



# COUNTY OF HUMBOLDT

For the meeting of: 11/30/2023

---

File #: 23-1554

---

**To:** Planning Commission  
**From:** Planning and Building Department  
**Agenda Section:** Consent

**SUBJECT:**

**Slack & Winzler - Major Subdivision**

Application Number: PLN-10797-FMS  
Assessor Parcel Number (APN) 304-071-018  
Eureka area

A Major Subdivision of an approximately 44.2-acre parcel into five residential lots. The lots will range in size from 5.17 acres to 16.63 acres. The parcel is currently vacant and has historically been utilized for timber harvesting. The parcels will be served with community water from the Humboldt Community Services District and each parcel will be developed with an on-site wastewater treatment system.

**RECOMMENDATION(S):**

That the Planning Commission:

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

- a. Find that the project is consistent with the development density and policies established by an existing community plan and General Plan for which an EIR was certified, and that no additional environmental review is required per section 15183 of the State CEQA Guidelines; and
- b. make all of the required findings for approval of the Final Map Subdivision; and
- c. approve the Slack & Winzler Major Subdivision subject to the recommended conditions.

**DISCUSSION:**

**Executive Summary:** This project is a request for approval of a subdivision of one 44.2-acre parcel into five parcels for residential purposes. The parcels will be 5.17 acres, 5.64 acres, 6.71 acres, 10.06 acres and 16.63 acres in size. Water service will be provided by the Humboldt Community Services District and sewer service will be provided by on-site wastewater treatment systems. The zoning of property is Agriculture General with a 5-acre minimum parcel size, and a Qualified combining Zone. The Qualified combining zone limits restricts the uses that would be conditionally permitted on the site but does not restrict principal uses, such as single-family residential or general agriculture.

Access to the proposed parcels would be from a 2,800 foot long roadway leading from Elk River Road.

This access will generally follow the alignment of an existing logging road and will require the filling of a small man-made wetland that has formed as a result of poor drainage associated with the logging road. The construction of the new roadway will require installation of new culverts and upgrades to existing culverts, which will be completed in association with a Lake or Streambed Alteration Agreement (LSAA) with CDFW.

The maximum grade of the new road will be 15% and includes a turnaround at the end of the road, on the adjoining property to the east which is owned by the same property owner. This property to the east has a continuation of the logging road on the subject property that connects to Eggert Road to the east and the property has the potential to develop a through road from this proposed access road to Eggert Road if and when the property is developed. The proposed 2,800-foot roadway exceeds the maximum length of a dead-end road under the State Fire Safe regulations, as the maximum length of a dead-end road for parcels zoned for 5-20 acres in size is 2,640 feet. Cal-Fire has approved an exception to the dead-end road requirement for this proposed subdivision with the condition that the logging road be open during summer months to provide for secondary emergency access.

The property has historically been logged, and a Timber Harvest Plan is currently being prepared for the property. The project area contains habitat for sensitive wildlife species. There are two northern spotted owl (NSO) activity centers located within one mile of the property and the area has been surveyed for NSO multiple times since 1990, including most recently between 2018 and 2022 in association with a Non-Industrial Timber Management Plan (NTMP) for the adjacent property to the east. No surveys have identified NSO on the subject property itself. A botanical survey was completed for the property in 2007 and again for the proposed project in 2021 which found no rare, threatened or endangered plant species on the property although there are multiple Coastal Bramble Sensitive Natural Communities (SNC's) on the parcel. As a condition of approval staff is recommending that a Development Plan be recorded which documents the location of the SNC's and requires protection of them during development activities. The Development Plan would include additional restrictions including that any tree removal occur outside the bird nesting season unless pre-clearing surveys are completed.

The property is not located in a Flood Zone, and the nearest fault hazard zone is over 1 mile to the southwest (Alquist-Priolo Fault Hazard Zone). The property is located in a high fire hazard severity zone and is served by both Cal-Fire for wildfire protection and Humboldt #1 Fire Protection District for structural fire protection. The property is within an area of low to moderate slope stability and an R-1 geotechnical soils report has been prepared identifying appropriate measures for construction of single-family homes. As all proposed lots are over one acre in size the proposed subdivision is exempt from the requirement to prepare a solar shading study.

### ***CEQA***

The project is consistent with the development density established by an existing general plan for which an EIR was certified, and a determination that no further environmental review is required is being made pursuant to section 15183 of the State CEQA Guidelines. The Department has determined that further environmental review is not required as the project is consistent with a development density established under the Eureka Community Plan and the 2017 Humboldt County General Plan for which EIR's were certified. The residential density specified in the Eureka Community Plan was

utilized for analysis conducted during development of the Environmental Impact Report prepared for the current Humboldt County General Plan, which includes all of the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the plan in 2017. Section 15083 of the CEQA Guidelines discourages lead agencies from performing additional environmental review where an earlier EIR was prepared, unless there are environmental effects peculiar to the project or the parcel on which it is located, or in situations where the earlier EIR(s) did not include analysis of significant effects or where previously identified significant effects could become more severe. Neither of these circumstances apply to the proposal. Further discussion of the basis for this determination can be found in Section 2 of the Draft Resolution.

**Project Location:** The project site is located in the Eureka area, on the east side of Elk River Road, approximately 1,200 feet south of the intersection of Elk River Road and Showers Road.

**Present General Plan Land Use Designation:** Residential Agriculture (RA5-20). Eureka Community Plan (ECP). Density: 1 unit per 5 to 20 acres.

**Present Zoning:** Agriculture General with a B-5 combining zone specifying a minimum parcel size of 5 acres, and a Qualified combining zone limiting conditionally permitted uses.

**State Appeal:** The project is not located within the Coastal Zone.

**Major concerns:** None

OTHER AGENCY INVOLVEMENT:

The Planning Department has circulated requests for input relative to the tentative map and has received approval recommendations from the Division of Public Works, the Environmental Health Division, Cal-Fire and the Humboldt #1 Fire Protection District, and the Humboldt Community Services District, as well as from Tribal Historic Preservation Officers from the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. The California Department of Fish and Wildlife has provided comments which have been incorporated into the recommended conditions of approval. All responding agencies have either recommended approval or conditional approval. No comments opposing approval of the project have been received. (Attachment 3)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings for approval. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution
  - A. Conditions of Approval
  - B. Public Works Department Conditions of Approval
  - C. Tentative Map
2. Applicant's Evidence in Support of the Required Findings

- A. Geologic Report
  - B. On-Site Wastewater Treatment System Report
  - C. 2007 Botanical Survey
  - D. 2021 Botanical Survey
  - E. NSO Survey
  - F. Wetland Delineation
  - G. Additional Wetland Information
3. Referral Agency Comments and Recommendations

Applicant/Owner

Slack & Winzler Properties, LLC  
Attn: John Winzler  
PO Box 549  
Eureka, CA 95502

Agent

Kelly O'Hern Associates  
3240 Moore Avenue  
Eureka, CA 95501

Please contact Cliff Johnson, Planning Manager, at [cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us) or 707-445-7541, if you have any questions about the scheduled item.