



COUNTY OF HUMBOLDT

For the meeting of: 8/7/2025

File #: 25-903

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:
Henderson PMS
Assessor Parcel Numbers (APN) 500-141-045, 500-201-003
Record No.: PLN-2025-19178
Bayside area

A Parcel Map Subdivision (PMS) of an approximately 4.55-acre parcel into two parcels of approximately 1.4 acres (Parcel 1) and 3.2 acres (Parcel 2). The site is currently developed with a single-family residence served with on-site water (well) and on-site wastewater treatment system. A Variance is requested to allow the subdivision on a substandard parcel (less than ten acres). An exception request has been submitted to allow the parcels to be served by a roadway not meeting the Category 4 road standard.

RECOMMENDATION(S):
That the Planning Commission:

1. Adopt the resolution, (Attachment 1) which does the following:
 - a. Finds the project is exempt from environmental review pursuant to State CEQA Guidelines Section 15270, projects that are disapproved; and
 - b. Finds the proposed project does not comply with the General Plan and Zoning Ordinance; and
 - c. Denies the Henderson Parcel Map Subdivision.

DISCUSSION:

Project Location: The project site is located in the Bayside area, on the north side of Golf Course Road, approximately 2,100 feet northeast of the intersection of Golf Course Road and Old Arcata Road, on the property known as 1933 Gold Course Road.

Present General Plan Land Use Designation: Residential Estates (RE2.5-5), Density: (Cluster) Range is

2.5 to 5 acres per unit, Jacoby Creek Community Planning Area (JCCP), 2017 General Plan, Slope Stability: Low Instability (1)

Present Zoning: Residential Suburban (RS), Minimum building site area is 2.5 acres (B-5(2.5))

Environmental Review: The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Project Which Are Disapproved) of the CEQA Guidelines.

State Appeal: The proposed project is NOT appealable to the California Coastal Commission.

Major Concerns: Inconsistency with Humboldt County Code, Humboldt County General Plan, and Jacoby Creek Community Plan.

Monitoring Required:

None.

Executive Summary: For Planning Commission consideration is a Parcel Map Subdivision (PMS) of an approximately 4.6-acre parcel into two parcels of approximately 1.4 acres (Parcel 1) and 3.2 acres (Parcel 2). The site is currently developed with a single-family residence served with on-site water (well) and on-site wastewater treatment system. A Variance is requested to allow the subdivision on a substandard parcel (less than five acres).

The proposed PMS is inconsistent with the Humboldt County General Plan as the resulting parcels do not comply with the density range prescribed by the Residential Estates (RE) land use designation, and the project is similarly inconsistent with the Humboldt County Code, as the parcels resulting from the proposed subdivision cannot meet the 2.5-acre minimum parcel size required by the zone. Additionally, the project is inconsistent with the Jacoby Creek Community Plan which expressly prohibits development at designated plan densities until public water and sewer service are available, except under limited circumstances which are not met by this application. While a Variance can potentially authorize lots smaller than the minimum under the zoning regulations, there is no similar ability to obtain a variance from the general plan. Staff has concluded the findings required for approval of the requested variance cannot be made. Consequently, staff is recommending denial of the application.

Background Information: An application was submitted on February 26, 2025, for a Parcel Map Subdivision (PMS) of an approximately 4.6-acre parcel into two parcels of approximately 1.4 acres (Parcel 1) and 3.2 acres (Parcel 2). An Incomplete Letter was sent to the agent and applicant indicating the project was not consistent with several policies of the General Plan however at the applicant's request the Planning Department would process an incomplete application to present to the Planning Commission, and if a path forward was identified additional studies would be requested (Attachment

5). The letter indicated based on the identified inconsistencies the application would move forward to the Planning Commission with a recommendation of denial.

Applicant Justification: Attachment 3 outlines the position of the applicant to justify approval of a Variance, and the applicant's position that the subdivision is consistent with the Humboldt County General Plan (HCGP) and the Jacoby Creek Community Plan (JCCP). The applicant's positions are summarized below, followed by staff analysis. Additional comments from the applicant are included in Attachment 6.

Variance Findings, Applicant's Justification: The applicant has requested a variance, as the proposed subdivision does not comply with the minimum parcel sizes of the zone district and cannot meet the requirements of Humboldt County Code section 325-11, which allows a modification to minimum lot sizes. Section 325-11 allows a parcel to be modified down to a maximum of 50% of the minimum lot size required provided the resulting lots are not on average less than the size required by the applicable zone or General Plan designation. While the proposed lot 1 is not less than 50% of the minimum lot size required by the zone, the resulting lots would be an average of 2.3 acres, 0.2 acres less than the 2.5 acre minimum required by the B combining zone.

The applicant contends there are special circumstances applicable to the property such that approving the proposed subdivision would not constitute a grant of special privileges. Per the applicant the proposed subdivision is in effect part of a phased subdivision of a 10- acre parcel into four 2.5-acre parcels. The proposed 1.4-acre proposed lot 1 was combined with an adjacent property in 1975 to create a single 11.2-acre parcel. The parcel was then redivided into two parcels and modified in 1984 and again in 1987 by a Lot Line Adjustment resulting in the present-day configuration. Per the applicant, the parcels were intended to be the first phase of a two-phase subdivision resulting in four lots, which, would have been permissible under the lot size modifications and practices at the time of subdivision but does not meet the requirements of current provisions (the subdivision was approved in 1975, prior to both the adoption of the current zoning designation and the adoption of the Jacoby Creek Community Plan). The applicant contends that the parcel is the largest in the neighborhood, and with an average parcel size of 2.1 acres for lots in the area, not granting a variance would deny the property owner a privilege enjoyed by other properties in the neighborhood. Based on this information the applicant has asserted the parcel qualifies for a variance from the minimum parcel size required by the zone.

General Plan and Community Plan Consistency, Applicant's Justification: It is also the position of the applicant that the proposed subdivision is consistent with the Humboldt County General Plan and Jacoby Creek Community Plan. The applicant contends that the subdivision as proposed is consistent with development in the vicinity and with the General Plan more broadly, with the exception of JCCP policy P27, Development within the Urban Development Area. This policy requires public water and public sewage disposal system availability prior to development at designated plan densities for parcels within the mapped Urban Development Area (UDA) in the Jacoby Creek Community Plan. The

applicant argues the proposed subdivision is compatible with the requirements of the General Plan, and as such is consistent with the General Plan and Community Plan. The applicant also asserts that JCCP policy P27 is not applicable, as the UDA as mapped is an error, subject to HCGP policy G-P9, Errors in the Plan. This policy states:

Where there is an obvious error in the Plan that would prevent a land use decision otherwise consistent with the Plan, the Planning Commission or Board of Supervisors may act on the matter based on a comprehensive view of the Plan, noting the error in the decision and referring the error to the next available set of amendments.

The applicant asserts the mapping of the UDA is an error, as while at the time of preparation the plan expected that the properties would eventually be served by public water and sewerage (JCCP-P25 states the plan is predicated on either the City of Arcata or the Jacoby Creek County Water District providing urban services to the UDA), public water and sewerage are not available currently and new availability is not anticipated in the foreseeable future. Based on the understanding of this policy as an error, the applicant contends that without public water and sewerage services the project is considered rural development. The applicant asserts that the proposed subdivision is consistent with HCGP and JCCP policies required for rural development.

The applicant cites additional General Plan goals, policies, and standards, and indicates the subdivision is consistent with the referenced goals, policies, and standards. The goals, policies, and standards referenced by the applicant are as follows:

- H-G1, Housing Production. It is a goal of the General Plan to promote the creation of affordable housing, protect the public health safety and welfare, encourage compliance with permit requirements, and minimize the environmental impacts of housing development.
- H-G2, Housing Diversity. It is a goal of the General Plan to create an adequate supply of all types of affordable housing for all income levels in all areas of the County, including urban, suburban, rural, hamlet, and remote areas.
- H-P1, Promote Infill, Reuse and Redevelopment. This policy states the County shall promote infill, re-use and redevelopment of vacant and under-developed land within Urban Development Areas as a strategy to create affordable housing, provide an economic stimulus, and re-vitalize community investment.
- GP-P6, Use of On-Site Sewage Systems within Urban Development Areas. This policy allows utilization of onsite sewage disposal systems in UDAs provided the Planning Commission can make the findings that the extension of services is physically infeasible, the area is not planned for service in the service provider's Municipal Service Review and other long term written plans, or the services are not available in a timely manner.
- IS-S2, Service Inadequacies and Development Limitations. This standard states the County shall request water and wastewater service providers submit formal notice approved by their

governing body regarding new capacity limitations within UDAs that could result in a moratorium or other development limitation otherwise allowed by the General Plan. The County shall take appropriate actions to reflect new capacity limitations in land use and permitting decisions and communications to the public.

- G-P31, Common Sense Principle. This General Plan policy stipulates “The General Plan should be interpreted in a common sense manner to encourage reasonable development which can meet the needs of the community with minimal impacts on the environment and demands on public services. Taking a comprehensive view of all relevant plan policies, the result must balance the intent of these policies, in a practical, workable, and sound manner”. The policy further states when using the Common Sense Principle the Planning Commission must make findings indicating how the use of this principle balances the needs of the community and Plan policies.

Further, the applicant contends that disapproval of the proposed subdivision based on the lack of community water and sewer services would be illegitimate. Per the applicant’s justification, “the most demanding constitutional regulatory test is the least restrictive means to further a compelling public interest”. The applicant asserts the prohibition on new parcels less than 5 acres in the Jacoby Creek Community Planning Area constitutes a special unique restriction that has not been explained or justified to date. Therefore, the applicant concludes denial of the project without an explanation would violate the constitutional test, and the appropriate and legitimate action would be to approve the proposed subdivision.

Zoning Consistency and Variance Findings, Staff Analysis: While it may be the case that the parcel was originally intended by the original property owners to be part of a two-part phased subdivision, it was first part of a four-lot subdivision in 1975, prior to the adoption of the Jacoby Creek Community Plan in 1982 and the County-Wide Framework General Plan in 1984. The parcel was then part of a lot line adjustment in 1984, memorialized by Parcel Map No. 2301, and then adjusted again by a lot line adjustment in 1987, resulting in the current configuration of the parcel at 4.6 acres. The most recent adjustment in 1987 was done without any apparent consideration for future subdivision given that the minimum parcel size of the zone was already well-established to be 2.5 acres. Two 2.5-acre parcels cannot be created from a single 4.6 acre parcel and be consistent with the land use and zoning.

While this lot line adjustment created a parcel that is nonconforming as to the 5-acre parcel size requirements of the community plan, lot line adjustments at the time were not required to be consistent with community or general plans. Senate Bill No. 497 (Sher) amended state subdivision law on October 13, 2001 to require lot line adjustments be consistent with applicable general and specific plan policies. The Lot Line Adjustment approved in 1987 could not be approved under the current provisions of the Subdivision Map Act without approval of a Special Permit for a lot size modification.

Any intent for a phased approach to a subdivision was not reflected in the parcel maps, lot line

adjustments or approved subdivisions. Even so, a property owner's intent in further subdividing property does not rise to the level of vesting the policies and zoning requirements in place at the time of subdivision. A property owner's intent is not a special circumstance. Not granting a property owner his or her intent does not deprive a property owner of privileges enjoyed by other property owners in the vicinity and under identical zoning classification. The Planning Department has consistently applied these standards and has informed other property owners of the same parcel size requirements and subdivision limitations that apply to the subject property (Attachment 4). Accordingly, there is no evidence that denial of this variance would deprive the property owner of privileges enjoyed by other property owners in the vicinity who have the same zoning limitations. There is no precedent for approval of a variance to allow subdivisions to below the minimum parcel size under the zoning.

The parcels resulting from the proposed subdivision on average do not meet the minimum parcel size required by the zone. The average resulting lot size of the proposed map is 2.3 acres, and while the applicant contends the average parcel size in the area is 2.1 acres, a review of Humboldt County WebGIS indicates parcels in the area with identical zoning (RS-B-5(2.5)) are on average approximately 2.45 to 2.48 acres in size, depending on whether assessed lot sizes or GIS measurements, respectively, are used for the calculations. The area assessed is shown below in figure 1. The proposed subdivision does not meet the minimum parcel size required by the zone, and similarly does not meet or exceed the average parcel size for the existing parcels in the area. The original text of the JCCP identifies that in 1980 there were 770 housing units in the area (P 15 - 2201 Existing Population and Housing.) It can be inferred from this that many of the lot sizes and development patterns were established prior to the adoption of the JCCP and the Zoning Ordinance. In this area there are parcels that are less than 2.5 acres in size, but there are also parcels that are larger than 2.5 acres in area. Under the zoning unless the parcel is more than 5 acres in area, it cannot be further subdivided. In this case this property owner has the same right of any other property owner with a parcel area between 2.5 and 5 acres to develop their property with a single-family residence and any permitted accessory buildings and uses allowed under zoning. This property is not being denied privileges available to other property owners in the area.

Approval of the subdivision as proposed would constitute a grant of special privileges inconsistent with other properties in the vicinity and in the same zone. No other parcels of the same zone have been approved for subdivision to below an average of 2.5 acres per parcel in this area. A lot line adjustment could be pursued to revert the parcels to their previous configuration which would result in both parcels meeting the five-acre minimum parcel size required for a subdivision by the zone and avoid the need for a variance, provided the required HCGP and JCCP requirements can be met.

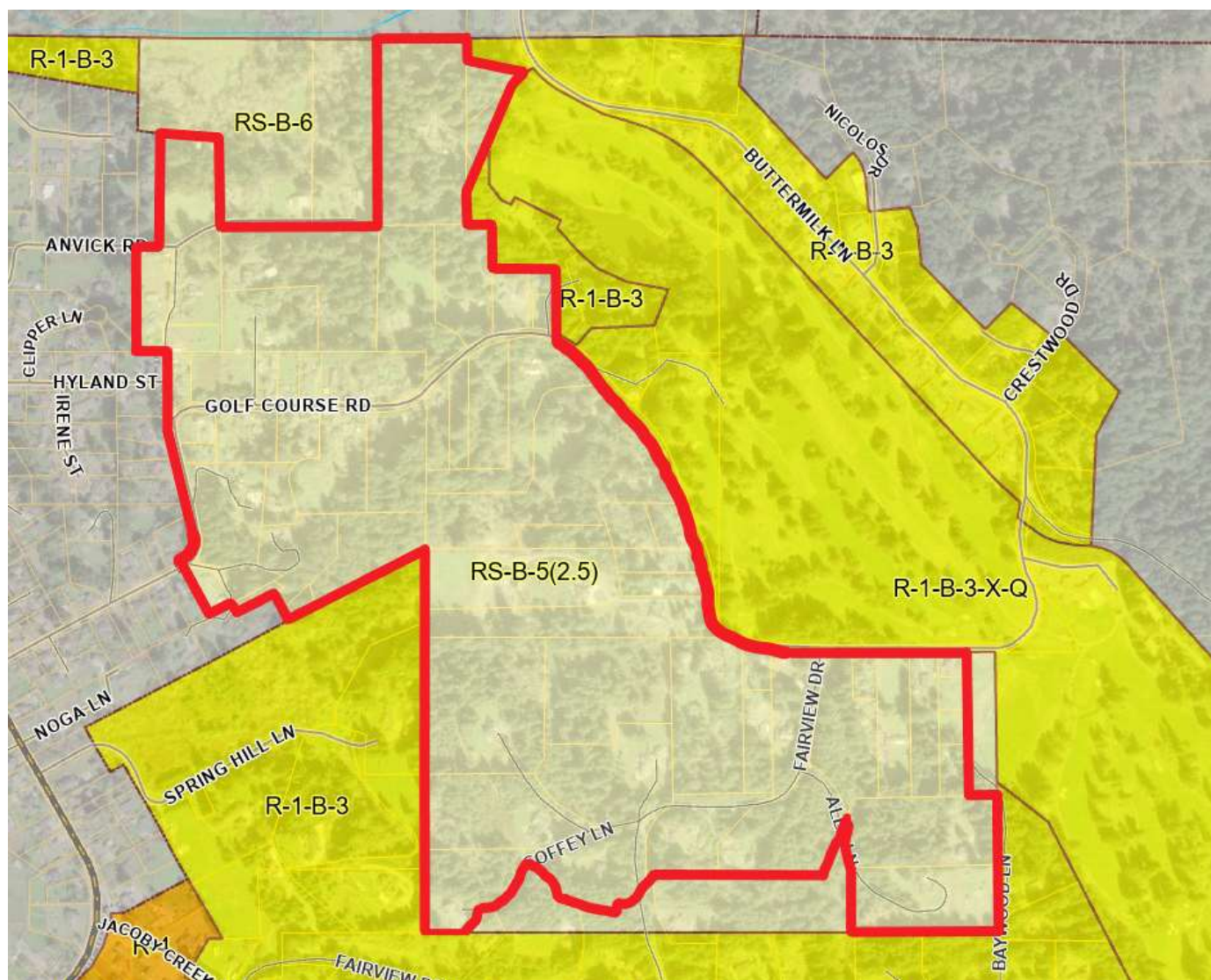


Figure 1: The area outlined in red is comprised of parcels in the vicinity that have zoning identical to the subject parcel (RS-B-5(2.5)). Four parcels in the southern portion of the figure have been excluded, as they are split zoned RS-B-5(2.5) and R-1-B-3. The average size of the lots in the outlined area is 2.45 acres using assessed lot size, and 2.48 acres using GIS measurements.

General Plan and Community Plan Consistency, Staff Analysis: The proposed subdivision would result in parcels that have a residential density higher than allowed by the land use designations, including the higher densities allowed if public water and sewer are available. Based on a comprehensive view of plan policies, the proposed subdivision is not consistent or compatible with the HCGP or JCCP.

The subdivision as proposed does not meet the requirements of the JCCP. The subdivision is inconsistent with JCCP Policy P27, Development within the Urban Development Area, which states that “Development within the Urban Area should only occur at designated plan densities only when public water and public sewage disposal systems are available, except as provided in this plan.” and JCCP Policy P26, which is complimentary to Policy P27 and states that “Residential development at one dwelling unit per five or more acres may be permitted within the Urban Development Area”

without public sewer and water service under certain conditions. The subdivision as proposed is inconsistent with JCCP policy P39, Subdivision of Land Designated Residential Estates, which states “no new subdivision or minor subdivision which creates parcels of less than five acres shall be approved on lands designated as Residential Estates until a public water system is available for such lands.” As states above, Policy P26 allows for use of on-site water and sewer systems for parcels in the UDA, however the maximum density allowed is one unit per five acres.

It is worth noting that the findings in the original JCCP for the inclusion of the 5-acre requirement for development on lots without public water and sewer stated the following:

- *Existing development within the urban portion of the Planning Area has reached maximum capacity in some neighborhoods.*
- *Domestic water is provided to the Planning Area by both the City and the District.*
- *Failing septic systems and surface water contamination have been documented in portions of the Planning Area*

It is clear that the Board of Supervisors was concerned about allowing a continuation of the development pattern created prior to adoption of the JCCP and thus included policies to ensure that policies were in place to limit development density until such a time as water and sewer services were provided.

Additionally, the mapping of the UDA, while predicated on the assumption public water and sewer would eventually be available, is not an “obvious error” as described in policy G-P9. An obvious error is likely to mean something inherent, clear from the text, and possibly clerical in nature. The decision to include this property within the Urban Development Area while prohibiting more urban densities until connection to public services was intentional on the part of the Board of Supervisors. The property is approximately 150 feet from the incorporated city limits of Arcata and yet does not have access currently to urban water and wastewater service and it was not unreasonable to expect that these services may be extended to the property. In adopting this mapping the Board specifically contemplated that services might not be provided. This is demonstrated by policies JCCP-P26 and JCCP-P27 which specifically address development in the UDA if such services are not available. Further, even if the mapping were to constitute an “obvious error” which, the applicant argues, would result in the project being considered rural development, policy P39 (quoted above) is not limited to parcels in the UDA as it applies equally to lands designated Residential Estates in rural areas of the JCCP. Thus, the subdivision would not be approvable even if it was not mapped within the UDA.

The applicant argues that the proposal is compliant with General Plan standard IS-S2, which states in part “The County shall take appropriate actions as necessary to reflect new capacity limitations in land use and permitting decisions and communications to the public”. It does not necessarily follow that the appropriate action is an approval of this subdivision in spite of the capacity limitations.

Implementation measure IS-IM 12 states the County will “Coordinate with water and wastewater providers to monitor the capacities of infrastructure and services *to ensure that growth does not exceed acceptable levels of service* [emphasis added]”. Further, the JCCP states the plan is predicated on the intent that public water and sewer services will be available to the UDA, and the General Plan similarly indicates the plan provides for “higher development potential in urban areas with access to public sewer and water”. It would follow that absent the conditions outlined above (i.e. public water and sewer availability) higher density of development is discouraged if not outright disallowed. Draft zoning updates appear to confirm this, as the areas currently zoned RS-B-5(2.5) are tentatively planned to be rezoned to Rural Residential Agriculture, minimum lot size 5 acres (RA-5).

The applicant is additionally arguing that the County Planning Commission, during its review of amendments to the Accessory Dwelling Unit Ordinance revisions in July 2020, directed the Planning Department to include in its motion to the Board of Supervisors to revisit the Jacoby Creek Community Plan policies regarding the 5-acre density restrictions related to sewer and water. This is true, however the context of the discussion by the Planning Commission was very regarding accessory dwelling units and not subdivision potential. The area in question is served by fairly narrow roadways, not connected to urban services and serves as a transition between the denser City of Arcata and the larger timberland parcels to the east. This area may be appropriate for accessory dwelling units on parcels below 5 acres in size however it is unclear whether the Planning Commission, Board of Supervisors and members of the public would support allowing smaller parcel subdivisions in this area that could potentially double or triple (with JADU’s) the allowable number of residential units in the area. The Planning Department has not yet brought forward a reconsideration of the JCCCP policies due to a lack of available time and money to put towards this effort. The fact that this review has not yet occurred does not render the existing policies inapplicable.

In summary, the subdivision does not comply with the minimum lot size standards of the zone district, nor does it comply with the specified density of the General Plan. Further, the subdivision is inconsistent with specific policies of the Jacoby Creek Community Plan. Staff does not believe the findings for a variance can be made, however even if the variance was granted to the zoning regulations, the project is still inconsistent with both the General Plan and Jacoby Creek Community Plan policies. The applicant was advised during an application assistance meeting that the correct pathway would be to apply to change the general plan policies, however they do not believe this is necessary for approval and has chosen to apply for the subdivision. Based on a comprehensive view of plan policies, the proposed subdivision does not balance the intent of policies in a practical, workable, and sound manner, and is therefore not compatible or consistent with the HCGP or JCCP.

Referral Agency Responses: All responding agencies responded with no comment, or recommended approval/conditional approval of the project. The Department of Public Works has recommended conditional approval of the project but has indicated they do not support an exception to the access road width. Public Works recommended conditions indicate along the frontage of the proposed subdivision Golf Course Road must be widened to have a paved travel lane width of 20 feet and a four

-foot paved shoulder. Referral responses from Public Works indicate they do not support an exception to this standard as Golf Course Road has been previously identified by the community as needing widening to accommodate vehicular and non-vehicular travel. The planning commission has acknowledged this need and has conditioned prior subdivisions (subdivisions that complied with the general plan and minimum zone requirements) to widen Golf Course Road both on-site and off-site of the subject parcels.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 6)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to approve the subdivision application, in which case the application should be continued to a future hearing to allow staff time to prepare a resolution with the findings for approval and to conduct environmental review under CEQA. Because the proposed subdivision is not consistent with the densities established by the General Plan, it would not be exempt from environmental review under CEQA.
Given the stated inconsistencies staff does not recommend that this alternative be considered.

