



COUNTY OF HUMBOLDT

For the meeting of: 1/15/2026

File #: 26-48

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Stone - Special Permit

Assessor Parcel Number: 016-112-027

Record Number: PLN-2025-19240

Eureka area

A Special Permit (SP) to reduce the setback of Streamside Management Area to a wetland associated with a Less Than 3-Acre Conversion Exemption and to facilitate the development of multifamily units. The tree removal will facilitate the removal of a subterranean squatter encampment associated with Code Enforcement case CE24-2357 and the development of Multifamily Housing consistent with the Qualified Zone established by Ordinance No. 2460. Ordinance 2460 and the approved Housing Element in the Humboldt County General Plan requires that the parcel be developed to a minimum density of 19 units and a maximum density of 28 units. The site is currently vacant and will be served with community water and sewer provided by Humboldt Community Services District.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Attachment 1) which does the following:
 - a. Finds the project is statutorily exempt from additional environmental review pursuant to California Code Regulations Title 14 section 15183(a) as it is consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report has already been certified; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Special Permit as recommended by staff, subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project site is located in the Eureka area, on the south side of Moore Avenue, approximately 800 feet west of the intersection of Myrtle Avenue and Moore Avenue, on the property known as 2950 Moore Avenue.

Present General Plan Land Use Designation:

Residential Medium Density (RM), Eureka Community Plan (ECP), and 2017 Humboldt County General Plan (GP), Density range: 7 to 30 dwelling units per acre (respectively), and Residential Low Density (RL 1-7) and Greenway/Open Space (G/O). Slope Stability: Low Instability (1).

Present Zoning:

Residential Multiple Family (R-3), Greenway and Open Space (GO), and Qualified Zone (Q), and Residential One-Family with a 5,000 square foot minimum lot size (RS-5).

Environmental Review:

The project is exempt from environmental review per CEQA Exemption Sections: 15183 - Projects Consistent with a Community Plan or Zoning.

State Appeal:

This project is NOT appealable to the California Coastal Commission.

Major Concerns:

None.

Monitoring Required:

None.

Executive Summary:

A Special Permit (SP) to reduce the setback of a Watercourse and Lake Protection Zone (WLPZ) associated with a Less Than 3-Acre Conversion Exemption authorized by CALFIRE. The applicant has proposed a conversion exemption to facilitate the development of up to 28 multi-family dwellings but not less than 19 units. The parcel is 1.54 acres in size. The site contains a wetland in the lower portion of the property that forms an intermittent drainage course, ultimately draining to Eureka Slough. The tree removal will also facilitate the removal of a subterranean encampment associated with Code Enforcement case CE24-2357 on the western portion of the parcel within the 30 ft and 50 ft Streamside Management Area (SMA). Culvert removal is also proposed within the SMA 30' setback on the southwestern portion of the parcel. The location of the intermittent wetland, standard SMA buffer, proposed reduced buffer, culvert section to be removed, invasive species removal, and encampment removal are shown on **Attachment 1B**, Project Map. The site is currently vacant and will be served with community water and sewer provided by Humboldt Community Services District.

The proposed project is on a parcel that is located on Moore Avenue. The portion of Moore Avenue that fronts the subject parcel is a non-county-maintained road. Conditions of Approval require a Development Plan that will require Moore Avenue to be improved to a width of 40 feet as part of any future multi-family development.

The project consists of three (3) components - tree removal associated with a Less Than 3-Acre Conversion Exemption, removal of a subterranean encampment on the western portion of the parcel, removal of trees, and culvert removal within the specified 50-foot SMA setbacks. The culvert removal is a proposed condition of approval associated with CDFW comments intended to improve the health of the watercourse and SMA. The purpose of the setback reduction is to allow for the development of housing units at the required density specified in Ordinance Number 2460 adopted by the Humboldt County Board of Supervisors on August 30, 2011. The ordinance specified minimum and maximum unit densities for 49 parcels in unincorporated Humboldt County with the goal of meeting State mandated targets for parcels eligible for multifamily housing development. The lands in parcel on the subject parcel, 016-112-027, were included in Ordinance 2460. The property owner had an Aquatic resources report prepared in December 2024 (**Attachment 2A**). The wetland delineation identified an approximately 0.13-acre wetland on the project parcel. The property owner has proposed various layouts to reach the housing density specified in Ordinance 2460, ultimately review of the project site constraints necessitated the reduction in the Streamside Management Areas setback from 50 feet to 30 feet to achieve the required housing density specified in Ordinance 2460.

