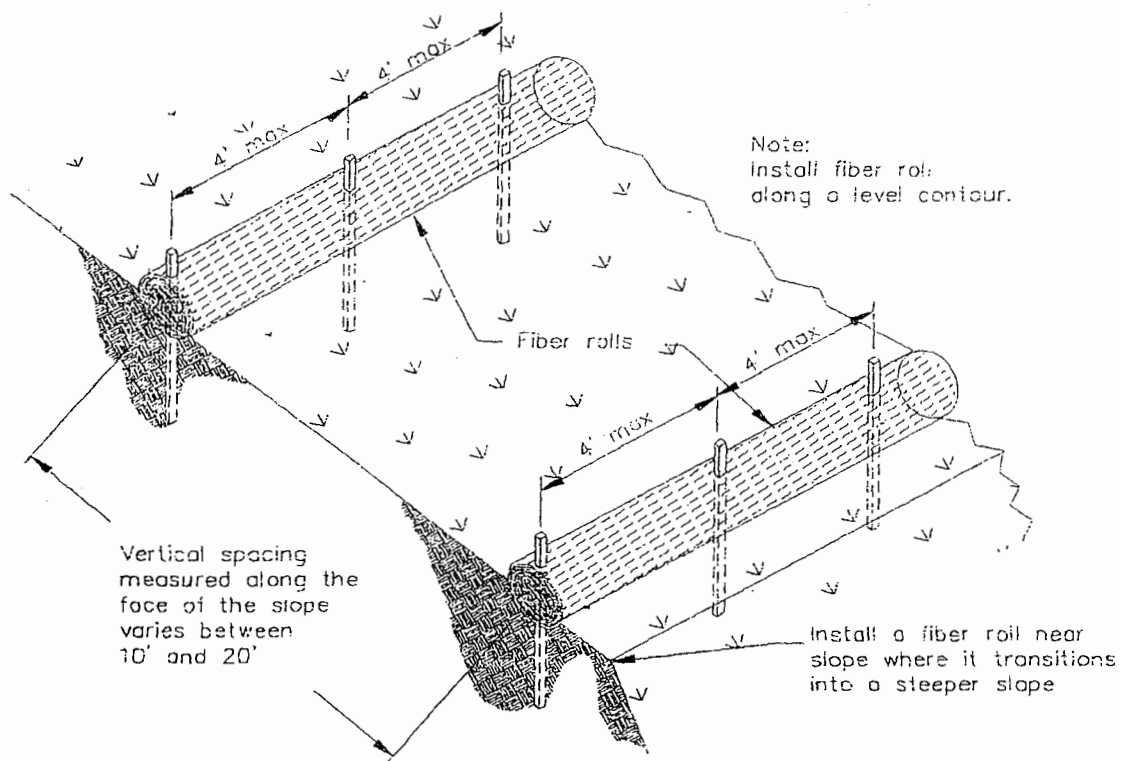
Material costs for fiber rolls range from \$20 - \$30 per 25 ft roll.

Inspection and Maintenance

- Inspect BMPs prior to forecast rain, daily during extended rain events, after rain events, weekly during the rainy season, and at two-week intervals during the non-rainy season.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP must be periodically removed in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one-half the designated sediment storage depth, usually one-half the distance between the top of the fiber roll and the adjacent ground surface. Sediment removed during maintenance may be incorporated into earthwork on the site or disposed at an appropriate location.
- If fiber rolls are used for erosion control, such as in a mini check dam, sediment removal should not be required as long as the system continues to control the grade. Sediment control BMPs will likely be required in conjunction with this type of application.

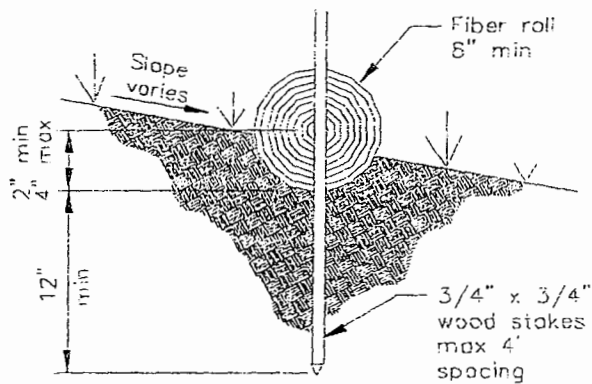
References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.



TYPICAL FIBER ROLL INSTALLATION

N.T.S.



ENTRENCHMENT DETAIL

N.T.S.



COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

NOTICE OF DECISION

JANUARY 8, 2007

APPLICANT(S):

STAN & LAUREL SHUTTLEWORTH

PERMIT(S) FOR APN: NUMBER 518-051-32
SPEICAL PERMIT (SP-06-14)

PACKET INCLUDES:

Project Description
Staff Report
Conditions of Approval

EXHIBIT NO. 8

APPLICATION NO.

1-06-032

SHUTTLEWORTH

COUNTY STAFF REPORT &
FINDINGS & MITIGATION NEG.
DEC. FOR SP 06-14 (1 of 39)

DECISION:

The project was approved by the Planning Director on January 4, 2007 and is subject to the attached conditions. Please review these conditions because other permits may be required before the project commences. *In accordance with County Code, this approval may be revoked or rescinded, in whole or in part, if grounds are found to exist.*

APPEALS:

This project may be appealed by any aggrieved person within 10 business days. The last day to appeal to Planning Commission is 5 PM, January 19, 2007

EFFECTIVE DATE:

If no appeal has been initiated, the effective date is January 22, 2007.

EXPIRATION DATE:

January 22, 2008 (12 months from the effective date)

EXTENSIONS:

If the conditions for your project cannot be met before the expiration date, you may apply for an extension with the Planning Division. Extension applications must be submitted with the appropriate fees before the permit expiration date. If the permit expires, a new permit application must be filed and accompanied by applicable fees. The new permit may be subject to different processing requirements and standards. Contact your assigned planner if you have any questions about extensions.

CHANGES OR MODIFICATIONS TO YOUR PROJECT:

If your project needs minor changes or major modifications, review and approval of the project by the Planning Division is required. Applications for changes or modifications must be accompanied by the appropriate fees. Contact your assigned planner if you think your project needs to be changed or modified.

ADMINISTRATIVE ITEM TRANSMITTAL

TO: Kirk A. Girard, Director of Community Development Services

FROM: Steve Werner, Supervising Planner

EFFECTIVE DATE: 1/22/06	SUBJECT: SPECIAL PERMIT	CONTACT: Beth Burks
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Before you is the following:

PROJECT: A Special Permit for major vegetation removal in the Coastal Zone. The applicant proposes to construct a residence built to a maximum of 2,018 square feet with an attached garage built to a maximum of 588 square feet. A covered porch and decking are also proposed. The parcel is just over 20 acres and 2.8 acres (approximately 150 Sitka spruce) are proposed to be removed under a Less Than 3-Acre Conversion Exemption" from CDF in order to clear for the home site. This parcel lies in an area not certified by the Coastal Commission, thus the Coastal Development Permit will be issued by that agency. Water and sewer service will be developed on site. Minimal grading is anticipated.

PROJECT LOCATION: The project is located in Humboldt County, in the Big Lagoon area, on the east side of U.S. Highway 101 (a.k.a. Redwood Highway), approximately 1.2 mile southeast from the intersection of US Highway 101 and Kane Ridge Road, on the property known as 1461 Kane Ridge Road.

PRESENT PLAN DESIGNATIONS: Agriculture General- minimum parcel size 20 acres (AG20 {NOT CERTIFIED}) North Coast Area Plan (NCAP). **Density:** 5-20 acre minimum parcel size.
Slope: High Instability (3)

PRESENT ZONING: Rural Residential Agriculture- minimum lot size 20 acres- Manufactured Home/Coastal Elk Habitat (RA-20-M/E).

ASSESSOR PARCEL NUMBERS: 518-051-32

APPLICANT

SHUTTLEWORTH, STAN AND LAUREL

1623 Hawkview Drive
Encinitas, CA 92024
760-942-2313OWNER(S)

SAME AS APPLICANT

AGENTBONNIE OLIVER
1953 Cottonwood Ave.
McKinleyville, CA 95519
707-839-8829ENVIRONMENTAL REVIEW:

Environmental review is required.

MAJOR ISSUES

None

STATE APPEAL STATUS:

Project is 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 conditioned in Exhibit A.
- ☐ Denial based on findings in the staff report.