ATTACHMENTS:

1. Resolution
 - A. Tentative Map
2. Applicant's Variance Justification and Position for Plan Consistency
3. Information Requests
4. Department Communications
5. Referral Agency Comments and Recommendations
 - A. Public Works Referral Recommendations
6. Additional Comments from Applicant
7. Public Comment
8. Ordinance 1169 establishing the current RS-B-5(2.5) Zone

Applicant:

Larry and Eileen Henderson
1933 Gold Course Road
Bayside CA 95524

Owner:

Same as applicant

Agent:

Omsberg and Preston

File #: 25-903

402 E Street
Eureka CA 95501

Please contact Michael Holtermann, Planner, at mholtermann@co.humboldt.ca.us or 707-268-3737 if you have questions about this item.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 25-

**PARCEL MAP SUBDIVISION & VARIANCE REQUEST
PROJECT ID: PLN-2025-19178
ASSESSOR PARCEL NUMBER 500-141-045, 500-201-003**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND DENYING THE HENDERSON PARCEL MAP SUBDIVISION & VARIANCE REQUEST

WHEREAS, the owner submitted an application seeking approval of a Minor Subdivision and Variance Request to result in one parcel of 1.4 acres and one parcel of 3.2 acres; and

WHEREAS, the minimum density of the Humboldt County General Plan for this property is 2.5 acres per dwelling unit; and

WHEREAS, the minimum lot size for parcels in this zone district is 2.5 acres; and

WHEREAS, the parcel is located within the Jacoby Creek Community Plan which specifies that parcels without public sewer and public water may not be created to be less than 5 acres in size; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on August 7, 2025.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

PROJECT DESCRIPTION

1. **FINDING:** Denial of a Parcel Map Subdivision (PMS) of an approximately 4.55-acre parcel into two parcels of approximately 1.4 acres (Parcel 1) and 3.2 acres (Parcel 2). The site is currently developed with a single-family residence served with on-site water (well) and on-site wastewater treatment system. A Variance is requested to allow the subdivision of a 4.6 acre parcel to below the minimum lot size allowable by the zone (2.5 acres). An exception request has been submitted to allow the parcels to be served by a roadway not meeting the Category 4 road standard.

EVIDENCE: Project File: PLN-2024-19178

CEQA

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The project is exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines (Projects which are disapproved).

EVIDENCE: a) Section 15270 of the CEQA Guidelines.

SUBDIVISION FINDINGS

(Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code)

3. **FINDING:** The proposed subdivision map is not consistent with the applicable general and specific plan and must therefore be denied.

EVIDENCE: a) Section 66474 of the California Government Code (Subdivision Map Act) states that "*A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if*" it finds "*(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*"

b) The property is 4.6 acres in size and the project will result in a total of two (2) parcels. Parcel 1 will be 1.4 acres in size and parcel 2 will be 3.2 acres in size.

c) The property is planned in the General Plan for Residential Estates with a mapped density of 2.5 acres to 5 acres per unit. Creation of

two parcels from a 4.6-acre parcel results in less than a 2.5-acre density even when averaged across the subdivision.

- d) The proposed minor subdivision is on lands designated as Residential Estates and will obtain its water from a private groundwater well. The specific plan for the area, the Jacoby Creek Community Plan specifies that *"No new subdivision or minor subdivision which creates parcels of less than five acres shall be approved on lands designated as Residential Estates until a public water system is available to such lands."* – JCCP-P39
- e) The proposed minor subdivision would rely on private water and private sewage disposal systems. The property is within the mapped "Urban Development Area" and the Jacoby Creek Community Plan states that *"Development within the Urban Development Area should occur at designated plan densities only when public water and public sewage disposal systems are available, except as provided in this plan."* – JCCP-P27. The proposed minor subdivision proposes an average density of 2.3 units per acre when the designated plan density in this instance is 2.5 acres per unit. Such that even if the property was served by public water and sewer, it would still not be consistent with this plan policy.
- f) Jacoby Creek Community Plan Policy JCCP-P26 allows an exception to JCCP-P27 to allow residential development *"at one dwelling unit per five or more acres.."* where it can be *"determined that A) Public water or sewer services are not presently available to serve the project site ; and B) the proposed development can safely accommodate individual water and waste water disposal systems consistent with current County standards, and C) Mitigation measures will assure that the proposed development will not cause adverse cumulative health or environmental impacts; and D) the design of the proposed development will not preclude the ultimate development of the site to planned urban densities when public water and sewage disposal systems are provided."* While it appears that the findings A through D above can be made, the proposal would be for a density (one unit per 2.3 acres) well below that allowed by the exception (1 unit per 5 or more acres). This policy acknowledges that public sewer and water may not be available in the Urban Development Area and identifies that a 5-acre minimum density is required even with the exception to policy JCCP-27. The intent of this policy is clearly to

limit densities to 5 acres even if public water and sewer is never available.

- g) Policy JCCP-P45 requires that *“Prior to the approval of any subdivision, development permit or building permit, proof that such development shall be connected to public water systems shall be required, except as provided for in Policy-P26, Residential Densities of this Plan.”* As stated above, as the proposed subdivision will not connect to a public water system the allowable density would be one unit per 5 or more acres. The proposed density of this minor subdivision would be one unit per 2.3 acres, which is not consistent.

4. FINDING:

In order to be approved the subdivision must be found “consistent” with the General Plan or Specific Plan. A project can be found consistent with most of the relevant policies, but if it is inconsistent with one or more policies intended to protect the environment while allowing development, it must be found to not comply with the Plan. The proposed subdivision is not consistent with the Community Plan or the General Plan.

EVIDENCE:

- a) The applicant argues that the proposal is compatible because it is consistent with Policy JCCP-P35 and Policy JCCP-P-42. Policy JCCP-P35 states that no new rural development shall be approved unless sufficient potable water is available to meet the needs of the proposed development. Policy JCCP-P-42 states that no new rural development shall be approved unless proof is provided that such development has access to adequate waste disposal systems. Consistency with these policies does not make the whole of the project consistent with the Community Plan or General Plan. While it is true that a proposed development project need not be in perfect conformity with every single community plan policy, it is the duty of the decision-making body to consider all of the policies in the plan to determine whether the project would be in harmony with the plan. In this instance, all of the policies within the community plan that address density indicate that a 5-acre density is intended for these parcels unless urban services are provided. A comprehensive view of the JCCP policies demonstrates that a proposed subdivision without urban services is only consistent and compatible with the JCCP if the parcels created are five acres in size or larger.
- b) The original JCCP made the following findings for the inclusion of

the 5 acre requirement for development on lots without public water and sewer stated the following:

- Existing development within the urban portion of the Planning Area has reached maximum capacity in some neighborhoods.
 - Domestic water is provided to the Planning Area by both the City and the District.
 - Failing septic systems and surface water contamination have been documented in portions of the Planning Area.
- c) Each of the policies within the community plan that address density indicate that a 5-acre minimum density is intended for these parcels unless urban services are provided. A comprehensive view of the JCCP policies demonstrates that a proposed subdivision without urban services is only consistent and compatible with the JCCP if the parcels created are five acres in size or larger.
- d) The Humboldt County General Plan specifically identifies the density in this area as 2.5-acres per unit and the proposed subdivision would result in parcels that exceed this average density. The proposed division is therefore neither consistent with the density policies of the community plan or the General Plan.

5. FINDING: Inclusion of the property within the Urban Development Area (UDA) of the Jacoby Creek Community Plan was intentional and was not an obvious error.

EVIDENCE: a) The mapping of the UDA was predicated on the reasonable expectation public water and sewer would eventually become available; this is not an “obvious error” as described in policy G-P9. “Obvious error” is a term of art generally referring to facial errors and not those errors that arise after change in circumstance and examination of facts. In addition, local governments have plenary authority and legislative discretion to interpret such terms as included in their general plans. General plans are forward-looking policy documents, and inclusion of this policy was deliberate, not only based on anticipated growth, economic development, or regional coordination but hopes it would serve as a catalyst for future infrastructure development that supports controlled growth and environmental protection. The property is

approximately 150 feet from the incorporated city limits of Arcata and yet does not have access currently to urban water and wastewater service. It is not unreasonable to expect that these services will foreseeably be available at some point in the future even if there are no current plans for this. As such, in this case, the urban designation is consistent with long-range planning, and the infrastructure delay is a change in circumstance, not a flaw in the plan's logic or legality. The Board adopted two scenarios, one with services and one without. In adopting the Jacoby Creek Community Plan, the Board of Supervisors intentionally established these policies. There was no immediate plan to annex or provide these parcels with public services at the time of adoption of these policies, rather it was understood that it might happen at some point in the future – not that it absolutely would happen. The fact that annexation and/or provision of services has not yet happened and is not currently proposed does not make this an “obvious error” by the Board in adopting these policies. General plans are forward looking, and infrastructure delivery is often sequenced based on demand, feasibility, and fiscal constraints. Lack of sewer and water connections does not invalidate the land use designation.

6. FINDING: The proposed subdivision would not be consistent with the Jacoby Creek Community Plan even if it were not located in the mapped Urban Development Area.

EVIDENCE:

- a) Policy JCCP- P39 limits subdivisions without a public water system to 5-acre parcel sizes and is not limited to parcels in the UDA. It applies equally to lands designated Residential Estates in rural areas of the JCCP. As such, even if the parcel were to be removed from the UDA designation, the parcel could not be further subdivided because it is designated Residential Estates which has a 5-acre density designation even outside of the UDA.
- b) The intention of Policy JCCP-P39 is to protect water quality and groundwater resources in the Jacoby Creek Community Plan area. Subdivisions at more urban densities has the potential to impact groundwater availability for existing properties in the area and the potential to adversely impact surface waters in the area. There are

no studies that have been completed to demonstrate that development of additional private water systems would not have detrimental impacts on groundwater or surface water resources.

- c) If the subject property was not located in the Urban Development Area it would be identified as rural, which would suggest lower densities.
- d) The Humboldt County General Plan specifies that the density of the subject parcel is 2.5 acres per unit and the subject parcel is only 4.6 acres in size.
- e) The minimum acreage requirement is intended to prevent increased parcel density and by extension broadly limit the amount of development to that which can be absorbed by available services.

7. FINDING: The process for considering changes or removal of policies in a Community Plan is to seek a plan amendment.

EVIDENCE: a) The applicant may initiate a petition to the Board of Supervisors to rezone the property and amend the general plan land use designation and the applicant has been advised of this option. The current designation was adopted through public hearings, supported by environmental review, and included in regional planning documents. As such, it carries a presumption of validity only changeable through further public process such as an amendment to the plan. As the applicant alleges the standards applied to the property by the zone designation, General Plan, and Community Plan are inappropriate and as the policies do not constitute an obvious error, the appropriate action by the applicant is to petition the Board of Supervisors to consider a plan amendment and a zone reclassification.

8. FINDING: The proposed subdivision is not consistent with the minimum parcel size requirements of the zone district.

EVIDENCE: a) The parcel is zoned Residential Suburban with a B (5) Combining Zone specifying a minimum parcel size of 2.5 acres (RS-B-5(2.5)). The parcel is 4.6 acres and subdivision into two parcels would not be consistent with the minimum parcel size even if averaged

- across the two proposed parcels.
- b) Ordinance 1169 Adopted October 11, 1977.

Variance Findings – Humboldt County Code 312-17.2

9. FINDING: There are no exceptional or extraordinary circumstances or conditions applicable to this property or the intended use of the property that do not equally apply generally to the property or class of use in the same zone in the vicinity.

EVIDENCE: a) The applicant argues that the original property from which the current property was subdivided was 11 acres and would have allowed for the creation of four parcels and that subsequent land use actions – including a previous subdivision and lot line adjustment, have rendered the parcel too small to be divided under the zoning and that this is therefore a special circumstance. However, the creation of the parcel in its current 4.6-acre size was an action undertaken willingly by the landowner and cannot be viewed as a special circumstance not applicable to other parcels of the same zone. After creation of the parcel by subdivision, the property owner sought and gained approval for two separate lot line adjustments, eventually resulting in the current 4.6-acre parcel. These actions occurred intentionally by the property owner with full knowledge of the 2.5-acre minimum parcel size which was (and remains) applicable to subdivisions. There are no physical constraints unique to this parcel that would qualify as a special circumstance for the purposes of a granting a variance such as topographic limitations or irregular shapes. There are other parcels in this zone district that are too small to be subdivided to the minimum allowable size per the zone.

10. FINDING: The strict or literal interpretation and enforcement of the minimum parcel size regulation would not result in practical difficulty or unnecessary physical hardship and would not deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone district.

EVIDENCE: a) A subdivision of a parcel is a discretionary action that must comply with minimum standards set forth by the zoning ordinance and general plan. Not being able to subdivide a parcel into a substandard size is not a physical hardship or unusual practical

difficulty. Further, none of the other owners of property in the same zone district have been granted privileges to create parcels smaller than the minimum size allowed by the zone.

11. FINDING:

Granting of the variance would constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district and would create a substandard and therefore nonconforming parcel. There is no precedent for the granting of variances to allow for subdivision of parcels and approval of this variance would therefore be a special privilege.

EVIDENCE:

- a) The applicant argues that the denial of the variance would deny the applicant the ability to have a parcel similar to the average parcel size in the area and that the subject parcel is the largest parcel in the zone and no others are subdividable. This is not accurate. Notwithstanding the general plan and specific plan policies, the parcel immediately to the north is over 5 acres and could be subdivided to the 2.5-acre zone minimum and there is one parcel in the same zone which is ten acres in size which would also be subdivided. The average size of other parcels in the vicinity under identical zoning is 2.45 acres. The proposal as it stands is to subdivide a parcel into two parcels with an average size of 2.3 acres. This is below both the required minimum and the average size of existing parcels in the vicinity. No other property owners in the same zoning district have been granted privileges to subdivide below the minimum size of the zoning district.
- b) In this area there are parcels that are less than 2.5 acres in size, but there are also parcels that are larger than 2.5 acres in area. Under the zoning unless the parcel is more than 5 acres in area, it cannot be further subdivided. In this case this property owner has the same right of any other property owner with a parcel area between 2.5 and 5 acres to develop their property with a single-family residence and any permitted accessory buildings and uses allowed under zoning. This property is not being denied privileges available to other property owners in the area.
- c) The original text of the JCCP identifies that in 1980 there were 770 housing units in the area (P 15 – 2201 Existing Population and Housing.) Many of the lot sizes and development patterns were established prior to the adoption of the JCCP and the Zoning Ordinance.

- d) The majority of parcels in the same RS-B5(2.5) zone district in this area were created prior to rezoning to this zone district which occurred by Ordinance 1169, adopted on October 11, 1977. Subdivisions that have occurred after adoption of this ordinance have been consistent with the requirement to have an average parcel size of at least 2.5-acres per parcel (subsequent to adoption of the JCCP in 1982, subdivisions have been consistent with a 5-acre average parcel size).
- e) The property is currently developed with a single-family dwelling, and the zone and land use designation allow for development of an accessory dwelling unit and residential accessory structures. The size and configuration of the parcel does not preclude development allowed on other parcels in the vicinity with identical zoning and land use designations. Additional development, including development of an Accessory Dwelling Unit, may be permitted on the parcel currently. Not granting the requested variance does not constitute deprivation of a property right.

DECISION

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

1. Adopts the findings set forth in this resolution; and
2. Denies the Minor Subdivision and Variance (Record Number: PLN-2025-19178).

Adopted after review and consideration of all the evidence on **August 7, 2025**.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

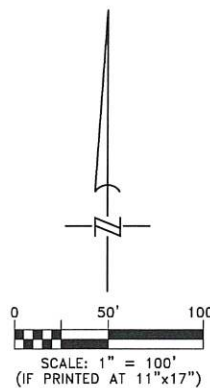
ABSENT: Commissioners:

ABSTAIN: Commissioners:

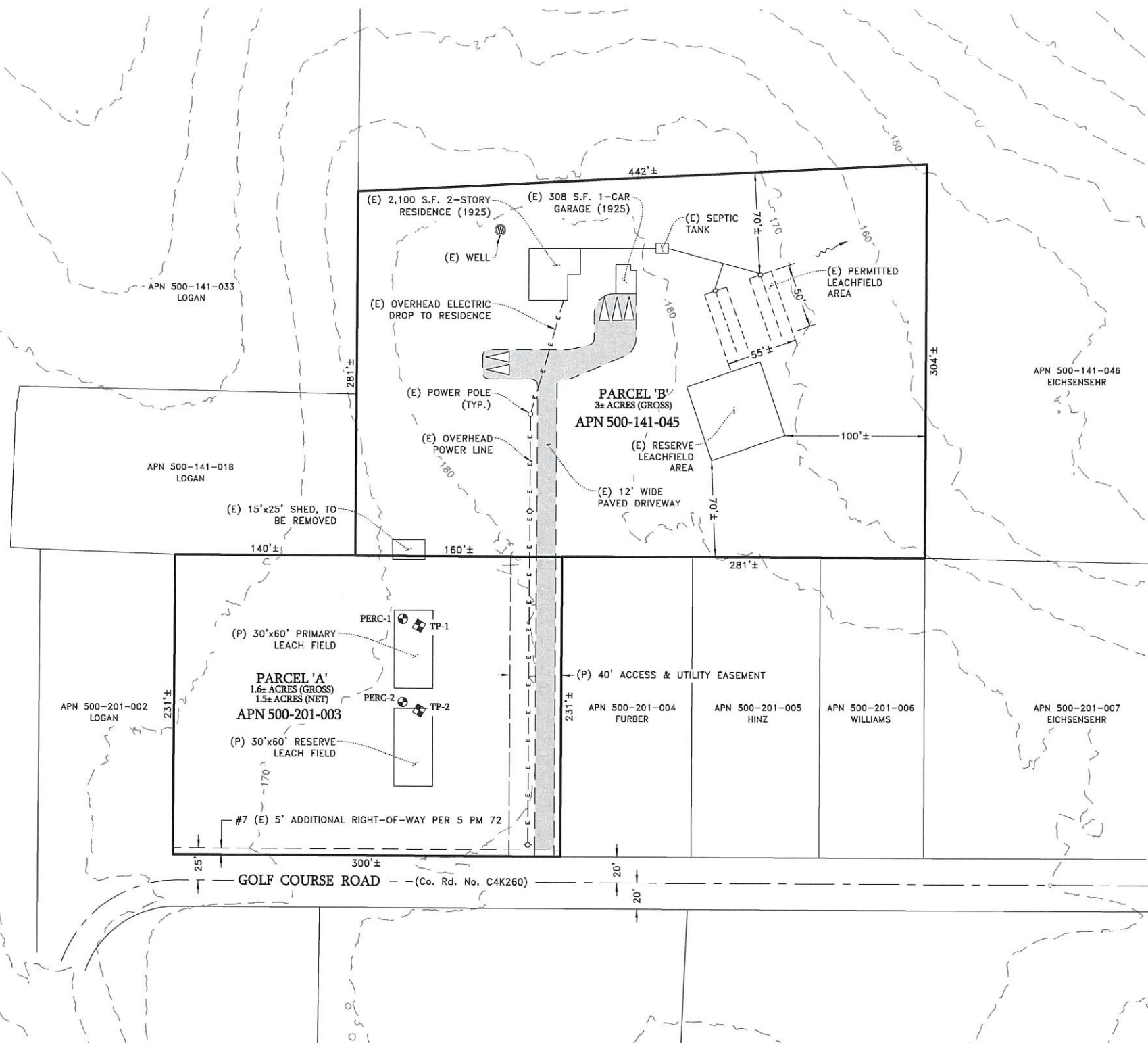
DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department



Kimberly D. Preston 4-22-25
KIMBERLY D. PRESTON
P.L.S. 9153
DATE



EASEMENTS & ENCUMBRANCES

(PER PRELIMINARY REPORT BY HUMBOLDT LAND TITLE COMPANY, DATED MARCH 6, 2025)

#7. EASEMENT FOR THE PURPOSE OF PUBLIC ROAD IN BOOK 1299 OF OFFICIAL RECORDS, PAGE 369, HUMBOLDT COUNTY RECORDS (HCR).

#9. SHARED WELL WATER AGREEMENT RECORDED 1/26/2016 PER 2016-002051-8, HCR.

OWNER/APPLICANT
HENDERSON REVOCABLE TRUST OF 2007
c/o LARRY DEAN HENDERSON, TRUSTEE
1933 GOLF COURSE ROAD
BAYSIDE, CA 95524
(707) 845-7855

UTILITIES

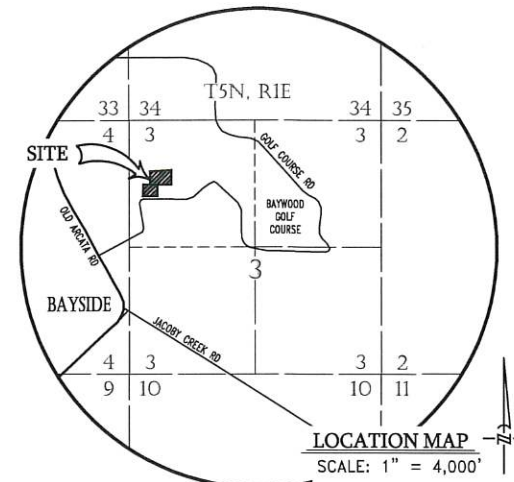
WATER	ON-SITE WELL
SEWER	ON-SITE SEPTIC
GAS & ELECTRIC	PACIFIC GAS & ELECTRIC

LEGEND

SYMBOL	INDICATES
◁	EXISTING PARKING SPACES
→	DIRECTION OF SURFACE WATER RUNOFF
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
S.F.	SQUARE FEET
(YEAR)	YEAR CONSTRUCTED/INSTALLED
160	CONTOURS AT 10-FOOT INTERVALS
○	EXISTING POWER POLE
—	EXISTING OVERHEAD POWER LINE
—	EXISTING PAVED DRIVEWAY
⊙	EXISTING WELL
⊙ PERC-1	PERC TEST HOLE LOCATION
⊙ TP-1	TEST PIT HOLE LOCATION

NOTES

- THIS TENTATIVE MAP PROPOSES A MINOR SUBDIVISION OF APN's 500-141-045 & 500-201-003, A PARCEL ROUGHLY 4.6-ACRES IN SIZE, INTO TWO (2) RESULTANT PARCELS. RESULTANT PARCELS 'A' AND 'B' WILL BE ROUGHLY 1.6- AND 3.0-ACRES IN SIZE, RESPECTIVELY.
- THE PRESENT-DAY CONFIGURATION OF THE PROPERTY IS COMPRISED OF APNS 500-141-045 & 500-201-003, COMBINED. THIS SINGLE PARCEL HAS BEEN LAWFULLY CREATED; ITS PRESENT-DAY CONFIGURATION BEING THE RESULT OF AN ALTERATION OF PARCEL 1 OF PARCEL MAP 2301 (20 PM 67) VIA AN APPROVED LOT LINE ADJUSTMENT (LLA 18-86) (REFER TO THAT NOLLA RECORDED APRIL 3, 1987, AS INSTRUMENT NO. 10994 (1876 OR 72), HUMBOLDT COUNTY RECORDS).
- THE SUBJECT PROPERTY HAS A GENERAL PLAN DESIGNATION OF RESIDENTIAL ESTATES (RE2.5-5), SPECIFYING 2.5 - 5 ACRES PER UNIT, AND IS ZONED RESIDENTIAL SUBURBAN (RS-B-5 (2.5)), WITH A SPECIAL BUILDING SITE COMBINING ZONE AREA OF 2.5 ACRES, SUBJECT TO THE JACOBY CREEK COMMUNITY PLAN.
- PROPOSED PARCEL 'B' IS CURRENTLY DEVELOPED WITH A 2,100 S.F. TWO-STORY SINGLE-FAMILY RESIDENCE (SFR), A DETACHED 1-CAR GARAGE, ON-SITE SEPTIC AND WELL, AND A 375 S.F. SHED WHICH IS PROPOSED TO BE REMOVED. PROPOSED PARCEL 'A' IS CURRENTLY VACANT, WITH NO PLANS FOR DEVELOPMENT AT THIS TIME.
- THE PROPERTY'S EXISTING RESIDENCE IS SERVED BY A PERMITTED ON-SITE SEWAGE DISPOSAL SYSTEM AND WELL. THE WELL IS CURRENTLY PROVIDING WATER TO TWO (2) LEGAL PARCELS. ON-SITE SEPTIC TESTING AND REPORT PREPARATION FOR THE UNDEVELOPED PARCEL WAS PERFORMED BY THIS OFFICE AND HAS BEEN SUBMITTED WITH THE APPLICATION PACKAGE.
- THE PROPERTY IS ACCESSED FROM GOLF COURSE ROAD, COUNTY ROAD NO. C4K260, WHICH WILL REMAIN THE POINT OF ACCESS FOR BOTH PROPOSED PARCELS. AN 40-FOOT WIDE ACCESS AND UTILITY EASEMENT OVER AND ACROSS PARCEL 'A', FOR THE BENEFIT OF PARCEL 'B', WILL BE SHOWN ON THE PARCEL MAP PREPARED FOLLOWING PROJECT APPROVAL.
- MUCH OF THE PARCEL IS RELATIVELY FLAT, WITH CONTOURS SHOWN HEREON AT 10-FOOT INTERVALS BASED ON USGS QUAD MAPPING, WITH LOW INSTABILITY (E1) PER COUNTY GIS MAPPING.
- THE PROPERTY IS RATED MODERATE IN FIRE HAZARD SEVERITY, IT IS LOCATED WITHIN THE STATE RESPONSIBILITY AREA (SRA), WITH FIRST RESPONSE PROVIDED BY ARCATA FIRE PROTECTION DISTRICT.
- THE PROPERTY IS NOT LOCATED WITHIN A MAPPED ALQUIST-PRIOLO FAULT HAZARD ZONE, NOR A100-YEAR FLOOD HAZARD ZONE AND IS NOT SUBJECT TO FLOODING. NO OTHER HAZARDOUS AREAS, SENSITIVE HABITATS, HISTORIC BUILDINGS, OR ARCHAEOLOGICAL SITES ARE KNOWN TO EXIST ON OR ADJACENT TO THE PROPERTY. NO TREE REMOVAL IS PROPOSED WITH THIS PROJECT.
- AN INITIAL BIOLOGICAL ASSESSMENT PREPARED BY HOHMAN & ASSOCIATES HAS BEEN SUBMITTED WITH THE APPLICATION PACKAGE.
- ALL EASEMENTS OF RECORD ARE SHOWN OR REFERENCED HEREON AND WILL APPEAR ON THE RECORDED PARCEL MAP.
- THIS TENTATIVE MAP IS BASED ON RECORD INFORMATION. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM ASSESSOR'S MAPS, DEEDS, PARCEL MAPS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE.
- THIS TENTATIVE MAP IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.



