

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of June 25, 2019

RESOLUTION NO. 19-61

**RESOLUTION CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND MAKING THE REQUIRED FINDINGS FOR THE LOT LINE ADJUSTMENT, THE JOINT TIMBER MANAGEMENT PLAN AND THE ZONE BOUNDARY ADJUSTMENT TO REZONE PROPERTY IN THE ETTERSBURG AREA FROM UNCLASSIFIED (U) TO TIMBERLAND PRODUCTION ZONE (TPZ); CASE NUMBERS LLA-18-011, JTMP-18-003, ZBA-18-001 (FRENCH); ASSESSOR PARCEL NUMBERS: 108-301-001 (por.), 221-251-001 (por.)**

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

**WHEREAS**, the proposed Zone Reclassification; that is, to rezone lands from Agriculture General (AG) to Residential Suburban with a combining zone for Manufactured Homes (RS-T), may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; and (3) The amendment 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; and

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

**WHEREAS**, the Planning Division, the lead agency, found the project exempt from environmental review pursuant to Section 15305(a), Section 15061(b)(3) and Section 15264 of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Planning Commission has reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on February 21, 2019; and

**WHEREAS**, at their February 21, 2019 meeting, the Planning Commission recommended the Board make the necessary findings and approve the Lot Line Adjustment, Zone Boundary Adjustment and Joint Timber Management Plan.

**WHEREAS**, the required findings for the proposed Lot Line Adjustment, Zone Boundary Adjustment and Joint Timber Management Plan (Case Nos.: LLA-18-011, ZBA-18-001, JTMP-18-003) can be made affirmatively based on the following evidence:

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**1. FINDING: THE LOT LINE ADJUSTMENT APPLICATION IS COMPLETE**

– The application for Lot Line Adjustment is complete.

**EVIDENCE:** The applicant has submitted the required information including a completed and signed application form, copies of the present owners deeds, preliminary title reports, creation documents for the parcels, a Lot Line Adjustment Plot Plan, required County fees and a written statement explaining the reasons for the adjustment.

**2. FINDING: THE LOT LINE ADJUSTMENT IS CONSISTENT WITH THE SUBDIVISION MAP ACT-** the Lot Line Adjustment is consistent with the Subdivision Map Act.

**EVIDENCE:** The lot line adjustment is between four adjoining parcels created in conformance with the Subdivision Map Act.

**3. FINDING: THE LOT LINE ADJUSTMENT IS IN CONFORMANCE WITH ZONING AND BUILDING ORDINANCES** – The Lot Line Adjustment is consistent with zoning and building ordinances.

**EVIDENCE:** The approval of a Joint Timber Management Plan and Guide (JTMP) prepared pursuant to C.G.C. Section 51119.5 will allow the parcels reconfigured by Lot Line Adjustment to conform to the minimum parcel size in the TPZ zone. The Lot Line Adjustment, as conditioned, neither causes nonconformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances, with respect to minimum lot size, minimum lot width, minimum yard setbacks, and maximum lot coverage.

**4. FINDING: THE LOT LINE ADJUSTMENT IS CONSISTENT WITH THE GENERAL PLAN** – The Lot Line Adjustment is consistent with the General Plan.

**EVIDENCE:** During the course of review of this application, the project has been reviewed for consistency with the applicable policies and standards of the Humboldt County General Plan pursuant to provisions of SB 497 (Sher) effective January 1, 2002. No conflicts with the General Plan and Community Plan were found to exist.

**5. FINDING: THE LOT LINE ADJUSTMENT IS COMPLIANT WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)** – The proposed Lot Line Adjustment is categorically exempt from the provisions of CEQA.

**EVIDENCE:** The proposed Lot Line Adjustment is exempt from CEQA pursuant to Section 15305(a) and Section 15061(b)(3) of the CEQA Guidelines. Section 15305(a) applies to minor lot line adjustments not resulting in the creation of any new parcel and Section 15061(b)(3) applies to projects that can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**6. FINDING: THE ZONE BOUNDARY ADJUSTMENT IS IN THE PUBLIC INTEREST** – The Zone Boundary is in the public interest.

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**EVIDENCE:** The LLA involves a Zone Boundary Adjustment (ZBA) that will adjust the Timberland Production Zone (TPZ) boundary such that approximately six acres of Unclassified (U) lands become TPZ. Planning staff believes that the ZBA is in the public interest in that it supports the existing use of the land for timber production and is minor in nature.

7. **FINDING: THE ZONE BOUNDARY ADJUSTMENT IS CONSISTENT WITH THE GENERAL PLAN** – The Zone Boundary Adjustment is consistent with the General Plan.