1/4/07
Approval DateRECORD OF ACTION:

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

Signature on File

Kirk A. Girard
Director of Community Development Services

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT AND SPECIAL PERMITS ARE CONDITIONED UPON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE FULFILLED BEFORE A BUILDING PERMIT MAY BE ISSUED:

Conditions of Approval:

1. All development authorized by this permit approval shall conform to all recommendations and requirements contained in the approved geologic report prepared and filed for the project (Whitchurch Engineering, July, 2006). Compliance with the report's recommendations to the satisfaction of the Chief Building Inspector shall be a condition of the building permit final.
2. Four (4) non-tandem, independently accessible parking spaces shall be constructed on-site. All parking required by Code must be constructed **prior** to occupancy of building or "final" issued for building permit.
3. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division in the amount of \$25 (document handling fee) pursuant to Section 7.11.4 of the Fish and Game Code in addition to a check made payable to the Department of Fish and Game (DFG) in the amount of \$1,800.00. Alternatively, the applicant may contact DFG by phone at (916) 651-0603 or through the DFG website at www.dfg.ca.gov for a determination that the project will have no effect on fish and wildlife. If DFG concurs, a form will be provided that will exempt the project from the \$1,800.00 fee payment requirement. In this instance, only a copy of the DFG form and the \$25.00 handling fee is required.
4. Applicant shall adhere to the following:
 - a.) Forest Practice Rules – including "< 3 Acre Conversion" Exemption;
 - b.) Small Woodland Performance Standards(revised June 22, 2004, see Attachment 3);
 - c.) Mitigated Negative Declaration; and
 - d.) Botanical Survey prepared by Winzler and Kelly, Consulting Engineers (August 2006).
5. Within thirty (30) days of the completion of harvest operations, the applicant shall provide the Planning Division with a post-harvest report from the Registered Professional Forester (RPF) responsible for the harvest certifying that the measures as described in items 1. a.) - iv) have been satisfied for the operation. If remedial actions are required, the RPF shall identify those actions, furnish a cost estimate for the work to be performed, and provide a timeline for their completion to the Planning Division. At the discretion of the Planning Director, a performance bond (or other financial assurances) may be required to secure the completion of the remaining work.
6. Applicant must clean-up all brush and debris. On-site chipping and grinding activities, including land application of processed materials, are acceptable for management of wood waste provided that they do not create a nuisance, or public health and safety hazard. On-site burial or disposal of wood waste and slash is not permitted by state and local regulations. Applicant shall contact the local fire district (Burn Permit) and air quality management district (Air Quality Smoke Management Permit) for any approvals for on-site burning activities. (See also item #4.b and ii) above).
7. This Permit approves timber harvesting as it is consistent with items 4. a.) - iv) above, and the plot plan. No deviations shall be permitted without prior written authorization from the Planning Division. Major changes may necessitate an amendment of this permit.
8. **PRIOR TO INITIATION OF ANY OPERATIONS, THE OWNER/APPLICANT, LICENSED TIMBER OPERATOR (LTO) AND REGISTERED PROFESSIONAL FORESTER (RPF) SHALL EACH EXECUTE A WRITTEN CERTIFICATION THAT THEY HAVE RECEIVED AND AGREE**

TO THE TERMS AND CONDITIONS UNDER WHICH THIS TIMER HARVEST MAY BE CONDUCTED.

On-going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
2. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
3. The applicant shall adhere to the terms of the SRA Standard Exception for Small Parcels as approved by California Department of Forestry and Fire Protection, to provide fuel modification and building construction mitigation.

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 state and local agencies.
3. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
4. Any fill material removed from the site shall be placed on an approved location. "Approved location" means that documentation is provided to the Planning Director showing that the property owner(s) receiving the fill material have consented to its placement and that any required grading permit (s) and/or Coastal Development Permit(s) have been secured from the appropriate jurisdiction(s).
5. The January 1, 2004 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts which describe that document are available from the Planning Division.
6. Any development as defined by Section 313-139 of the Humboldt County Code (H.C.C.), other than specifically allowed by this permit, may require a new Coastal Development Permit or Coastal Development Permit Modification, or a Minor Deviation from the Plot Plan. The applicant shall be responsible for contacting the Planning Division to determine what permits may be required.

ATTACHMENT 1**Staff Analysis of the Evidence Supporting the Required Findings**

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The Coastal Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit and Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a) is categorically or statutorily exempt; or
 - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

Staff Analysis of the Evidence Supporting the Required Findings

To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the North Coast Area Plan (NCAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §5.20 (NCAP)	Agriculture General (AG) Agricultural production or grazing of recreational livestock with a residence incidental to this use. Density: 5-20 units per acre.	The project is a Special Permit for major vegetation removal on an approximately 20 acre parcel that is currently vacant. Approximately 2.8 acres are proposed to be cleared under a less than three acre conversion. A single family residence is also proposed; however, because this parcel falls in an area that is not certified by the Coastal Commission, the Coastal Development Permit for the residence will be issued by the CCC. Although no agricultural activities are proposed with this permit, the remaining 17+ acres will still have agricultural potential.
Housing §3.36 (NCAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The project is consistent with the Humboldt County Housing Element because it will result in the addition of a dwelling unit to the County's housing inventory.
Hazards §3.38 (NCAP)	New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard.	According to the General Plan Maps, the subject parcel is in an area of high geologic and slope instability (D3) and high wildland fire hazard. The applicant has submitted an R-2 soils report that has been approved by the Building Inspections Division. CDF has recommended approval of the project. Per FIRM map 060060 0300 B, the parcel is in Zone C, an area of minimal flooding. The parcel is not in the Alquist-Priolo Fault Hazard zone.

Biological Resource §3.40- 3.41 (NCAP)	Protect designated sensitive and critical resource habitats.	<p>Based on County resource maps, the Building Inspector's comments, and an on-site inspection, there do not appear to be any wetlands or streams located on the property. The project site is located in Roosevelt elk habitat. However no fences that will interfere with the movement of elk are proposed. Given the small scale of the proposed project it is not expected to result in significant loss of elk habitat.</p> <p>The North Coast Area Plan identifies the western azalea as occurring in environmentally sensitive habitat areas. Western Azaleas are present on the property. A Botanical Survey was prepared by Winzler and Kelly, Consulting Engineers in August 2006. Thirty-seven azaleas were found on the property. This project is conditioned so that there will be no reduction in the individual number of azaleas. This issue is discussed and mitigation proposed in the Mitigated Negative Declaration that was prepared as part of this project.</p>
Cultural Resource §3.27 (NCAP)	Protect cultural, archeological and paleontological resources.	Based on referrals from agencies, there are no known sites of cultural, archeological and paleontological significance that impact the subject property. An informational note has been included with the Conditions of Approval indicating the steps to be taken should cultural resources and/or human remains be discovered during ground disturbing activities.
Visual Resource §3.42 (NCAP)	Protect and conserve scenic and visual qualities of coastal areas.	The property is within a designated Coastal View Area. The site is located on the east side of Highway 101. The timber removal will occur on the east side of the first mountain ridge in from the coast. A site visit was conducted to examine potential impacts to the view. From its location the project is not expected to be visible from the coast or from travelers on Highway 101. The site will be visible to the neighboring parcels to the west and north. However the view of the coast is in the opposite direction of the proposed development and will in no way effect coastal views of adjacent owners. The overall character and existing setting will be maintained as the other parcels in the area are also large in size, mostly wooded with homesites cleared.

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§313-6.4 (RA-20) Rural Residential Agriculture	Single Family Residences and general agriculture are a principally permitted use.	The project is for major vegetation removal (less than 3 acre conversion) to clear a home site for a residence.
Min. Lot Size	20 acres	Approx. 20.83 acres
Min. Lot Width	475 feet	±704 feet at narrowest
Max. Density	0-2 dwellings per legal lot.	One residence is proposed.
Max. Lot Depth	4 x lot width (704) =2816'	±994'
Yard Setbacks	Per Firesafe Regulations, all setbacks must be a minimum of 30'	Front: ±120' Rear: ±750' Side: ±700' (north); ±.35' (south west)
Max. Lot Coverage	35%	Approx. <1%
Max. Bldg. Height	35'	22 feet
Parking §313-109.1.4	Four off-street parking spaces required.	Four off street spaces are proposed on the plot plan.
Combining Zones		
Coastal Elk Habitat §313-20.1	Development should be sited to minimize impacts to elk habitat.	No fences are proposed with this development that would limit the movement of elk on the parcel. A referral to DFG did not generate any concerns with regards to elk habitat.
Manufactured home §313-28.1	Allows Manufactured homes	No manufactured home is proposed.