DIRECTIONS TO THE SITE

FROM US HIGHWAY 101 NORTH, EXIT AT THE BAYSIDE CUTOFF IN BAYSIDE, TURNING LEFT ON OLD ARCATA ROAD, THEN RIGHT ON GOLF COURSE ROAD. THE PROJECT SITE IS LOCATED AT 1933 GOLF COURSE ROAD, APPROXIMATELY 0.4 MILES NORTHEAST OF THE INTERSECTION OF GOLF COURSE / OLD ARCATA ROADS.

APN's 500-141-045 & 500-201-003

TENTATIVE MAP

HENDERSON REVOCABLE TRUST OF 2007
In the unincorporated area of Humboldt County
Section 3, T5N., R1E. H.B.M.



DESIGNED BY	KC	DATE	03/13/25
DRAWN BY	CWB	DATE	03/13/25
CHECKED BY	KDP	DATE	04/22/25

SCALE	AS SHOWN
JOB NO.	24-979-1
SHEET	1
OF	1

POSITION FOR VARIANCE

Larry and Eileen Henderson propose to divide their 4.6-acre property into two lots of 1.4 and 3.2 acres.

The property is located in the unincorporated Golf Course Road neighborhood, between the City of Arcata and the Baywood Golf Course. The parcel is currently zoned with a classification of Residential Suburban (RS) with combining acreage restriction of 2.5-acre minimum parcel size.

The proposed 1.4-acre lot is 56% smaller than the 2.5-acre minimum lot size of the applicable zoning classification.

Although lots of not less than 50% of the minimum lot size are permissible under HCC 325-11 (*Minimum Lot Size Modification*), a variance would be required for the proposed parcel split because not all the terms of HCC 325-11 for qualifying for lot-size modification can be satisfied. This is because the area of the subject property in the before condition (4.6 acres), divided by the total number of lots to be created (2), does not result in an average area equal to or greater than that required (2.5 acres).

The granting of variances from the terms of the zoning ordinance is permitted and regulated under HCC 312-3.2 as authorized by CGC 65906. The tests are:

1. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The variance would be permissible. There are special circumstances applicable to the property. The proposed subdivision is consistent and not inconsistent with privileges enjoyed by other property owners in the vicinity. The new residential development is allowed under the zone district and conforms with the existing development in the immediate neighborhood.

Special circumstances

The proposed parcel split effectively equates to the phased subdivision of a 10-acre parcel into four 2.5-acre parcels.

The proposed 1.4-acre Lot 1 (APN 500-201-003) was originally a separate lawful parcel of land but was combined in 1975 with adjacent property. (Shown as Parcels 1 and 2 on 5PM72) The total acreage of the combined property was 11.2 acres.

This parcel was redivided into two parcels per 5PM72, then reconfigured in 1984 per 20PM67, and again in 1987 by Lot Line Adjustment (LLA 18-86), resulting in the present-day configuration of subject 4.55-acre property (Parcel 1) and associated neighboring 6.6-acre property (Parcel 2) as shown on the inset of the Tentative Parcel Map submitted with the application (copy attached for reference). Parcel 1 was sized smaller than 5 acres to accommodate special circumstances applicable to the original parcel's topography for locating building sites, and to conform to existing fence-lines of occupation.

The two parcels were envisioned as the first of a two-phased 4-lot subdivision of the larger 11.2-acre parcel. The concept was (using the minimum lot-size modification concept) to split the 11.2-acre parcel into two parcels that would in turn, over time, separately be split into two lots... where the average of all four lots would be more than 2.5 acres. It was expected that at least one lot (proposed Lot 1) would be smaller than the 2.5-acre minimum to conform to its original configuration and existing features.

The special circumstances are that while the original concept would have been permitted under minimum lot-size modification provisions and practices of that time, today it does not. The subject property, by itself, is too small to be split into two lots of 2.5 acres or larger. Currently the provisions require that "each and every map filed must stand on its own as to the requirements." This was not considered with the original subdivision, and consequently strict application of the provision makes the proposed subdivision unqualified for lot-size modification.

Consistency with privileges

Granting the variance would not constitute a special privilege granted exclusively for the proposed subdivision.

The subject property is part of the developed, unincorporated neighborhood of Golf Course Road properties between the City of Arcata and the Baywood Golf Course. The neighborhood is zoned with a classification of Residential Suburban (RS) with combining acreage restriction of 2.5-acre minimum parcel size. The subject 4.6-acre property is the largest parcel of land in the neighborhood, and no other parcels are subdividable under the zoning classification.

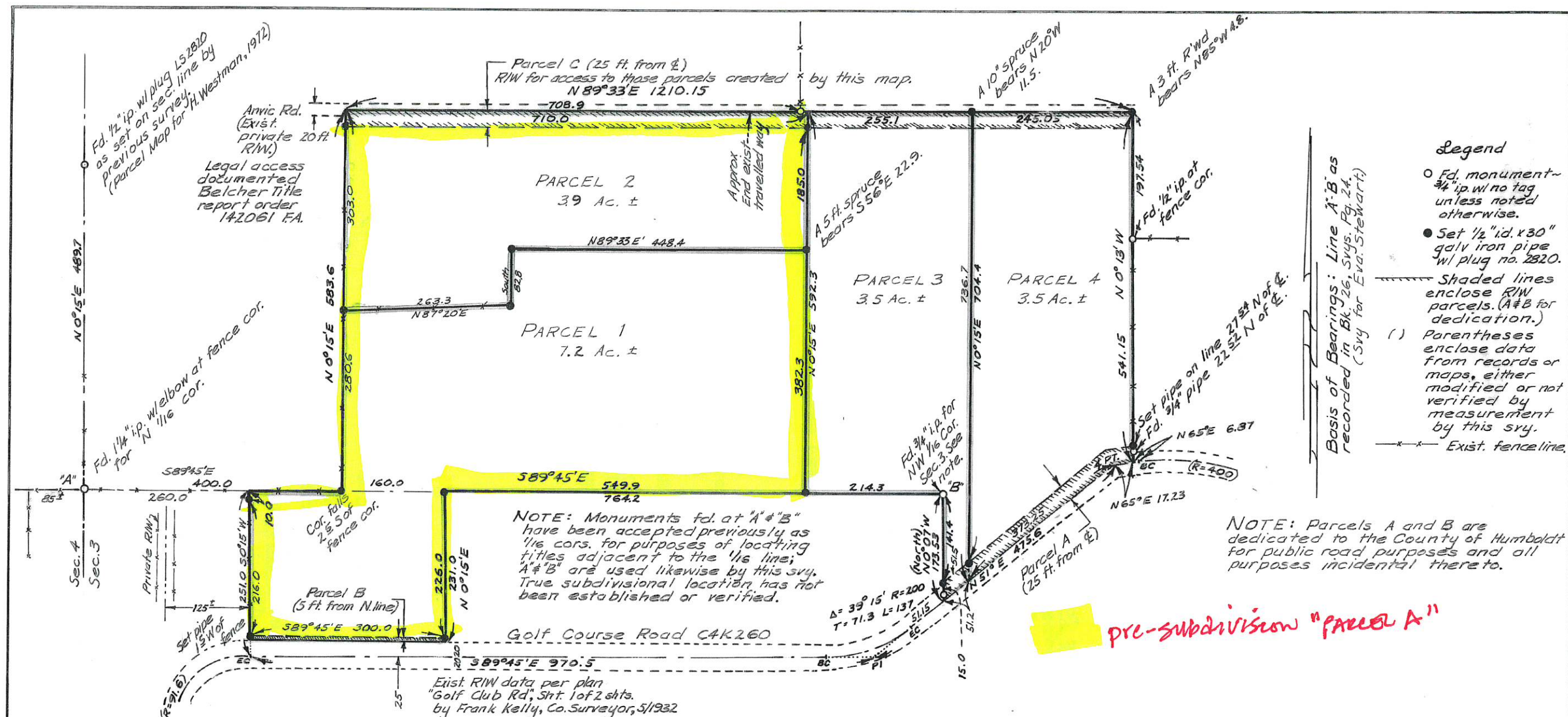
To the contrary, denial of the variance would deny the applicants privilege enjoyed by other properties in the neighborhood. The average size of the developed parcels in the neighborhood is 2.1 acres (see attached Variance Ex. A – Avg Size of Developed Parcels). The average size of the proposed two lots is 2.3 acres.

Compliance with authorized land use

The variance would not enable an expressly unauthorized use or activity. Suburban type residential development—as proposed—is allowed under the zone district.

The two proposed 2.3-acre average lots match the development in the neighborhood. They neither create nor compound conflict in the existing neighborhood character of small rural residential lots.

Further, the proposed design continues the neighborhood pattern of conforming to existing natural and man-made features. The smaller lot (Lot 1) not only fits to the lot's original configuration, but it also reflects its current identity as a vacant homesite separate from the existing neighboring homesites, including that of the larger lot (Lot 2).



NOTE: Monuments fcl. at "A" & "B" have been accepted previously as 1/16 cor. for purposes of locating titles adjacent to the 1/16 line; "A" & "B" are used likewise by this svy. True subdivisional location has not been established or verified.

NOTE: Parcels A and B are dedicated to the County of Humboldt for public road purposes and all purposes incidental thereto.

Owner's Consent
Know All Men By These Presents:
That the undersigned, being a party having a record title interest in the real property being subdivided by this map, do hereby consent to the preparation and recordation of this map.
Dated this 3rd day of July, 1975... Pauline M. McHugh

Acknowledgment
STATE OF CALIFORNIA
COUNTY OF HUMBOLDT
On this 3rd day of July, 1975, in the year 1975, before me FRANCIS A. ALLEN a Notary Public, State of California, duly commissioned and sworn, personally appeared PAULINE M. McHUGH, known to me (or proved to me on the oath of ...) to be the person(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that (he, she or they) executed the same.
In Witness Whereof I have hereunto set my hand and affixed my official seal in the County of Humboldt, the day and year first above written.
Francis A. Allen
Notary Public, State of California
My Commission expires 11/12/77.

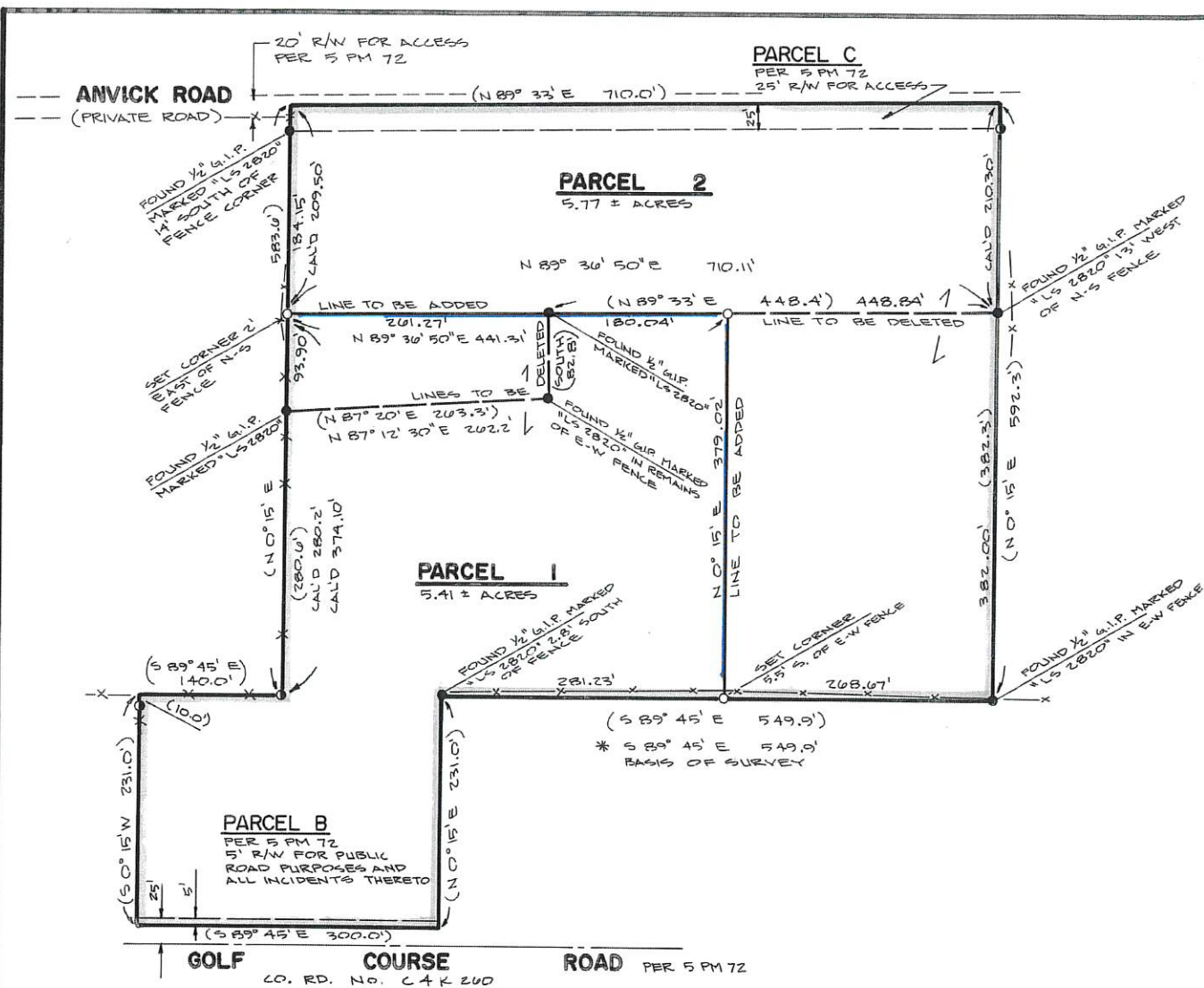


County Surveyor's Certificate
This map conforms with the requirements of the Subdivision Map Act and local ordinance. Dated 23 JULY 1975
Hugh E. Kelly
Humboldt County Surveyor
12408

Recorder's Certificate
Filed this 29th day of July, 1975, at 2:37 P.M. in Book 5 of Parcel Maps, at Page 72, Humboldt County Records, at the request of Hugh E. Kelly.
Grace Jackson
Humboldt County Recorder
By Gulab B. B. B. Deputy
Fee \$5.00

PARCEL MAP NO. 596
FOR
PAULINE M. McHUGH
IN
SEC. 3, T5N, R1E, H.M.
April, 1975 Scale: 1"=100'
Surveyor's Certificate
This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act at the request of Pauline McHugh in Sept. 1974. I hereby certify that it conforms to the approved tentative map and the conditions of approval thereof.
Hugh E. Kelly
STATE LICENSED LAND SURVEYOR NO. 2820

CERTIFICATE OF CORRECTION, see Book 1385 of Official Records, page 162, Grace Jackson, Recorder of Humboldt County, by Mary Sharp, Deputy



OWNER'S CONSENT

KNOW ALL MEN BY THESE PRESENTS

THAT THE UNDERSIGNED, BEING A PARTY HAVING A RECORD TITLE INTEREST IN THE REAL PROPERTY BEING SUBDIVIDED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND REFORMATION OF THIS MAP.

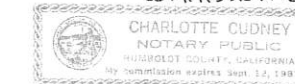
DATED THIS 5TH DAY OF JULY, 1984
% Eileen M. Henderson
EILEEN M. HENDERSON

ACKNOWLEDGEMENT

STATE OF Calif., COUNTY OF Humboldt, ss. ON THIS 5th DAY OF July, IN THE YEAR 1984, Eileen M. Henderson, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT ACKNOWLEDGED THAT SHE EXECUTED IT.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY OF Humboldt, THE DAY AND YEAR ON THIS CERTIFICATE FIRST ABOVE WRITTEN.

Charlotte Cudney
NOTARY PUBLIC, STATE OF Calif.
COMMISSION EXPIRES 9-12-87



OWNER'S CONSENT

KNOW ALL MEN BY THESE PRESENTS

THAT THE UNDERSIGNED, BEING A PARTY HAVING A RECORD TITLE INTEREST IN THE REAL PROPERTY BEING SUBDIVIDED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND REFORMATION OF THIS MAP.

DATED THIS 26th DAY OF July, 1984
% John P. McHugh
JOHN P. McHUGH

ACKNOWLEDGEMENT

STATE OF Calif., COUNTY OF Humboldt, ss. ON THIS 26th DAY OF July, IN THE YEAR 1984, John P. McHugh, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT, ACKNOWLEDGED THAT HE EXECUTED IT.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY OF Humboldt, THE DAY AND YEAR ON THIS CERTIFICATE FIRST ABOVE WRITTEN.

Charlotte Cudney
NOTARY PUBLIC, STATE OF
COMMISSION EXPIRES 9-12-87



SURVEYOR'S CERTIFICATE

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JOHN P. McHUGH & EILEEN M. HENDERSON ON FEB. 1984. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I FURTHER STATE THAT ALL MONUMENTS ARE OF THE CHARACTER, AND OCCUPY THE POSITIONS INDICATED, AND THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

SIGNED Robert L. Chandler
ROBERT L. CHANDLER
R.C.E. 28465



COUNTY SURVEYOR'S CERTIFICATE

THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE.

DATED December 8, 1984

SIGNED Robert L. Chandler
COUNTY SURVEYOR

22961

COUNTY RECORDER'S CERTIFICATE

FILED THIS 11th DAY OF DECEMBER, 1984, AT 11:41 P.M. IN BOOK 20 OF PARCEL MAPS, AT PAGE 67, AT THE REQUEST OF CHANDLER ENGINEERING.

SIGNED Grace Jackson
COUNTY RECORDER, HUMBOLDT COUNTY

FEE \$6.00

PARCEL MAP No. 2301

FOR

JOHN P. McHUGH
EILEEN M. HENDERSON

SEC 3, T5N, R1E H.M.
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
BAYSIDE

SCALE: 1" = 100'

DATE: FEBRUARY 1984

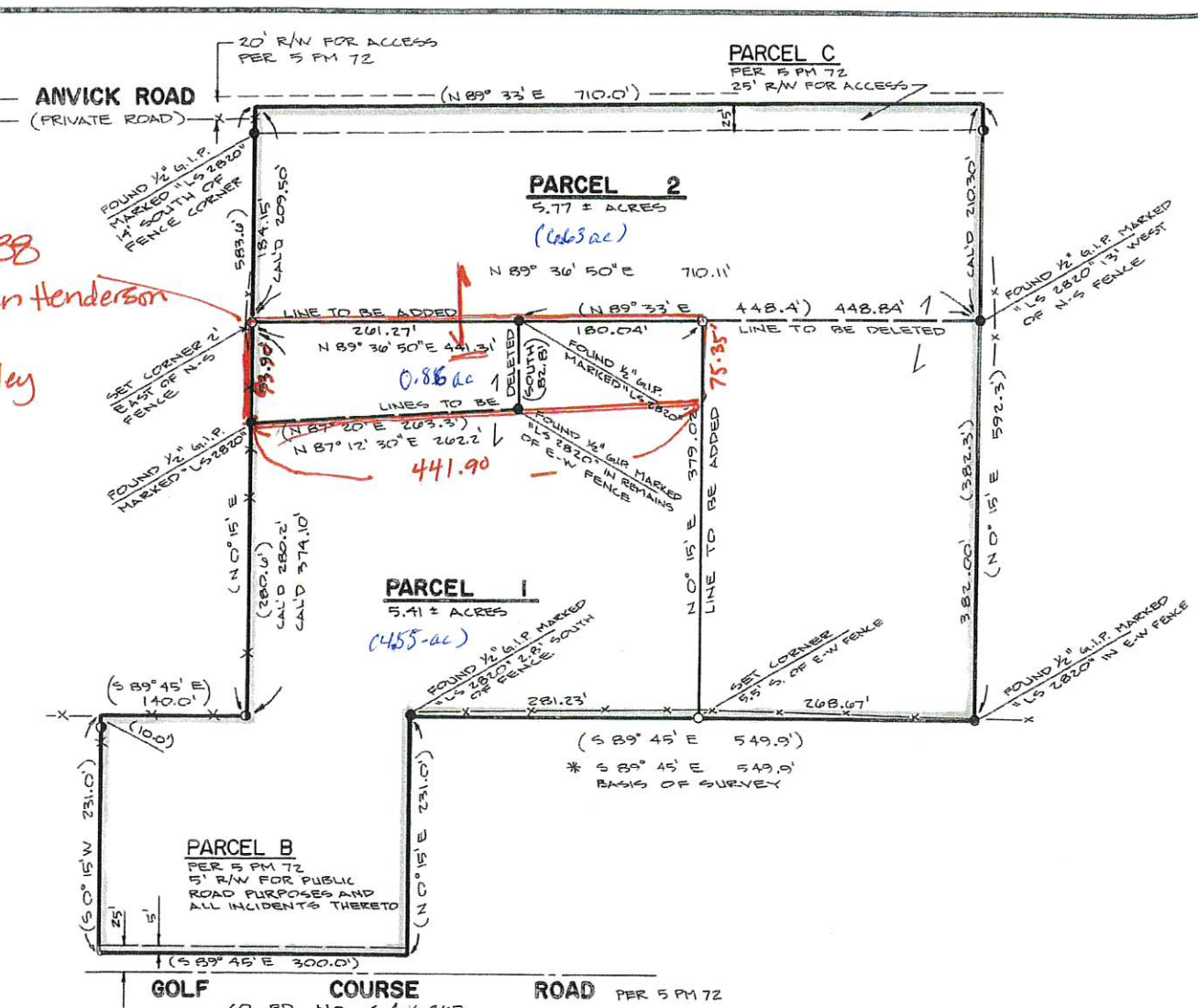
CHANDLER ENGINEERING
611 L ST. EUREKA, CALIF. (707)445-8988

SHEET 1 of 1

BOOK 20 OF PARCEL MAPS, PAGE 67

12/84

JUNE 8, 1988
Larry & Eileen Henderson
to
Michael & Shelley Morrison
1876-72



BASIS OF SURVEY

* THE BASIS OF THIS SURVEY IS PARCEL MAP No. 596, RECORDED IN BK. 5 P.M., Pg. 72

LEGEND

- 1 MONUMENTS PER BOOK 5 OF PARCEL MAPS, PAGE 72, FOUND AND NOT TIED ON THIS SURVEY.
- 2 MONUMENTS PER BOOK 5 OF PARCEL MAPS, PAGE 72, FOUND AND USED BY THIS SURVEY.
- 3 1" G.I.P. W/ PLASTIC PLUG STAMPED "RLE 28405", SET BY THIS SURVEY.
- () RECORDED INFORMATION PER BK. 5 P.M., Pg. 72

THIS MAP IS A RE-SUBDIVISION OF PARCELS 1 AND 2 OF PARCEL MAP No. 596, RECORDED IN BK. 5 P.M., Pg. 72, HUMBOLDT COUNTY RECORDS, PER GOVERNMENT CODE 06499.202.