**EVIDENCE:** The properties involved in the ZBA are planned Timberland by the Humboldt County General Plan. The change from U to TPZ will avoid creating a mix-zoned situation. Given that the zone designation is compatible with the plan designation, the ZBA is consistent with General Plan policies and standards. In addition, the rezoning is consistent with the Open Space Plan and Open Space Action Program because it protects working resource lands suitable for timber production that will continue to be managed for the growing and harvesting of timber resources.

8. **FINDING: CONFORMANCE WITH HOUSING LAW** – The Zone Reclassification will 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:** The six-acre parcel proposed to be rezoned into TPZ is listed on the Humboldt County Housing Inventory as contributing one housing unit to meet the unincorporated County's moderate and above-moderate income households housing needs for this Housing Element planning period. The County is obligated to accommodate its Regional Housing Need Allocation of 512 moderate and above-moderate income households this Housing Element planning period (Humboldt County General Plan Table 8-5, Projected Fair Share Housing Needs, Humboldt County Unincorporated Areas, 2014 – 2019). The Housing Element indicates that the County has an inventory of 1,566 units to meet the moderate and above moderate need. Therefore, with the loss of this one unit from the inventory, the County would still have a surplus inventory available to meet the projected housing need. The loss of this parcel from the Housing Inventory will not reduce the residential density below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.

9. **FINDING: SUPPLEMENTAL TIMBERLAND PRODUCTION ZONE PROCEDURES** – The Zone Reclassification meets the criteria for additions to Timberland Production Zoned lands per C.G.C. Section 51113.5.
- a) **Must be in the same ownership and contiguous to TPZ zoned timberlands to which the non-TPZ timberlands are to be added.**

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**EVIDENCE:** The parcel in question and surrounding parcels are in the same ownership and the non-TPZ zoned timberlands are contiguous with the TPZ-zoned lands.

**b) Must be devoted to, and used for, growing and harvesting timber and compatible uses and capable of growing an average volume of wood fiber of at least 15 cubic feet per acre.**

**EVIDENCE:** The non-TPZ zoned timberlands are devoted to both growing and harvesting of timber and grazing which is a compatible use. There is currently no development other than roads and trails for timber and grazing access. The parcel is part of a large ownership over which a Timber Management Plan exists. Overall site class for the additional non-TPZ zoned timberlands is Timber Site Class III based on soils and vegetation maps and field verifications by Chris Carroll, a registered professional forester. Based on projected growth for this parcel as stated in the Timber Management Plan, wood fiber growth potential for the non-TPZ zoned timberlands exceeds 15 cubic feet per acre.

**10. FINDING: THE ZONE BOUNDARY ADJUSTMENT IS COMPLIANT WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) –** The Zone Boundary Adjustment is exempt from CEQA.

**EVIDENCE:** The zone boundary adjustment is exempt from CEQA pursuant to Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code. Section 15264 applies to lands that are rezoned into TPZ.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors, based on Planning and Building Department – Planning Division staff reports, supplemental reports, testimony presented at the public hearing, the above findings and evidence, and having considered the recommendation of the Planning Commission, that the Board:

1. Finds that the project is exempt per Sections 15305(a), 15061(b)(3) and 15264 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. Finds, based on the evidence, that the zone boundary adjustment is in the Public Interest, is consistent with the General Plan and is in conformance with Housing Law; and
3. Finds the lot line adjustment in conformance with Chapter 5.5, Lot Line Adjustments, contained in Section 325.5 et seq. of the County Subdivision Regulations and the requirements of Section 66412(d) of the State Subdivision Map Act.

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**BE IT FURTHER RESOLVED** by the Humboldt County Board of Supervisors that:

1. Upon adoption of the associated ordinance, approximately six acres of Unclassified (U) lands will be rezoned into Timberland Production Zone (TPZ) (Case No.: LLA-18-011); and
2. The Joint Timber Management Plan and Guide (JTMP) prepared pursuant to C.G.C. Section 51119.5 is approved subject to the recordation of the Declaration of Covenants, Conditions and Restrictions in Attachment 6; and
3. The Lot Line Adjustment for Case No.: LLA-18-011 is approved subject to the conditions in Attachment 5; and .
4. Current Planning Division Staff is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
5. The Clerk of the Board is hereby directed to record Certification of Rezoning (Notice of Timberland Production Zone Status) in Attachment 3 pursuant to Sections 51117 and 51141 of the California Government Code, after attaching a copy of the fully executed ordinance; and
6. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor's Office and any other interested party; and
7. The Clerk of the Board is directed to publish a summary of the Ordinance within 15 days after its adoption.

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Dated: June 25, 2019

  
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Rex Bohn, Chair  
Humboldt County Board of Supervisors


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

AYES:	Supervisors	Bohn, Fennell, Wilson, Madrone, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA    )  
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 an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

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

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