

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 23-**

**Record Number PLN-2023-18059**

**Assessor Parcel Numbers 316-134-005, 316-135-005, 316-135-004**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approving the Wright Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan.**

**WHEREAS**, the owners, submitted an application and evidence in support of approving the Lot Line Adjustment between two parcels and a Joint Timber Management Plan, and a Zone Boundary Adjustment to adjust the zone boundary between the Agriculture Exclusive zone (AE) and the Timberland Production Zone (TPZ), essentially absorbing the AE zoned area into the TPZ zone; and

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

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on **July 20, 2023**; reviewed, considered, and discussed the application for a Lot Line Adjustment, Zone Boundary 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 Planning Commission makes all the following findings:

- 1. FINDING:**                    **Project Description:** A Lot Line Adjustment (LLA) between two parcels resulting in two parcels of approximately 284 acres (Parcel A) and 40 acres (Parcel B). Also, part of the project is a Zone Boundary Adjustment (ZBA) that would adjust the zone boundary between the Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) boundary on Parcel B. This would involve rezoning approximately one isolated acre of AE to TPZ, essentially absorbing the AE zoned acre into the TPZ zone in order to meet the 40-acre minimum parcel size requirement. A Joint Timber Management Plan (JTMP) is required due to the resultant Parcel B containing less than 160 acres of TPZ. The smaller parcel (Parcel B) is developed with a single-family residence and associated residential development, and the larger parcel (Parcel A) is managed for timber production. The purpose of the LLA is to facilitate the conveyance of the majority of the timberland to the adjacent landowner. No development is proposed.

**EVIDENCE:** a) Project File: PLN-2023-18059

**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).

**EVIDENCE:** a) As lead agency, the Planning and Building Department found the project to be categorically exempt per Class 5, Section 15305(a) and Section 15061(b)(3) of the CEQA Guidelines. The LLA and ZBA do not result in a change in land use or overall density and the LLA is intended to facilitate the conveyance of the majority of the timberland to the adjacent landowner, while the ZBA will facilitate Parcel B meeting the 40-acre minimum parcel size requirement for TPZ. 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) The applicant has submitted 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 Map.

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

**EVIDENCE:** a) A portion of APN 316-134-005 and APN 316-135-005 was created by Land Patent, Certificate No. 1248 Issued to John Ryan, May 5, 1897. APN 316-135-004 is a separate legal parcel described as Parcel Two per Certificate of Subdivision Compliance, Instrument No. 2021-010513.

**5. FINDING:** The project conforms to zoning and building ordinances.

**EVIDENCE:** a) The parcels are zoned AE and TPZ and will be exclusively zoned TPZ as a result of the ZBA. TPZ allows general agriculture and single family residential as principally permitted uses. The project will adjust the parcel lines between two parcels with Parcel A acquiring approximately 120 acres from Parcel B. Parcel B is developed with a single-family residence and associated residential development, and Parcel A is managed for timber production.

**6. 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. Parcel A will continue to be utilized for rural residential uses and timber production and the 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 the majority of the timberland to the adjacent landowner, the project is consistent with the Open Space Plan and the Open Space Action Program.
  - c) No impacts to biological resources will result from this LLA. According to the County GIS two unnamed tributaries to Canon Creek 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 Fisher and California globe mallow on portions of the parcels and northern spotted owl activity center approximately 800 feet south of APN 316-135-005; however, no development is proposed as part of the project. The project was referred to the California Department of Fish and Wildlife and they responded requesting that the applicant secure a Lake or Streambed Alteration Agreement (LSAA) and a water right for the spring diversion that supports the residence on Parcel B. In a follow up conversation between staff and CDFW on June 15, 2023, CDFW stated that they would like there to instead be an informational note added to the conditions of approval advising the applicant that diversion of surface waters without an LSAA is a violation of Fish and Game Code and that any future development of the property may require securing an LSAA and a water right from the State Division of Water Rights. This has been added to the informational notes within the conditions of project approval.

- d) No impacts to cultural resources will result from this LLA. 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 referral comments from NWIC indicated that their office had no record of any previous cultural resource studies and recommended consultation with the local tribes. Blue Lake Rancheria responded stating that they had no concerns with the project moving forward. Additionally, no development is proposed as part of the project.
- e) The site is in an area of moderate to high slope instability and outside of any Alquist-Priolo Fault Hazard Area or areas mapped as historic landslides. The site is outside of any flood zone. The subject property is located 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 outside of a mapped fire district but within the response area of the Blue Lake Volunteer Fire Department who provides structural fire protection as well as responding to medical emergencies.

### **ZONE BOUNDARY ADJUSTMENT**

**7. FINDING:** The proposed project is in the public interest.

**EVIDENCE:** a) The project involves a ZBA between lands zoned AE and TPZ. The ZBA would adjust the zone boundary within the resultant 40-acre parcel such that the entire parcel is zoned TPZ. This action would rezone approximately one acre from AE to TPZ and facilitate the parcel meeting the 40-acre minimum parcel size requirement for TPZ. The Planning Division believes that the ZBA is in the public interest in that it accurately zones property and is minor in nature.

**8. FINDING:** The proposed ZBA is consistent with the General Plan.

**EVIDENCE:** a) The land involved in the ZBA is planned T by the Humboldt County General Plan. According to the Zoning Consistency Matrix of the Humboldt County General Plan, the T plan designation is compatible with TPZ zoning.

### **JOINT TIMBER MANAGEMENT PLAN**

**9. FINDING:** The JTMP 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 new Parcel B 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.
- b) The JTMP declaration has been executed by the property owner and will be recorded simultaneously with the Notices of Lot Line Adjustment.

### **ADDITIONAL REQUIRED FINDINGS**

**10. 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) 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.

**11. FINDING:** The proposed project 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; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

- EVIDENCE** a) The subject parcels were not utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project has no impact on overall density.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby.

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan for Chuck Wright (PLN-2023-18059) subject to the conditions of approval attached hereto as Attachment 1A.

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Staff.
3. Approve the Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan.
4. Adopt Ordinance No. \_\_\_\_\_ amending Section 311-7 of the Humboldt County Code by reclassifying property in the Korbel area [PLN-2023-18059, Wright] so that the one isolated acre of AE on APN 316-135-004 is adjusted to TPZ.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on **July 20, 2023**.

The motion was made by COMMISSIONER and seconded by COMMISSIONER and the following ROLL CALL vote:

AYES:                   Commissioners:

NOES:                   Commissioners:

ABSTAIN:               Commissioners:

ABSENT:                Commissioners:

DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

---

John H. Ford, Director  
Planning and Building Department