4. Public Health, Safety and Welfare, and 5. Environmental Impact: The following table identifies the evidence which supports finding that the proposed location of the use 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 properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare; and will not be materially injurious to properties or improvements in the vicinity.	Reviewing referral agencies have approved the proposed development. The project is for major vegetation removal in the Coastal Zone. The project is of a scale and design appropriate to the surrounding neighborhood. Conditions of approval meet health, safety and welfare goals and policies. No adverse impacts to properties or improvements in the vicinity are expected.
§15303 of CEQA	The new construction of a single family residence in a residential zone is categorically exempt from State environmental review per Section 15303(a) of the Guidelines for the Implementation of CEQA.	As lead agency, the Department prepared and noticed the Initial Study and Mitigated Negative Declaration for review. The initial study evaluated the project for any adverse effects on fish and wildlife resources. Based on the information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect either individually or cumulatively, on fish and wildlife resources or the habitat upon which wildlife depends. The environmental document on file includes a detailed discussion of all relevant environmental issues. Staff has also determined that the project, as approved and conditioned, will not result in a change to any of the resources listed in subsections (A) through (G) of Section 753.5(d) of the California Code of Regulations [Title 14, Chapter 4]. Therefore, staff is supportive of a <i>di minimis</i> finding regarding the waiver of environmental review fees subject to Section 711.4 of the Fish and Game Code. The Department will file a "Certificate of Fee Exemption" with the County Clerk pursuant to Section 753.5(c) of the California Code of Regulations. The \$25.00 document handling fee required by the statute will be paid by the applicant.

ATTACHMENT 2
Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	On File
County Building Inspection Division	✓	Approval	✓
County P/W, Land Use Division	✓	No Comment	✓
County Division of Environmental Health	✓	Approval	✓
CA. Dept. of Forestry and Fire Protection	✓	Approval	✓
California Coastal Commission			
NCIC	✓	Approval	✓

ATTACHMENT 3
Small Woodland Performance Standards



PLANNING DIVISION
COMMUNITY DEVELOPMENT SERVICES

COUNTY OF HUMBOLDT

EUREKA, CALIF. 95501-4454

PHONE (707) 445-7541

RECEIVED

2006

PLANNING DIVISION

Small Woodland Performance Standards - County Processing of Applications for Timber Harvesting in Residential Zones

The Humboldt County Planning Division will recommend approval of small woodland timber harvests in residential zones (RA, RM, RS, R1, R2, R3 & R4) which conform with all of the following performance standards and the operational standards in section 1104.1a of the Forest Practice Rules: (attached). The Planning Division may support timber harvests which do not conform with all of the following standards if additional studies document that all required zoning regulation findings can be made.

Performance Standard

Conforms With Standard

Yes No

Time & Day of Harvest: All timber harvesting activities will occur on Monday through Friday between 8:00 AM and 6:00 PM, for no longer than 2 continuous weeks.

☒

☐

Truck Traffic: Truck traffic shall be limited to 5 commercial logging vehicles leaving and entering the subject parcel per day, traveling no faster than 15 mph on local, residential streets.

☒

☐

Grading, Erosion and Dust Control: All timber harvesting activities shall comply with the County Grading regulations.

☒

☐

Air Quality: Controlled burns shall conform with all North Coast Air Quality Management District standards.

☒

☐

Noise: Timber harvesting activities shall conform with the above hours and days of operation. Jake brakes shall only be used in emergencies.

☒

☐

Public and Private Improvements: The existing condition of all public or private improvements off the subject parcel shall be maintained, including but not limited to: buildings, roads, driveways, parking areas, utilities, drainage facilities, or landscaping.

☒

☐

Sensitive Habitats: No grading or heavy equipment shall be allowed on slopes greater than 15 percent. The harvest does not include or affect old growth redwood. All timber harvesting operations shall be conducted as required by Sections 1038 and 1038.1 of the California Forest Practice Rules

☒

☐

Property Owner / Agent: [Signature] Signature on File

Date 7-31-06

NOTICE OF DETERMINATION

TO: ☒ Office of Planning and Research
P O Box 3044
Sacramento, CA 95812-3044

FROM: Planning Division of Humboldt County
Community Development Services
3015 H Street
Eureka, CA 95501-4484

☒ County Recorder, County of Humboldt

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title:	Stan & Laurel Shuttleworth	Applicant's Name:	Stan & Laurel Shuttleworth
Case Number:	SP-06-14	Applicant's Address:	1623 Hawkview Dr.
Assessor Parcel Number:	518-051-32		Encinitas, CA 92024
State Clearinghouse Number:	2006122004	Applicant's Phone:	760.942.2313
Lead Agency Contact Person:	Elizabeth Burks		
Area Code/Telephone/Extension:	707.268.3708		

Project Location: The project is located in Humboldt County, in the Big Lagoon area, on the east side of U.S. Highway 101 (a.k.a. Redwood Highway), approximately 1.2 mile southeast from the intersection of US Highway 101 and Kane Ridge Road, on the property known as 1461 Kane Ridge Road.


Project Description: A Special Permit for major vegetation removal in the Coastal Zone. The applicant proposes to construct a residence built to a maximum of 2,018 square feet with an attached garage built to a maximum of 588 square feet. A covered porch and decking are also proposed. The parcel is just over 20 acres and 2.8 acres (approximately 150 Sitka spruce) are proposed to be removed under a Less Than 3-Acre Conversion Exemption" from CDF in order to clear for the home site. This parcel lies in an area not certified by the Coastal Commission, thus the Coastal Development Permit will be issued by that agency. Water and sewer service will be developed on site. Minimal grading is anticipated.

This is to advise that the Humboldt County Planning Commission has approved the above-described project on January 4, 2006 and has made the following determinations regarding the above-described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at: N/A

 Signature on File
Signature (Public Agency)

 1/5/07
Date

Planner I
Title

Date received for filing at OPR:

NOTICE OF COMPLETION**SCH #**

Mail to: State Clearinghouse, 1400 10th Street, Sacramento, CA 95812 (916) 445-0613

Project Title: Shuttleworth Special Permit (SP-06-14) for major vegetation removal (<3 acre conversion) in the Coastal Zone.

Lead Agency: Humboldt County Community Development Services - Planning Division, 3015 I Street, Eureka, CA 95501

Contact Person: Elizabeth Burks, Planner I, Phone: (707) 268-3708 Fax: (707) 445-7446 Email: eburks@co.humboldt.ca.us

Project Location:

County: Humboldt City/Nearest Community: Big Lagoon Zip Code: 95570

Cross Streets: The project is located in Humboldt County, in the Big Lagoon area, on the east side of U.S. Highway 101(a.k.a. Redwood Highway), approximately 1.2 mile southeast from the intersection of US Highway 101 and Kane Ridge Road, on the property known as 1461 Kane Ridge Road.

Acres of Project: 2.8 acres **Assessor's Parcel No.** 518-051-32

Section: 31; T10N R1E; Base; H.B. & M

Within 2 Miles: City of Blue Lake, Community of Big lagoon **Waterways:** N/A

Airports: n/a **Railways:** n/a **Schools:** n/a

Document Type:

CEQA: ☐ NOP ☐ Supplement/Subsequent **NEPA:** ☐ NOI **Other:** ☐ Joint Document
☐ Early Cons ☐ EIR (Prior SCH No.) ☐ EA ☐ Final Document
☒ Neg. Dec. ☐ Other ☐ Draft EIS ☐ Other
☐ Draft EIR ☐ FONSI

Local Action Type

☒ Special Permit

Development Type

☒ Residential: major vegetation removal to prepare a homesite

Project Issues Discussed in Document

☐ Aesthetic/Visual ☐ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality
☐ Agricultural Land ☐ Forest Land/Fire Hazard ☐ Septic Systems ☐ Water Supply/Grndwtr
☒ Air Quality ☒ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☒ Archeological/Historical ☐ Minerals ☐ Erosion/Comp/Grading ☐ Wildlife
☐ Coastal Zone ☒ Noise ☐ Solid Waste ☐ Growth Inducing
☐ Drainage/Absorption ☐ Population/Housing ☐ Toxic/Hazardous ☐ Land Use
☐ Economic/Jobs ☐ Public Service/Facilities ☐ Traffic/Circulation ☐ Cumulative Effects
☐ Fiscal ☐ Recreation/Parks ☒ Vegetation ☐ Other

Present Land Use/Zoning/General Plan Use

Present Land Use: Vacant

General Plan Designation: Agriculture General- minimum parcel size 20 acres (AG20)

Zoning: Rural Residential Agriculture- minimum lot size 20 acres- Manufactured Home/Coastal Elk Habitat (RA-20-M/E).

