



COUNTY OF HUMBOLDT

For the meeting of: 12/5/2024

File #: 24-1647

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Ramirez - Lot Line Adjustment and Minor Subdivision
Assessor Parcel Number 303-270-027 & 303-270-028
Record No.: PLN-2024-19033
Cutten area

The project consists of two parts: a Lot Line Adjustment and Minor Subdivision. The Lot Line Adjustment will adjust the boundaries between two parcels resulting in two parcels (Parcel A and Parcel B). Proposed Parcel B will be approximately 8,891 square feet in size and is currently developed with a single-family residence. Proposed Parcel A will be divided into four parcels, ranging in size between 9,872 (net) square feet and 36,724 square feet (gross). The parcels will be served with community water and sewer provided by the Humboldt Community Services District (HCSD). An exception request to the 30-foot State Responsibility Area (SRA) setback requirements, in accordance with Section 3115-2(b) of Humboldt County Code (HCC) and Section 1276.01(b) of the State Minimum Fire Safe Regulations, has been submitted to and approved by CalFIRE.

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 established by an existing general plan for which an EIR was certified and no further environmental review is required per §15183 of the State CEQA Guidelines; and
 - b. Makes all the required findings for approval of the Parcel Map Subdivision and Lot Line Adjustment; and

- c. Approves the Ramirez and Barry Parcel Map Subdivision and Lot Line Adjustment subject to the recommended conditions.

DISCUSSION:

Project Location:

The project site is located in the Cutten area, on the east side of North Ridge Drive, at the intersection of Buru Place and North Ridge Drive, on the properties known as 5445 North Ridge Drive and 2055 Buru Place.

Present General Plan Land Use Designation:

Residential Low Density (RL1-7), Density: Range is 1 to 7 units per acre, Eureka Community Plan (ECP), 2017 General Plan, Slope Stability: Low Instability (1)

Present Zoning:

Residential One Family (R-1), Minimum lot size of 8,000 square feet (B-7(8,000))

Environmental Review:

The subdivision is consistent with the density established by the 2017 Humboldt County General Plan for which an EIR was certified, and accordingly no further environmental review is required pursuant to Section 15183 of the CEQA Guidelines. There are no environmental effects that are peculiar to the project or the parcel on which the project is located.

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major Concerns:

None.

Executive Summary:

The project consists of two parts: a Lot Line Adjustment and Minor Subdivision. The Lot Line Adjustment will adjust the boundaries between two parcels resulting in two parcels (Parcel A and Parcel B). Proposed Parcel B will be approximately 8,891 square feet in size and is currently developed with a single-family residence. Proposed Parcel A will be divided into four parcels, ranging in size between 9,872 (net) square feet and 36,724 square feet (gross). The parcels will be served with community water and sewer provided by the Humboldt Community Services District (HCSD). An exception request to the 30-foot State Responsibility Area (SRA) setback requirements, in accordance with Section 3115-2(b) of Humboldt County Code (HCC) and Section 1276.01(b) of the State Minimum Fire Safe Regulations, has been submitted to and approved by CalFIRE.

The Minor Subdivision of resultant Parcel A will divide that parcel into four parcels with proposed parcel sizes shown in the table below:

Resulting Parcel Sizes		
Parcel 1	36,724 SF (Gross)	36,417 SF (Net)
Parcel 2	21,135 SF (Gross)	20,868 SF (Net)
Parcel 3	15,407 SF (Gross)	14,485 SF (Net)
Parcel 4	11,357 SF (Gross)	9,872 SF (Net)
Total	84,623 SF (Gross)	81,642 SF (Net)

HCS D has indicated water and sewer services are available, but there are required charges associated with connection; additionally, line extension or relocation would be at the project proponent’s expense.

Parcel number 303-270-028 has an open Building Permit application for a new residence which will not be directly impacted by this Minor Subdivision and Lot Line Adjustment. The proposed residence will be sited on proposed Parcel 1.

The lands are subject to the Eureka Community Plan policies regarding Parks and Recreation (\$4400), as codified by Section 314-110.1 et al of the HCC. The code specifies that for new subdivisions containing 50 or fewer parcels, an in-lieu fee shall be provided, based on the fair market value of the amount of land which would be otherwise dedicated, paid to the County prior to the recordation of the Subdivision Map or Parcel Map. The in-lieu fee has been required in the project conditions (**Condition A.15 & Information Note A.4**).

All responding referral agencies have recommended approval or conditional approval of the project. Project approval is conditioned upon meeting their requirements.

Access:

The proposed parcels in the Minor Subdivision will be accessed via North Ridge Road, a county maintained road. Parcel B of the Lot Line Adjustment will be accessed via Buru Place, a privately maintained road which connects to North Ridge Road. Proposed Parcel B is developed with an existing residence and no new driveway or other access from Buru Place will need to be developed to support said residence. North Ridge Road is a 40-foot right-of-way, but the portion which would provide access to the proposed parcels in the minor subdivision does not yet appear to be developed to this width. Per the Department of Public Works, the applicant will be required to dedicate a 30-foot easement to the County for public road purposes starting from the center line of North Ridge Road and a 10-foot-wide easement for public utilities adjacent to the road’s right-of-way. The project has been conditioned to adhere to all recommendations found in the Public Works referral response dated September 19, 2024 (**Condition A.4**).

