

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

Resolution Number: 23-

Record Number: PLN-2023-18099

Assessor's Parcel Number: 501-161-003 and 501-161-017

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 Korejko Lot Line Adjustment and Joint Timber Management Plan.

WHEREAS, the owner submitted an application and evidence in support of approving the Lot Line Adjustment and Joint Timber Management Plan; 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 August 8, 2023, and reviewed, considered, and discussed the application for the Lot Line Adjustment and Joint Timber Management Plan 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:** A Lot Line Adjustment (LLA) between two parcels of approximately 58.7 acres and 227 acres resulting in two parcels of approximately 43.6 acres and 242.2 acres. The smaller parcel (Parcel A) is developed with a residence and accessory structures and the larger parcel (Parcel B) is managed for timber production. The purpose of the LLA is to correct an encroachment on Green Diamond property and to transfer ownership of timberland west of Washington Gulch to Green Diamond for better management of timberland resources. A Joint Timber Management Plan has been prepared for Parcel A.

EVIDENCE: a) Project File: PLN-2023-18099

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 correct an encroachment on Green Diamond property and to transfer ownership of timberland west of Washington Gulch to Green Diamond for better management of timberland resources. 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-2023-18099

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 501-161-003 is a separate legal parcel created by Deed, in Book of Deeds, Page 294, dated October 9, 1925. APN 501-161-017 is a separate legal parcel described as Parcel One per Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, Instrument No. 2021-017531.

5. FINDING: The project is consistent with the General Plan.

EVIDENCE: a) The Timberland (T) designation applies to land that is primarily suitable for growing, harvesting and production of timber. The RA5-20 (RA5-20) designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Timber production and residential uses are allowable use types in both designations. Parcel A will continue to be

utilized for rural residential uses and timber production and Parcel B will continue to be utilized for timber production. The project is therefore consistent with the goals of the Land Use Element of the General Plan.

- b) 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. With the conveyance of land designated T and RA5-20 between the landowners, the project is consistent with the Open Space Plan and the Open Space Action Program.
- c) According to the Lot Line Adjustment Map Washington Gulch and two of its tributaries 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 osprey, running-pine, coastal cutthroat trout, western lily, eulachon, steelhead, coho salmon, and Pacific lamprey on portions of the parcels and habitat for foothill yellow-legged frog throughout both 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) 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, Blue Lake Rancheria, and the Wiyot Tribe. The Bear River Band and the Wiyot Tribe responded stating that they are satisfied that the activities of the project do not appear to represent a source of significant impacts on cultural resources. They both requested that standard inadvertent archaeological discovery protocols be in place for any ground disturbing activities of the proposed project. This has been made a condition of project approval.
- e) The site is in an area of relatively stable to high slope instability and outside of any Alquist-Priolo Fault Hazard Area or developed areas mapped as historic landslides. The developed area of the site is well outside of any flood zone. The subject property is located within a high fire hazard severity zone and within the State Fire Responsibility Area where the State of California has the primary responsibility for the prevention and suppression of wildland fires. The parcel is also within the

Arcata Fire Protection District who provides structural fire protection as well as responding to medical emergencies. No new development is proposed, and the project is not projected to increase hazard risk.

- 6. FINDING:** The project conforms to zoning and building ordinances.
- EVIDENCE:**
- a) The parcels are zoned Timberland Production Zone (TPZ) and Agriculture Exclusive (AE). The project will adjust the parcel lines between two existing legal parcels in order to correct an encroachment on Green Diamond property and to transfer ownership of timberland west of Washington Gulch to Green Diamond for better management of timberland resources. 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, and the existing amount of AE is non-conforming with respect to current parcel size. The LLA will not change the non-conforming amount of existing available AE zoned land. Existing development will conform to all required setbacks from the proposed new property boundaries.
 - b) Total residential density will be one unit on the resultant Parcel A , and no dwelling units on the resultant Parcel B. The ground coverage of the existing residence and structures is less than two acres on Parcel A as required in the TPZ and AE zones and will remain less than two acres after the LLA.
 - c) Proposed Parcels A and B are consistent with the minimum parcel size allowed in TPZ zones. 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. The minimum parcel size for the AE zone is 60 acres. The AE portion of Parcel A is legal non-conforming and will remain as such.

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 a correction of an encroachment on Green Diamond property and transfer ownership of timberland west of Washington Gulch to Green Diamond for better management of timberland resources 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: a) The County's Forestry Review Committee has reviewed the JTMP for its effectiveness for maintaining the ability of the resultant Parcel A to be effectively managed and harvested for timber and at its meeting of May 25, 2023, they recommended that the Board of Supervisors approve the JTMP.

b) 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:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Lot Line Adjustment and Joint Timber Management Plan for Michael Korejko & Barbara Rohr, subject to the conditions of approval attached hereto as Attachment 1A.

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 _____