Description of project: A Special Permit for major vegetation removal in the Coastal Zone. The applicant proposes to construct a residence built to a maximum of 2,018 square feet with an attached garage built to a maximum of 588 square feet. A covered porch and decking are also proposed. The parcel is just over 20 acres and 2.8 acres (approximately 150 Sitka spruce) are proposed to be removed under a "Less Than 3-Acre Conversion Exemption" from CDF in order to clear for the home site. This parcel lies in an area not certified by the Coastal Commission, thus the Coastal Development Permit will be issued by that agency. Water and sewer service will be developed on site. Minimal grading is anticipated.

Resources Agency

- ☐ Boating & Waterways
☐ Coastal Commission
☐ Coastal Conservancy
☐ Colorado River Board
☐ Conservation
☒ Fish & Game (Eureka office)
☒ Forestry
☐ Office of Historic Preservation
☐ Parks & Recreation
☐ Reclamation
☐ S.F. Bay Conservation & Develop. Comm.
☒ Water Resources

Business, Transportation & Housing

- ☐ Aeronautics
☐ California Highway Patrol
☐ CALTRANS District #1
☐ Department of Transportation Planning (HQ)
☐ Housing & Community Development
☐ Food & Agriculture

Health & Welfare**Conservancy**

- ☐ Health Services

State & Consumer Services

- ☐ General Services
☐ OLA (Schools)

KEY

- S** = Document sent by lead agency
X = Document sent by SCH
✓ = Suggested distribution

Cal-EPA

- ☐ Air Resources Board
☒ APCD/AQMD (North Coast)
☐ California Waste Mgmt Board
☐ SWRCB: Clean Water Grants
☐ SWRCB: Delta Unit
☐ SWRCB: Water Quality
☐ SWRCB: Water Rights
☒ Regional WQCB #1 Northcoast

Youth & Adult Corrections

- ☐ Corrections

Independent Commissions & Offices

- ☐ Energy Commission
☐ Native American Heritage Comm.
☐ Public Utilities Commission
☐ Santa Monica Mountains
☐ State Lands Commission
☐ Tahoe Regional Planning Agency

Other: _____

Public Review Period (to be filled in by the lead agency)Starting Date: December 7, 2006

Signature: _____

Ending Date: January 2, 2007Date: 11/28/06

Signature on File _____

Applicant: Stan and Laurel Shuttleworth
Address: 1623 Hawkview Drive
City/State/Zip: Encinitas, CA 92024
Phone: (760) 942-2313
Agent: Bonnie Oliver
Address: 1953 Cottonwood Avenue
City/State/Zip: McKinleyville, CA 95519
Phone: (707) 839-8829

For SCH Use Only:

Date Received at SCH _____

Date Review Starts _____

Date to Agencies _____

Date to SCH _____

Clearance Date _____

Notes: _____

County of Humboldt**Initial Study****Community Development Department, 3015 H Street, Eureka, CA 95501 (707) 445-7541**

Initial Study & Draft Mitigated Negative Declaration

PROJECT APPLICANT: Stan and Laurel Shuttleworth**CASE NOS.:** SP-06-14

PROJECT LOCATION: The project is located in Humboldt County, in the Big Lagoon area, on the east side of U.S. Highway 101(a.k.a. Redwood Highway), approximately 1.2 mile southeast from the intersection of US Highway 101 and Kane Ridge Road, on the property known as 1461 Kane Ridge Road.

ZONING & GENERAL PLAN DESIGNATION: Zoning: Rural Residential Agriculture- minimum lot size 20 acres- Manufactured Home/Coastal Elk Habitat (RA-20-M/E). General Plan: Agriculture General- minimum parcel size 20 acres (AG20 {NOT CERTIFIED}) North Coast Area Plan (NCAP).

PROJECT DESCRIPTION

A Special Permit for major vegetation removal in the Coastal Zone. The applicant proposes to construct a residence built to a maximum of 2,018 square feet with an attached garage built to a maximum of 588 square feet. A covered porch and decking are also proposed. The parcel is just over 20 acres and 2.8 acres (approximately 150 Sitka spruce) are proposed to be removed under a "Less Than 3-Acre Conversion Exemption" from CDF in order to clear for the home site. This parcel lies in an area not certified by the Coastal Commission, thus the Coastal Development Permit will be issued by that agency. Water and sewer service will be developed on site. Minimal grading is anticipated.

LEAD AGENCY/CONTACT: County of Humboldt, Community Development Services Planning Division; Elizabeth Burks, Planner I; 3015 H Street, Eureka, CA 95501-4484; phone: (707) 268-3708; fax: (707) 445-7446; e-mail: eburks@co.humboldt.ca.us

SURROUNDING LAND USES AND SETTING: The project site is located in an unincorporated portion of Humboldt County in a rural setting more than two miles from the communities of Orick and Big Lagoon. Surrounding land uses include rural residential housing, agriculture, timber production and recreation.

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS, OR MAY BE REQUIRED (e.g. permits, financing approval, or participation agreement.): Department of Public Works, and Division of Environmental Health, California Coastal Commission, Building Inspection Division, California Department of Forestry and Fire Protection.


ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |

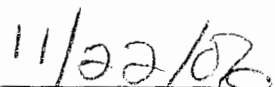
- | | | |
|--|---|---|
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: On the basis of this initial evaluation:

- ☐ I find that the proposed project **could not** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **may** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **may** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only those effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 Signature on File
Elizabeth Burks
Planner I, County of Humboldt




Date

CHECKLIST AND EVALUATION OF ENVIRONMENTAL IMPACTS: An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the **CHECKLIST** the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the project.

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X
<p>Thresholds of Significance: This Initial Study considers whether the proposed project may have any significant effects on visual aesthetics because of: (a) the short-term or long-term presence of project-related equipment or structures that may have an impact on scenic views; (b) permanent changes in physical features that would impact the visual character of the project area near a state scenic highway; (c) project-related construction that would detract from the visual character of the project area; or (d) the presence of short-term, long-term, or continuous bright light, operations occurring at night, that would detract from a project area that is otherwise generally dark at night or that is subject to low levels of artificial light.</p>				
<p>Discussion: (a-d) The property is within a designated Coastal View Area. The site is located on the east side of Highway 101. The timber removal will occur on the east side of the first mountain ridge in from the coast. A site visit was conducted to examine potential impacts to the view. From its location the project is not expected to be visible from the coast or from travelers on Highway 101. The site will be visible to the two (2) neighboring parcels to the west and north. However the view of the coast is in</p>				

the opposite direction of the proposed development and will in no way effect coastal views of adjacent owners. The overall character and existing setting will be maintained as the other nearby parcels are also large in size, mostly wooded with homesites cleared.

II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Thresholds of Significance:

This Initial Study considers to what degree the proposed project would: (a) change the availability or use of agriculturally important land areas designated under one or more of the programs above; (b) cause or promote changes in land use regulation that would adversely affect agricultural activities in lands zoned for those uses, particularly lands designate as Agriculture Exclusive or under Williamson Act contracts; or (c) change the availability or use of agriculturally important land areas for agricultural purposes.

Discussion:

(a-c) The project is a Special Permit for major vegetation removal (<3 acre conversion) on an approximately 20 acre parcel that is currently vacant. Approximately 2.8 acres are proposed to be cleared under a less than three (3) acre conversion. A single family residence is also proposed. The zoning for the parcel is Rural Residential Agriculture and it has a landuse designation of Agriculture General. Although no agricultural activities are proposed with this permit, the remaining 17+ acres will still have agricultural potential. The proposed project does not include any zoning or land use changes which could result in the conversion of farmland into non-agricultural lands. The project will not conflict with existing zoning for agricultural use or the Williamson Act. The project as defined will have no adverse impact on agricultural resources.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Thresholds of Significance:

This Initial Study considers to what degree the proposed project would (a) interfere with air quality objectives established by the North Coast Unified Air Quality Management District (NCUAQMD); (b) contribute pollutants that would violate an existing or projected air quality standard; (c) produce pollutants that would in part contribute to cumulative effects of non-attainment for any air pollutant; (d) produce pollutant loading near sensitive receptors that would cause locally significant air quality impacts; or (e) release odors releases that would affect a number of receptors.

