



COUNTY OF HUMBOLDT

For the meeting of: 12/5/2024

File #: 24-1646

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Hornstein Final Map Subdivision
Assessor Parcel Number: 500-091-064
Record Number: PLN-2024-18941
Arcata/Fickle Hill area

A Final Map subdivision of an approximately 12.3-acre parcel into two parcels of approximately 5.1 acres (Parcel 1) and 7.2 acres (Parcel 2). This parcel was recently created by Tract No. 673. As the current owner processed the previous subdivision, it is being processed as a Final Map. The parcel is currently vacant. The parcels will be served by a shared water system and on-site wastewater treatment systems. Water and sewage disposal information is on file with the Division of Environmental Health.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the Resolution, (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 Final Map Subdivision; and
 - c. Approves the Hornstein Final Map Subdivision subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project is in the Arcata/Fickle Hill area, on the southeast side of Idylbear Lane, at the intersection of Idylbear Lane and Splinter Lane on the property known as APN 500-091-064.

Present General Plan Land Use Designation: Residential Agriculture (RA5-20), Density Range: 5 to 20 acres per unit; Jacoby Creek Community Plan (JCCP), 2017 General Plan, Slope Stability: High Instability (3).

Present Zoning: Unclassified (U).

State Appeal: Project is NOT appealable to the California Coastal Commission.

Major concerns: None.

Executive Summary: A Final Map Subdivision of the subject parcel to create two parcels of 5.1 acres (Parcel 1) and 7.2 acres (Parcel 2). The parcel is currently vacant. The parcel has a General Plan designation of Residential Agriculture specifying a density of 5-20 acres per unit (RA5-20). The applicant intends to construct one residence on each parcel. The parcels will be served by a shared water system and on-site wastewater treatment systems. Water and sewage disposal information is on file with the Division of Environmental Health. This parcel was recently created by Tract No. 673, recorded June 1, 2023. As the current owner processed the previous subdivision, it is being processed as a Final Map.

The site is in an area of larger lot rural development northeast of Bayside and southwest of Fickle Hill. There are predominantly similar sized rural residential lots due to the absence of community services. The parcel has varied topography with building sites identified in areas with slopes between approximately 14% and 18%. The geologic hazards map for this area shows that all development including building sites, septic areas, and road construction is located in an area of high slope instability. Therefore, an Engineering Geologic/Foundation and Soils Report (R-1) was prepared by Busch Geotechnical Consultants and approved by the County Building Division. Parcel 1 and Parcel 2 will be adjacent to managed timberlands and are subject to standards for fire protection within the wildland Urban Interface (WUI) zone. Maintenance of the eastern parcel boundaries as a forested buffer and shaded fire break consistent with a plan for appropriate fuel treatment developed in consultation with CALFIRE is a condition of subdivision approval.

General Plan and Zoning: The proposed subdivision is consistent with the RA5-20 land use designation as the existing parcel is 12.3 acres in size. The major subdivision into two lots will be consistent with the U zoning district that allows for residential uses as principally permitted on lots greater than 6,000 Square feet in size (Section 314-8.1 HCC). The major subdivision does not conflict with the General Plan, the Jacoby Creek Community Plan, or County zoning regulations.

Access: The parcels will utilize Idylbear Lane/Splinter Lane southerly to Golf Course Road/Buttermilk Lane as the primary ingress and egress route. The northerly access, Simmons Lane northerly to Fickle Hill Road will be utilized as a secondary access. The Department of Public Works (PW) has reviewed

the proposed subdivision and recommends several conditions of approval related to road improvements and maintenance, traffic control devices and signs, monumentation on the parcel map, standard improvements, etc. These are enumerated in a memo dated 6/3/2024 (Attachment 1C) and are included as conditions of approval.

Water Supply: The parcel is currently served by an existing shared water system fed by four wells that will serve both parcels. The Division of Environmental Health has reviewed the water supply and found that adequate water is available to serve the subdivision. On-site wastewater treatment systems are proposed for both parcels and the Division of Environmental Health has also reviewed and approved the proposed septic tank and leach field locations.