NOTE

COVENANTS OF PUBLIC RECORD PERTAINING TO PARCEL B & PARCEL C.
PARCEL B - EASEMENT RECORDED IN BOOK 1299, PAGE 369, OF OFFICIAL RECORDS.
PARCEL C - NON-EXCLUSIVE RIGHT OF WAY RECORDED IN BOOK 191, PAGE 231, OF DEEDS
EASEMENT RECORDED IN BOOK 1383, PAGE 52, OF OFFICIAL RECORDS
EASEMENT RECORDED IN BOOK 1383, PAGE 58, OF OFFICIAL RECORDS

OWNER'S CONSENT

KNOW ALL MEN BY THESE PRESENTS

THAT THE UNDERSIGNED, BEING A PARTY HAVING A RECORD TITLE INTEREST IN THE REAL PROPERTY BEING SUBDIVIDED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP.

DATED THIS 5TH DAY OF JULY, 1984
% Eileen M. Henderson
EILEEN M. HENDERSON

ACKNOWLEDGEMENT

STATE OF CALIF., COUNTY OF Humboldt, ss. ON THIS 5th DAY OF July, 1984, I, Eileen M. Henderson, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT, ACKNOWLEDGED THAT SHE EXECUTED IT.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY OF Humboldt, THE DAY AND YEAR ON THIS CERTIFICATE FIRST ABOVE WRITTEN.

Charlotte Cudney
NOTARY PUBLIC, STATE OF CALIF.
COMMISSION EXPIRES 9-12-87

OWNER'S CONSENT

KNOW ALL MEN BY THESE PRESENTS

THAT THE UNDERSIGNED, BEING A PARTY HAVING A RECORD TITLE INTEREST IN THE REAL PROPERTY BEING SUBDIVIDED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP.

DATED THIS 20th DAY OF July, 1984
% John P. McHugh
JOHN P. McHUGH

ACKNOWLEDGEMENT

STATE OF CALIF., COUNTY OF Humboldt, ss. ON THIS 20th DAY OF July, 1984, I, John P. McHugh, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT, ACKNOWLEDGED THAT HE EXECUTED IT.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY OF Humboldt, THE DAY AND YEAR ON THIS CERTIFICATE FIRST ABOVE WRITTEN.

Charlotte Cudney
NOTARY PUBLIC, STATE OF CALIF.
COMMISSION EXPIRES 9-12-87

SURVEYOR'S CERTIFICATE

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JOHN P. McHUGH & EILEEN M. HENDERSON ON FEB. 1984. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I FURTHER STATE THAT ALL MONUMENTS ARE OF THE CHARACTER, AND OCCUPY THE POSITIONS INDICATED, AND THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

SIGNED Robert L. Chandler
ROBERT L. CHANDLER
R.C.E. 28465



COUNTY SURVEYOR'S CERTIFICATE

THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE.

DATED December 8, 1984

SIGNED [Signature]
COUNTY SURVEYOR

COUNTY RECORDER'S CERTIFICATE

FILED THIS 11th DAY OF December, 1984, AT 11:41 A.M. IN BOOK 20 OF PARCEL MAPS, AT PAGE 67 AT THE REQUEST OF CHANDLER ENGINEERING.

SIGNED Grace Jackson
COUNTY RECORDER, HUMBOLDT COUNTY

FEE \$6.00

PARCEL MAP No. 2301
FOR
JOHN P. McHUGH
EILEEN M. HENDERSON
SEC 3, T5N, R1E H.M.
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
BAYSIDE

SCALE: 1" = 100'

DATE: FEBRUARY 1984

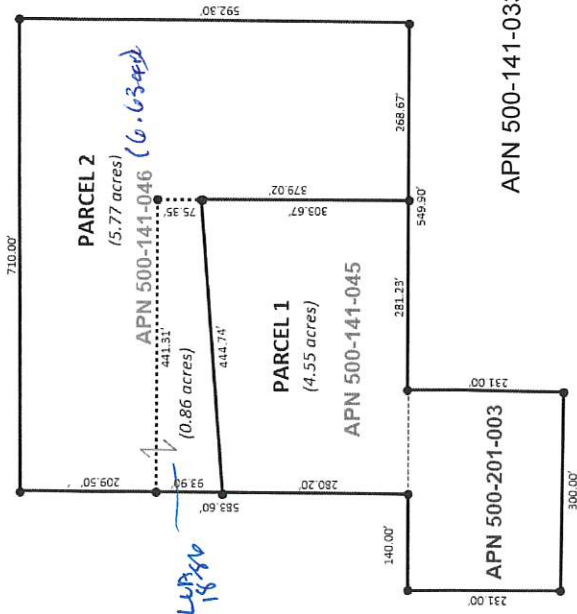
CHANDLER ENGINEERING
611 L ST. EUREKA, CALIF. (707)445-8988

Indexed
SHEET 1 of 1

LLA 18-86
Final Comp

20 PM 67-Knotes

BOOK 20 OF PARCEL MAPS, PAGE 67

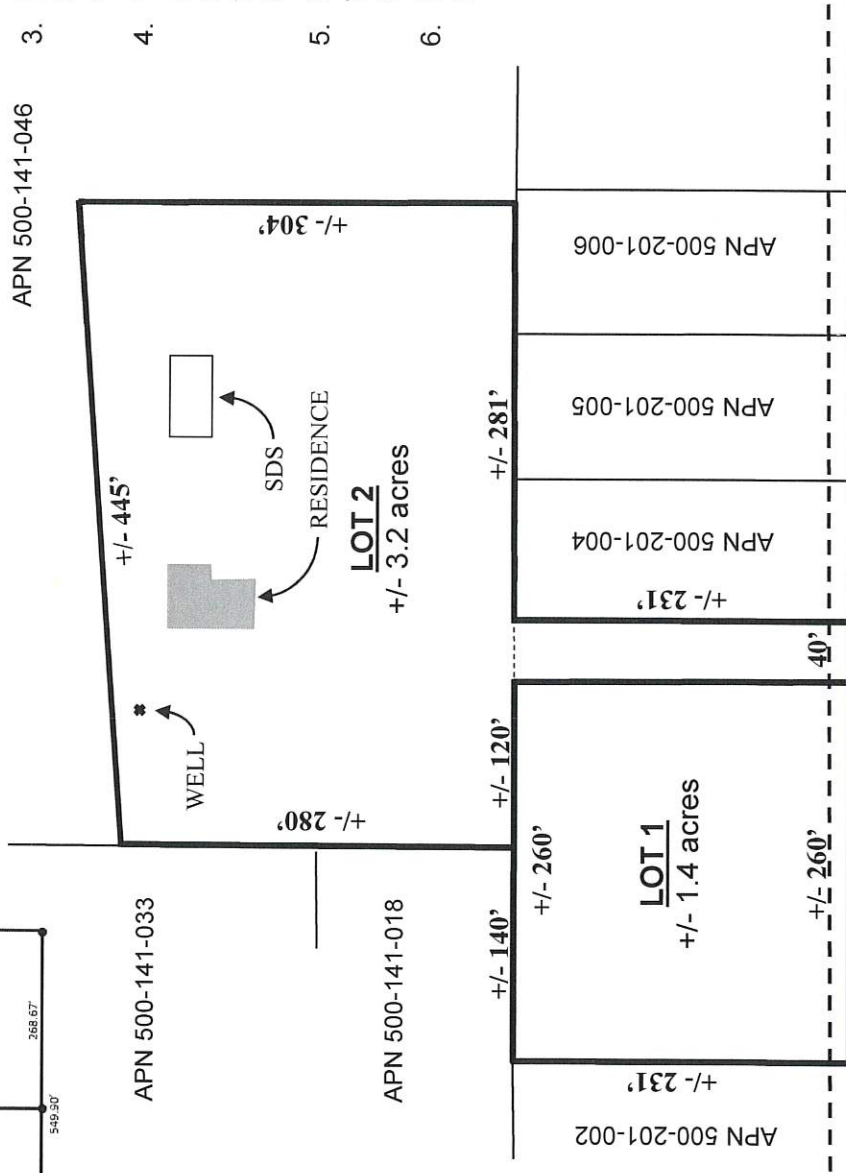


This is a subdivision of Parcel 1 of Parcel Map 2301 (Humboldt County, 20 PM 67) as altered by lot line adjustment certified by Notice and Certification 7622 (Humboldt County, 1832 OR 920). (LUA 1886)

The parcel has two APNs because it is divided by a Section Line and separate fire districts.

NOTES:

1. No historical buildings or archeological, paleontological or sensitive biological resources.
2. Site is relatively flat with no significant sloped areas.
3. Lot 2 has an existing residence; Lot 1 is vacant.
4. Lot 2 has an existing on-site sewage disposal system; Lot 1 will be served by an on-site system.
5. Both lots will have water supply from a common water source.
6. Property is zoned RS-B-5 (2.5).



Structures shown are existing.

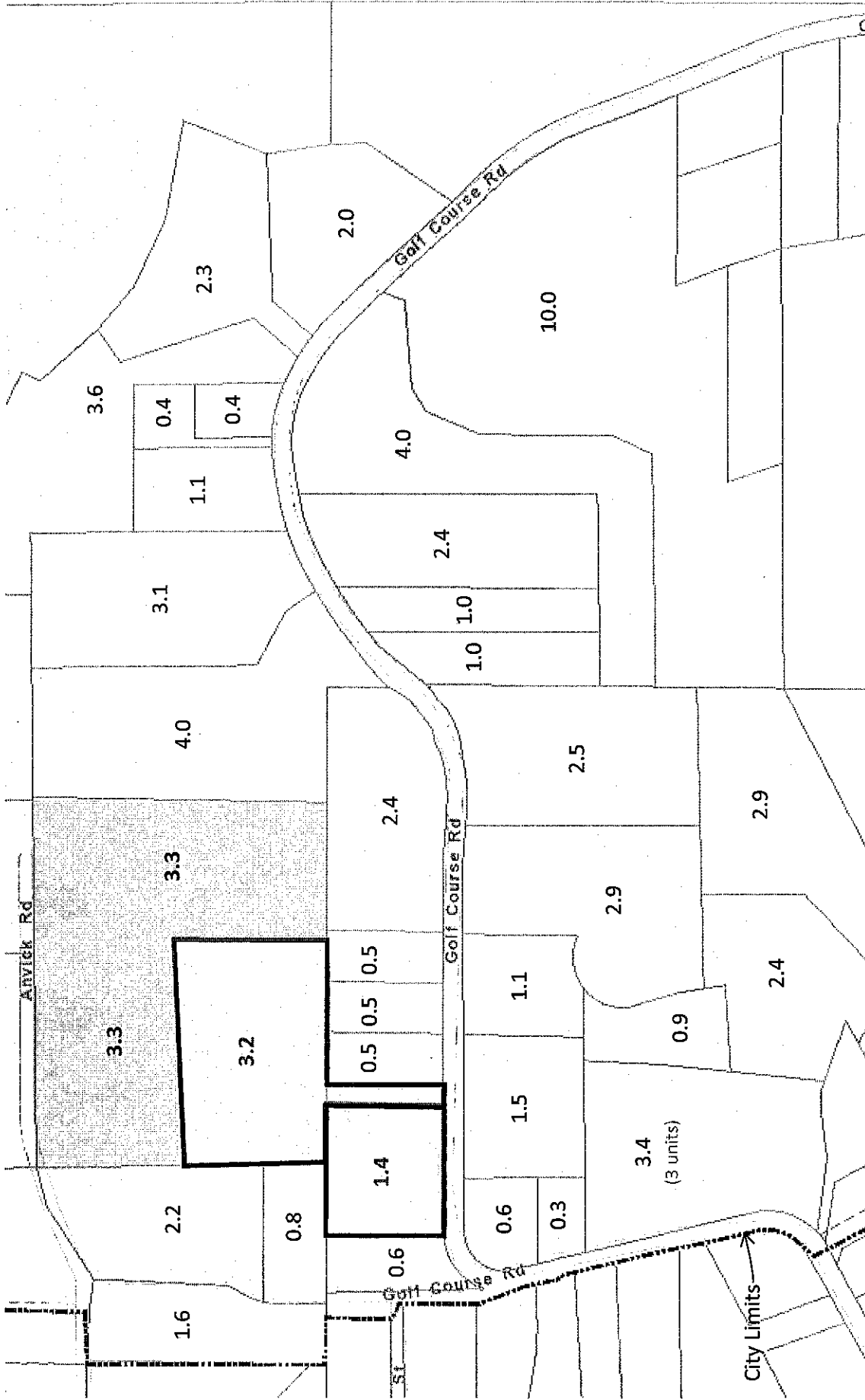
Dimensions shown are from Parcel Map 2301.



GOLF COURSE ROAD

PRELIMINARY PARCEL MAP PROPOSED MINOR SUBDIVISION APNs 500-141-045 & 500-201-003

Variance Ex. A - Avg. Size of Developed Parcels



Average size of numerated parcels is 2.1 acres.

POSITION FOR PLAN CONSISTENCY

Larry and Eileen Henderson propose to divide their property into two lots served by on-site water supply and wastewater disposal systems. Compliance for on-site water supply and wastewater disposal systems has not yet been determined.

The property and its unincorporated Golf Course Road neighborhood are part of the Jacoby Creek Community. The Jacoby Creek Community Plan (JCCP) designation for the neighborhood and parcel is Residential Estates between 2.5-acre and 5.0-acre parcel sizes. The parcel is currently zoned with a classification of Residential Suburban (RS) with combining acreage restriction of 2.5-acre minimum parcel size.

The proposed parcel split effectively equates to the subdivision of a 5-acre parcel into two 2.5-acre parcels. ***Assuming requirements are met for on-site water supply and wastewater disposal***, that split would conform to the plan designation and zoning regulations and is permissible... with one potential exception.

The property and its unincorporated Golf Course Road neighborhood are within the JCCP designated Urban Development Area (UDA). Under the JCCP, new parcels cannot be created within the UDA until public water supply (water) and sewage disposal (sewerage) systems are available to serve the parcels (JCCP Policy P27, Development within the UDA). Division of a 5-acre parcel into two 2.5-acre parcels served by on-site water supply and wastewater disposal systems does not comply with that policy.

It can be argued that the proposed subdivision must be disapproved for the reason that—pursuant to Subdivision Map Act Section 66473.5—it cannot be approved “unless it is consistent with” the General Plan. In that case, a General Plan Amendment Application would be required as part of the “complete” application package for the proposed subdivision.

However, in addition to requiring disapproval of a subdivision unless it “is consistent” with the General Plan, Section 66473.5 also provides that a subdivision “shall be consistent” when it is “compatible with” the Plan. ***Hence, the County does have the choice to approve the proposed subdivision—without having to first amend the JCCP portion of the General Plan—if it is compatible with the Plan and therefore consistent with the Plan.***

The Humboldt County General Plan (Policy G-P9, Errors in the Plan) stipulates:

“Where there is an obvious error in the Plan that would prevent a land use decision otherwise consistent with the Plan, the Planning Commission ... may act on the matter based on a comprehensive view of the Plan...”

In other words, if there is error in the Plan and if approval of the proposed split would otherwise be consistent with the Plan, the split would be compatible with the Plan.

The HCGP (Policy G-P31, Commonsense Principle) also stipulates:

"(It) should be interpreted in a commonsense manner to encourage reasonable development which can meet the needs of the community with minimal impacts on the environment and demands on public services. Taking a comprehensive view of all relevant plan policies, the result must balance the intent of these policies, in a practical, workable, and sound manner."

In actuality... there is error in the Plan; the proposed split is otherwise consistent with the Plan; and approval of the proposed split would be an example of the Commonsense Principle.

Further, it would be illegitimate to disapprove the proposed split on the grounds of lack of public water and sewerage.

There is error in the Plan

The HCGP is structured on three primary sectors: Urban Development Areas (UDAs), Urban Expansion Areas (UEAs), and Rural Areas (RAs).

The HCGP Appendix B (Glossary and Definitions) defines UDAs as lands "currently served" with public water and sewerage (referred to as Urban Service Areas) and other areas where either adequate public water or sewerage services "are provided." HCGP Policy P2 further defines UDAs to "reflect areas that are served or planned to be served with public sewerage systems."

The original JCCP mapped the subject property within the boundary of the City of Arcata's Urban Development Area. Properties such as these were expected to eventually be annexed into the City's boundary and that public water and sewer would be available to the subject property at some point in the future. (See attached HCGP Appendix C JCCP Figure 1 - Urban Development and Urban Expansion Area from the Land Use Map)

While the subject property is located within a mapped City of Arcata Urban Development Area, the City is on record stating that there is no intent, now or in the future, to provide subject property with public sewer service. The recently adopted City of Arcata General Plan has revised the mapping of the subject property to now be in Urban Services Boundary - "Water Only" area. (See attached Figure GM-a City of Arcata Urban Services)

The City further acknowledges that some follow-up work is needed with the City and LAFCO to clean up minor mapping inconsistencies. The subject property and other parcels in and around Golf Course Road are among newly expanded Water Only areas that were adopted to facilitate

the water services by the Jacoby Creek Community Water District, however the expanded areas were not included in the 2020 Service Report adopted by LAFCO for the Water District. Thus, in order for the subject property to actually be provided water service, the Water District will need to amend their service boundary with LAFCO to include the expanded areas that presently reside outside their district, and the City and LAFCO will also need to amend their current service agreement to ensure water services can be provided and how.

The City is on record stating that if the County contemplated a subdivision in their jurisdiction boundary, the water and or sewer services would need to be addressed independent of City water or sewer service. (Source: Joe Mateer, Senior Planner, Arcata Community Development Department, 10/14/2024.)

In other words, neither public water services nor public sewerage services will be provided to the Golf Course area by either the City of Arcata or the Jacoby Creek Community Water District.

This constitutes error in the Plan, as the JCCP "is predicated on the intent that either the City or the District will provide urban services within the UDA" (JCCP Policy P25, Provision of Urban Services).

The proposed split is otherwise consistent with the Plan

HCGP Policy GP-P6 provides that on-site sewage disposal systems may be utilized for new subdivisions in an UDA if the services are not reasonably available to the area, and the area is not planned for public sewerage service in long-term plans. The proposed split is consistent with this policy.

HCGP Policy H-P17 promotes the infill of vacant and under-developed land within UDAs "as a strategy to create affordable housing, provide an economic stimulus and re-vitalize community investment." The proposed split is consistent with this policy in that no other parcels in the affected Golf Course Road neighborhood are "subdividable" under the zoning's 2.5-acre minimum restriction (see attached Consistency Ex. A – Avg Size of Developed Parcels).

But, although the HCGP supports infilling within UDAs, it does not allow increasing density "beyond historical allowances." This is not the case with the proposed split, in that the current density of the affected Golf Course Road neighborhood is greater than that of the proposed split. The average size of the developed parcels in the neighborhood is 2.1 acres. (See attached Consistency Ex. A – Avg Size of Developed Parcels.) The average size of the proposed two lots is 2.3 acres.

The JCCP stipulates that no new rural development shall be approved without sufficient potable water and adequate waste disposal systems to meet the needs of the proposed development

(Policies P35 and P42). The proposed split would be consistent with these two policies. Without public water and sewerage services, the project is rural development; and it will not be permitted until proof of adequate water supply and suitability for on-site sewage disposal—***without waiver of applicable standards***—is provided.

Further, the proposed split is consistent with HCGP goals for housing production and diversity (Goals H-G1 and H-G2).

Approval of the proposed split would be an action demonstrating the Commonsense Principle.

Not only is there error in the Plan, but of greater importance, the result is a moratorium or limitation of development otherwise allowed by the Plan... not only for this area, but for the entire JCCP UDA. In this scenario, the County must “take appropriate actions as necessary to reflect new capacity limitations in land use and permitting decisions” (HCGP Policy IS-S2, Service Inadequacies and Development Limitations). Approval of the proposed split would be consistent with this Plan mandate... an action demonstrating the Commonsense Principle, as it balances the intent of the Plan in a practical, workable, and responsible manner.

Disapproval would be illegitimate

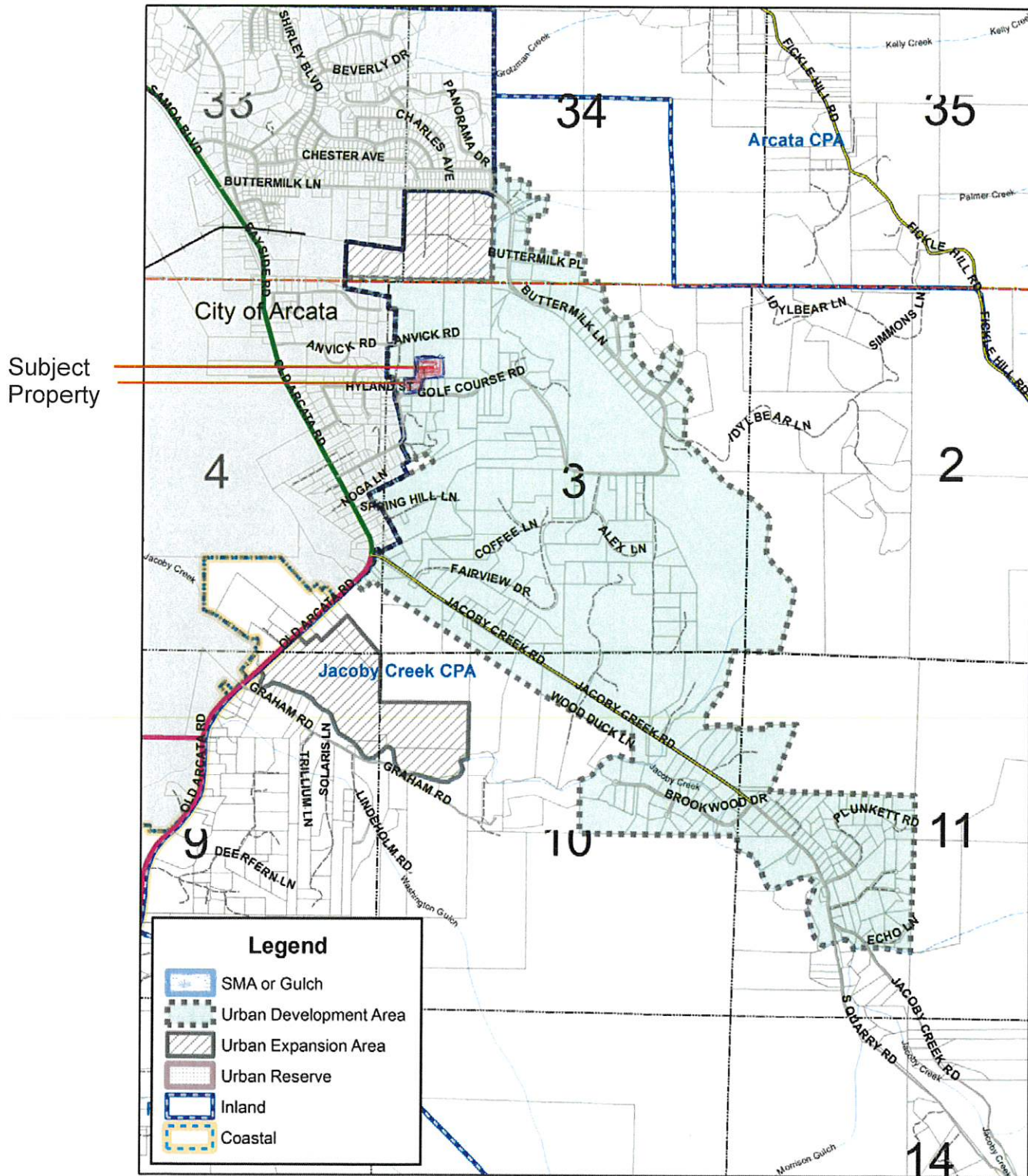
The most demanding constitutional regulatory test is the least restrictive means to further a compelling public interest.

Prohibition of new parcels in the Jacoby Creek Community Planning Area smaller than five acres without public services is a special, unique restriction. It is not imposed anywhere in the County, except in the Jacoby Creek Community Planning Area. What was the compelling public interest that warrants the special restriction, and was the special restriction the least restrictive measure considered?

To date, there has been no explanation. No background information has been located to disclose the reason for the unique restriction... not in the plan document; not in the plan’s CEQA document; nor in the plan’s background reports.

To deny approval of the proposed split without an explanation would violate the constitutional test. The legitimate and appropriate action would be to approve the proposed split, once again, being an action demonstrating the Commonsense Principle.

