

ATTACHMENT 1

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 23-

Record Number: PLN-2022-18031

Assessor's Parcel Number: 205-011-037, 205-081-012, 205-011-007, 205-031-005

Resolution by the Board of Supervisors of the County of Humboldt to Make the Required Findings for Certifying Compliance with the California Environmental Quality Act and Conditionally Approving the Moore Joint Timber Management Plan and Lot Line Adjustment.

WHEREAS, the owner submitted an application and evidence in support of approving the Joint Timber Management Plan and Lot Line Adjustment; and

WHEREAS, the County Planning Division reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Humboldt County Board of Supervisors held a duly-noticed public hearing on May 2, 2023, and reviewed, considered, and discussed the application for the Joint Timber Management Plan and Lot Line Adjustment, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

- 1. FINDING:** Lot Line Adjustment (LLA) between two parcels of approximately 169 acres and 43 acres resulting in two parcels of 81 and 131 acres. The LLA will adjust the boundary between the two parcels to provide more logical management units for both timber and grazing. A Joint Timber Management Plan (JTMP) is required due to the resultant parcels containing less than 160 acres of Timberland Production Zone (TPZ). One parcel is developed with a single-family residence and a barn, and the other parcel is vacant.

EVIDENCE: a) Project File: PLN-2022-18031

- 2. FINDING:** **CEQA:** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Board of Supervisors have found the project exempt from environmental review per Section 15305(a) and Section 15061(b)(3) of the California Environmental Quality Act (CEQA).

- EVIDENCE:** a) The LLA does not result in a change in land use or overall density and is intended to provide more logical management units for both timber and grazing. Therefore, the project is exempt pursuant to Sections 15061(b)(3) and 15305(a) of the CEQA Guidelines. Section 15061(b)(3) applies to projects when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and Section 15305(a) applies to minor lot line adjustments not resulting in the creation of any new parcel

LOT LINE ADJUSTMENT

- 3. FINDING** The Lot Line Adjustment application is complete.

- EVIDENCE** a) Project File: PLN-2022-18031

- 4. FINDING** The project is consistent with the Subdivision Map Act.

- EVIDENCE** a) The project consists of two parcels that were created in compliance with the Subdivision Map Act and are therefore eligible for property boundary adjustments. APN 205-081-012 (portion) was created by Grant Deed, recorded in Volume 345 Official Records, page 413 on January 24, 1955 (one separate legal parcel), before the establishment of applicable county and state subdivision requirements.

The property identified as 205-081-012 (portion), 205-011-007, 205-031-005, 205-011-037 is one legal parcel created by Homestead Certificate, Patent No. 288 dated October 19th, 1881.

- 5. FINDING** The project is consistent with the General Plan.

- EVIDENCE** a) General Plan Ch. 4: The Agricultural Exclusive (AE) designation applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. The Residential Agriculture (RA) 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. Both parcels will continue to be utilized for timber production and grazing and the purpose of the lot Line Adjustment is to create more logical management units associated with the timber and grazing activities. The project is therefore consistent with the goals of the Land Use Element of the General Plan.
- b) General Plan Ch. 10: The Open Space land use designation provides for land which is essentially unimproved and devoted to opens space

uses, conservation of natural resources and habitat, managed production of resources, outdoor recreational uses, and for protection of public safety in areas subject to flooding or unstable slopes. Both parcels are planned for timber and agricultural uses and are therefore part of the County's Open Space Plan and Action Program. No development is proposed with the LLA, and future development and uses on the project parcels will have minimal impacts on lands planned for preservation and conservation of Open Space. By creating more manageable agricultural management units the Lot Line Adjustment is consistent with the Open Space Plan and the Open Space Action Program.