Discussion:

(a-e) The North Coast Air basin, including Humboldt County, is designated as non-attainment for particulate matter 10 micrometers or smaller in aerodynamic diameter (PM¹⁰) under the State of California criteria. The NCUAQMD is responsible for monitoring and enforcing local and state air quality standards. Because Humboldt County has exceeded the state standard for PM¹⁰ air emissions, any land use or activity that generates airborne particulate matter may be of concern to the NCUAQMD. The proposed project includes the use of diesel-powered construction and timber removal equipment, which through its use and the generation of fugitive dust could produce PM¹⁰. Diesel powered equipment use associated with the proposed project will be temporary and limited to the duration of the harvest and residential construction thus resulting in a negligible amount of air emissions. According to recent studies by the NCUAQMD, the most significant contributors to PM-10 are residential wood burning stoves. Although the proposed residence may contain a wood burning stove, it is unlikely that the residence would result in a significant increase in particulate matter. Based on this information and with the mitigation measure listed below, the proposed project will not violate an air quality standard, contribute substantially to an air quality objective, or result in a cumulatively considerable increase to the non-attainment for PM¹⁰ within Humboldt County. Due to the limited duration of equipment use associated with the project, the project will not expose sensitive receptors to substantial pollutant concentrations or create an objectionable odor that would affect a substantial number of people.

Mitigation Measure 1. The applicant, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the Humboldt County Community Development Department (HCCDD). This will require, but may not be limited to: (1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and (2) the use of water for control of dust during construction operations.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Thresholds of Significance:

This Initial Study considers whether the proposed project would result in a significant adverse direct or indirect effects to: (a) individuals of any plant or animal species (including fish) listed as rare, threatened, or endangered by the federal or state government, or effects to the habitat of such species; (b) more than an incidental and minor area of riparian habitat or other sensitive habitat (including wetlands) types identified under federal, state, or local policies; (c) more than an incidental and minor area of wetland identified under federal or state criteria; (d) key habitat areas that provide for continuity of movement for resident or migratory fish or wildlife, or (e) other biological resources identified in planning policies adopted by Humboldt County.

Discussion:

(a-f) Based on County resource maps, the Building Inspector's comments, and an on-site inspection, there do not appear to be any wetlands or streams located on the property.

The project site is located in Roosevelt elk habitat. However no fences that will interfere with the movement of elk are proposed. Given the small scale of the proposed project it is not expected to

result in significant loss of elk habitat. A referral to DFG did not generate any concerns with regards to elk habitat.

The North Coast Area Plan identifies the western azalea as occurring in environmentally sensitive habitat areas. Western Azaleas are present on the property. A Botanical Survey was prepared by Winzler and Kelly, Consulting Engineers in August 2006. Thirty-seven azaleas were found on the property. This project is conditioned so that there will be no reduction in the individual number of azaleas.

Based on the results of the botanical survey and by incorporating the mitigation measures listed below, the proposed project will have less than a significant impact on biological resources.

Mitigation Measure 2.

All individual azalea plants within the timber harvest area shall be flagged for protection from any unintentional equipment disturbance.

Mitigation Measure 3.

All equipment operators and timber fallers shall be made aware of the significance of the flagging and make the effort to protect all azaleas.

Mitigation Measure 4.

In the cases where individual azaleas can not be protected then those plants shall be moved if possible and replanted in the subject area or along the southern property line once all possible disturbance from timber harvest operations have ceased. Removal of mature plants shall be conducted with equipment capable of excavating the roots with soil in place. Plants to be moved shall be pruned and irrigation shall occur until the onset of winter rains.

Mitigation Measure 5.

When individual azaleas are lost then that number of plants shall be replaced and planted on-site (or on adjacent property opposite the southern property line). Replacement plants shall be 1 gallon size or larger and plants shall be irrigated unless planted during the wet season.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
Thresholds of Significance: This Initial Study considers to what degree the proposed project would cause (a) physical changes in				

known or designated historical resources, or in their physical surroundings, in a manner that would impair their significance; (b) physical changes in archaeological sites that represent important or unique archaeological or historical information; (c) unique paleontological resource site or unique geologic feature; or (d) disturbance of human burial locations.

Discussion:

(a-d) The North Coast Information Center (NCIC) performed a cultural records review for the project site and surrounding area. There are no known historical, cultural, paleontological, or unique geologic features known within the project vicinity that may be impacted by the proposed project. Based on this information in conjunction with the mitigation measure included below, the proposed project as defined will have no impact on cultural resources.

Mitigation Measure 6. As required by the California Environmental Quality Act (CEQA), if buried archeological or historical resources are encountered during construction, the on-site contractor(s) will temporarily stop all work in the immediate area, and a qualified archeologist will be contacted to evaluate the materials. Prehistoric materials may include chert flakes, tools, locally-darkened midden soils, ground stone artifacts, dietary bone, and human burials. If human burial is discovered during construction operations, State law requires that the County Coroner be contacted immediately. If such remains were 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.

VI. GEOLOGY AND SOILS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Thresholds of Significance:

This Initial Study considers project-related effects that could involve: (a) damage to project elements as a result of surface fault rupture; (b) damage to project elements from strong seismic ground shaking or secondary seismic effects (including liquefaction); (c) damage to project elements from landslides; (d) excessive soil erosion resulting from the project; (e) project-derived instability of earth materials that could subsequently fail, damaging project elements or off-site structures or environmental resources; (f) location of project elements on expansive soils that may damage project elements.

Discussion:

The R-2 Soils Report which was approved by the Building Division, (Whitchurch Engineering, July 2006) shows a fault passing through the project area. However, the project is not located within a fault zone associated with the Alquist-Priolo Fault Zoning Act, suggesting no evidence of ground rupture during the last 10,000 years has been observed along this fault. Future ground rupture cannot be ruled out, though there is a low probability of an event occurring during the lifetime of the project.

The site is located in a region of high seismicity, where there is potential for strong ground shaking and liquefaction during large earthquakes. However, the project as proposed will not exacerbate regional seismicity or other geologic thresholds of significance. The exposure to strong ground shaking at the site is no greater at this site than elsewhere in the region. The R-2 report did not cite any concerns with liquefaction possibilities or expansive soils or soils incapable of adequately supporting the use of septic tanks. A new septic system is proposed and the Division of Environmental Health has recommended approval.

According to the R-2 report, there is no indication in the immediate surrounding area of any geologic instability, earthquake faults, or ground water that would be detrimental to the building site.

In order to address the potential loss of topsoil, mitigation measure 7 has been included.

Mitigation Measure 7.

Applicant shall conform to the erosion control measures as identified in §3432(8) of the Framework Plan and implement Best Management Practices (BMP's). In addition, all areas cleared to bare mineral soil by the harvesting activities shall be reseeded with grass prior to the onset of winter rains to establish a stable ground surface that will prevent surface erosion.

Based on the discussion above and by incorporating Mitigation Measures 7 in, the project will not have a significant impact on geology, soils, or erosion or loss of topsoil.

VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?			X	
<p>Thresholds of Significance: This Initial Study considers to what degree the proposed project would involve: (a) potential storage or use, on a regular basis, of chemicals that could be hazardous if released into the environment; (b) operating conditions that would be likely to result in the generation and release of hazardous materials; (c) use of hazardous materials, because of construction-related activities or operations, within a quarter-mile of an existing or proposed school; (d) project-related increase in use intensity by people within the boundaries of, or within two miles of, the Airport Planning Areas; (e) project-derived physical changes that would interfere with emergency responses or evacuations; (f) potential major damage because of wildfire.</p> <p>Discussion: The California Code of Regulations (CCR) defines a hazardous material as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may</p>				

either (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed (CCR, Title 22, Division 4.5, Chapter 10, Article 2, Section 66260.10). The proposed project includes the use of diesel-powered equipment used to fall and transport trees and construct a single family residence. The degree to which the project could result in a significant impact through the use or routine transport of hazardous materials is less than significant due to the very limited duration that potentially hazardous substances will be used. The proposed project will not result in a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The project site is not located in an area known to contain hazardous materials. The project site is not located within an airport land use or in the vicinity of a private airstrip. The proposed project will not interfere with the implementation of an emergency response or emergency evacuation plan. As previously stated, the project site is located in a rural area of Humboldt County. The proposed project is located in an area that is considered a high fire danger area. Although, there will be one more residence within an area of high fire hazard, CDF has recommended approval of the project. The less than three acre conversion area will provide defensible space for protection of the residence. All new development is required to meet Firesafe standards; so although there is risk, it is limited to what is normally acceptable by residents living in the wildland interface.

