



# COUNTY OF HUMBOLDT

For the meeting of: 5/2/2024

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File #: 24-820

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**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Strombeck Zone Reclassification and Parcel Map Subdivision  
Assessor Parcel Number: 511-491-021  
Record Number: PLN-2023-18708  
McKinleyville area

A Zone Reclassification to rezone the subject parcel from Agriculture General with a minimum parcel size of 10 acres (AG-B-5(10)) to Agriculture General with a minimum parcel size of 5 acres (AG-B-5(5)). Also included is a Parcel Map Subdivision of the subject parcel to create two parcels of 9.98 acres (Parcel 1) and 5.0 acres (Parcel 2). The parcel is currently developed with a six-bedroom single-family residence, a detached garage and a shop building that will all remain on Parcel 1. The parcel has a General Plan designation of Residential Agriculture specifying a density of 5-20 acres per unit. The applicant plans to construct a three-bedroom residence and an accessory dwelling unit on Parcel 2 in the future. The parcels are served with on-site water (well). An on-site wastewater treatment system exists on Parcel 1, and on-site wastewater treatment systems would be developed on Parcel 2 as part of future development.

**RECOMMENDATION(S):**

That the Planning Commission:

1. Adopt the resolution (Resolution 24-\_\_\_). (Attachment 1) which does the following:
  - a. Finds the project is consistent with the development density and policies established by an existing community plan and General Plan for which an EIR was certified, and that no additional environmental review is required per section 15183 of the State CEQA Guidelines; and
  - b. Makes all the required findings for approval of the Zone Reclassification and Parcel Map Subdivision; and
  - c. Recommends the Strombeck Zone Reclassification to the Board of Supervisors for

approval; and

- d. Approves the Strombeck Parcel Map Subdivision subject to the recommended conditions of approval (Attachment 1A).

**DISCUSSION:**

**Project Location:**

The project is in the McKinleyville area, on the north side of Elizabeth Road, approximately 0.55 miles northwest from the intersection of Murray Road and Elizabeth Road, on the property known as 2427 Elizabeth Road.

**Present General Plan Land Use Designation:**

Residential Agriculture: (RA5-20), Density Range: 5 to 20 acres per unit; McKinleyville Community Plan (MCCP), 2017 General Plan, Slope Stability: Low Instability (1).

**Present Zoning:**

Agriculture General with Special Building Site combining zone specifying a 10-acre minimum size (AG-B-5(10)).

**State Appeal:**

Project is NOT appealable to the California Coastal Commission.

**Major concerns:**

None.

**Executive Summary:** A Zone Reclassification to rezone the subject parcel from Agriculture General with a minimum parcel size of 10 acres (AG-B-5(10)) to Agriculture General with a minimum parcel size of 5 acres (AG-B-5(5)). Also included is a Parcel Map Subdivision of the subject parcel to create two parcels of 9.98 acres (Parcel 1) and 5.0 acres (Parcel 2). The parcel is currently developed with a single-family residence, a detached garage and a shop building that will all remain on Parcel 1. The parcel has a General Plan designation of Residential Agriculture specifying a density of 5-20 acres per unit (RA5-20). The applicant plans to construct a three-bedroom residence and an accessory dwelling unit on Parcel 2 in the future. The parcels are served with on-site water (well). An on-site wastewater treatment system exists on Parcel 1, and on-site wastewater treatment systems would be developed on Parcel 2 prior to future development.

***Zone Reclassification***

The Board of Supervisors accepted an applicant-initiated Zone Reclassification Petition (PLN-2022-17943) for the subject parcel on May 2, 2023 (Attachment 3) to change the underlying zone classification from Agriculture General with Special Building Site combining zone specifying a 10-acre minimum size (AG-B-5(10)) to Agriculture General with Special Building Site combining zone

specifying a 5-acre minimum size (AG-B-5(5)). The applicant seeks the proposed change to be consistent with the Residential Agriculture 5-20 acres per unit (RA5-20) designation specified in the General Plan, and to allow for the subdivision of the parcel into two resulting parcels.

