

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

**Certified copy of portion of proceedings; Meeting on June 25, 2019
RESOLUTION NO. _____**

RESOLUTION CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND MAKING THE REQUIRED FINDINGS FOR THE LOT LINE ADJUSTMENT AND THE ZONE BOUNDARY ADJUSTMENT TO REZONE PROPERTY IN THE WILLOW CREEK AREA FROM AGRICULTURE GENERAL (AG) TO RESIDENTIAL SUBURBAN WITH A COMBINING ZONE FOR MANUFACTURED HOMES (RS-T); CASE NUMBERS LLA-17-028, ZBA-17-003 (IMPER); ASSESSOR PARCEL NUMBERS: 522-311-042, 522-311-043, 522-311-054

WHEREAS, the owners submitted an application and evidence in support of approving the Lot Line Adjustment 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) and Section 15061(b)(3) 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 July 19, 2018; and

WHEREAS, at their July 19, 2018 meeting, the Planning Commission recommended the Board make the necessary findings and approve the Lot Line Adjustment and Zone Boundary Adjustment.

WHEREAS, the required findings for the proposed Lot Line Adjustment and Zone Boundary Adjustment (Case Nos.: LLA-17-028, ZBA-17-003) can be made affirmatively based on the following evidence:

- 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 CONSISTENCY WITH THE SUBDIVISION MAP ACT-** the Lot Line Adjustment is consistent with the Subdivision Map Act.

EVIDENCE: The lot line adjustment is between three adjoining parcels created in conformance with the Subdivision Map Act. Two of the involved parcels were created by a Lot Line Adjustment in 1969 and the third parcel was created by a Parcel Map in 1973.

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 Lot Line Adjustment neither causes nonconformance no 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 and the Willow Creek Community Plan (WCCP) 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) of the CEQA Guidelines. Section 15305(a) applies to minor lot line adjustments not resulting in the creation of any new parcel.

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

EVIDENCE: The LLA involves a Zone Boundary Adjustment (ZBA) between lands zoned Residential Suburban (RS) and Agriculture General (AG). The zone boundary is proposed to be coincidental with the new lot line as adjusted and avoid a mixed-zone condition. Planning staff believes that the ZBA is in the public interest in that it supports the existing use of the land 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 Residential Estates by the Humboldt County General Plan. The RS zoned parcels have a density range of one unit per 1-5 acres (RE1-5) and the AG zoned parcel has a density range of one unit per 2.5-5 acres (RE2.5-5). Given that the zone designations are compatible with both Residential Estates land use densities, the ZBA is consistent with General Plan policies and standards.
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 Imper and Henderson properties that make up the lot line adjustment were not included in the Housing Land Inventory prepared in compliance with Housing Element law. Two of the three parcels are currently developed with residential dwellings and the vacant parcel will increase in size. No change in land use density is proposed.
9. **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 the common sense exemption because it has no potential for causing a significant environmental effect. The principal zone and allowed uses for the resultant parcels remain unchanged and no change to land use or density will result. The zone boundary between the RS-T and AG Zones will shift to better align with the site topography and the adjusted property lines. The ZBA will have a de minimis effect on the environment and is exempt per Section 15061(b)(3) of CEQA.

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) and 15061(b)(3) 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 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.