Based on the discussion above the proposed project will not result in a hazardous impact to the environment or produce a hazardous situation.

VIII. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?		X		

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Result in inundation by seiche, tsunami, or mudflow?				X

Thresholds of Significance:

This Initial Study considers to what degree the proposed project would involve: (a) potential discharges, including sediment, that would violate Basin Plan standards or Waste Discharge Requirements associated with National Pollutant Discharge Elimination System (NPDES) permits; (b) substantial changes in groundwater movement, potential uses, or quality; (c) substantial increase in siltation or erosion from concentrated runoff; (d) substantial increase in the rate or amount of surface runoff with the potential for localized flooding; (e) substantial increase in runoff that would cause drainage problems, or a runoff increase that could carry pollutants to surface waters; (f) substantial degradation of water quality; (g) project-related effects within a Federal Emergency Management Agency (FEMA)-designated 100-year flood hazard area; (h) project facilities that would affect flood flows or be affected by flood flows; (i) project-related effects that would involve flooding as the results of the failure of a levee or dam; and (j) project-related effects that would result in inundation by seiche, tsunami, or mudflow.

Discussion:

(a-j) There are no creeks, streams, rivers or wet areas within the project vicinity that will be impacted by the development. The proposed project will not substantially alter groundwater recharge or result in a significant net deficit in aquifer volumes. The proposed project does not include the placement of housing within a 100-year floodplain or other structures that could impede or redirect flood flows. The project does not include the use of a levee or dam that may fail resulting in loss of life or injury. The project will not result in inundation by seiche, tsunami, or mudflow.

By implementing Mitigation Measures 7 in the Geology and Soils section, which calls for best management practices to be used to control erosion, the proposed project will not result in increased surface runoff that may result in drainage problems; alter the drainage pattern of the area significantly; result in increased flooding on or off the site; or increase the runoff of pollutants to surface waters.

Based on the discussion above and with the incorporation Mitigation Measure 7 in the, staff concludes that the project will not result in a substantial impact to hydrology and/or water quality.

IX. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		X		
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p>Thresholds of Significance: This Initial Study considers to what degree the proposed project would (a) divide an established community or conflict with existing land uses within the project's vicinity, such as commercial establishments; (b) conflict with Humboldt County General Plan designation, policies, and zoning ordinances regarding school facilities located within the Coastal Zone; (c) conflict with applicable environmental plans and protection measures enforced by regulatory agencies that have jurisdiction over the project, such as sensitive species and biologically significant habitats (coastal wetlands).</p> <p>Discussion: (a-c) Based on the nature of the proposed project, it will not physically divide an established community. The proposed project is not located at a site that is subject to a habitat conservation plan or community conservation plan.</p> <p>The North Coast Area Plan identifies the western azalea as occurring in environmentally sensitive habitat areas. Western Azaleas are present on the property. A Botanical Survey was prepared by Winzler and Kelly, Consulting Engineers in August 2006. Thirty-seven azaleas were found on the property. By incorporating Mitigation Measures 2-5 in the Biological Resources Section there will be no reduction in the individual number of azaleas.</p> <p>The project as defined will have no impact on land use and planning.</p>				

X. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Thresholds of Significance: This Initial Study considers to what degree the proposed project would interfere with the extraction of commodity materials or otherwise cause any short-term or long-term decrease in the availability of mineral resources that would otherwise be available for construction or other consumptive uses.				
Discussion: (a-b) The proposed project does not include the use of a mineral resource that is of value to the region or state of California nor will it result in the loss of a locally important mineral resource. The project as defined will have no impact on mineral resources.				

XI. NOISE. Would the project:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b)	Expose persons to or generate excessive ground borne vibration or ground borne noise levels?				X
c)	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d)	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Thresholds of Significance: This Initial Study considers whether the proposed project would produce: (a) sound-pressure levels contrary to County noise standards; (b) long-term ground vibrations and low-frequency sound that would interfere with normal activities and which is not currently present in the project area; (c) a substantial increase in ambient short-term or long-term sound-pressure levels; (d) changes in noise levels that is related to operations, not construction-related, which will be perceived as increased ambient or background noise in the project area; (e) exposure of persons within 2 miles of an airstrip to excessive noise levels.					
Discussion:					

(a-f) The timber removal and construction of the residence will generate increased ambient noise levels and groundborne vibration on a temporary basis, which may exceed applicable noise levels in excess of the standard established in the Humboldt County General Plan, specifically, the Volume 1, Framework Plan. Given the rural setting of the parcel, it is unlikely that the temporary noise levels will be burdensome, as there are only a few residences in the vicinity. The Department finds that by utilizing mitigation measure 8 listed below, noise impacts will be less than significant. There is no evidence the use will create permanent ambient noise levels substantially above existing levels. Furthermore, there is no private airstrip in the vicinity of the project. Based on the above, and with Mitigation Measure 8 incorporated, the Department finds that the proposed project will result in a moderate, temporary increase in noise levels but to a less than significant level.

Mitigation Measure 8.

All timber harvesting activities will occur on Monday through Friday between 8:00 AM and 6:00 PM, for no longer than 2 continuous weeks. Jake breaks shall only be used in emergencies.

XII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Thresholds of Significance:

This Initial Study considers to what degree the proposed project would result in, or contribute to, population growth, displacement of housing units, demolition or removal of existing housing units, or any project-related displacement of people from occupied housing.

Discussion:

(a-c) The project includes the development of one residence and timber removal on one 20 acre parcel. The project will add one unit to the county's housing stock, which is consistent with the Housing Element of the General Plan. There is no evidence the project will induce growth within the area, displace substantial numbers of existing housing, or necessitate the construction of replacement housing or the displacement of people. Based on the above, the Department finds no evidence indicating that the project will have an adverse impact on population and housing.

XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X
Thresholds of Significance: This Initial Study considers to what degree the proposed project would result in any changes in existing fire or police protection service levels, or a perceived need for such changes, as well as any substantial changes in the need for, or use of, schools, parks, or other public facilities.				
Discussion: (a-e) The project site is located in a very rural area south of the community of Orick and will add an additional residence to the area. The residence will be served by on-site water and individual on-site sewage disposal system (SDS). Referral comments did not indicate the project would impact or require additional public services for any of the following: fire and police protection, schools, parks, other public facilities. Based on the above, and comments from reviewing agencies, the Department finds no evidence indicating that the project will result in an adverse impact with regard to public services.				

XIV. RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Thresholds of Significance:

This Initial Study considers to what degree any aspect of the proposed project would be related to demand for recreational facilities or increase use of existing recreational areas such that those areas are physically degraded, including secondary effects such as degradation through over-use of environmentally sensitive areas.

Discussion:

(a-b) There are several recreational opportunities within the project vicinity. Big Lagoon State Park is the closest public recreation area to the project site. Beach going, kayaking, hiking and general site seeing are all common activities in the area. The conversion area and the residence will not be visible from the Park. As the project is defined recreational areas and activities will not be affected by the project.

XV. TRANSPORTATION/TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Thresholds of Significance:

This Initial Study considers to what degree, if any, the proposed project would be associated with (a) changes in traffic, circulation, or other changes that might be perceived as adverse, including traffic effects resulting from temporary construction-related changes; (b) any project-related changes in levels-of-service on City or state highways; (c) project-associated travel restrictions that would prevent emergency vehicles from reaching the locations where they were needed.

Discussion:

(a-g) The project includes timber removal and one residential structure to be constructed on one legal parcel. There are no airports, public or private, within 2 miles of the site. There are no known restrictions along the road that could impede passage such as a covered bridge with weight restrictions. In addition, the project will not alter any private or public improvements, such as roads, sidewalks, bike lanes, parking lots or any other transportation routes or facilities. Kane Ridge Road is not publicly maintained. In order to minimize the temporary impacts of logging trucks using the roads, mitigation measure 9 will be incorporated into the project. Based on the project as proposed, comments from reviewing agencies, and review of applicable regulations, the Department finds there is no evidence indicating the proposed project will result in individually or cumulatively significant impacts regarding: capacity or level of service; nor hazards due to a design feature or incompatible uses.