**Public Interest:** The subject property is currently zoned for agriculture (AG), allowing for differing types of general agriculture uses and some residential uses. The applicant notes that the rezoning would make the subject parcel consistent with the plan density specified in the General Plan. The subject parcel is in an area in McKinleyville that has agricultural zoning intermixed with timber production zoning. All other AG zoned parcels in the area surrounding the subject parcel currently have a ten-acre minimum parcel size, with the exception of the neighboring parcel to the west that was approved for a rezone from a ten-acre minimum parcel size to a five-acre minimum parcel size in December of 2022. There are also several parcels in the area zoned for a ten-acre minimum parcel size that are approximately five acres in size. The prior Framework Plan designation for the area was Agricultural Rural with a density of 10-acres per unit (AR(10ac)) which is reflected in the current zoning designation of (AG-B-5(10)). With the adoption of the 2017 General Plan, the designation was changed to RA5-20, allowing for a density of one unit per 5-20 acres. This proposed reclassification will bring the zoning into alignment with the current General Plan designation.

It is in the public interest to modify the zoning for the subject parcel. The rezoning of the subject parcel would bring the parcel into alignment with the current General Plan designation for the property and allow for the subdivision of the parcel, thereby creating a new housing opportunity. Expanding housing opportunities at all income levels is a Guiding Principle of the Humboldt County General Plan.

**Consistent with the General Plan:** The current General Plan land use designation for the subject parcel is as follows, with a description of the designation from the Land Use Element:

***Residential Agriculture (RA)***

*This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA5-20 and RA20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. RA40, RA60, and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.*

Table 4-H of the General Plan (Land Use Element) shows the Agriculture General (AG) zone as compatible with the Residential Agriculture (RA) land use designation and requires that AG zones in the RA designation are consistent with the identified land use designation only when combining zone density/minimum lot size designators are consistent with General Plan policies and standards. This proposal would bring the parcel into conformance with this requirement.

### ***Parcel Map Subdivision***

**General Plan and Zoning:** The proposed subdivision is consistent with the RA5-20 land use designation as the existing parcel is 14.98 acres in size. The minor subdivision into two lots will be consistent with the AG-B-5(5) zone district that allows for residential uses as Principally Permitted on lots greater than five acres in size (Sections 314-7.2 and 341-17.1 HCC.). The minor subdivision does not conflict with the General Plan, the McKinleyville Community Plan, or County zoning regulations.

**Access:** Access to the property is via a private drive connected to Elizabeth Road, a non-county-maintained 20-foot-wide paved road within a 50-foot-wide right of way. The Department of Public Works (PW) has reviewed the proposed lot split and recommends several conditions of approval related to road and utility easement dedication, monumentation on the parcel map, standard improvements, etc. These are enumerated in a memo dated 1/10/2024 (Attachment 1C) and are recommended as conditions of approval. PW has also approved an exemption request as specified by Code Section 324-1(b), to allow the applicant to pursue subdivision of the parcel providing a 20-foot-wide easement through Parcel 2 for the benefit of Parcel 1.

**Biological Resources:** Kyle Wear, Botanical Consultant conducted a Biological Resources Assessment for the project site in April and June of 2023 (Attachment 2A) to provide information on biological resources needed to complete the environmental review of the project. The assessment identified no special status plants, wildlife, or wetlands in the project area, and that the Streamside Management Area (SMA) for the tributary of Rose Creek was defined as 100-feet from dripline of the red alder associated with the stream. The assessment determined that although there is potential for sensitive wildlife in the Sitka spruce forest and riparian habitat on the property, the proposed new undeveloped parcel is predominantly a mowed grassy field and stands of spruce and other trees with a mowed park-like understory. This area is not habitat for northern spotted owl, fisher, or other special status wildlife except for birds that could nest in the trees. It is subject to an existing level of disturbance from mowing and maintenance, traffic, and other noise associated with the existing residence, shop, and neighboring properties. There will be a large enough building envelope for future development to avoid impacts to Sitka spruce forest and the SMA.