JCCP-Figure 1 Urban Development and Urban Expansion Area from the Land Use Map



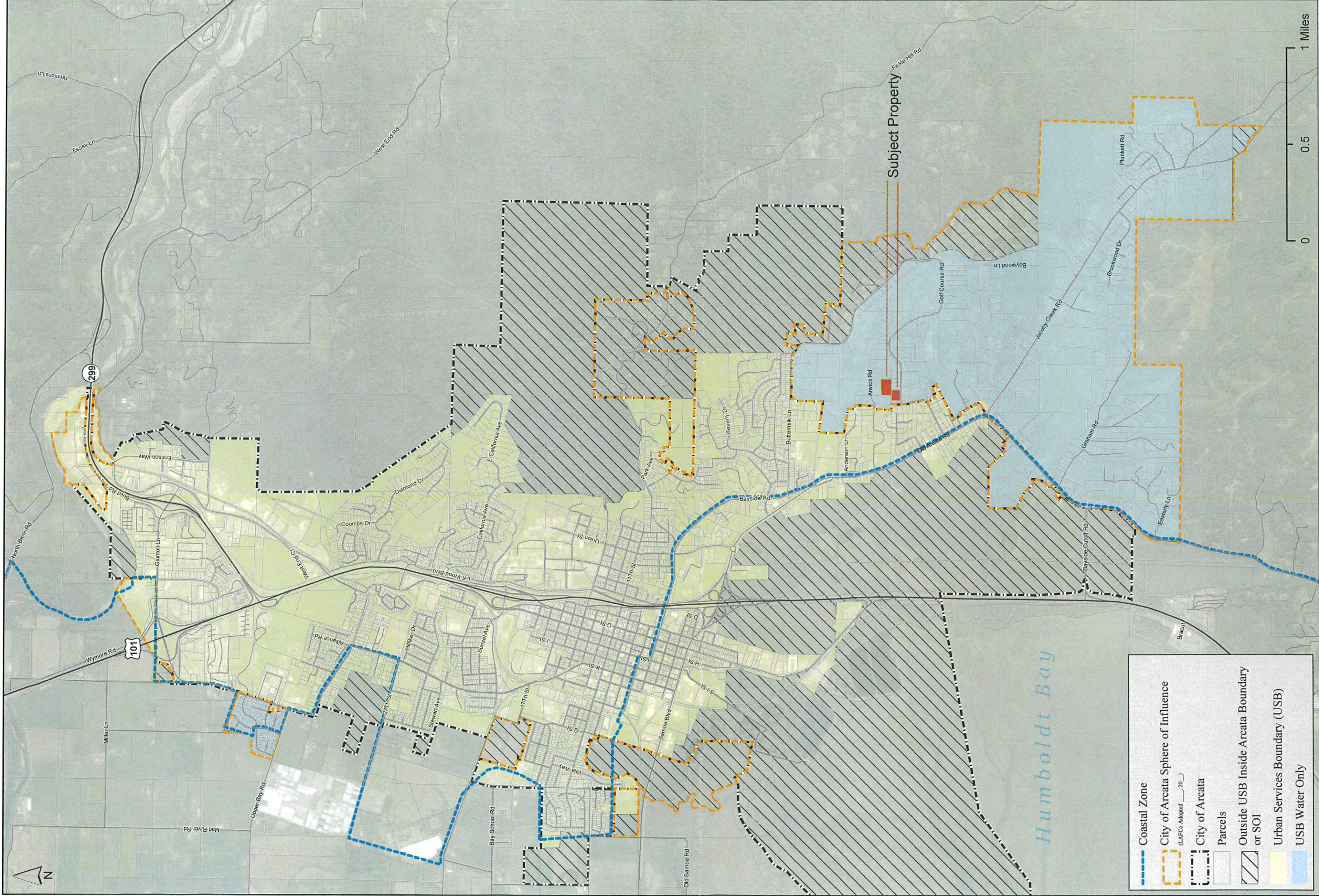
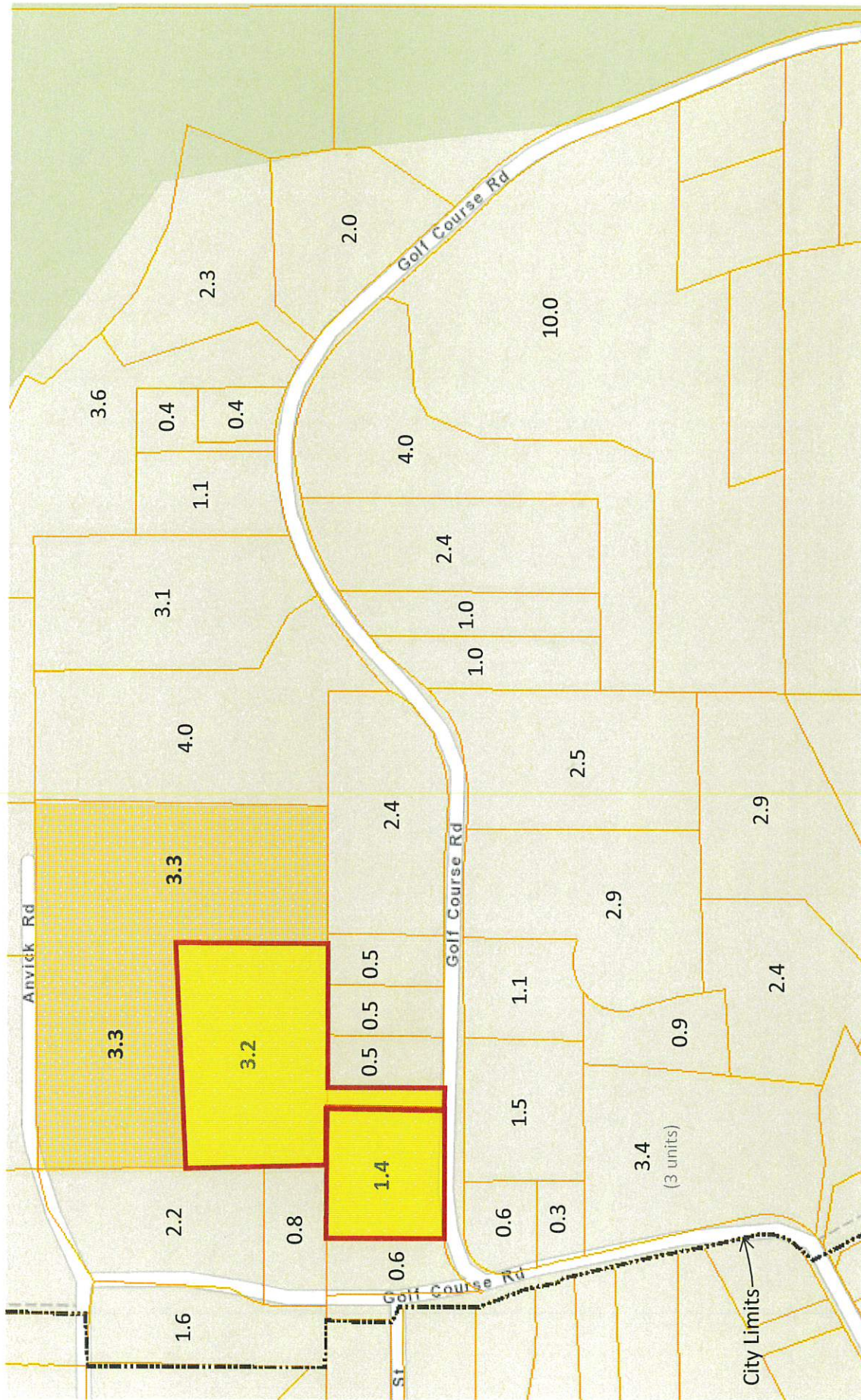


Figure GM-a City of Arcata Urban Services

Sphere of Influence will be updated on LAFCo Adoption
Created by PlanWest Partners
Map Date: 7/2/2024

Consistency Ex. A - Avg. Size of Developed Parcels



Average size of numerated parcels is 2.1 acres.



COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

<http://co.humboldt.ca.us/CDS/Planning>

August 11, 2011

LACO Associates
Randy Rouda
P.O. Box 1023
Eureka, CA 95502

Re: Information Request, APNs: 500-131-09, -11 & -12, Buttermilk Lane, IR-11-42

Dear Mr. Rouda:

This letter is in response to your question regarding the above-referenced parcel numbers. To answer your questions, I offer the following:

1. The density for the Urban Expansion area is fixed at one dwelling unit per 5 acres until served by public water and sewer. Therefore, the minimum allowable lot size for subdivision is five (5) acres.
2. Yes, a five (5) acre minimum parcel size is required.
3. The proposal to reconfigure the two smaller parcels (500-131-11 & -12) into two roughly 2.4 acre parcels may be supported if site suitability for on-site water and sewage disposal can be demonstrated. These parcels while smaller than the five (5) acre standard are in keeping with the parcel sizes in the vicinity. It should be noted, however, that in order to perform a Lot Line Adjustment involving these two parcel numbers, it must be demonstrated that the two parcel numbers represent separate and legal parcels. According to our records, there is no Lot Line Adjustment or Subdivision on file that would establish them as separate and legal.

Please note that the information provided in this response is based on documents and records currently available in our Department. Plans, codes, and standards do change over time and any such change could alter the findings or conclusions reached in this response. Further, while we have attempted to provide as complete a response as possible, the limitations of the Information Request process require that we treat the information provided as a general rather than a project level evaluation. Applications submitted for development projects involve detailed plans and supporting documentation that are closely reviewed by this Division and other responsible departments and agencies, and often involve site inspections. It is not uncommon for this more detailed review and evaluation to identify environmental or other issues not disclosed herein. Lastly, the response addresses matters within the purview of Planning Division; you are encouraged to contact the Division of Environmental Health (445-6215) and/or the Department of Public Works – Land Use Division (445-7205) if you have questions regarding the requirements of these departments.” Please do not hesitate to call me with any questions. My direct line is 707-268-3740.

Sincerely,

Trevor Estlow, Senior Planner
Planning Division, Community Development Services



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

August 14, 2015

Jenny Wread
2230 Browning Street
Berkeley, CA 94702
sit.jenny@gmail.com

APN: 501-022-018 (previously 501-022-012), 2535 Jacoby Creek Road, Bayside area
Case No.: IR-15-030; Apps No.: 9938

Dear Ms. Wread:

This letter is in response to your question regarding the legal status of the second unit on the above-mentioned property. The parcel was part of a recent subdivision of approximately 20 acres into four separate parcels. The tentative map prepared for the subdivision identified several structures on the property, including a residence, gazebo, carriage house, barn and other outbuildings (see enclosed). It was not disclosed that a secondary dwelling unit existed on the property. Furthermore, the density allowed in the Jacoby Creek Community Plan (JCCP) – where this property is located – is one dwelling unit per five acres. The subdivision meets the overall density of four parcels/dwelling units on approximately 20 acres. None of the parcels created by the subdivision qualify for a secondary dwelling unit (i.e. 10 acres in size). In order to alert future owners, a Conveyance and Agreement was recorded that conveys the right to construct a secondary dwelling unit until such time that the parcels are connected to community sewer or the development timing provisions in the JCCP allows for a density greater than one dwelling unit per five acres.

According to Assessor records, the structure in question appears to be part of a 48' x 24' "tool shed" built in 1953. In 1996, the Assessor noted that a 23' x 24' portion of that tool shed had been converted to a residential use. No permits are on file for the conversion. Therefore, this residential unit is unpermitted and would not be able to be permitted as a secondary dwelling unit due to the density limitations.

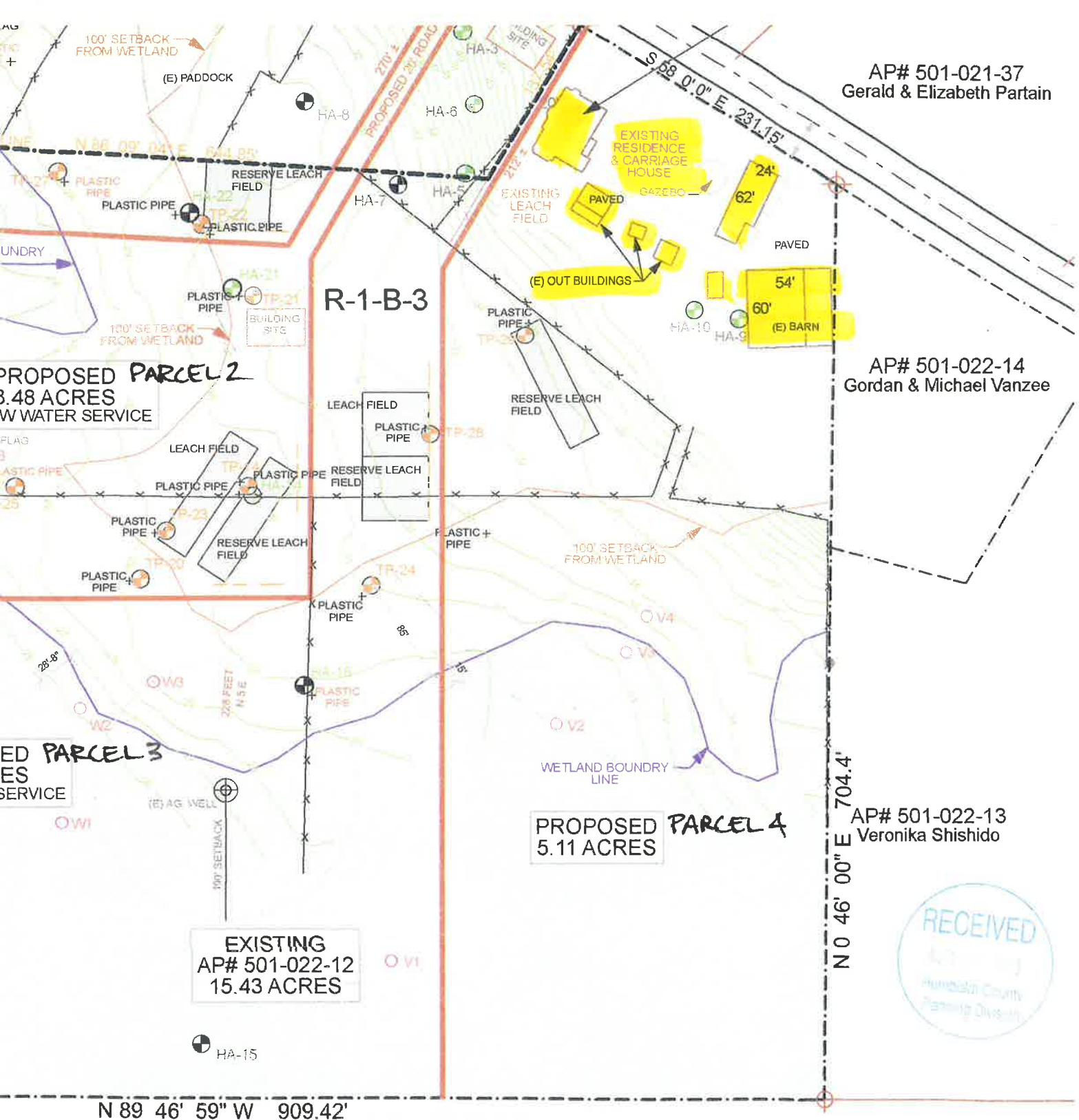
Regarding your question relating to the General Plan Update (GPU), this parcel is proposed to have a mixed designation with Residential Estates with a density of one dwelling unit per 2.5 to 5 acres encompassing approximately the first 300 feet from the road turning to Agriculture Exclusive beyond. Regardless of the density allowed by the GPU, the policies of the JCCP will remain which maintain a density of one unit per five acres.

If you have any questions regarding this letter, please contact me at (707) 268-3740 or testlow@co.humboldt.ca.us.

Sincerely,

Trevor Estlow
Senior Planner

Enclosure





COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
PLANNING DIVISION

3015 H Street, Eureka, CA 95501 Fax: (707) 268-3792 Tel: (707) 445-7544

<http://co.humboldt.ca.us/Planning>



Information Request

Name Jenny Wread Telephone: 510 506 2639

Mailing Address 2230 Browning St

City Berkeley State CA Zip 94702

Deliver Response by:

- ☐ Mail Address (if different from above): _____
☒ Email Email Address: sit.jenny@gmail.com
☐ Fax Fax Number: _____

Property Address (if applicable): 2535 Jacoby Creek Rd, BaySide

Assessment Parcel Number: 501-022-012 (we think... Approx same parcel w/ farmhouse & outbuildings)

Describe questions or information requested in space below:

(Include any details necessary to process the request. Use reverse side of this form if needed.)

We would like to inquire about the legality and status of any second dwelling units on this property. Does one currently exist? Is it legal? If not, would it be possible to make it a permitted second unit? What are the steps?
How will the General Plan and zoning updates impact this parcel related to 2nd dwelling units?
If current owners relinquished the rights to a second unit to the county in the process of a subdivision, what does that mean?

The information request form must include cash or a check in the amount of **\$75.00**, payable to Humboldt County Planning Division. This charge is a deposit. Complex requests may require additional staff time and cost more than the deposit. Total cost will not exceed \$200.00.

Information Requests may take a week or more to process depending on the number and complexity of questions.

For more information, please visit our web geographic information system at <http://gis.co.humboldt.ca.us>



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

RECEIPT

Receipt # C 3333 **Receipt Date** 8/10/2015 **Receipt Type** Fee Payment **Received By** Steve Lazar

PROJECT INFORMATION

Apps # 9938 **Key Parcel Number** 501-022-012-000 **Case Numbers** IR15-030

PAYER INFORMATION

Applicant Name Jenny Wread
Applicant Phone (510)506-2639
Address 1 2230 Browning St.
Address 2
City Berkeley
State CA
Zip 94702

PAYMENT

Cash Amount \$ **Credit Card Amount** \$ **Other Amount** \$ **Check Amount** \$75.00 **Check #** 269 **Amount Paid** \$75.00

FEE DETAIL

Planning Fees

[Edit Table](#) [First 50](#) | [Previous](#) | [Next](#) | [Last](#) | [All](#) | [Search Table](#)

	No.	Category	Fee Name	Fee Type	Fee Amount
<input checked="" type="checkbox"/>	1	<u>Deposit</u>	Information Request	Miscellaneous	\$75.00
	Total:				\$75.00

[Edit Table](#) [First 50](#) | [Previous](#) | [Next](#) | [Last](#) | [All](#) | [Search Table](#)

NOTES

Notes IR deposit -SL 8/10/15



PLANNING AND BUILDING DEPARTMENT CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501 Fax: (707) 268-3792 Phone: (707) 445-7541
<http://www.co.humboldt.ca.us/planning/>

October 25, 2019

Greg Nordhues
112 Foothill Drive
Vacaville, CA 95688

RE: **(AMENDED)** Information request regarding the subdivision potential for 1884 Golf Course Road, Bayside, 95524, APN: 500-211-001, PLN-2019-15856

Dear Mr. Nordhues:

This letter is in response to your two-part inquiry:

- 1) The first part of your inquiry is related to dividing the parcel by initiation of a partition action. The County Planning Department does not have jurisdiction over judicial matters and cannot comment on this request because it is a private legal matter between the property owners and would require an attorney with expertise in civil litigation. However, please note that partition actions are subject to compliance with the County Subdivision regulations and the State Subdivision Map Act, so the response to the second part of your inquiry below is determinative as to the ability to divide the property.
- 2) The second part of this inquiry is about whether the subject parcel can be subdivided into two (2) distinct parcels. The County has jurisdiction over subdivision of land under the County Zoning Ordinance, the County General Plan, the County Subdivision Regulations, and the State Subdivision Map Act. This parcel does not qualify for subdivision due to the zoning and several policies from the Jacobi Creek Community Plan (adopted 1982) that are related to minimum lot size, water, and sanitation infrastructure.

Assessor records indicate that the lot is 3.38 acres and developed with two residences with two dedicated septic systems. Residence number one (1,133 sq. ft. with unfinished basement and carport) was built around 1950 and first appraised in 1962. Residence number two (2,280 sq. ft.) was built in 1962 and first appraised in 1962.

The zoning for the parcel is Residential Suburban-Special Building Site Combining Zone-Minimum Lot Size of 2.5 to 5 Acres (RS-B-5(2.5-5)). The zoning is set to change to Rural Residential Agriculture 5-acre minimum lot size (RA-5) in October 2019. The General Plan and Jacobi Creek Community Planning Area land use designation is Residential Estates-2.5-5 acre minimum lot size (RE-2.5-5). The existing lot size is approximately 3.38 acres and is considered existing non-conforming. The Planning Division could not support approval of a subdivision that increased the non-conformity because of the creation of smaller lots.

The following page provides the Jacobi Creek Community Plan (JCCP) policies related to the subject parcel (underlining is for emphasis). For your reference, you will find the JCCP included with this letter.

Jacoby Creek Community Plan

These are the applicable development policies of the Plan:

JCCP-P25. Provision of Urban Services. This plan is predicated on the intent that either the City of Arcata or the Jacoby Creek County Water District will be the provider of urban services within the Urban Development Area.

JCCP-P26. Residential Densities. Residential development at one dwelling unit per five or more acres may be permitted within the Urban Development Area if it is determined that: A. Public water or sewer services are not presently available to serve the project site; and B. The proposed development can safely accommodate individual water and waste water disposal systems consistent with current County standards; and C. Mitigation measures will assure that the proposed development will not cause adverse cumulative health or environmental impacts; and D. The design of the proposed development will not preclude the ultimate development of the site to planned urban densities when public water and sewage disposal systems are provided.

The use of private water sources within the Urban Development Area is permitted only for residential development at densities of one dwelling unit per five or more acres.

Urban type development should not be permitted within the Urban Expansion Area until it is annexed by the City of Arcata.

JCCP-P27. Development within the Urban Development Area. Development within the Urban Development Area should occur at designated plan densities only when public water and public sewage disposal systems are available, except as provided in this Plan.

JCCP-P30. Urban Expansion Areas. No division of lands within the Urban Expansion Area shall be approved where such division creates any parcel smaller than 5 acres until such parcel has been annexed to the City of Arcata.

JCCP-P31. Zoning of Urban Expansion Areas. The County should reclassify lands within the Urban Expansion Area as AG B-5(5) or some equivalent zone.

JCCP-P39. Subdivision of Land Designated Residential Estates. No new subdivision or minor subdivision which creates parcels of less than five acres shall be approved on lands designated as Residential Estates until a public water system is available to such lands.

As stated above in Item #2, the take away is that under the current zoning and provisions of the JCCP the further division of this parcel is not supported. Any application would be recommended for denial as the requisite findings for subdivision cannot be made. The JCCP contemplates that urban level services (water and sewer) must be provided to this parcel before a change in land use density and minimum parcel size can be adopted to make subdivision feasible.

You have also inquired about changing the General Plan and zoning through the amendment process. While there is a process to seek changes to the General Plan, these may only be considered where found to be in the public interest. This process would begin with a petition filed in accordance with Section G-P8 of the General Plan and Section 312-50 of the zoning regulations. The plan and zone amendment, should the petition be accepted, is a legislative action conducted in accordance with the Planning and Zoning law and as such the outcome is unknown. Changing a plan so fundamentally would be a lengthy and expensive endeavor. Finally, we would not be able to make findings for approval without meeting the requirements of the Jacobi Creek Community Plan.

Please note this response addresses matters within the purview of the Planning Division and the information provided in this response is based on documents and records currently available in our Department. Plans, codes, and standards do change over time and any such change could alter the findings or conclusions reached in this response. Further, while we have attempted to provide as complete a response as possible, the limitations of the Information Request process require that we treat the information provided as a general rather than a project level evaluation.

I can be reached at 268-3704 or tshortridge@co.humboldt.ca.us if you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink that reads "T. Shortridge". The signature is written in a cursive, flowing style.

Tricia Shortridge
Planner II



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

February 14, 2025

Omsberg & Preston
Attn: Kimberley Clark
402 E Street
Eureka, CA 95501

RE: Parcel Map Subdivision of APNs 500-141-045 and 500-201-003, 1933 Golf Course Rd., Bayside

Dear Ms. Clark:

Thank you for the application submittal for a Parcel Map Subdivision on the above-referenced parcel. As we discussed in our Application Assistance meeting and in consultation with Director Ford, we agreed to accept the incomplete application and present it to the Planning Commission with a recommendation for denial, as it is inconsistent with several General Plan policies. Additionally, we agreed to not require certain information at this time until a decision is made by the Planning Commission. Should the Planning Commission provide a path forward, we would then require additional information including but not limited to a Tentative Map, septic soils testing information, water production testing information and a biological assessment. In addition, referral fees would be required for the Building Division, Department of Environmental Health and the Department of Public Works.

Please let me know if you have a different understanding of this path moving forward. You can reach me at directly at (707) 268-3740 or email at testlow@co.humboldt.ca.us.