Mitigation Measure 9.

Truck traffic shall be limited to five (5) commercial logging vehicles per day, traveling no faster than 15 mph on local, residential streets.

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed)?				X

e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Violate any federal, state, and local statutes and regulations related to solid waste?				X

Thresholds of Significance:

This Initial Study considers what impacts may result from the proposed project due to the following: (a) result in expansion of existing wastewater facilities or construction of new wastewater facilities and exceeding wastewater treatment requirements established by the North Coast Regional Water Quality Control Board (RWQCB); (b) result in environmental effects caused by the construction of new storm water drainage; (c) result in expansion of water entitlements due to insufficient supplies for the proposed project; (d) exceed the capacity of the wastewater treatment provider and/or landfill provider, thus impacting their service commitments to other customers; (e) result in the violation of any federal, state, or local solid waste regulations.

Discussion:

(a-g) The parcel is zoned to allow a single family residence. A new on-site sewage disposal system will need to be developed. The septic aspect of the project is not expected to cause significant environmental effects. The Department of Environmental Health has recommended approval of the project. The project is not expected to generate a substantial solid waste situation. Furthermore, there is no evidence indicating that the project will result in a significant impact with respect to utilities and service systems. Referral comments have not identified any concerns regarding the project's impact to utilities and service systems. Based on the evidence and County records, Staff finds that the project will have no impact on utilities and service systems.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).				X
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Finding: As discussed above, the project as mitigated will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of a major periods of California history or prehistory.

Additionally, as discussed above, the project as mitigated, will not have impacts that are individually limited, but cumulatively considerable, and will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

EARLIER ANALYSES

- a) **Earlier Analyses Used.** The following document(s), available at the Community Development Department, have adequately analyzed one or more effects of the project. Earlier analysis may be used where, pursuant to the tiering, program Environmental Impact Report (EIR), or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063 (c)(3)(D)). **N/A**
- b) **Impacts Adequately Addressed.** The following effects from the above checklist were within the scope of and adequately analyzed in the document(s) listed above, pursuant to applicable legal standards. **N/A**
- c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Incorporated," the following are mitigation measures that were incorporated or refined from the document(s) described above. **N/A**

Mitigation Measures, Monitoring, and Reporting Program (MMRP)

Mitigation Measure 1. The applicant, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the Humboldt County Community Development Department (HCCDD) and the North Coast Unified Air Quality Management District (NCUAQMD). This will require, but may not be limited to: (1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and (2) the use of water for control of dust during construction operations.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicants/ Humboldt County Community Development Department and the North Coast Unified Air Quality Management District

Monitoring Frequency: N/A

Evidence of Compliance: Final Report

Mitigation Measure 2. All individual azalea plants within the timber harvest area shall be flagged for protection from any unintentional equipment disturbance.

Timing for Implementation/Compliance: During harvest

Person/Agency Responsible for Monitoring: Applicants

Monitoring Frequency: Continuous throughout harvest

Evidence of Compliance: Final Report

Mitigation Measure 3. All equipment operators and timber fallers shall be made aware of the significance of the flagging and make the effort to protect all azaleas.

Timing for Implementation/Compliance: During harvest

Person/Agency Responsible for Monitoring: Applicants

Monitoring Frequency: Continuous throughout harvest

Evidence of Compliance: Final Report

Mitigation Measure 4. In the cases where individual azaleas can not be protected then those plants shall be moved if possible and replanted in the subject area or along the southern property line once all possible disturbance from timber harvest operations have ceased. Removal of mature plants shall be conducted with equipment capable of excavating the roots with soil in place. Plants to be moved shall be pruned and irrigation shall occur until the onset of winter rains.

Timing for Implementation/Compliance: After harvest

Person/Agency Responsible for Monitoring: Applicants

Monitoring Frequency: once after harvest

Evidence of Compliance: Final Report

Mitigation Measure 5. When individual azaleas are lost then that number of plants shall be replaced and planted on-site (or on adjacent property opposite the southern property line). Replacement plants shall be 1 gallon size or larger and plants shall be irrigated unless planted during the wet season.

Timing for Implementation/Compliance: After harvest

Person/Agency Responsible for Monitoring: Applicant

Monitoring Frequency: Continuous after construction

Evidence of Compliance: Final Report

Mitigation Measure 6. As required by the California Environmental Quality Act (CEQA), if buried archeological or historical resources are encountered during construction, the on-site contractor(s) will temporarily stop all work in the immediate area, and a qualified archeologist will be contacted to evaluate the materials. Prehistoric materials may include chert flakes, tools, locally-darkened midden soils, ground stone artifacts, dietary bone, and human burials. If human burial is discovered during construction operations, State law requires that the County Coroner be contacted immediately. If such remains were 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.

Timing for Implementation/Compliance: Continuous throughout harvest and ground disturbing activities for residential construction.

Person/Agency Responsible for Monitoring: Applicants

Monitoring Frequency: Continuous throughout harvest and ground disturbing activities for residential construction.

Evidence of Compliance: Final Report

Mitigation Measure 7. Applicant shall conform to the erosion control measures as identified in §3432(8) of the Framework Plan and implement Best Management Practices (BMP's). In addition, all areas cleared to bare mineral soil by the harvesting activities shall be reseeded with grass prior to the onset of winter rains to establish a stable ground surface that will prevent surface erosion.

Timing for Implementation/Compliance: Continuous throughout harvest and ground disturbing activities for residential construction.

Person/Agency Responsible for Monitoring: Applicant

Monitoring Frequency: Continuous throughout harvest and ground disturbing activities for residential construction.

Evidence of Compliance: Final Report

Mitigation Measure 8. All timber harvesting activities will occur on Monday through Friday between 8:00 AM and 6:00 PM, for no longer than 2 continuous weeks. Jake breaks shall only be used in emergencies.

Timing for Implementation/Compliance: During/post harvest

Person/Agency Responsible for Monitoring: Applicant

Monitoring Frequency: Continuous during timber removal off site

Evidence of Compliance: Final Report

Mitigation Measure 9. Truck traffic shall be limited to five (5) commercial logging vehicles per day, traveling no faster than 15 mph on local, residential streets.

Timing for Implementation/Compliance: During/ post harvest

Person/Agency Responsible for Monitoring: Applicant

Monitoring Frequency: Continuous during timber removal off site

Evidence of Compliance: Final Report



Photo 1. Western Azalea habitat at the Stagecoach Hill Azalea Preserve. Photo taken in May 2007 while azaleas were in full bloom in this area. Note that the azaleas on the site are both high in number and a dominant component of the vegetation assemblage as a whole. Pacific Reed Grass (*Calamagrostis nutkaensis*, seen in foreground and intermixed with azaleas across the Preserve) also dominates the vegetation of the area.

EXHIBIT NO. 9
APPLICATION NO.
1-06-032
SHUTTLEWORTH
SITE PHOTOS (1 of 8)



Photo 2. Western Azalea habitat at the Stagecoach Hill Azalea Preserve.