In order to determine whether the reduction in the SMA buffer was justified, the Planning and Building Department required the applicant to submit a draft site plan showing the potential multi-family development. Originally submitted was a site plan showing 15 units (**Attachment 2E**). The applicant also provided an alternative draft site plan that shows how 13 units could be developed on the property (**Attachment 2D**). Both of these site plans do not comply with the requirements of the Q zone and could not be approved as they do not have the minimum number of units. These site plans do however help to demonstrate the difficulty of developing this site with the required number of units due to the physical and biological constraints. After discussion with Planning staff regarding the Q zone requirements the applicant provided a draft site plan that would develop 26 housing units with associated parking infrastructure (**Attachment 2C**). This site plan is could potentially be approved as it complies with the Q zone requirements, however this is only being utilized as a preliminary draft to show how the site could be developed consistent with the Q zone requirement while also maintaining as much of a setback from the wetland and watercourse as possible. The applicant may reduce or increase the density of the housing development based upon site constraints that may be identified in the Building Permit review process but shall develop the parcel in the density range specified in Ordinance 2460: a minimum of 19 units and a maximum of 28 units. If the setback reduction is approved, any future multi-family development plans would be subject only to a building permit provided that no other exceptions are required.

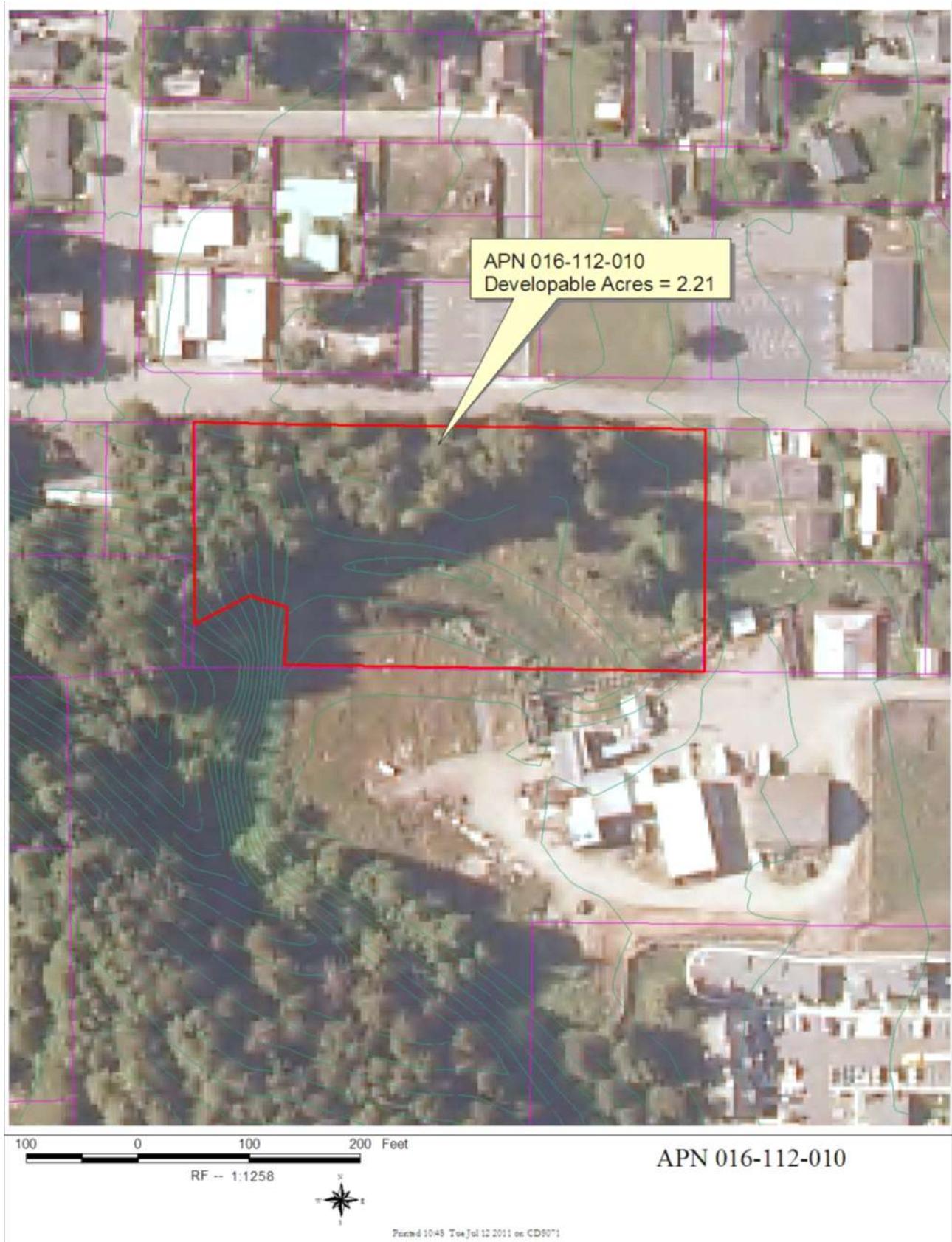
APN 016-112-027 is made up of three legal parcels (parcel 3, 4, and 5) as identified in a Certificate of