- c) General Plan Ch. 10.4 (Biological Resources). Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. No impacts to biological resources will result from this Lot Line Adjustment or Joint Timber Management Plan. The Eel River is located along a portion of the northerly property line of APN 205-081-012. Slater Creek and an unnamed tributary to the Eel River transect the parcels. Existing development maintains required setbacks to these watercourses. Any future development will be subject to the policies of the General Plan as they apply to protection of Streamside Management Areas (SMAs). According to the County GIS there is mapped habitat for Oregon polemonium on the parcels; however, no development is proposed as part of the project. The project was referred to the California Department of Fish and Wildlife and they did not respond with any concerns.
- d) General Plan Ch. 10.6 (Cultural Resources). Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. No impacts to cultural resources will result from this Lot Line Adjustment or Joint Timber Management Plan. The County does not have record of any culturally sensitive sites located in or around the project location. The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe. The referral comments from NWIC indicated that their office had no record of any previous cultural resource studies and recommended consultation with the local tribes. The Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe did not respond with any concerns. Additionally, no development is proposed as part of the project.

6. FINDING

The project conforms to zoning and building ordinances.

EVIDENCE

- a) The parcels are zoned Agriculture Exclusive (AE), Timberland

Production Zone (TPZ) and Unclassified (U).. The project will adjust the parcel lines between two existing legal parcels in order to provide more logical management units for both timber and grazing. The LLA will not cause a non-conformance or increase the severity of any preexisting nonconformities with zoning and building ordinances as the reduction of TPZ zoned parcels below 160 acres, but no smaller than 40 acres, is permitted with an approved JTMP. Existing development will conform to all required setbacks from the proposed new property boundaries.

- b) Total residential density will be one unit on the proposed 81-acre parcel, and no dwelling units on the proposed 131-acre parcel. Existing residences and structures are less than two acres per parcel as required in the TPZ zone and will remain less than two acres per parcel after the LLA.
- c) The proposed 81- and 131-acre parcels are consistent with the minimum parcel size allowed in both the TPZ and the AE and U zones. The minimum parcel size for the AE zone is 60 acres, and the minimum parcel size for the unclassified zone is 6,000 square feet. Parcels less than 160 acres but larger than 40 acres may be created in the TPZ zone provided that the requirements of Government Code Section 51119.5 are met. Consistent with Section 51119.5 of the California Government Code, a JTMP was prepared by James L. Able Forestry Consultants. The County's Forestry Review Committee (FRC) reviewed and recommended approval of the JTMP on February 8, 2023. Pursuant to Section 51119.5, the JTMP must receive a 4/5's affirmative vote of the Board of Supervisors to become effective.

7. FINDING

The Project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) All reviewing referral agencies that responded to the County have approved or conditionally approved the proposed project. The application is complete. Parcels to be adjusted are found to be in compliance with the Subdivision Map Act. The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances.
- b) The Project results in more logical management units for the existing agricultural and timber operations and therefore ensures the economic viability of maintaining these properties in such open space uses.

8. FINDING

The proposed development does not reduce the residential density for

any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE a) The parcels were not included in the housing inventory of Humboldt County's 2019 Housing Element and the project will not add any units to the County's housing inventory.

9. **FINDING** The Joint Timber Management Plan provides for the management and harvesting of timber by the original and any subsequent owners and shall be recorded as a deed restriction.

EVIDENCE The County's Forestry Review Committee has reviewed the JTMP for its effectiveness for maintaining the ability of the new parcels to be effectively managed and harvested for timber and at its meeting of February 8, 2023 they recommended that the Board of Supervisors approve the JTMP.

The JTMP declaration has been executed by the property owner and will be recorded simultaneously with the Notices of Lot Line Adjustment.

DECISION

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Board of Supervisors does hereby:

1.

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Joint Timber Management Plan and Lot Line Adjustment for Alexander and Miranda Moore, subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference.

Steve Madrone
Chair, Board of Supervisors

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors--

NOES: Supervisors--

ABSENT: Supervisors--

ABSTAIN: Supervisors—

STATE OF CALIFORNIA)

) ss.

County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of
said Board of Supervisors

KATHY HAYES
Clerk of the Board of Supervisors of
the County of Humboldt, State of
California

By _____