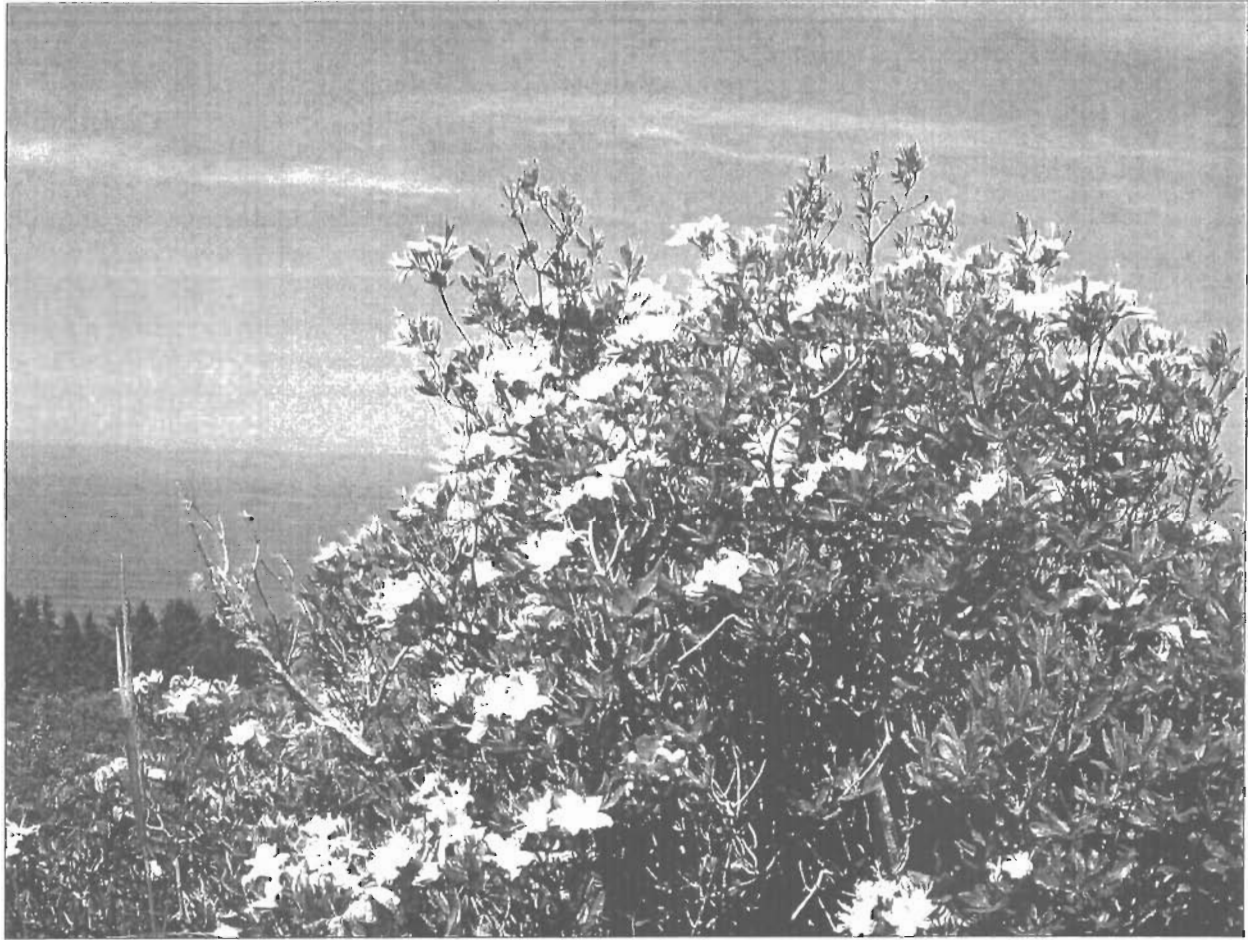


Photo 3. Western Azalea habitat at the Stagecoach Hill Azalea Preserve. The plants of the area have been documented as highly variable in flower color and form (Mossman 1977).



Photo 4. Western Azalea habitat on the subject property (Shuttleworth). Azalea plants are flagged. Unlike at the Stagecoach Hill Azalea Preserve, azaleas are not especially high in number in the area and do not comprise a major component of the vegetation at the site.



Photo 5. Western Azalea habitat on the subject property. Azalea plants are flagged. Note that azaleas in the area are crowded with a variety of competing trees, shrubs, ferns, and other plants (both native and nonnative).

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Photo 6. Western Azalea habitat on the subject property. Azalea plants are flagged. Note that azaleas in the area are crowded with a variety of competing trees, shrubs, ferns, and other plants (both native and nonnative).



Photo 7. Western Azalea habitat on the subject property. Azalea plants are flagged. The open grassy area in the foreground is comprised mostly of nonnative grasses (unlike at the Stagecoach Hill Azalea Preserve, which is dominated by the native bunchgrass, Pacific Reed Grass).



Photo 8. Western Azalea habitat on the subject property. Note that azaleas in the area are crowded with a variety of competing trees, shrubs, ferns, and other plants (both native and nonnative).

Areas Now Having Best Azalea Growth

California State Parks Foundation Parcel

Areas of Dense Tree Growth

Boundary State Parks System Lands

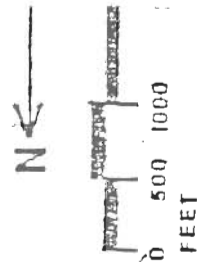
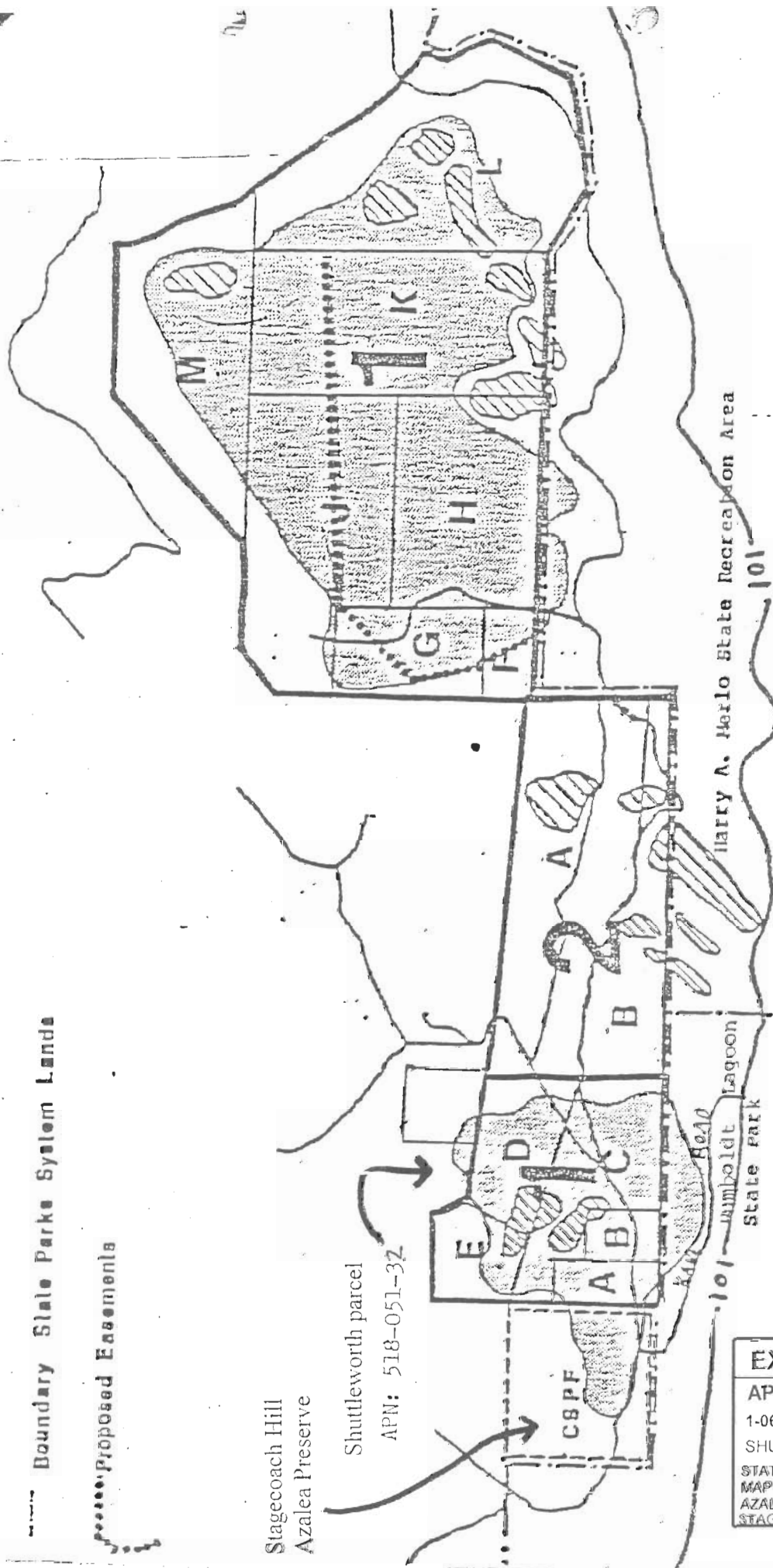
Proposed Easements

Stagecoach Hill
Azalea Preserve

Shuttleworth parcel

APN: 518-051-32

CATEGORY 1 - First Priority Lettered Subgroups A-E and
CATEGORY 2 - Second Priority Lettered Subgroup A-B



(Coastal Conservancy Acquisition Program)

STAGECOACH HILL

EXHIBIT NO. 10

APPLICATION NO.

1-06-032

SHUTTLEWORTH

STATE COASTAL CONSERVANCY
MAP OF "BEST" WESTERN
AZALEA HABITAT AREAS ON
STAGECOACH HILL

Map produced in 1980s as part of Commission File No. CP-3-85