Subdivision Compliance (2006-36284-2).

A Notice of Intent to Approve (NOITA) was sent to neighbors within a 300-foot radius of the project in November 2025. The result of this notice was requests for a hearing on the project. Five parties identifying as neighbors to the project submitted letters and emails requesting a hearing and voiced opposition to the project. This correspondence is included as Attachment 4A.

Humboldt County Housing Element:

Figure 1: Excerpt from 2010 Housing Element Update



Biological Resources:

No biological resource impacts beyond those identified in the adopted 2017 Humboldt County General Plan EIR (SCH# 2007012089) are anticipated with the proposed project. The 2017 EIR acknowledged that the clearing and development of the parcels identified in Ordinance No. 2460 could result in impacts to biological resources. These impacts were related to the removal of trees and disturbance of habitat. However, the EIR established that the removal of trees and habitat disturbance in the identified areas was preferable to timber conversion and development in areas with intact ecosystems outside of the urban core. The parcels identified in Ordinance 2460 are served by urban infrastructure, road networks, adjacent to shopping, employment opportunities and healthcare. The EIR established that development on the targeted parcels was an environmentally superior option than ex-urban development, or sprawl, because ex-urban development would lead to greater ecosystem disruption and greenhouse gas emissions than infill development such as what is proposed this project.

A Biological Report was conducted November 2, 2024, by Naiad Biological Consulting. The Report included a protocol-level wetland delineation encompassing a 2.54-acre study area (including APN 016-112-025, 016-112-026, and 016-112-027) in the Myrtlewood area of Eureka within the Humboldt Bay Watershed. The delineation identified 0.13-acre Palustrine Emergent wetland classified as PEM1E, characterized by seasonal flooding and hydrophytic vegetation. There is an intermittent Class II watercourse that is culverted for approximately 135 feet downstream from the wetland, which limits the watercourse's natural function within the site boundary. Special status plants that are mapped in the CNDDDB include Northern Meadow Sedge (*Carex praticola*) and Western Lily (*Lilium occidentale*). The tree removal will maintain California Forest Practice Rules setbacks to watercourses consistent with the Eureka Community Plan (ECP) requirements. The California of Fish and Wildlife (CDFW) did not voice objections to the project but did make the following recommended conditions, which have been included in the Conditions of Approval:

