



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.

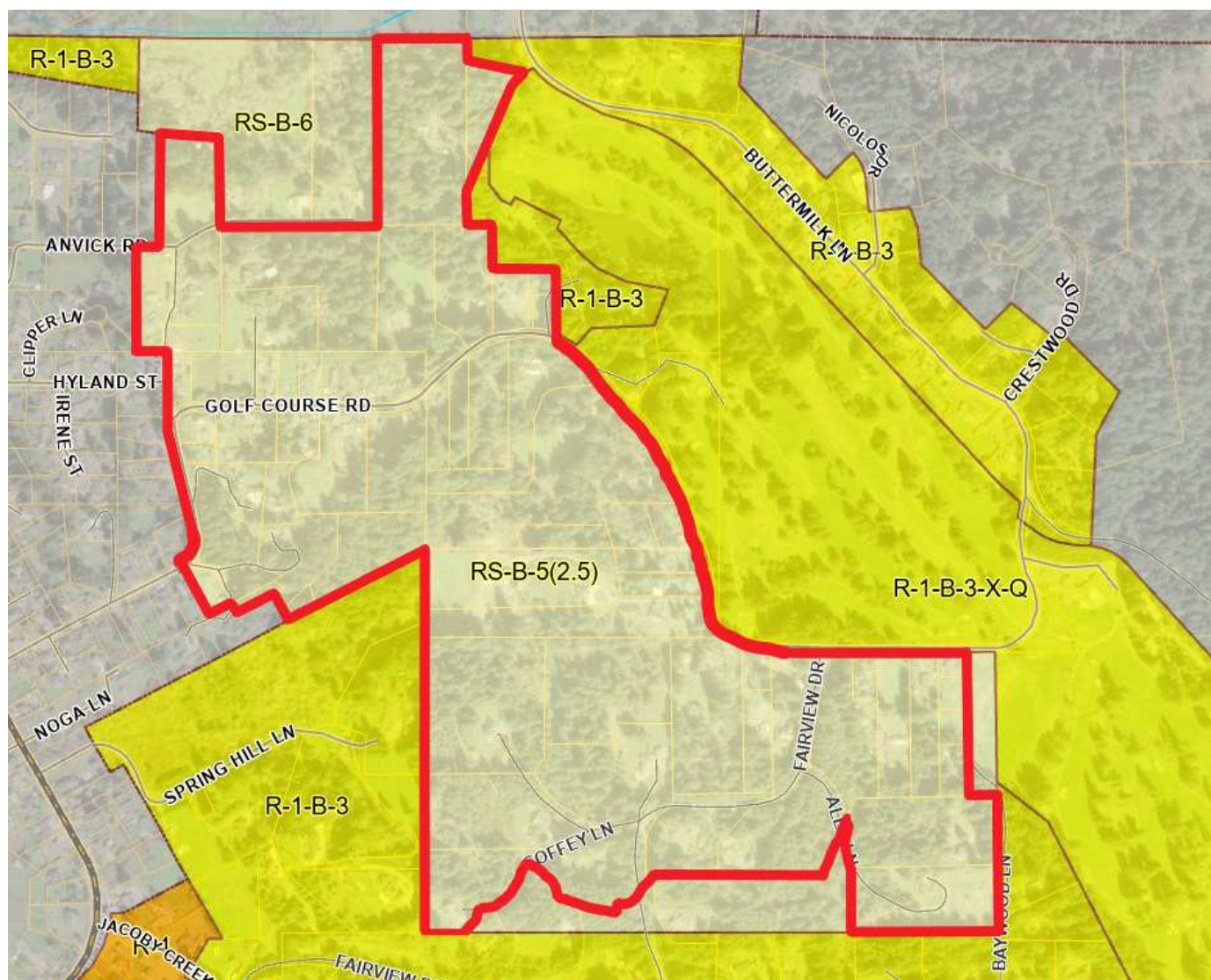


Figure 1: The area outlined in red is comprised of parcels in the vicinity that have zoning identical to the subject parcel (RS-B-5(2.5)). Four parcels in the southern portion of the figure have been excluded, as they are split zoned RS-B-5(2.5) and R-1-B-3. The average size of the lots in the outlined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