Sincerely,

Trevor Estlow, Senior Planner
Humboldt County Planning and Building Department

cc: Larry Henderson, 1933 Golf Course Rd., Bayside, CA 95521



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

March 10, 2025

Omsberg & Preston
Attn: Kimberley Clark
402 E Street
Eureka, CA 95501

RE: Parcel Map Subdivision of APNs 500-141-045 and 500-201-003, 1933 Golf Course Road, Bayside, Record No. PLN-2025-19178

Dear Ms. Clark:

I wanted to follow up on our meeting last week on March 6, 2025. After the meeting, Director Ford, Cliff Johnson and I discussed the approach moving forward. We feel that moving forward with just a portion of the site suitability requirements (wet-weather septic testing) would not provide us with sufficient information to make any sort of recommendation to the Planning Commission. As you appear committed to complete the site suitability requirements, we would propose to separately have staff move forward to the Planning Commission with a recommendation to “refine the density limitations while also protecting water quality in the area” within the Jacoby Creek Planning Area as directed in the Board of Supervisors Resolution No. 20-78, provided you commit to completing all site suitability requirements.

Your subdivision application would then be placed in “suspense” while we pursue refining the density limitations in the Jacoby Creek Community Plan and you complete all site suitability requirements. This would include wet-weather septic testing, dry-weather water production testing, biological assessment, etc., as well as the accompanying referral fees. A complete list of submittal requirements is attached to this letter. If this approach is amenable to you, please let me know. Also, note that the previous option identified in my letter dated February 14, 2025 is still available.

Please note that as the parcel is currently approximately 4.6 acres in size, the minimum parcel size requirement still poses a problem and a Variance would

be required. This requires submittal of the Variance findings outlined in Section 312-17.2 of Humboldt County Code and included in the attached list of submittal requirements.

If you have any questions, please contact me at (707) 268-3740 or email at testlow@co.humboldt.ca.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trevor Estlow', with a stylized flourish at the end.

Trevor Estlow, Senior Planner
Humboldt County Planning and Building Department

Attachment

cc: Larry Henderson, 1933 Golf Course Road, Bayside, CA 95521

Submittal Requirements:

- Tentative Parcel Map
- Preliminary Title Report
- Copy of Current Deed
- Wet-weather soils testing for septic suitability
- Dry-weather water production testing information
- Biological Assessment including seasonally appropriate botanical surveys
- Variance Findings
- CALFIRE Exception Request if Golf Course Road is not Category 4 (previous subdivisions in the area identified Golf Course Road averaging 16-feet wide
- Note that additional referral fees will also be required. Currently, the fees are as follows: Building - \$242; Environmental Health - \$560; County Counsel - \$806; Public Works - \$2,500; NWIC - \$75; Three \$30 checks payable to: Bear River Band THPO Department, Blue Lake Rancheria THPO and Wiyot Tribe Cultural Department

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of September 1, 2020

RESOLUTION NO. 20-78

RESOLUTION NO. 20-78 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, AND APPROVING INLAND GENERAL PLAN AMENDMENTS ASSOCIATED WITH THE ADU ORDINANCE.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, changes to California Government Code Sections 65852.2 and 65852.22 in 2017 and 2019 superseded the County's Second Unit Ordinance; and

WHEREAS, under Government Code Section 65852.2 a local agency may, by ordinance, regulate the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use, provided its regulations are no more restrictive than set forth in that section; and

WHEREAS, Humboldt County's General Plan 2019 Housing Element Update directs the County to develop an Accessory Dwelling Unit Ordinance as set forth in H-P29 and H-IM41; allow tiny houses and moveable tiny houses as residences as set forth in H-P30, H-IM30, H-IM38, and H-IM39; and support alternative owner- built residences as low-cost housing as set forth in H-P15; and

WHEREAS, the proposed inland regulations and related General Plan and Building Code amendments were developed to achieve consistency with the requirements of Government Code Section 65852.2, to meet the needs of County residents as determined through workshops and comments, and

WHEREAS, the proposed ADU Ordinance and related General Plan amendments that apply to the inland areas of the County outside of the coastal zone may be approved if all the required findings can be made as specified in the General Plan, Zoning Ordinance and state law; and

WHEREAS, the proposed ADU Ordinance and related General Plan Amendments have been reviewed by appropriate county departments, state agencies and local tribes and their input has been collected and considered; and

WHEREAS, a series of public hearings was held on the matter before the Humboldt County Planning Commission on May 21st, June 4th, July 18th, July 9th, and July 23rd of 2020, during which the Planning Commission reviewed, took public comments, and recommended changes to the draft ordinance and General Plan amendment attached as Exhibit A of this Resolution; and

WHEREAS, the Planning Commission, in response to public comments and as a result of its review recommended the Board of Supervisors 1) approve the Accessory Dwelling Unit Ordinance, related General Plan amendments and Building Code changes and 2) direct the Planning Department to update the Jacoby Creek Community Plan to refine the residential density limitations while also protecting water quality in the area; and

WHEREAS, on September 1, 2020 the Board of Supervisors held a public hearing on the proposed ordinance and related General Plan and Building Code amendments, and received public comments, reviewed and considered all public testimony and evidence and presented at the hearing;

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. FINDING: The proposed Inland ADU Ordinance and General Plan amendments are exempt from environmental review.

EVIDENCE: a) Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h) exempt from environmental review adoption of an ordinance regulating Accessory Dwelling Units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county.

CONSISTENCY WITH THE GENERAL PLAN.

2. FINDING: Humboldt County General Plan G-P8 states the General Plan may be amended if base information or physical conditions have changed. The base information underlying the General Plan has changed.

EVIDENCE: a) In 2017 with the passage of Senate Bill 1069 the State declared that allowing ADU's in single-family or multifamily residential zones provides additional rental housing stock, and these units are an essential component of housing supply in California. In response, several laws were enacted removing regulatory barriers for development of ADU's, including Gov. Code Secs. 65852.2 and 65852.22, enacted in 2017 and 2019 respectively. These state laws nullified the County's Second Unit Ordinance and imposed State standards in its place. The proposed ADU Ordinance will re-establish local regulation of ADU's to maximize its relevance and responsiveness to local conditions. References in the General Plan to "Secondary Dwelling Units" or "Second Units" are proposed to be amended to "Accessory Dwelling Units" to harmonize the General Plan with the ADU Ordinance.

b) The 2019 Housing Element of the General Plan highlighted the inability to produce housing affordable to lower income households in the County. It included an implementation measure to amend the Zoning Ordinance to encourage development ADU's as an important component of the County's strategy to develop more housing affordable to lower income households (Implementation Measure **HE-IM41 Allowance for Accessory Dwelling Units**). The proposed General Plan Amendments are necessary to harmonize the General Plan with the ADU Ordinance in accordance with the recent changes to state laws and to provide clear and consistent regulations for ADU's.

3. **FINDING:** Humboldt County General Plan Section 3.3 stipulates the General Plan Amendment must not be appropriate for the next scheduled update. The proposed General Plan Amendment is not appropriate for the next scheduled update.

EVIDENCE: a) Housing Element Implementation Measure HE-IM41 specifies the timeframe for adoption of an ADU Ordinance is December 31, 2019, nearly nine months ago. The proposed General Plan Amendment is necessary to make the General Plan consistent with the ADU Ordinance and to carry out the ADU Ordinance. References in the General Plan to "Secondary Dwelling Units" or "Second Units" are proposed to be amended to "Accessory Dwelling Units" to be consistent with the ADU Ordinance. It would not be appropriate to delay making the Zoning Ordinance and General Plan consistent with each other so the General Plan Amendment coincides with the next scheduled update of the General Plan.

4. **FINDING:** Humboldt County General Plan Section 3.3 stipulates the General Plan Amendment must be in the public interest. The proposed General Plan Amendment is in the public interest.

EVIDENCE: a) The 2019 Housing Element included an implementation measure to amend the Zoning Ordinance to encourage development ADU's. The proposed General Plan Amendment harmonizes the allowed uses in the General Plan with those in the ADU Ordinance and is necessary to carry out the ADU Ordinance. Implementing the 2019 Housing Element is in the public interest.

b) The purpose of the proposed General Plan Amendments is to ensure consistency of terminology between the General Plan and Zoning Regulations. For the sake of consistency, references in the General Plan to Secondary Dwelling Units or Second Units are amended to Accessory Dwelling Units. Eliminating multiple terms for the same object, and removing confusing terminology promotes better understanding of the regulations, and is therefore in the public interest.

CONSISTENCY WITH STATE GENERAL PLAN LAW.

5. **FINDING:** Government Code Section 65302.8 requires any General Plan Amendment that operates to limit the number of housing units which may be constructed on an annual basis to contain findings which justify reducing the housing opportunities of the region. The proposed General Plan Amendment does not limit the number of housing units which may be constructed on an annual basis.

EVIDENCE: a) The proposed General Plan Amendment changes references in the General Plan from "Secondary Dwelling Units" or "Second Units" to "Accessory Dwelling Units" to harmonize the General Plan with the ADU Ordinance. The intent of these changes is to encourage development of ADU's which will expand the number of housing units which may be constructed on an annual basis.

CONSISTENCY WITH THE ZONING ORDINANCE.

6. FINDING: Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed ADU Ordinance is in the public interest.

EVIDENCE:

- a) The 2019 Housing Element of the General Plan highlighted the inability to produce housing affordable to lower income households in the County, and included an implementation measure (H-IM41) to amend the Zoning Ordinance to encourage development ADU's as an important component of the County's strategy to develop more housing affordable to lower income households. The proposed ADU Ordinance implements H-IM41 and is intended to help meet identified housing needs of lower income households in the County.
- b) The proposed ADU Ordinance will re-establish local regulation of ADU's to maximize its relevance and responsiveness to local conditions.
- c) In enacting the ADU statutes, the state legislature identified these other ways zoning ordinances incentivizing ADUs are in the public interest: (1) availability of housing is of vital statewide importance; (2) decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order; and (3) providing housing affordable to low- and moderate-income households requires the cooperation of all levels of government. The proposed ADU Ordinance advances each of these goals.

7. FINDING: Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed ADU Ordinance is consistent with the General Plan.

EVIDENCE:

- a) The proposed ADU Ordinance implements H-IM41 of the 2019 Housing Element of the General Plan.
- b) The proposed ADU Ordinance provisions establishing standards and allowances for Tiny Houses and Moveable Tiny Houses implement Housing Element Policies H-P30, and H-P31, and Implementation Measures H-IM38 and H-IM39 which call for allowing and encouraging tiny houses and moveable tiny houses as permanent dwellings.

8. FINDING: Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance to not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law.

EVIDENCE:

- a) The proposed ordinance involves parcels which are included in the residential land inventory used by HCD in determining compliance with housing element law. The ADU Ordinance supports increased residential densities rather than decreased densities on these parcels. Therefore, it would not reduce the residential density for any parcel below that used by HCD in determining compliance with housing element law.

NOW THEREFORE, be it resolved that the Board of Supervisors hereby:

1. Adopts the findings contained herein;
2. Adopts the General Plan Amendments as shown in Exhibit A of this Resolution;
3. Directs Planning Department staff to update the Jacoby Creek Community Plan Policy JCCP-P26. Residential Densities, to refine the residential density limitations while also protecting water quality in the area;
4. Finds the project exempt from the California Environmental Quality Act and directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
5. Directs the Clerk of the Board to give notice of the decision to any interested party.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on September 1, 2020 by the following vote:

Dated: September 1, 2020



Estelle Fennell, Chair
Humboldt County Board of Supervisors

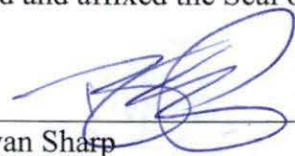
Adopted on motion by Supervisor Madrone, seconded by Supervisor Wilson, and the following vote:

AYES:	Supervisors	Bohn, Bass, Fennell, Madrone
NAYS:	Supervisors	Wilson
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

EXHIBIT A

Chapter 4 – Land Use Element

FR-P10. Secondary Residential Construction on TPZ Zoned Parcels. ~~Second residential units~~ Accessory Dwelling Units may be allowed on TPZ parcels greater than 160 acres, and on parcels less than 160 acres only in the area already converted, intended to be converted, or that does not meet the definition of timberlands. ~~Second units~~ Accessory Dwelling Units may be allowed on TPZ parcels of less than 40 acres within Community Planning Areas.

FR-P18. Transfer of Development Rights (TDR) Program. Research and develop, if feasible, a voluntary Transfer of Development Rights program as a method of protecting larger tracts of resource lands based on community input. The density credit would not count ~~second units~~ Accessory Dwelling Units in the calculation.

Table 4-B Residential Land Use Designations

Allowable Use Types	RM	RL	RE	RA
Residential				
Single Family	X	X	X	X
Residential				
Second Residential Unit				
<u>Accessory Dwelling Unit</u>	X	X	X	X
Multi-Family Residential	X	X		
Manufactured Home	X	X		
Parks		X	X	X
Guest House	X			
Group Residential	X	X	X	X
Planned Developments	X			
Emergency Shelter	X			
Transitional Housing	X	X	X	X
Residential Accessory				
Uses ¹				
Other				
Cottage Industry	X	X	X	X
Bed & Breakfast Inns	X	X	X	X
Community Assembly	X	X	X	X
Neighborhood	X	X	X	X
Commercial	X	X	X	X
Non-Commercial	X			
Recreation	X	X	X	
Office and Professional			X	X
Private Institution			X	X
General Agriculture			X	X
Intensive Agriculture			X	X
Stables & Kennels	X	X	X	X
Timber Production	X	X	X	X
Fish & Wildlife	X	X	X	X
Management				
Essential Services				

Allowable Use Types	RM	RL	RE	RA
Similar Compatible Uses				
Development Standards				
Density Range	7 to 30 units per acre, as specified on map	1-8 units per acre, as specified on map	1 to 5 acres per unit, as specified on map	5 to 160 acres per unit, as specified on map
Max. Floor Area Ratio	1.00	0.40	0.20	0.10
Additional Provisions	per zoning	per zoning	per zoning	per zoning

1. Residential Accessory Uses include Community Care Facilities, Family Day Care Center, and Family Day Care Home.

2. Coastal:

- The coastal RE & RL designations allow neighborhood commercial, private institution, private recreation
- The coastal RM designation allows duplexes, guest houses, hotels & motels, private institution

Table 4-D Mixed Use Land Use Designations

Allowable Use Types	MU	VC	RCC	UR/ ¹
Residential				
Single Family Residential	X	X	X	X
Second Residential Unit				
Accessory Dwelling Unit	X	X	X	
Multi-Family Residential	X	X	X	
Manufactured Home Parks		X	X	
Group Residential	X	X	X	
Planned Developments	X	X	X	
Emergency Shelter	X	X	X	
Transitional Housing	X	X	X	
Residential Accessory Uses ¹	X	X	X	
Commercial				
Bed & Breakfast Inn	X	X	X	
Commercial Recreation	X	X	X	
Heavy Commercial		X	X	
Neighborhood Commercial	X	X	X	
Office & Professional	X	X	X	
Private Recreation	X	X	X	
Retail Sales	X	X	X	
Retail Services	X	X	X	
Transient Habitation	X	X	X	

Allowable Use Types	MU	VC	RCC	UR/ ¹
Other				
Cottage Industry	X	X	X	X
Community Assembly	X	X	X	
Non-Commercial Recreation	X	X	X	
General Agriculture		X	X	X
Stables & Kennels		X	X	
Timber Production		X	X	X
Fish & Wildlife Management	X	X	X	X
Essential Services	X	X	X	
Similar Compatible Uses	X	X	X	X
Development Standards				
Max. Floor Area Ratio	3	2	2	
Maximum Structure Height and other development standards	per zoning	per zoning	per zoning	per zoning

1. Uses listed are allowed interim uses prior to services being available to the parcel; no subdivision is allowed. Once services are available, allowed uses and densities are defined by the land use designation following the "/", such as UR/RL which indicates that when services are available, the area may be developed according to the RL designation.
2. Family day care centers are considered an accessory commercial use.

Table 4-G Resource Production Land Use Designations

Allowable Use Types	T	AE	AG
Agricultural			
Agriculture-Related Recreation		X	X
Feed Lot/Slaughter House		X	X
General Agriculture	X	X	X
Hog Farming		X	X
Intensive Agriculture		X	X
Stables & Kennels		X	X
Timber			
Timber Production	X	X	X
Timber-Related Recreation	X		X
Commercial			
Agriculture-Related Visitor-Serving ¹	X	X	X
Timber-Related Visitor-Serving ²			X
Industrial/Extractive			
Agriculture & Timber Products Processing	X	X	X
Aquaculture	X	X	X
Oil & Gas Drilling & Processing	X		X
Metallic Mining	X	X	X
Surface Mining			
Natural Resource			
Fish & Wildlife Habitat Mgt	X	X	X
Public Access Facilities	X	X	X
Resource-Related Recreational	X	X	X
Watershed Management	X	X	X
Wetland Restoration	X	X	X
Other			
Cottage Industry		X	X
Farm Employee Housing		X	X
Labor Camps	X	X	X
Public Recreation	X	X	X
Second Agriculture Residence		X	X
Utilities & Energy Facilities ³	X	X	X
Single Family Residence	X	X	X
Second Residential Unit			
<u>Accessory Dwelling Unit</u>	X	X ⁴	X ⁴
Similar Compatible Uses	X	X	X
Development Standards			
Minimum Parcel Size	40-160 acres	60 acres	20-160 acres
Ground Coverage		2 acres max.	2 acres max.
Additional Provisions	per zoning	per zoning	per zoning

¹ Agriculture-Related Visitor-Serving: cheese factories and sales rooms, wineries and wine tasting and sales rooms, produce sales, etc. which do not change the character of the principal use.

² Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use.

³ Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities.

⁴ Principally permitted ~~Second Residential~~ Accessory Dwelling Units shall be within the same contiguous two (2) acre building envelope containing the primary residence.

NOTE FOR ALL LAND USE TABLES: Where Development Standards are not specified, see applicable zoning regulations.

Chapter 5 – Community Services and Infrastructure Element

IS-P3. Requirements for Discretionary Development. The adequacy of public infrastructure and services for discretionary development greater than a single family residence and/or ~~second unit~~ Accessory Dwelling Unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. Such discretionary development may be approved if it can be found that:

- A. Existing services are adequate; or
- B. Adequacy will be attained concurrent with project implementation through project conditions; or
- C. Adequacy will be obtained over a finite time period through the implementation of a defined capital improvement or service development plan; or
- D. Evidence in the record supports a finding that approval will not adversely impact health, welfare, and safety or plans to provide infrastructure or services to the community.

IS-S1. Adequate Public Infrastructure and Services Ordinance. Adequate public infrastructure and services standards shall be used to determine the level of infrastructure and services necessary for discretionary development greater than a single family residence and/or ~~second unit~~ Accessory Dwelling Unit or minor subdivision. Standards shall be specified by ordinance for County provided services. County standards shall be consistent with Plan policies. Standards for non-County services should be consistent with levels of service adopted by local service providers or, if standards have not been adopted, the County shall work in coordination with the local service providers to identify generally accepted standards.

Appendix B. Glossary and Definitions

RESIDENTIAL USE TYPES

~~Second Residential Unit (Second/Secondary Dwelling Unit)~~ Accessory Dwelling Unit. The ~~Second Residential~~ Accessory Dwelling Unit Use Type refers to a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot for occupancy by individuals or a family.

Appendix C. Community Plans

Avenue of the Giants Community Plan

Policy 4500-1. Plan density ranges are contingent on adequate service capacities. Current systems should be upgraded to be able to provide consistent, reliable water for domestic and emergency uses. Additional development (subdivisions, ~~second units~~ Accessory Dwelling Units, caretaker facilities, etc.) or improvements to existing uses will not be approved without proof of adequate service capacities.

Eureka Community Plan

3604 ~~Secondary~~ Accessory Dwelling Units

~~Secondary~~ Accessory Dwelling Units shall not be allowed on any parcel utilizing the density bonus, or on any parcel within a determined "bench" area.

Santos, Steven A

From: Estlow, Trevor
Sent: Monday, March 17, 2025 12:56 PM
To: Kim Preston
Cc: Larry Henderson; Kimberley Clark; Larry Henderson; Johnson, Cliff
Subject: RE: Henderson Subdivision

Hi Kim-

I discussed this with Rodney, who then discussed it with Director Ford. They reviewed the information provided, and while we appreciate the identification of the Board Resolution directing staff to update the Jacoby Creek Community Plan Policy JCCP-P26, it does not address the further limitation of subdivision on lands designated as Residential Estates under JCCP-P39 (see below).

JCCP-P39. Subdivision of Land Designated Residential Estates. No new subdivision or minor subdivision which creates parcels of less than five acres shall be approved on lands designated as Residential Estates until a public water system is available to such lands. .

Acting on P26 alone will not solve the problem. Given that staff was not directed to address P39, we will still have a very clear policy that prohibits the creation of parcels less than five acres in size with a Residential Estates land use designation. Therefore, our direction will be to move forward to the Planning Commission with a recommendation of denial as outlined in my first letter dated February 14, 2025.

Please let me know if you have any questions, or have additional information.

Thanks.

-Trevor

From: Kim Preston <kpreston@omsberg.com>
Sent: Wednesday, March 12, 2025 4:12 PM
To: Estlow, Trevor <TEstlow@co.humboldt.ca.us>; Slocum, Sherry <sslocum@co.humboldt.ca.us>
Cc: Larry Henderson <henderson95524@gmail.com>; Kimberley Clark <kclark@omsberg.com>; Larry Henderson <lhenderson@eurekaca.gov>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Bronkall, Bob <BBronkall@co.humboldt.ca.us>
Subject: RE: Henderson Subdivision

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Thank you, Trevor!

Sherry, I'm not sure if you're the right one to help, but can you please call me tomorrow so we can assess our calendars and schedule a meeting with Bob (or Kenny, who I believe is out of the office until sometime in April...or Erin)?

Kimberly D. Preston, PE, PLS

OMSBERG & PRESTON
Surveyors - Planners - Engineers
402 E Street
Eureka, CA 95501
(707) 443-8651
(707) 499-3004 (cell)
kpreston@omsberg.com

Visit our website at www.omsberg.com
and add me on Linked In at www.linkedin.com/in/omsbergandpreston

From: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Sent: Wednesday, March 12, 2025 2:25 PM
To: Kim Preston <kpreston@omsberg.com>
Cc: Larry Henderson <henderson95524@gmail.com>; Kimberley Clark <kclark@omsberg.com>; Larry Henderson <lhenderson@eurekaca.gov>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Henderson Subdivision

Hi Kim-

For the subdivision application, once we have a complete application, we will then send it out for referrals to gather any comments. Provided there are no substantial comments that cannot be addressed, we would then prepare the staff report and present it to the Planning Commission. Please note the submittal requirements listed on the attachment to my last letter dated 3/10/2025, specifically the Road Category 4 requirement. A previous subdivision approximately ¼ mile east of this site required a CALFIRE exception request and coordination with the Department of Public Works. I have attached those requirements from 2006.

For the density issue, Rodney still has to discuss the topic with Director Ford to determine where it falls in his workplan. Once that is ironed out, I can provide a better idea of the timeline. Let me know if you have any other questions.

Thanks.

-Trevor

From: Kim Preston <kpreston@omsberg.com>
Sent: Tuesday, March 11, 2025 5:32 PM
To: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Cc: Larry Henderson <henderson95524@gmail.com>; Kimberley Clark <kclark@omsberg.com>; Larry Henderson <lhenderson@eurekaca.gov>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Henderson Subdivision

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Trevor:

Yes, Mr. Henderson is committed to gathering the rest of the docs needed to take this to Planning Commission.

What is your estimated timeline for taking this project to the Commission (from after you have a complete application package)? And when do you think the density issue will go to the Commission? While I know there is

no guarantee that the policy will change, I remain hopefully optimistic (please allow me something to believe in 😊) as the direction for this came from the Planning Commission and the BOS to County Staff in 2020.

Thanks for your speedy response, Trev, and we'll work to get you a complete package soon!

Kimberly D. Preston, PE, PLS

OMSBERG & PRESTON
Surveyors - Planners - Engineers
402 E Street
Eureka, CA 95501
(707) 443-8651
(707) 499-3004 (cell)
kpreston@omsberg.com

Visit our website at www.omsberg.com
and add me on Linked In at www.linkedin.com/in/omsbergandpreston

From: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Sent: Tuesday, March 11, 2025 2:19 PM
To: Kim Preston <kpreston@omsberg.com>
Cc: Larry Henderson <henderson95524@gmail.com>; Kimberley Clark <kclark@omsberg.com>; Larry Henderson <lhenderson@eurekaca.gov>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Henderson Subdivision

Hi Kim-

It sounds like your team is committed to providing the items spelled out in my letter. By suspense, I meant that we wouldn't be doing much work on the project until that information came in, since there really isn't anything for other agencies to review. If all of the required information and referral fees are submitted, we will then refer the project out as normal and continue our review. In the meantime, we will move forward to present the density issue to the Planning Commission. And please note that we cannot guarantee that the policy will change. That will be up to the Planning Commission and ultimately the Board of Supervisors. Let me know if you have any questions.