1. Add a condition to the Development Plan requiring the applicant to prepare a buffer enhancement plan for the remaining wetland/stream buffer. The plan should be prepared by a qualified biologist and include a list of native species, planting specifications, maintenance, basic performance standards, and monitoring. The area should be monitored for a period of at least three years, or until success criteria are met.
 - a. Invasive species management will be necessary to prepare the area for planting and prevent weeds from taking over. Prioritize English ivy (*Hedera helix*), jubata grass (*Cortaderia jubata*), Himalayan blackberry (*Rubus armeniacus*) and French broom (*Genista monspessulana*), as well as any other species ranked "Moderate" or "High" on the Cal-IPC Inventory. Invasive species cover should be comparable to or less than that observed in nearby undisturbed riparian and forested habitat.
 - b. The planting palette should consist of locally appropriate native shrubs and herbaceous species, with an emphasis on creating dense, year-round screening (e.g., wax myrtles)

and ground cover to filter stormwater runoff.

2. As part of mitigation for the reduced buffer, the applicant is required to remove the flex pipe on the intermittent stream, with direct supervision from CDFW. The short section that conveys water beneath a fill berm at the top of the drainage may be retained, if necessary, but the remainder of the pipe should be removed. Applicant is required to consult with CDFW on the design of culvert removal to avoid or minimize impacts to aquatic resources.
3. The development should include appropriate stormwater management to address runoff and associated pollutants using low-impact development (LID) practices, such as vegetated bioswales, rather than underground retention basins. LID features should be planted with locally appropriate native species such as those listed in the Humboldt County LID Manual.
4. To minimize trespass light in the adjacent wetland and gulch, exterior lighting should use motion-activated sensors, low-color-temperature LEDs, and fully shielded directional fixtures.
5. The use of invasive species in landscaped areas is prohibited. The Cal-IPC Inventory and Humboldt County WMA have lists of the most problematic species.

Access:

The project is located off Moore Avenue (a non-County maintained road) near the intersection of Maple Lane (a paved County maintained road with pedestrian facilities). Moore Avenue west of Maple Lane is County Maintained (also with pedestrian facilities). Public Works provided comment on the project and stated that the Site Plan does not mention or show the existing utility poles and guy wires. Public works comments were related to the potential future buildout of the property and are not specifically required for this permit. Under the Q zone ordinance the project is required to improve Moore Avenue to a minimum width of 40 feet and this will be further memorialized on a Development Plan.

Cultural Resources and Tribal Cultural Resources:

The proposed project is not anticipated to impact any cultural resources or Tribal cultural resources. The project was referred to Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, NWIC, and the Wiyot tribe. NWIC recommended consulting with local tribes. The Bear River Band responded that the activities did not appear to represent a source of significant impacts on cultural resources. They requested that inadvertent archaeological discovery protocols be in place for any ground-disturbing activities that will take place in the future. The standard inadvertent discovery protocols have been included within the conditions of approval for this project.

Hydrology and Water Quality:

The proposed tree removal and reduction of the Streamside Management Area setback to a wetland and the subsequent construction of between 19 and 28 housing units not anticipated to significantly impact hydrology and/or water quality within the surrounding area. The tree removal will allow for the removal of a subterranean homeless encampment that has contributed to adverse water quality in the vicinity. As a condition of approval, the applicant will be required to implement a buffer

enhancement plan that will help to reduce erosion, and to implement low impact development (LID) stormwater management practices. Per section 61.1.7.6.3.2 of Humboldt County Code, setbacks may be reduced or eliminated based on site specific information and consultation with the California Department of Fish and Wildlife (CDFW). CDFW reviewed the project and provided suggested conditions of approval that will enhance the wetland and improve its stormwater sequestration function.

