

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

Certified copy of portion of proceeding, Meeting of March 21, 2023

Resolution Number 23-44

Record Number PLN-2021-17758

Assessor's Parcel Numbers: 500-011-007 & 500-011-008

Finding the project exempt from the California Environmental Quality Act, finding the LLA is in conformance with the General Plan and Zoning Ordinance and approving the zone boundary adjustment to adjust the zone boundary between the Timberland Production Zone (TPZ) and the Unclassified (U) to follow the new lines adjusted by the LLA, rezoning approximately 1.5 acres of TPZ zoned land into U zoned land, approving the Davies ZBA & LLA, for Robert Scott Davies, PLN-2022-17758.

WHEREAS, the County reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning Commission reviewed and considered supporting information and verbal testimony presented to the Commission during a public hearing on October 6, 2022; and

WHEREAS, at its October 6, 2022, meeting, the Planning Commission recommended the Board make the necessary findings and approve the Lot Line Adjustment and Zone Boundary Adjustment and evidence presented at the hearing; and

WHEREAS, the Board of Supervisors held a public hearing, *de-novo*, on March 21, 2023, and reviewed, considered, and discussed the application and CEQA exemptions 15305(a) and 15063(b)(3), and the PLN-2022-17758; and reviewed and considered all public testimony and evidence presented at the hearing; and

WHEREAS, Humboldt County adopted the Ordinance No. ____ on March 21, 2023; and

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

- 1. FINDING:** **Project Description:** A Lot Line Adjustment (LLA) and Zone Boundary Adjustment (ZBA) between two parcels, Parcel A (APN 500-011-008) & Parcel B (APN 500-011-007) to move the existing property line to match the current general plan boundary between the Timber (T) and Residential Estates (RE 2.5-5) plan designation. Upon completion of this adjustment a conservation easement for forest management will be gifted to the City of Arcata over the majority of APN 500-011-007.

EVIDENCE: a) Project File: PLN-2022-17758

- 2. FINDING:** **CEQA:** The requirements of the California Environmental Quality Act have been complied with. The project is exempt from environmental review per Section 15305(a) and Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and there is no substantial evidence that the project will have a significant effect on the environment
- EVIDENCE:**
- a) The LLA does not result in a change in land use or overall density and is intended to provide consistency with the General Plan designation.
 - b) 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.
 - c) Section 15305(a) applies to minor lot line adjustments not resulting in the creation of any new parcel.
 - d) No ground disturbing activities are proposed. The adjusting of lot lines and rezoning of 1.5 acres has no possibility of having a significant effect on the environment.

FINDINGS FOR LOT LINE ADJUSTMENT & ZONE BOUNDARY ADJUSTMENT

- 3. FINDING** The Lot Line Adjustment application is complete
- EVIDENCE**
- a) The applicant submitted all information needed to determine that the LLA is consistent with the General Plan and Zoning including a completed and signed application form, copies of present owners' deeds, a preliminary title report, copies of the creation documents for the parcels and a Lot Line Adjustment exhibit.
- 4. FINDING** Both parcels involved in the Lot Line Adjustment were created in compliance with the Subdivision Map Act and the governing rules at such time the parcels were created and thus are legal parcels.
- EVIDENCE**
- a) The creation deeds have been examined and it has been determined these parcels were created by deeds executed prior to the establishment of County subdivision regulations.
- 5. FINDING** The project conforms to zoning and building ordinances.
- EVIDENCE**
- a) The parcels are zoned Timberland Production Zone (TPZ) and Unclassified (U), with no development associated with the project proposal.
 - b) The project will adjust the parcel lines between two parcels with the smallest parcel acquiring approximately 1.5 acres.
 - c) The largest parcel is developed with a residence and smaller parcel is currently undeveloped.
 - d) All development standards are currently met and no new development or groundbreaking activities are proposed. The new zone boundary will follow the new property lines.
- 6. FINDING** The project is consistent with the General Plan.