Biological Resources: The project was referred to the California Department of Fish and Wildlife (CDFW) who conducted two separate site visits. In their response to the County, CDFW offered the following comments and recommendations:

1. CDFW has determined that no further action is necessary for the wells. After conducting additional research and revisiting the site, CDFW's Engineering Geologist concluded that domestic use is unlikely to result in significant impacts to streamflows. The depth and configuration of the wells relative to the surrounding strata suggest they are sufficiently disconnected from any alluvial aquifer.
2. If the landowner is willing to accommodate a couple of minor changes to avoid potential impacts to unmapped wetlands, CDFW does not think a biological assessment is necessary. CDFW observed a wetland seep in the middle of the old logging road connecting the two resultant parcels, which fed into a seasonal swale. The wetland has not been mapped, but an increased setback from 30' to 50' along the southwestern edge of resultant Parcel 2 would provide an adequate buffer. CDFW does not think Mr. Hornstein was planning to re-open that old logging road anyway, but CDFW recommends formally closing it, perhaps by planting a few native understory species or taking another minimally impactful approach (i.e., avoid ground disturbance in the wetland). Suitable plants for that area would include sword fern (*Polystichum munitum*), salmonberry (*Rubus spectabilis*), thimbleberry (*Rubus parviflorus*), and red elderberry (*Sambucus racemosa*), among others.
3. CDFW did observe two California Rare Plant Rank 4 species on resultant Parcel 2: 1) leafy-stemmed miterwort (*Mitellasrtra caulescens*; CRPR 4.2), growing at the culvert inlet under Splinter Lane; and 2) nodding semaphore grass (*Pleuropogon refractus*; CRPR 4.2), growing in and along the driveway. The proposed development won't impact the miterwort. Driveway improvements will inevitably result in the loss of some nodding semaphore grass, but the species is rhizomatous and well-established in the adjacent riparian and wetland areas, where it will probably recolonize roadside edges. The building envelope for the house itself is marginal habitat, consisting of second-growth redwood with a limited understory.

4. As with any development entailing tree removal, CDFW recommends working 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.

5. To minimize the risk of spreading invasive species into adjacent redwood forest and riparian areas, please consider a condition of approval to prohibit the use of invasive plant species in landscaping (see Cal-IPC Inventory for a list).

The County has reviewed and considered the above recommendations from CDFW and have included them in the Conditions of Approval for the project.

Public Trust Resources:

The parcel is currently served by an existing shared water system fed by four wells that will serve both parcels. The location of the wells is at approximately 40.8475 latitude, -124.0471 longitude and approximately 220-feet elevation above sea level. The depth and screening interval depth of the wells is unknown.

The nearest surface water feature to the wells is approximately 100 feet to the east. This unnamed watercourse is ephemeral, and is a tributary to Jacoby Creek, with the confluence approximately 1.8 miles east of Humboldt Bay. The watercourse is at an elevation of approximately 200 feet at its nearest point to the wells.

Given that the unnamed watercourse is ephemeral and only contains water during short periods after precipitation events, the increased use of the wells would not have any effect on flowrates. Ephemeral watercourses by their nature do not contain any significant riparian habitat or aquatic life. Jacoby Creek runs year-round and contains riparian habitat and aquatic species including sensitive species such as salmonids. Given the distance involved between the wells and Jacoby Creek (4,850 feet), it can reasonably be concluded that the wells do not intersect with the underflow of Jacoby Creek and will have no measurable effect on flowrates within Jacoby Creek.

Further, there is no potential for the increased use of the wells to affect public trust resources. There are no known uses of Jacoby Creek for waterborne commerce and the increased use of the wells will therefore have no impact on commerce. While Jacoby Creek provides important fish habitat that helps to support recreational fishing activities, the increased use of the wells will not impact flow rates within Jacoby Creek and will therefore have no detrimental effect on this public trust resource. Lastly, it is unclear if Jacoby Creek is used for recreational boating or paddling when flow conditions

are suitable; however, the increased use of the wells would have no impact on these resources because the effect on flow rates will be negligible.

Based on the facts outlined above and comments provided by CDFW, the increased use of the wells will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access.

Environmental Review: The project is consistent with the development density established by an existing general plan for which an Environmental Impact Report (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 1982 Jacoby Creek Community Plan and the 2017 Humboldt County General Plan for which EIR's were certified. The residential density specified in the Jacoby Creek Community Plan was utilized for analysis conducted during development of the EIR 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 recommending approval or conditional approval (Attachment 3).

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 Final Map
 - C. Public Works Subdivision Requirements

2. Applicant's Evidence in Support of the Required Findings
3. Referral Agency Comments and Recommendations

Applicant

John Hornstein, 2560 Idylbear Lane, Arcata, CA 95521

Owner

Same as applicant

Agent

None

Please contact Rodney Yandell, Senior Planner, at 707-268-3732 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled item.