Drainage:

A drainage report, prepared by Candor Rock, Inc. Civil Engineers, determined that there is no existing

drainage infrastructure on existing parcel. The drainage report also determined that the proposed parcels are suited for a shallow self-retaining area created by a depression formed in the ground, rather than a self-retaining swale along one perimeter. Additionally, the drainage report ascertained there is unlikely to be any impact on downstream stormwater infrastructure. The report recommends mitigating stormwater runoff based on each development footprint on each parcel (**Condition A.5**). In accordance with the recommendations of the staff report and Humboldt County General Plan Policy WR-P37, the project is required to construct drainage facilities on-site and/or off-site, in a manner and location approved by the Public Works Department (**Condition A.4**).

Hazards:

The site is not in a tsunami hazard zone or earthquake fault hazard zone. The site is located in a moderate fire hazard severity zone and is partially located within the State Responsibility Area (SRA) and the Humboldt No. 1 Fire Protection District. The project site is located within the State Responsibility Area (SRA) for fire protection, so the site would be required to maintain 30-foot minimum setbacks from all property lines to provide for defensible space, but instead obtained an exemption from CalFIRE (Attachment 3) to reduce that setback to the standard setbacks of the Residential Low-Density (R-1) zone for the proposed residence.

Humboldt County Code Section 3115-2(b) allows for reductions to the 30-foot minimum setback for parcels less than one acre in size when the same practical effect is achieved through other methods, and State Minimum Fire Safe Regulations Section 1276.01(b) allows for reductions based upon practical reasons when incorporating alternative methods reducing structure-to-structure ignition. The methods achieving the same practical effect as the 30-foot setback and reducing structure-to-structure ignition include: the existing community water system, the fire hydrant within 160 feet of the proposed parcels, the use of non-combustible or fire-resistant materials in future development, and compliance with the requirements of Chapter 7A of the State Building Code in the construction of residences. CalFIRE reviewed the request and approved it with conditions requiring that hardscaping or other non-combustible material be installed extending five feet from the buildings' perimeters and defensible space be maintained extending out to 30 feet, or to the property line, whichever is closer (**Condition A.7**). This approved setback reduction only applies to the proposed residence on proposed Parcel 1. Any additional residences on the other proposed parcels will require additional setback reduction requests. These setback reduction exemptions are likely to require the same conditions and utilize the same alternative methods for reducing structure to structure ignition and meeting the same practical effect.

Biological Resources

The parcel is predominately a mowed field that has been cleared since the 1990's. The flora onsite is primarily non-native vegetation surrounded on three sides by redwood forest. According to the Botanical Resources Assessment prepared by Kyle Wear in July 2023 and based on surveys performed April 15 and June 15 of 2023, the surrounding redwood forest may provide habitat for northern spotted owls (NSO), other protected birds or birds protected by the Migratory Bird Treaty Act (MBTA),

fishers, Humboldt mountain beavers, Sonoma tree voles, North American porcupines, western bumble bees, or obscure bumble bees. The Botanical Resources Assessment also identified ephemeral wetland on the eastern portion of the parcel, as well as an appropriate 50-foot setback for Streamside Management Area (SMA) protection. CDFW inspected the site on August 7, 2024, and determined that the wetland is likely the result of an old logging road's footprint and that the habitat is lower quality due to the prevalence of reed canary grass. The wetland should still be protected, however, so CDFW recommended planting locally appropriate native species in the wetland and the SMA setback, which may reduce the prevalence of the reed canary grass once the native species are established. CDFW also recommended conditions limiting tree removal during nesting season (**Condition A.12.b.vi**) and prohibiting the use of invasive plant species for landscaping (**Condition A.12.b.vii**). In order to ensure the wetland is continuously protected, this subdivision requires a development plan showing both the perimeter of the wetland and the 50-foot buffer surrounding the wetland for the Streamside Management Area (**Condition A.12.a.v**). On November 1, 2024, Building Inspections inspected the site and confirmed that the foundation of the proposed residence is further than 50 feet from the wetland.

Cultural Resources:

The project was referred to the Northwest Information Center, Blue Lake Rancheria, and the Wiyot Tribe. The Northwest Information Center recommended contacting the local Native American Tribes for comment, Blue Lake Rancheria recommended approval of the project, and the Wiyot Tribe requested inadvertent discovery protocols. Inadvertent discovery protocols have been included as a condition of approval (**Condition A.12.b.i, A.16 & B.6**).

Legal Parcel Status:

The subject parcels are determined to be two separate legal parcels as shown on the Recorded Map in Book 21 of Maps page 78, prepared by Omsberg and Company in April 1995. Parcel number 303-270-027 is Lot 28 on said recorded map and parcel number 303-270-028 is the remainder on said recorded map. Each of the subject APNs comprise one legal and contiguous parcel under the Subdivision Map Act.

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 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 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. Public Works Department Conditions of Approval
 - C. Tentative Subdivision Map
2. Location Map
3. Applicant's Evidence in Support of the Required Findings
 - A. CalFIRE Exemption
 - B. Botanical Resource Assessment
 - C. Drainage Report
4. Referral Agency Comments and Recommendations

APPLICANT, OWNER, AGENT AND PLANNER INFORMATION:

Applicant:

Alfredo Ramirez and Rachel L. Barry, 3110 Bonanza St., McKinleyville, CA 95519

Owners:

Michael and Linda Burghart, 2055 Buru Pl, Eureka, CA 95503

and

Alfredo Ramirez Maldonado and Rachel L. Barry, 3110 Bonanza St., McKinleyville, CA 95519

Agent:

Points West Surveying Company, Jesse Buffington, 5201 Carlson Park Dr, Ste 3, Arcata, CA 95521

Please contact Augustus Grochau, Planner, agrochau@co.humboldt.ca.us or 707-441-2626 if you have questions about this item.