Public Comment:

In November 2025, a notice of intent to Adopt the Special Permit was sent to neighbors of the project in a 300-foot radius. Four parties requested a hearing for reasons listed below:

- Increased traffic - on Moore Avenue and the intersection of Moore Ave and Myrtle Avenue. The reduction in the Streamside Management Area will not result in increased traffic, however, the construction of between 19 and 28 new housing units will increase traffic on Moore Avenue. This impact was included and analyzed in the 2017 Humboldt County General Plan EIR (SCH# 2007012089). This impact was found to be less than significant.
- Tree Removal - Commenters asserted that the trees proposed for removal form a windbreak that shelters properties and trees on the north side of Moore Avenue. Concern was raised that cutting trees reduces air quality. Impact from timber removal on air quality was included and analyzed in the 2017 Humboldt County General Plan EIR (SCH# 2007012089). This impact was found to be temporal and less than significant.
- Road Condition - Commenters asserted that Moore Avenue is currently in poor condition and that the development facilitated by the SMA setback reduction will further degrade the road. As part of the Q zone that is applicable to the properties the applicant will be required to improve the road to a minimum width of 40 feet along the frontage of the parcel. This requirement will be further memorialized through a Development Plan.
- Parking - Commenters noted that the units resulting from the project on Moore Avenue will add parking pressure on the surrounding area. While the exact number of units and parking spaces is not currently known, the final version of the project will comply with Humboldt County Parking Regulations as part of the building permit review.
- Habitat Loss and Urban Green Spaces - Commenters noted that the forest conversion that included in this project will result in the loss of some forest habitat. This impact was included and analyzed in the 2017 Humboldt County General Plan EIR (SCH# 2007012089). The EIR concluded that deforestation in infill areas does impact habitat but concluded it was better to disrupt habitats in urbanized areas than to partake in ex-urban development, sprawl, that would disturb more intact ecosystems in outlying areas. The EIR also pointed out that sprawl has attendant environmental costs such as new impervious surfaces, costly needed infrastructure, and the attendant greenhouse gas emissions that come with ex-urban growth, and the EIR concluded that the infill development evaluated was the environmentally preferable option versus sprawl. The parcel in question is privately owned and is not required

to maintain public greenspace; however the conditions of approval do require that management invasive species and enhancement of the watercourse.

- Feral Cat Colony - A commenter described a feral cat colony that is sustained by daily resident feeding, implying that the project would lead to the starvation of the feral cats. The commenter does not state the location of the feral cat colony, but if it is located on the subject property, it is the property owner's discretion if the feeding continues. It should also be noted that feral cats have been shown to have negative impacts on wild bird populations.
- Loss of Wetlands - commenters expressed concern that the reduction in the Streamside Management Area (SMA) buffer from 50 to 30 feet would degrade the quality of the wetland and increase flooding risks. The project does not result in the loss of wetlands only a reduction in the SMA buffer. With consultation with CDFW, the project has been conditioned to preserve and restore the wetland that was delineated as part of the pre-project evaluation. The function of the wetland will be improved by the removal of a section of culvert and the removal of the homeless camp and associated garbage. Additional landscaping and low impact design stormwater facilities will improve the quality of the wetland and decrease flooding risks beyond the baseline conditions.
- Increased Crime - one commenter suggested that the project will result in increased crime. Numerous studies, including a significant one from the University of California, Irvine (UCI), found that new housing developments are associated with reduced rates of aggravated assault, robbery, and property crime in surrounding areas, challenging common myths. The project will facilitate the removal of a trespass homeless encampment and may result in reduced property crime in the area.

Comments received are included as **Attachment 4A**.

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 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval

- B. Site Map
- 2. Applicant's Evidence in Support of the Required Findings
 - A. Aquatic Resources Delineation Report
 - B. Tree Data Report
 - C. Draft Multi-Family Plan with 26 units
 - D. Draft Plan with 13 Units
 - E. Draft Plan with 15 units
- 3. Referral Agency Comments and Recommendations
 - A. Humboldt County Public Works - Land Use Division
 - B. California Department of Fish and Wildlife
 - C. Humboldt Community Service District
- 4. Public Comments
 - A. Requests for Public Hearing and Opposition to the proposed Project

Applicant:

Jon Stone
2682 Spears Road
Eureka, CA 95503

Owner:

Same as applicant

Agent:

Brian Reilly
P. O. Box 635
Blue Lake, CA 95525

Please contact Andrew Whitney, Associate Planner, at awhitney2@co.humboldt.ca.us or 707-268-3735 if you have questions about this item.