The assessment included the following recommendation as modified by the California Department of Fish and Wildlife (CDFW):

1. Vegetation removal should occur outside of nesting season (generally March 15 - August 15) to avoid impacts to native resident and migratory birds. If that's not feasible, a qualified biologist shall survey for active bird nests no more than seven days prior to tree removal or significant trimming. If an active nest is found, the permittee should consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work

resumes. This requirement is included in the conditions of approval (Attachment 1A).

**Water Supply:** The parcels are served by a well on Parcel 1. The applicant has submitted a Dry Weather Water Production Drawdown Test performed by Leach Water Systems in August of 2023 (Attachment 2B), which included volumetric testing results for the well proposed to serve both parcels. The dry weather production test produced a stabilized discharge rate of approximately 5.5 gallons per minute (gpm), or 7,920 gallons per day (gpd). Planned use of the well by three residences of 450 gpd per residence estimated from usage rates for Humboldt County's OWTS guidelines equates to approximately one gpm. The Department of Environmental Health reviewed this information and found that each parcel will have adequate water availability and recommended that the applicant record an easement for and grant a water right to Parcel 2 for use and maintenance of the existing well on Parcel 1, and that the location of the water source and all easements appear on the Development Plan.

**Site Suitability:** An Onsite Sewage Disposal System Design Technical Memorandum was prepared by Andy Sundquist in September of 2023 (Attachment 2C) to assess the site suitability for the future development of Parcel 2. The scope of work included: determining suitability of proposed onsite sewage disposal areas; excavation of test pits; describing subsurface soils; performing dry-weather percolation testing; and providing a proposed system design and layout.

An addendum to the Onsite Sewage Disposal System Design Technical Memorandum was prepared by Andy Sundquist in March of 2024 (Attachment 2C). The scope of work included: determining suitability for a reserve disposal field to be developed in the event of a failure of the existing disposal field that supports the existing residence on Parcel 1; further excavation of test pits; performing wet-weather percolation testing on Parcel 1 and 2; and providing a proposed system design and layout for the additional reserve field on Parcel 1.

The project was referred to DEH and they were provided with copies of the Onsite Sewage Disposal System Design Technical Memorandum and addendum for review. DEH has reviewed the reports and conducted a site visit to assess the suitability of the proposal and has recommended approval of the project.

**Archaeological and Cultural Resources:** The project was referred to the Northwest Information Center (NWIC), the Wiyot Tribe, Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria. NWIC responded recommending further study and that consultation with local tribes occur. Blue Lake Rancheria responded stating that they had no concerns about the project at this time. Nonetheless, the project is conditioned that standard inadvertent archaeological discovery protocols be in place for any ground disturbing activities.

**Environmental Review:** The project is consistent with the development density established by an existing general plan for which an EIR was certified, and a determination that no further

environmental review is required is being made pursuant to section 15183 of the State CEQA Guidelines. The Department has determined that further environmental review is not required as the project is consistent with a development density established under the 2002 McKinleyville Community Plan and the 2017 Humboldt County General Plan for which EIR's were certified. The residential density specified in the McKinleyville Community Plan was utilized for analysis conducted during development of the Environmental Impact Report prepared for the current Humboldt County General Plan, which includes all the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the plan in 2017. Section 15183 of the CEQA Guidelines discourages lead agencies from performing additional environmental review where an earlier EIR was prepared, unless there are environmental effects peculiar to the project or the parcel on which it is located, or in situations where the earlier EIR(s) did not include analysis of significant effects or where previously identified significant effects could become more severe. Neither of these circumstances apply to the proposal. Further discussion of the basis for this determination can be found in Section 2 of the Draft Resolution.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with comments or recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded that the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
  - A. Conditions of Approval
  - B. Tentative Parcel Map
  - C. Public Works Subdivision Requirements
2. Applicant's Evidence in Support of the Required Findings
  - A. Biological Resources Assessment
  - B. Dry Weather Water Production Drawdown Test
  - C. Onsite Sewage Disposal System Design Technical Memorandum and Addendum
3. BOS Resolution No. 23-57
4. Referral Agency Comments and Recommendations

**Applicant**

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**File #:** 24-820

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**Owner**

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**Agent**

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