EVIDENCE

- a) General Plan Ch. 4: The Residential Estates designation applies to lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. The Timberland (T) designation applies to land that is primarily suitable for growing, harvesting and production of timber. The smaller parcel may be utilized for residential uses in the future though it is currently undeveloped. The larger parcel is developed with a home and may be utilized for timber production and grazing.
- b) 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. Kelly Creek is located just south of the subject parcels. No sensitive habitat was identified on site via review of the CNDDDB. The project was referred to the office of the California Department of Fish and Wildlife, however, they did not respond with any concerns. No groundbreaking activities are associated with the proposal.
- c) 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. The Department does not have record of any culturally sensitive sites located in or around the project location. No referral comments were received from NWIC. The Bear River Band of the Rohnerville Rancheria did not respond with any concerns. Blue Lake Rancheria and the Wiyot Tribe have requested Inadvertent Discovery protocol. Additionally, no development is proposed as the LLA. Nonetheless, the standard inadvertent discovery condition is included in the conditions of approval.
- d) General Plan Ch. 14: Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. The site is divided into areas of low slope instability and high slope insatiability and is outside of the Alquist-Priolo Fault Hazard Area. The project is not located in proximity of a flood zone. The subject properties are located within the primary responsibility area of the Arcata Fire Protection District. The project is also located in the State Fire Responsibility Area where the State of California has the responsibility for the prevention and suppression of wildland fires.
- e) The properties involved in the ZBA are planned both Residential Estates (RE 2-2.5) and Timberland (T) by the Humboldt County General Plan. According to the Zoning Consistency Matrix of the Humboldt County General Plan, both the RE 2-2.5 and T plan designations are both

compatible with the U and TPZ zoning.

7. FINDING

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

EVIDENCE

- a) The project will not result in changes in land use or density and will not create a new parcel.
- b) The Zone Boundary Adjustment and Lot Line Adjustment will follow the existing General Plan designations, making the project in the public interest, consistent with the General Plan. With no groundbreaking activities proposed, there are no physical impacts associated with the project which could impact public health, safety, or welfare.

8. FINDING

The proposed project is in the public interest.

EVIDENCE

- a) The LLA involves a Zone Boundary Adjustment (ZBA) between lands zoned Unclassified (U) and Timberland Production Zone (TPZ). The ZBA would adjust the zone boundary of the resultant 2.4-acre parcel such that the entire parcel is zoned Unclassified. This action would rezone approximately 1.5 acres from TPZ to U. The Zone Boundary Adjustment would also allow for the resulting parcel size to be consistent with the General Plan designation for the smaller parcel (GP Designation of RE 2-2.5). The Zone Boundary Adjustment will follow the parcel lines of the proposed Lot Line Adjustment. This adjustment will follow the existing General Plan designations, making the project in the public interest, consistent with the General Plan.

9. 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 unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need.

EVIDENCE

- a) These parcels were not utilized by the Department of Housing and Community Development in determining compliance with housing element law. One parcel is currently developed with an existing single family home and the other is eligible for development. Housing potential will not be impacted through the approval of this entitlement. The project has no impact on overall density.

NOW, THEREFORE, based on the above findings and evidence, be it resolved that the Humboldt County Board of Supervisors does hereby:

- a. Approve the requested Lot Line Adjustment; and
- b. Adopt the Ordinance No. 2711 amending section 311-7 of the Humboldt County Code to rezone property in the Arcata area out of Timberland Production Zone (TPZ) to Unclassified (U) with a minimum parcel size of 6,000 square feet, in conformance with the mapping and descriptions prepared for PLN-2022-17758; and

Steve Madrone, Chair,
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Wilson seconded by Supervisor Arroyo and the following vote:

AYES: Supervisors: Bushnell, Bohn, Wilson, Madrone, Arroyo
 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

NIKKI TURNER

Deputy Clerk of the Board of Supervisors of
 the County of Humboldt, State of California

Exhibit 1

Conditions of Approval

APPROVAL OF THE LOT LINE ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE PROJECT:

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is changing ownership, new deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.

Informational Notes:

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. This permit, including the Lot Line Adjustment shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.
4. The Humboldt County zoning map shall be revised to conform to the realigned zone boundary per the zone boundary determination of the Humboldt County Planning Commission (H.C.C. §311-8.2).