Thanks.

-Trevor

From: Kim Preston <kpreston@omsberg.com>
Sent: Tuesday, March 11, 2025 1:07 PM
To: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Cc: Larry Henderson <henderson95524@gmail.com>; Kimberley Clark <kclark@omsberg.com>; Larry Henderson <lhenderson@eurekaca.gov>
Subject: RE: Henderson Subdivision

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi Trevor:

Thank you for your correspondence dated March 10, 2025, outlining a path forward for Larry. I realized when reading it that we had a side conversation after the meeting, to which you are not privy. I just want to fill you in so we're all on the same page.

Wet weather septic testing is underway by my office as I type this email. Larry is also working with Hohman & Associates on getting the Biological investigated, and we have the dry weather water production testing report that was done when Larry first started looking at this subdivision. Larry will work getting an updated prelim and making the variance findings while my office prepares the Tentative Map. That, if I'm not mistaken, constitutes most of your list of submittal requirements. Sorry I didn't think to update you after our meeting, when we decided while standing in the parking lot that we should do more to move this project forward.

With the submittal of the above-referenced items, along with the applicable fees, I believe Larry is showing good faith that he's committed to this subdivision. With this additional information, would the project still have to be placed in "suspense" while the JCCP issues are ironed out? I, as Larry's agent, want to make sure we're proceeding in the most logical path forward, and not spending his money in a willy-nilly fashion. After you discuss this with the Director and Cliff, please update us so we make sure we're keeping on the right track.

Thank you!
Kim

Kimberly D. Preston, PE, PLS

OMSBERG & PRESTON
Surveyors - Planners - Engineers
402 E Street
Eureka, CA 95501
(707) 443-8651
(707) 499-3004 (cell)
kpreston@omsberg.com

Visit our website at www.omsberg.com
and add me on Linked In at www.linkedin.com/in/omsbergandpreston

From: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Sent: Monday, March 10, 2025 3:02 PM
To: Kimberley Clark <kclark@omsberg.com>
Cc: Larry Henderson <henderson95524@gmail.com>
Subject: Henderson Subdivision

Hi Kimberley-

Please see attached letter outlining our path forward. Let me know if you have any questions.

Thanks.



Trevor Estlow
Senior Planner
[Planning and Building Department](#)
707.268.3740

*Effective July 1, 2024, the Humboldt County Planning and Building Department will reduce the in-person counter service hours. The **new hours of operation will be from 8:30 a.m. to 2:00 p.m., Monday through Thursday**, with the department closed on Fridays.*

ATTACHMENT 5
Referral Agency Comments and Recommendations

Referral Agency	Response	Recommendation	Attached	On File
County Public Works, the Land Use Division	X	Conditional approval (Attachment 5A)	X	
County Division of Environmental Health	X	Approval		X
City of Arcata				
Building Inspections	X	Approval		X
County Counsel				
CalFIRE	X	Conditional Approval		X
Arcata Fire Protection District				
California Department of Fish & Wildlife				
Bear River Band of the Rohnerville Rancheria	X	Conditional Approval		X
Wiyot Tribe				
Blue Lake Rancheria				
Northwest Information Center	X	Conditional Approval		X
State Water Board				
NCRWQCB				
Pacific Gas & Electric	X	Conditional Approval		X

EXHIBIT A



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE	445-7205
----------	----------

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michael Holtermann, Associate Planner

FROM: Kenneth Freed, Assistant Engineer

RE: **SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE HENDERSON
SUBDIVISION, APPLICATION# PLN-2025-19178 PMS, APN 500-141-045 &
APN 500-201-003, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING
OF 4.55 ACRES INTO 2 PARCELS**

06/10/2025

The following requirements and standards are applicable to this project and must be completed to the specifications and satisfaction of the Department of Public Works (Department) before the subdivision map may be filed with the County Recorder. If there has been a substantial change in the project since the last date shown above, an amended report must be obtained and used in lieu of this report. Prior to commencing the improvements indicated below, please contact the Subdivision Inspector at 445-7205 to schedule a pre-construction conference.

These recommendations are based on the tentative map prepared by Omsberg & Preston dated April 22, 2025, and dated as received by the Humboldt County Planning Division on April 22, 2025.

NOTE: All correspondence (letters, memos, faxes, construction drawings, reports, studies, etc.) with this Department must include the Assessor Parcel Number (APN) shown above.

**READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE
PROJECT**

1.0 MAPPING

1.1 EXPIRATION OF TENTATIVE MAP

Applicant is advised to contact the Planning & Building Department to determine the expiration date of the tentative map and what time extension(s), if any, are applicable to the project. Applicant is responsible for the timely filing of time extension requests to the Planning & Building Department.

Applicant is responsible for completing all of the subdivision requirements prior to expiration of the tentative map. Applicant is advised to promptly address all of the subdivision requirements in order to avoid the tentative map expiring prior to completion of the subdivision requirements. Applicants are encouraged to contact a land development professional for advice on developing a realistic schedule for the processing of the project.

1.2 MAP TYPE

Applicant must cause to be filed a subdivision map showing monumentation of all property corners to the satisfaction of this Department in compliance with County Code §326-31. Subdivision map checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The subdivision map must be prepared by a Land Surveyor licensed by the State of California -or- by a Civil Engineer registered by the State of California who is authorized to practice land surveying.

All Department charges associated with this project must be paid in full prior to the subdivision map being submitted to the County Recorder for filing.

Applicant shall submit to this Department an electronic copy of the subdivision map, in pdf format, as filed by the County Recorder. [Reference: Government Code §66466(f)]

Prior to submitting the subdivision map to the County Surveyor for map check, applicant shall submit the subdivision map to the utility providers to provide input on necessary public utility easements. Copies of the responses from the utility providers shall be included with the first submittal of the subdivision map to the County Surveyor.

1.3 DEPOSIT

Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per County Code §326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.

1.4 PROOF OF LEGAL ACCESS

Access shall be noted on the Parcel Map pursuant to County Code §324-3.

1.5 EASEMENTS

All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.

1.6 EASEMENT COORDINATION AND SIGN-OFF

Provide sign-off from all utility companies that existing and proposed public utility easements shown on the subdivision map are adequate for their needs.

1.7 PRIVATE ROADS

Pursuant to County Code §324-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code §324-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

"If the private lane or lanes shown on this plan of subdivision, or any part thereof, are to be accepted by the County for the benefit of the lot owners on such lane rather than the benefits of the County generally, such private lane or lanes or parts thereof shall first be improved at the sole cost of the affected lot owner or owners, so as to comply with the specification as contained in the then applicable subdivision regulations relating to public streets."

(use this paragraph private roads are within the distinctive border.)

1.8 DEDICATIONS

The following shall be dedicated on the subdivision map, or other document as approved by this Department:

(a) PUBLIC ROAD: GOLF COURSE ROAD (#C4K260)

Public Road: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 25 feet of the center line of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Slopes: When cut and fill slopes adjacent to the road are proposed (or currently exist), applicant shall cause to be dedicated to the County of Humboldt a slope maintenance easement to a point 10 feet beyond the toe of fill slopes or top of cut slopes in a manner approved by this Department. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

(b) PRIVATE ROAD: UNNAMED ACCESS ROAD (NOT COUNTY MAINTAINED)

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels within the subdivision in a manner approved by this Department. The easement shall be 40 feet in width.

A turn-around area shall be provided at the end of road complying with Appendix D of the International Fire Code unless otherwise approved by this Department and the fire district having jurisdiction at the project location

The applicant shall cause to be dedicated to the County of Humboldt a PUE over the entire area of the access easement for the road.

(c) SUBDIVISION RIGHTS

- i) Applicant shall cause to be conveyed to the County of Humboldt the rights to further subdivide the parcels created by this subdivision until such time as Golf Course Road is improved to minimum standards outlined in the State Fire Safe Regulations, California Code of Regulations (CCR), Title 14 natural Resources, Division 1.5

Department of Forestry, Chapter 7 – Fire Protection, Subchapter 2 SRA Fire Safe Regulations, which have been established pursuant to California Public resource Code §4290 et seq. Per §1273.01, a minimum 20 foot wide road is required. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.

- ii) When a tentative map has been approved and the conditions of approval do not require the roads to be constructed to County standards, pursuant to County Code Section §[323-6\(a\)\(5\)\(B\)](#), the applicant shall cause to be recorded to the satisfaction of this department a notice with the statement as substantially as follows:

“Further subdivisions of the lots created by the _____(Name)_____ Subdivision, _____(Recording Data _____), may require the performance of additional on-site and off-site improvements to the road connecting the subdivision to the County road or other publicly maintained road. If the County deems necessary, this work could require the road to be developed to the County road standards by the subdivider.”

(d) NON-VEHICULAR ACCESS

Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 1-foot wide non-vehicular access strip adjacent to Golf Course Road. The location shall be as shown on the tentative map, or as otherwise approved by this Department. Said easement shall be dedicated in manner and location as approved by this Department.

(e) CLUSTER BOX UNIT (CBU) MAILBOXES

Prior to submittal of the subdivision map, provide a sign-off from the Post Office on the location of the neighborhood box unit. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate the CBU.

Note: The Post Office may not require an CBU for this project.

1.9 LINES OF OCCUPATION

Applicant shall provide prospective buyers with notice of any fences that are not on the property lines.

2.0 IMPROVEMENTS

2.1 CONSTRUCTION PLANS

Pursuant to County Code §326-3, construction plans shall be submitted for any required road, drainage, landscaping, and pedestrian improvements. Construction plans must be prepared by a Civil Engineer registered by the State of California. Construction plans shall be on a sheet size of 22” x 34”, unless approved otherwise by this Department. Construction of the improvements shall not commence until authorized by this Department. This Department will require the submittal of 1 full size (22” x 34”) set and 1 reduced (11” x 17”) set of the approved construction plans prior to start of work. (See County code §326-3)

The construction plans shall show the location of all sensitive areas and required mitigation measures.

The construction plans shall show the location of all proposed new utilities and any existing utilities within 10 feet of the improvements. The plans shall be signed as approved by the local fire response agency and public utility companies having any facilities within the subdivision prior to construction authorization by this Department.

Construction plans shall be tied into elevation datum approved by this Department.

Unless otherwise waived by this Department, record drawing (“As-Built”) plans shall be submitted for any road, drainage, landscaping, and pedestrian improvements that are constructed as part of this project. Record drawing plans must be prepared by a Civil Engineer registered by the State of California. Once approved by this Department, one (1) set of “wet stamped” record drawings on 22” x 34” mylar sheets shall be filed with this Department.

2.2 CONSTRUCTION PERIOD

Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.

2.3 TRAFFIC CONTROL DEVICES & SIGNS

Traffic control devices and signs may need to be placed as required and approved by this Department. All signs and striping on County maintained roads shall be installed by the County at the expense of the developer, unless otherwise approved by the Department.

- (a) For streets that will not be named, address signs shall be posted at the intersection. In State Responsibility Areas, the address signs shall comply with § 1274.00 et seq. of State Fire Safe Regulations (SFSR), California Code of Regulations (CCR), Title 14 natural Resources, Division 1.5 Department of Forestry, Chapter 7 – Fire Protection, Subchapter 2 SRA Fire Safe Regulations, which have been established pursuant to California Public resource Code §4290 et seq. In the event that addresses are not available at the time that the subdivision map is filed with the County Recorder, then a note shall be added to the development plan indicating that street address signs shall be posted prior to issuance of a building permit.

Note: Cal Fire has decertified the County’s Fire Safe Regulations (FSR) codified in County Code Section §3111-1, et seq., as a result State’s Fire Safe Regulations (SFSR) set forth in §1270.05, et seq apply. Because the County has not repealed County Code Section §3111-1, et seq, County Code requirements also apply. When there is a conflict between the County’s FSR and the State’s SFSR, the code affording the greatest fire protection applies. [As an example, if County FSR requires a minimum 16 foot wide road and State SFSR requires a minimum 20 foot wide road, the State’s requirement for a 20 foot wide road applies as it provides the greatest fire protection.]

- (b) Fire hydrants shall be identified with a retroreflective blue colored raised pavement marker.
- (c) Additional signing and striping may be required by the Department upon review of the improvement plans. This includes, but is not limited to, centerline striping, two way left

turn lane striping, bicycle lane striping, edge lines, dead end road signs, no outlet signs, speed limit signs, warning signs, etc....

2.4 ACCESS ROADS

The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:

- (a) The intersection of the subdivision access road and the County road shall be constructed in conformance with the standards for a private road intersection as illustrated in Caltrans standards. The access opening must conform to Humboldt County Code §341 regarding visibility.
- (b) When the County road is paved, the access road shall be paved for a minimum of 50 feet from the edge of the County road.
- (c) Along the frontage of the subdivision, **GOLF COURSE ROAD** shall be widened to have a paved travel lane width of 20 feet along and a four foot paved shoulder.
- (d) The **UNNAMED ACCESS ROAD** serving parcels A and B shall be constructed as a 20 foot wide road per SFSR §1273.01. A turnaround area as approved by this Department shall be constructed at the end of the unnamed access road. It shall have the same structural section as the roadway serving the parcels.
- (e) The access road from a County maintained road to the subject property; including driveways within the subject property shall be certified by a Civil Engineer registered by the State of California to be in conformance with SFSR; and in conformance with any exceptions approved by Cal Fire. Conformance shall include but is not limited to: width of traveled way; roadway grade; curve radius; roadway surface; turnouts; turnaround areas; and maximum length of dead-end road. Certification shall be made in a manner approved by this Department.
- (f) In the event that the Civil Engineer is unable to certify that the road(s) are in conformance, the applicant shall cause construction plans to be prepared by a Civil Engineer that show what improvements need to be constructed to bring the road(s) into conformance. The plans shall be submitted for review by this Department. Once the construction plans are authorized for construction by this Department and the applicant constructs the improvements, the engineer shall certify that the road(s) are in conformance.
- (g) Note: Off-site improvements to access roads (such as curve realignments, grade realignments, and turnouts) may require acquisition of easement(s) to construct the proposed road improvements. The applicant is responsible for acquiring any easements and permits that may be necessary to construct the improvements.
- (h) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (i) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design

Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.

- (j) All road intersections shall conform to Humboldt County Code § 341 regarding visibility.
- (k) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

2.5 STRUCTURAL SECTION

The access road(s) shall be constructed to a structural section recommended in the soils report and as approved by this Department.

- (a) **For paved road surfaces**, the structural section shall include a minimum of 0.2 feet of Caltrans Type A 1/2" hot mix ("asphalt") over 0.67 foot of Caltrans Class 2 aggregate base. If required by this Department, the structural section of all roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by this Department. Based upon soil conditions, this Department may also require a geotextile fabric to be placed on top of the sub grade.
- (b) When widening hot mix ("asphalt") roads, the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavements. The location of the sawcut shall be approved by this Department based upon the condition of the existing road surface.

Access roads and driveways may include decorative accent treatments such as, but not limited to, stamped concrete or decorative brick pavers. Decorative accent treatments must provide appropriate traction for pedestrians, bicycles, and vehicles. **Decorative access treatments are not permitted within the public right of way**, unless approved in writing by this Department.

- (c) **For unpaved road surfaces**, the structural section shall include a minimum, of 0.5 foot of Caltrans Class 2 aggregate base. Paved surfaces are required for grades in excess of 16%.

2.6 UNKNOWN IMPROVEMENTS

Other on-site and/or off-site improvements may be required which cannot be determined from the tentative map and/or preliminary improvement plans at this time. These improvements will be determined after more complete improvement plans and profiles have been submitted to the County for review.

2.7 UTILITIES

The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities, relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway.

If any utilities are required to be installed as a condition of tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located at the time of individual hookups. A letter of completion of all work from each involved utility company shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense.

Applicant shall remove any abandoned utilities (natural gas, electrical, cable tv, etc.) within the public right of way fronting the subdivision or within the subdivision as directed by this Department.

2.8 PERMITS

Pursuant to County Code §411-11 (a)&(b), an encroachment permit is required to be obtained prior to construction from this Department for all work within the right of way of a County maintained road.

2.9 CLUSTER BOX UNIT (CBU) MAILBOXES

When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Postmaster. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department. If the CBUs will not be installed by the Post Office, the subdivider shall install the CBUs as part of the subdivision.

Note: The Post Office may not require an CBU for this project. (Use this note when it is questionable whether or not an CBU will be required by the post office.)

2.10 GATES

Gates are not permitted on County right of way for public roads without authorization of the Board of Supervisors. Gates must not create a traffic hazard and must provide an appropriate turnaround in front of the gate. Existing gates shall be evaluated for conformance.

2.11 COMPLETION OF IMPROVEMENTS ON PARCEL MAP SUBDIVISION

When improvements are not constructed before the subdivision map is filed with the County Recorder, the following apply:

- (a) ***Deferment tied to Parcel Map filing:*** Pursuant to Government Code § 66411.1 (improvement timing), fulfillment of reasonable on-site and off-site construction requirements may be imposed prior to Parcel Map filing with the County Recorder if found necessary for (1) public health and safety, or (2) orderly development of the area. The following improvements are necessary for the public health and safety, or orderly development of the area and shall be completed: (1) within two (2) years after the filing date of the Parcel Map, or (2) prior to issuance of a building permit on any property subject to this notice, or (3) prior to any other grant of approval for any property subject to this notice, whichever occurs first:

<NONE>

- (b) ***Deferment tied to issuance of building permit:*** The following improvements shall be completed: (1) prior to issuance of a building permit on any property subject to this notice,

or (2) prior to any other grant of approval for any property subject to this notice, whichever occurs first:

Item 2.3 (signs)

Item 2.4(c) (Golf Course Road)

- (c) ***Deferment tied to building final or occupancy:*** The following improvements shall be completed: (1) within two (2) years after the issuance of a Building Permit on any property subject to this notice, or (2) prior to issuance of an Occupancy Permit for any property subject to this notice, whichever occurs first:

Item 3.4 (retention/detention)

Item 2.9 (mailbox cluster unit)

- (d) ***Notice of Deferment:*** When improvements are deferred, the Department shall cause to be recorded at the time of filing of the parcel map with the County Recorder a *Notice of Construction Requirements*. In addition, the following note shall be placed on the development plan submitted to the Planning & Building Department:

"This subdivision was approved with requirements to construct improvements. At the time the parcel map was filed, the improvements were not completed. The subdivision improvements must be completed within the timelines specified in the *Notice of Construction Requirements*. Building permits or other development permits cannot be obtained until the required improvements are constructed to the satisfaction of the County. The improvements required in the *Notice of Construction Requirements* are shown on the improvement plans prepared by _____, dated _____, and are signed as approved by the County on _____. Contact the Land Use Division of the Department of Public Works for details."

3.0 DRAINAGE

3.1 PRELIMINARY DRAINAGE REPORTS

Any submitted reports have not been through a thorough engineering review. Detailed review and approval will be provided after the tentative map has been approved. This also applies to low impact development submittals.

3.2 DRAINAGE ISSUES

Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.

3.3 DRAINAGE REPORT

Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. The report and plan must be prepared by a Civil Engineer registered by the State of California. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department.

3.4 DETENTION FACILITIES

Pursuant to Humboldt County General Plan Policy WR-P37], the applicant shall construct detention facilities in a manner and location approved by this Department. In general, storm

flows from the 100-year (Q_{100}) storm shall be detained so as to release water from the site at a rate no greater than the predevelopment 2-year (Q_2) storm flows. Contact this Department regarding any questions.

If the site conditions do not allow for detention, then infiltration may be considered by the Department as an alternative.

Applicant may construct individual facilities on each lot or may provide a consolidated facility to serve the entire subdivision.

4.0 GRADING

<NONE>

5.0 MAINTENANCE

5.1 MAINTENANCE OF IMPROVEMENTS

The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code § 324-2 (b) regarding Private Lanes, the Applicant must provide a permanent maintenance plan acceptable to this Department for all improvements including, but not limited to, the following: roads, drainage systems (pipes, drainage inlets, detention basins), pedestrian facilities, and landscape areas. An engineer's estimate for the cost of yearly maintenance must be approved by this Department. Maintenance shall be provided by a maintenance association, district, or other means as approved by this Department. More than one maintenance plan may be required.

Based upon the tentative map, it appears that the following will need to be maintained by a maintenance plan:

- A maintenance plan for all facilities within the proposed subdivision.
- A maintenance plan for the non-county maintained road known as UNNAMED ACCESS ROAD.

If a maintenance association currently exists for the access road, applicant shall attempt to the satisfaction of this Department to annex the subdivision into the existing road maintenance association. That portion of this condition regarding road maintenance may be waived if the applicant provides evidence satisfactory to this Department that the subject property already belongs to a maintenance association for the access road(s).

A maintenance plan is not required for driveways; as driveways serve only one parcel. A maintenance plan is *optional* for roads that serve only two parcels. A maintenance plan is required for roads serving three or more parcels.

A maintenance plan for projects that contain consolidated detention facilities shall include, but is not limited to, the following:

- (a) A schedule for the periodic monitoring of the detention facilities. At a minimum, the detention facilities shall be monitored at least once each year between April 15 and October 15.

- (b) A system to monitor the basins in a timely manner after significant rain fall events.
- (c) Monitoring shall be done by a qualified professional as approved by this Department.
- (d) Monitoring shall include an annual written report identifying (1) the condition of the facilities; (2) the recommended maintenance needed for the facilities to function as originally constructed or as required by subsequent regulation; and (3) certification that the maintenance was completed to the satisfaction of a qualified professional. The report shall be submitted no later than October 31 of each year to this Department.
- (e) A financially secured procedure that will ensure that maintenance is identified and subsequently performed in a timely manner.
- (f) For infiltration basins, wet weather testing of the percolation rate of the basin consistent with Department of Environmental Health standards for determining the percolation rates for septic systems. Percolation rate testing shall be done every five (5) years.

6.0 PUBLIC WORKS SPECIAL REQUIREMENTS FOR DEVELOPMENT PLANS

Public Works requires the following to be included on all development plans submitted to the Planning & Building Department:

The development plan shall be legibly drawn to a convenient scale on 22"x34" (or 24"x36") Mylar, in black ink, unless approved otherwise by this Department.

The development plan shall include a note substantially similar to the following: "See the subdivision map on file with the County Recorder for easements that existed at the time the map was filed. Additional easements may have been established after the map was filed. Refer to a current title report for all easements. Refer to the filed subdivision map for exact lot dimensions."

Applicant shall cause a "Notice of Development Plan" to be recorded in the Office of the County Recorder.

The development plan shall be signed off by this Department prior to official filing with the Planning Division.

The development plan shall include the following to the satisfaction of this Department:

- (a) When roads or drainage facilities are not to be maintained by the County, then clearly state next to the facility "NOT COUNTY MAINTAINED".
- (b) When minimum finished floor elevations must be adhered to, the plan shall state the minimum elevation and the referenced benchmark.
- (c) If prepared for the project, reference the soils report; including a statement substantially similar to: "See soils report prepared by _____, Project No. _____, dated _____, for recommendations, inspections, and special requirements required for development of this subdivision."

- (d) When improvement plans have been prepared in conjunction with proposed subdivision, include a statement substantially similar to: "Improvement plans for roads, driveways, and drainage, etc. are on file with the Department of Public Works".
- (e) The plan shall include a signoff block for this Department to sign substantially similar to:

Reviewed by: _____
Department of Public Works Date

7.0 **LANDSCAPING**

<NONE>



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

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WEB: CO.HUMBOLDT.CA.US

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michael Holtermann, Associate Planner

FROM: Kenneth Freed, Assistant Engineer

DATE: 06/10/2025

RE: **HENDERSON SUBDIVISION PLN-2025-19178 APN 500-141-045**

The Department of Public Works does not support the subdivision of parcels which use County or private roads to access their parcels until the road is improved to the County's minimum standards.

The subject property is located on Golf Course Road, approximately 0.4 miles from Old Arcata Road and approximately 0.8 mile from the Baywood Lane/Buttermilk Lane intersection. Buttermilk Lane and Old Arcata Road are roads that are constructed to minimum standards that can handle the anticipated traffic. Golf Course Road is a narrow road averaging 16 feet in width. Along most of its length there is no maintained shoulder. In numerous locations drainage ditches and hillside cut/fill slopes limit the ability of vehicles to pull over to the shoulder to allow vehicles to pass each other. Based upon current and anticipated traffic, Golf Course Road should be developed to a minimum of a Category 4 road standard.

Two previous subdivisions in 2005 and 2006 were approved by the Planning Commission. These projects included mitigation for the increased traffic on Golf Course Road. The mitigation included on-site widening of Golf Course Road as well as off-site road widening and dedicating rights to construct secondary dwelling units on the subject properties. In both cases the applicants were required to widen portions of Golf Course Road. One of the subdivisions was required to perform offsite road widening at the curve for three hundred feet (300') ending just west of the subject parcels' west property line. The other subdivision was required to widening approximately two hundred and fifty feet (250') fronting their parcel.

PRELIMINARY SUBDIVISION REPORT: A *preliminary report* was submitted in lieu of a *preliminary subdivision report* as specified in County Code § 323-6(c).

ON-STREET PARKING (GOLF COURSE ROAD): Golf Course Road is not developed with a parking lane; therefore, all required parking must be developed on site.

EXCEPTION REQUEST: The applicant has submitted an exception request to not widen Golf Course Road to Category 4 standards. Public Works does not support this exception request as Golf Course Road has been previously identified by the community as needing widening to accommodate vehicular and non-vehicular travel. The planning commission has acknowledged this need and has conditioned prior subdivisions to widen Golf Course Road both on-site and off-site of the subject parcels.

If the Planning Commission approves the exception request, then the following items would be amended as follows:

- 2.4(d) ~~Along the frontage of the subdivision, GOLF COURSE ROAD shall be widened to have a paved travel lane width of 20 feet along and a four foot paved shoulder.~~

// END //

July 21, 2025

To: Humboldt County Planning Commission
From: Larry and Eileen Henderson
Re: PLN-2025-19178 Henderson PMS

This letter addresses disagreement with the Planning Department's representation regarding a Planning Commission and Board of Supervisors directive to update the Jacoby Creek Community Plan (JCCP).

In July 2020, the Planning Commission considered the Planning Department's Draft Accessory Dwelling Unit (ADU) Ordinance for approval for adoption by the Board of Supervisors.

That ordinance allows ADUs to be permitted on all parcels in all areas when standards for public health and safety are met. But Planning's draft of the proposed ordinance specifically excluded the Jacoby Creek Area, requiring instead that ADUs "comply with the 5-acre minimum density limit as provided in the Jacoby Creek Community Plan (JCCP)."

The proposed exclusion would have the effect of requiring ADUs on parcels under 5 acres in the Jacoby Creek Community to connect to public water and sewer in order to be permitted. Following public opposition—due to the lack of available public services in the JCCP area—the Commission approved the draft ordinance without this requirement.

The Commission found that the proposed ordinance, with the deletion of this requirement, was consistent with the General Plan, and recommended the Board of Supervisors approve the ordinance without the requirement. The Board concurred with the Commission's findings and recommendations and proceeded to adopt the ADU with the modification recommended by the Commission.

In addition to recommending approval of the ordinance without the requirement, the Commission further recommended that the Board direct the Planning Department ***"To update the Jacoby Creek Community Plan to refine the residential density limitations while also protecting water quality in the area."*** The Board adopted this recommendation with a change to explicitly reference JCCP Policy 26. The final directive to staff was ***"To update the Jacoby Creek Community Plan Policy JCCP-P26, Residential Densities, to refine the residential density limitations while also protecting water quality in the area."***

The directive was issued in 2020. To date, the update of the JCCP has not been initiated.

The Department explained (see Exhibit A) that it did not update the JCCP because it "will not solve the problem." When asked for clarification, the Department replied (attached as Exhibit B) that the directive was specifically related to ADU's and not to subdivisions, and there are JCCP policies other than Policy 26 that present problems for my proposed subdivision.

In my view, that explanation neither answers the question nor justifies the Department's failure to update the JCCP or even seek a resolution. Why was there a 5-year delay despite knowing and admitting there was a problem to be solved... not just my problem, but a community problem?

Yes, my wife and I want to split our property and the JCCP 5-acre minimum density limit is a problem. If the property was located elsewhere in the County, the split would be consistent with the General Plan and permitted. The restriction is unnecessary and unjustified, especially since parcels under 5 acres can meet water supply and wastewater standards without waivers, making the restriction redundant.

And yes, we disagree with the Planning Department; the directive to update the JCCP involved more than just Policy 26 and ADUs.

JCCP Policy 26

In its Executive Summary to the Planning Commission, the Planning Department's description of the Commission's changes to the draft ADU ordinance included the following:

69.05.6(g) (page 8 of the draft). The following Special Permit provision was struck:

~~(f) Within the Jacoby Creek area, ADUs must comply with the 5-acre minimum density limits as provided in the Jacoby Creek Community Plan, Appendix C of the General Plan.~~

Jacoby Creek Community Plan Review. In addition, the Commission recommended that the Board direct staff to update the Jacoby Creek Community Plan to refine the density limitations while also protecting water quality in the area.

And, the Department's draft resolution of approval included the following:

WHEREAS, the Planning Commission, in response to public comments and as a result of its review recommends the Board of Supervisors direct the Planning Department to update the Jacoby Creek Community Plan to refine the residential density limitations while also protecting water quality in the area;

The Planning Commission approved the ADU without modification of the draft resolution.

However, in its staff report to the Board of Supervisors, the Planning Department reported that the Planning Commission's recommended directive to staff was ***"to update the Jacoby Creek Community Plan Policy JCCP-P26, Residential Densities, to refine the residential density limitations while also protecting water quality in the area."*** The Policy-26 reference was added as part of the Commission's recommendation, despite the Planning Commission not explicitly citing Policy JCCP-P26 or any other JCCP policy in its action.

Consequently, when the Board adopted the ordinance as recommended by the Planning Commission, it incorporated the Commission's directive to update the JCCP—but as described by the Planning Department, limited solely to the specified Policy-26.

The Planning Department has not explained why only Policy-26, and no other relevant policies, was added to its account of the Planning Commission's actions. There were, in fact, other JCCP policies that were referenced in the record and testimony. I think the Department intended to clarify the directive but erred by citing only one JCCP policy as an example instead of referencing all pertinent policies, resulting in a misrepresentation of the Commission's actions.

Of importance, however, is that the record and video of the Board hearing show that the Board was not informed about how or why the Planning Department's proposed directive differed from the Planning Commission's recommended directive.

In this context, the Board's adoption of the Commission's recommendations—particularly without addressing the difference between the recommended and proposed directives—should not be interpreted as a conditional approval that restricts the JCCP update to a single policy, but rather as support for updating all relevant policies as was, I believe, intended by the Commission.

ADUs vs. Subdivisions

According to Planning, a review of *the* Planning Commission meeting video indicates that “the record is clear that (the) discussion and direction was related to ADU's only.” I also reviewed the videos (there were five Commission hearings and one Board hearing), as well as all the written testimony from the public, and I reached a different conclusion: the consideration of the JCCP 5-acre minimum density limit encompassed more than just ADUs.

The public testimony overwhelmingly addressed the restriction of projects—including but not limited to ADUs—that do not have access to the required services. The theme I heard and saw of the Planning Commission's consideration was whether the 5-acre residential density limit—as a general restriction rather than any particular policy—was erroneous. The record, in its entirety, clearly shows that:

- The JCCP 5-acre residential density limit was “predicated” on public services being provided by the City or District.
- Both the City and District were on record that these services are unavailable and will not be provided.

- Enforcing the restriction when the required services are not available acts as a development moratorium for the area.
- Removing the restriction allows development otherwise permitted elsewhere by the General Plan.

Regardless, both the Planning Commission and Board of Supervisors have already acted on this matter. They both found the ordinance—absent Planning’s proposed 5-acre JCCP requirement—to be consistent with the General Plan. For the purpose of allowing ADUs to be permitted on all parcels in all areas when standards for public health and safety are met, no further action or JCCP updates are needed.

Accordingly, the directive to update the JCCP was issued for reasons unrelated to the ADU. The only reasonable reason was that the Commissioners and Supervisors believed that the JCCP 5-acre minimum density limit was erroneous and should be corrected. Moreover, they would not have directed that the JCCP be amended to address only one erroneous policy if there were others as well.

Conclusion

It cannot be denied that the Planning Commission and Board of Supervisors found the JCCP 5-acre residential density limit to be erroneous. They intended for the JCCP to be updated to fix the problem of enforcing a 5-acre residential density limit where the “required” services are not and will not be available.

Updating the JCCP as directed would fix the problem. However, the correct remedy is General Plan Policy G-P9 (Errors in the Plan) that authorizes approval of a project that is otherwise consistent with the General Plan, even if an error in the Plan would otherwise prevent the project’s approval.

The Planning Department continues to reject and obstruct projects that conflict with the JCCP 5-acre minimum density limit, citing inconsistency with the General Plan because of the conflict. This is wrong, causes undue hardships, and needs to be corrected.



Larry Henderson <henderson95524@gmail.com>

RE: Henderson Subdivision

1 message

Estlow, Trevor <TEstlow@co.humboldt.ca.us>

Mon, Mar 17, 2025 at 12:55 PM

To: Kim Preston <kpreston@omsberg.com>

Cc: Larry Henderson <henderson95524@gmail.com>, Kimberley Clark <kclark@omsberg.com>, Larry Henderson <lhenderson@eurekaca.gov>, "Johnson, Cliff" <CJohnson@co.humboldt.ca.us>

Hi Kim-

I discussed this with Rodney, who then discussed it with Director Ford. They reviewed the information provided, and while we appreciate the identification of the Board Resolution directing staff to update the Jacoby Creek Community Plan Policy JCCP-P26, it does not address the further limitation of subdivision on lands designated as Residential Estates under JCCP-P39 (see below).

JCCP-P39. Subdivision of Land Designated Residential Estates. No new subdivision or minor subdivision which creates parcels of less than five acres shall be approved on lands designated as Residential Estates until a public water system is available to such lands. .

Acting on P26 alone will not solve the problem. Given that staff was not directed to address P39, we will still have a very clear policy that prohibits the creation of parcels less than five acres in size with a Residential Estates land use designation. Therefore, our direction will be to move forward to the Planning Commission with a recommendation of denial as outlined in my first letter dated February 14, 2025.

Please let me know if you have any questions, or have additional information,

Thanks.

-Trevor



Larry Henderson <henderson95524@gmail.com>

RE: Henderson Subdivision

1 message

Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Mon, Jul 21, 2025 at 9:16 AM

To: Larry Henderson <henderson95524@gmail.com>, "Estlow, Trevor" <TEstlow@co.humboldt.ca.us>

Hello Larry,

I thought I would offer a reply as there is quite a bit that needs clarification.

The discussion at the Planning Commission when adopting the ADU ordinance was specifically related to ADU's. The Planning Commission determined that ADU's should be allowed on less than 5-acre parcels in the Jacoby Creek Community Plan. It's a bit of a leap to insinuate that this means that the Planning Commission and the Board wanted to allow subdivisions to be allowed on less than 5-acre parcels. We have gone back and watched the Planning Commission meeting as well and disagree with your characterization that this Planning Commission action related to more than ADU's. The record is clear that this discussion and direction was related to ADU's only.

Further I want to be clear that Trevor's email did not say the Department is ignoring the directive as you suggest. As Trevor explained, the problem with your proposed subdivision is much larger than the single policy. Namely, there are other policies that were not discussed in the July 2020 Planning Commission meeting that present problems for your proposed subdivision.

Lastly, it is not true that the Department rejects projects that conflict with the direction of the Planning Commission and the Board. ADU's are able to be permitted in the Jacoby Creek Community Plan area, as directed by the Planning Commission and Board. As we have previously discussed, you will have the opportunity to present all of your arguments to the Planning Commission.

I hope that this helps.

Cliff Johnson, Planning Manager

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

Date: July 25, 2025
To: Humboldt County Planning Department
From: Larry and Eileen Henderson
Re: PLN-2025-19178 Henderson PMS

We request your recommendation for approval of our proposed subdivision of our 4.6-acre parcel into two parcels, one with an existing residence and one for a new residence with approved private water supply and sewage systems.

Specifically, we ask for your recommendation that the Planning Commission take the following actions:

1. Find that (a) there is an obvious error in the Jacoby Creek Community Plan due to changed conditions; (b) the error is preventing approval of the proposed subdivision; and (c) the proposed subdivision is otherwise compatible and therefore consistent with the General Plan.
2. Grant the variance to the applicable minimum lot size and lot size modification requirements.
3. Approve the subdivision subject to recommended conditions, with notation of the error in the Plan and the authorization to act on the matter under General Plan Policy G-P9 (Errors in the Plan).
4. Refer the error of the Jacoby Creek Community Plan to the next available set of General Plan amendments.

Error in the Plan. Reasons for finding that there is an obvious error in the Jacoby Creek Community Plan due to changed conditions:

1. According to policies in the General Plan, such as GP-P2, GP-P3, GP-S4, and GP-IM2, Urban Development Areas (UDAs) within Community Planning Areas are defined as lands that can be developed in the near term to a density of one or more dwelling units per acre and serviced with public water and sewer.
2. The Jacoby Creek Community Plan (JCCP) includes policies, such as JCCP-P26 and -P27, that set a 5-acre density limitation for its Urban Development Areas, allowing development at designated plan densities only when public water and sewer services are available.
3. The requirement for public water and sewer services is predicated by JCCP-P25 on either the City of Arcata or the Jacoby Creek County Water District providing the required services.
4. The City of Arcata is on record (*Source: Joe Mateer, Senior Planner, Arcata Community Development Department, 10/14/2024*) that its Urban Service Area has been changed to

now include only a limited portion of the JCCP-designated UDA, and that the City “has no intention of providing” water or sewerage services to the UDA outside the City’s Urban Service Area.

5. The JCCP’s ongoing requirement for public water and sewer services where they now are unavailable in UDAs is in error, as it cannot be fulfilled.

Effect on Subdivision. Reasons for finding that the error is preventing approval of the proposed subdivision:

1. The proposed subdivision would create two parcels smaller than 5 acres, to be served by private water supply and sewage systems rather than public water and sewer services.
2. Under the JCCP 5-acre UDA density limitation, subdivisions not served with public water and sewer are not allowed.

General Plan Consistency. Reasons for finding that the proposed subdivision is otherwise consistent with the General Plan.

1. The unincorporated Golf Course Road neighborhood, where the subject property is situated, is a residentially developed area located between the City of Arcata and the Baywood Golf Course, with parcel sizes averaging 1.8 acres in size—below both the JCCP 5-acre UDA limit and the zoning minimum of 2.5 acres.
2. The neighborhood lies in the segment of the JCCP UDA where Arcata “has no intention of providing” water or sewer services, and it is also outside the Jacoby Creek County Water District.
3. The subject property and its adjacent northern property, together over 11 acres, are the largest and only subdividable parcels in the neighborhood.
4. Subdividing the two adjacent parcels into a total of four parcels averaging 2.6 acres in size, as permitted by the applicable 2.5-acre minimum parcel size zoning classification, would be infill as it completes the current pattern of neighborhood development.
5. Infill development in the Golf Course Road neighborhood would be compatible with the General Plan, as it does not create or compound any conflicts with the Plan except for the conflict with the JCCP 5-acre UDA limit, which is now invalid as the restriction was predicated on an underlying requirement that can no longer be met.
6. Section 66473.5 of the Subdivision Map Act provides that “*a subdivision shall be consistent (with the General Plan) when it is compatible with*” the Plan.

Variance. Reasons for granting the variance to the applicable minimum lot size and lot size modification requirements:

1. The proposed division of the 4.6-acre parcel meets zoning requirements with the exception of the minimum lot size rule and the prerequisite for lot size modification, as dividing the property into two lots with an average minimum of 2.5 acres under RS zoning would require the original parcel to be at least 5.0 acres.
2. A zoning variance can be granted if special circumstances prevent a property from enjoying the privileges of neighboring properties, without granting special privileges or allowing unauthorized uses.
3. The property's limited size and unique configuration, due to its history, are special circumstances distinguishing it in the neighborhood and necessitating a variance.
4. Without the variance, the property cannot be subdivided—a privilege that has been afforded to all other properties in the neighborhood and will also apply to the adjacent northern parcel.
5. The variance allows the property to be split into two parcels averaging 2.3 acres, which is not a special privilege, as it exceeds the neighborhood average of 1.8 acres and no other properties in the neighborhood, except for the adjacent northern parcel, can be subdivided.
6. The variance does not permit an unauthorized use or activity, nor cause adverse impacts.

Approval of Subdivision: Reasons for approving the subdivision subject to recommended conditions, with notation of the error in the Plan and the authorization to act on the matter under General Plan Policy G-P9 (Errors in the Plan).

1. Although the proposed subdivision conflicts with the Jacoby Creek Community Plan 5-acre UDA density limit, it may be approved under General Plan Policy G-P9 (Errors in the Plan) as the restriction is an obvious error, and the subdivision is otherwise compatible and therefore consistent with the General Plan.
2. The proposed subdivision is exempt from the provisions of CEQA per Section 15183 (Projects Consistent with a Community Plan or Zoning) of Article 12 (Special Situations) of the CEQA Guidelines.
3. The two proposed parcels are suitable for their intended uses and in conformance with the zoning and subdivision regulations.
4. Approval of the subdivision, subject to recommended conditions, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

July 25, 2025

To Humboldt County Planning Department

From Larry and Eileen Henderson

Re PLN-2025-19178 Henderson PMS

Referring for Plan Amendment. Reasons for referring the error of the Jacoby Creek Community Plan to the next available set of General Plan amendments:

1. The error with the JCCP 5-acre UDA density limit can significantly impact public interests and individual rights.
2. Amendment of the Plan to correct the error is crucial for ensuring accountability and fairness.

#

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501
County of Humboldt Planning <planningbuilding@co.humboldt.ca.us>

Re: Henderson subdivision application

Dear Sir or Madam,

My name is Michael Morrison. My wife and I previously owned 1450 Anvick Road (APN 500-141-045). We purchased the property from John McHugh in 1985.

The parcel was one of two from land initially owned by Michael McHugh and his wife, later inherited by John and his sister, Eileen Henderson. As I understood it, the McHugh property was split into two parcels for inheritance: one accessed by Golf Course Road and the other by Anvick Road. Eileen took ownership of the Golf Course parcel, and John the Anvick parcel we later purchased. The Golf Course parcel is the subject property that Eileen and her husband want to split.

Having a homesite with a view was essential to us, but John's parcel initially lacked one. However, there was a suitable view-site right on the property line separating the two parcels, and Eileen agreed to do a lot line adjustment to add that site from her Golf Course parcel to John's Anvick parcel. We bought the property based on that agreement, and she followed through with it.

During the purchase process and afterward, I discussed with the Hendersons the potential for further subdivision. The discussions typically focused on two main themes.

The first was that the Hendersons always planned to subdivide and sell their front pasture. It originally was a lawful, separate parcel when John and Eileen's parents purchased the property. That was, for example, to be the college fund for their son.

The second was to jointly subdivide our two parcels into four when public water and sewer would be available. This would have been permitted under the 2.5-acre minimum of the zoning regulations applicable to the property at that time. I recall seeing and discussing proposed maps, though no application had been filed for subdivision by the time we sold the property in 2016.

I am confident that Eileen would not have agreed to the lot line adjustment if it affected selling their front pasture. The future sale of that property was of priority importance to the

Henderson family. I recall them saying that they were told that the piece could be separated from their home site.

I am offering this information for the Planning Commission's record, with the purpose of testimony regarding the property's history.

Respectfully,

Michael Morrison

ORDINANCE NO. 1169

AMENDING ORDINANCE NO. 519
TO REZONE PROPERTY IN THE BAYSIDE AREA

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. Section 304 of Ordinance No. 519 is hereby amended by rezoning the following area from an R-1-B-3 Zone to an R-S-B-5 (2-1/2 acre minimum) Zone:

BEGINNING at the northwest corner of Section 3, Township 5 North, Range 1 East, Humboldt Base and Meridian;

thence east 1,485 feet;
thence south 94 feet;
thence south 80 degrees 30 minutes east 240 feet;
thence south 61 degrees east 40 feet;
thence south 49 degrees 52 minutes west 73.8 feet;
thence south 24 degrees 56 minutes west 544 feet;
thence south 210 feet;
thence east 125 feet;
thence south 192.59 feet;
thence east 292 feet;
thence south 316.44 feet to centerline of Golf

Course Road;

thence southeasterly along the centerline of Golf Course Road 2,750 feet more or less to the northeast corner of the northwest quarter of the southeast quarter;

thence south 1,320 feet;
thence west 2,640 feet
thence north 1,795 feet;
thence south 60 degrees west 552 feet;
thence north 30 degrees west 138.3 feet;
thence south 60 degrees west 191.5 feet;
thence north 30 degrees west 35.6 feet;
thence south 60 degrees west 106.6 feet;
thence north 30 degrees west 260 feet to centerline

of Golf Course Road;

thence northwesterly along the centerline of Golf Course Road 290 feet;

thence west 336 feet;
thence north 700 feet;
thence east 84.5 feet;
thence north 1490 feet to point of beginning.

Area described is shown on Zoning Map J-22.

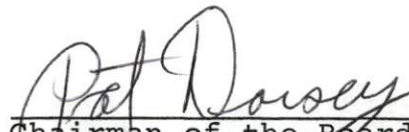
SECTION 2. This ordinance shall become effective thirty (30) days after the date of this enactment.

PASSED, APPROVED AND ADOPTED this 11th day of October, 1977, on the following vote, to wit:

AYES: Supervisors: Renner, Pritchard, Parsons, Dorsey

NOES: Supervisors: None

ABSENT: Supervisors: Bass



Chairman of the Board of Supervisors
of the County of Humboldt, State of
California.

(SEAL)

ATTEST:

DONALD R. MICHAEL

County Clerk and ex officio Clerk
of the Board of Supervisors of the
County of Humboldt, State of California.

By Doris L. Smith
Deputy Clerk

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of **THE TIMES-STANDARD**, a newspaper of general circulation, printed and published daily in the City of Eureka, County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of June 15, 1967, Consolidated Case Number 27009 and 27010; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit;

October 18

all in the year 19⁷⁷

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Eureka, California,

this 18th day of October, 19⁷⁷

Eda Beth Ann
Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

ORDINANCE NO. 1169

ORDINANCE NO. 1169 AMENDING ORDINANCE NO. 519 TO REZONE PROPERTY IN THE BAYSIDE AREA

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. Section 304 of Ordinance No. 519 is hereby amended by rezoning the following area from an R-1-B-3 Zone to an R-S-B-5 (2-1/2 acre minimum) Zone:

BEGINNING at the northwest corner of Section 3, Township 5 North, Range 1 East, Humboldt Base and Meridian;
thence east 1,485 feet;
thence south 94 feet;
thence south 80 degrees 30 minutes east 240 feet;
thence south 61 degrees east 40 feet;
thence south 49 degrees 52 minutes west 73.8 feet;
thence south 24 degrees 56 minutes west 544 feet;
thence south 210 feet;
thence east 125 feet;
thence south 192.59 feet;
thence east 292 feet;
thence south 316.44 feet to centerline of Golf Course Road;
thence southeasterly along the centerline of Golf Course Road 2,750 feet more or less to the northeast corner of the northwest quarter of the southeast quarter;
thence south 1,320 feet;
thence west 2,640 feet;
thence north 1,795 feet;
thence south 60 degrees west 552 feet;
thence north 30 degrees west 138.3 feet;
thence south 60 degrees west 191.5 feet;
thence north 30 degrees west 35.6 feet;
thence south 60 degrees west 106.6 feet;
thence north 30 degrees west 260 feet to centerline of Golf Course Road;
thence northwesterly along the centerline of Golf Course Road 290 feet;
thence west 336 feet;
thence north 700 feet;
thence east 84.5 feet;
thence north 1490 feet to point of beginning.

Area described is shown on Zoning Map J-22.

SECTION 2. This ordinance shall become effective thirty (30) days after the date of this enactment.

PASSED, APPROVED AND ADOPTED this 11th day of October, 1977, on the following vote, to wit:

AYES: Supervisors: Renner, Pritchard, Parsons, Dorsey

NOES: Supervisors: None

ABSENT: Supervisors: Bass

PAT DORSEY
Chairman of the Board
of Supervisors of the
County of Humboldt,
State of California.

(SEAL)

ATTEST:
DONALD R. MICHAEL
County Clerk and ex officio
Clerk of the Board
of Supervisors of the
County of Humboldt,
State of California.
By Doris L. Smith
Deputy Clerk