

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT

Resolution Number _____

Record Number: PLN-2022-17598

**Assessor Parcel Numbers: 510-011-013,
a portion of 510-011-014 & 511-111-057, and 510-041-022**

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on October 17, 2023.**

Finding the project exempt from the California Environmental Quality Act (CEQA); finding the Lot Line Adjustment (LLA) is in conformance with the General Plan and Zoning Ordinance; approving the Zone Boundary Adjustment (ZBA) to adjust the zone boundary between the TPZ-AP-N-WR (Timberland Production Zone, Airport Safety Review, Noise Impact, Streamside Management Areas and Wetlands) zone and the AG-B-5(5)-AP-WR (Agriculture General, minimum size 5 acres, Airport Safety Review, Streamside Management Areas and Wetlands) zone to follow the new property lines adjusted by the LLA, rezoning approximately 3.02 acres of TPZ-AP-N-WR zoned land into AG-B-5(5)-AP-WR zoned land; and approving the Green Diamond, Alto, Suchanek LLA and ZBA for said parties, under Record No. PLN-2022-17598.

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 July 6, 2023; and

WHEREAS, at its July 6, 2023, 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 October 17, 2023, and reviewed, considered, and discussed the application and CEQA exemptions 15305(a) and 15063(b)(3), and the PLN-2022-17598; and reviewed and considered all public testimony and evidence presented at the hearing; and

WHEREAS, Humboldt County adopted Ordinance No. _____ on October 17, 2023.

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

1. FINDING:

Project Description: A Lot Line Adjustment (LLA) between three legal parcels of 142.57 acres, 16.82 acres, and 16.54 acres, resulting in three parcels of approximately 139.55 (Parcel 1) (Green Diamond lands), 18.84 acres (Parcel 2) (Suchanek lands), and 17.54 acres (Parcel 3) (Alto lands). Parcel 1 is currently zoned TPZ-AP-N-WR (Timberland Production Zone, Airport Safety Review, Noise Impact, Streamside Management Areas and Wetlands); Parcels 2 and 3 are both currently zoned AG-B-5(5)-AP-WR (Agriculture General, minimum size 5 acres, Airport Safety Review, Streamside Management Areas and Wetlands). A Zone Boundary Adjustment (ZBA) is also included to adjust the zone boundaries to follow the new property lines as adjusted by the LLA by rezoning 3.02 acres from TPZ-AP-N-WR to AG-B-5(5)-AP-WR. The ZBA will ensure zoning consistency within the new property boundaries. This LLA will facilitate acquisition of Parcel 1 (lands owned by Green Diamond) into the proposed McKinleyville Community Forest. No development is proposed.

EVIDENCE: a) Project File: PLN-2022-17598

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). 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; it 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 3.02 acres has no possibility of having a significant effect on the environment.

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 Plot Plan.

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

EVIDENCE: a) All three 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.

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

EVIDENCE: a) The parcels are zoned TPZ-AP-N-WR (Timberland Production Zone, Airport Safety Review, Noise Impact, Streamside Management Areas and Wetlands) and AG-B-5(5)-AP-WR (Agriculture General, minimum size 5 acres, Airport Safety Review, Streamside Management Areas and Wetlands) which both allow general agriculture and single family residential as principally permitted uses.

b) The project will adjust the parcel lines between three parcels with Parcel 2 acquiring approximately 2.02 acres, and Parcel 3 acquiring approximately 1 acre from Parcel 1.

c) Parcels 2 and 3 are each developed with a residence and Parcel 1 is managed for timber production. Parcel 1 is intended to be conveyed to the McKinleyville Community Service District as a part of the McKinleyville Community Forest holdings.

d) All development standards are currently met. The new zone boundary will follow the new property lines.

e) The project has no impact on the combining zone standards.

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

EVIDENCE: a) General Plan Ch. 4: All three parcels are planned and zoned for timber and agricultural purposes. The RA5-20 (Residential Agriculture, density range of 5 – 20 acres per unit) designation applies to large lot residential uses for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. The Timberland (T) designation applies to land that is primarily suitable for growing, harvesting and production of timber. The smaller parcels will

continue to be utilized for rural residential uses and the larger parcel will become a part of the McKinleyville Community Forest.

- b) General Plan Ch. 10: The Open Space (OS) land use designation provides for land which is essentially unimproved and devoted to open space uses, conservation of natural resources and habitat, managed production of resources, outdoor recreational uses, and for protection of public safety in areas subject to flooding or unstable slopes. No development is proposed with the LLA; any potential future development and uses on the project parcels will have minimal impacts on lands planned for preservation and conservation of Open Space.
- c) 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. Widow White Creek, a tributary to Norton Creek, runs through a southern portion of Parcel 1 and across a portion of Parcel 2 accompanied by mapped wetlands in the same footprint. A referral response received from the Eureka Office of the California Department of Fish and Wildlife (CDFW) indicated there to be no concerns in moving forward with the lot line and zone boundary adjustments.
- d) 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. An archaeological report for this project was requested by the Tribal Historic Preservation Officers (THPO) of the Blue Lake Rancheria and Wiyot tribe. Following review of said report, Referral responses received from Blue Lake Rancheria and Wiyot tribe stated having no concerns with the project moving forward.
- e) 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 in an area of relatively stable slope instability. The Alquist-Priolo Fault Hazard Area does run through a portion of the Green

Diamond property; however, no subdivision of land occurs with this project, nor is any development proposed. According to FIRM Map Panel 680, a small portion of the Alto and Green Diamond properties are within the 100-year Flood Zone A (low flood risk) associated with Widow White Creek, a tributary of Norton Creek. 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. All parcels are within the Arcata Fire Protection District for structural protection as well as responding to medical emergencies.

- 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) All reviewing referral agencies have approved or conditionally approved the proposed project.

- 8. FINDING:** The project, and the conditions under which it may be operated or maintained, will not adversely impact the environment; and the required CEQA findings can be made for any development which is subject to the regulations of CEQA.

- EVIDENCE:**
- a) The LLA does not result in a change in land use or overall density and is intended to remedy a century-old property line dispute and clean up legal descriptions. No development is proposed.
 - b) As lead agency, the Planning and Building Department found the LLA to be 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.

ZONE BOUNDARY ADJUSTMENT

9. FINDING: The proposed project is in the public interest.

- EVIDENCE:**
- a) The LLA involves a Zone Boundary Adjustment (ZBA) between lands zoned TPZ-AP-N-WR (Timberland Production Zone, Airport Safety Review, Noise Impact, Streamside Management Areas and Wetlands) and AG-B-5(5)-AP-WR (Agriculture General, minimum size 5 acres, Airport Safety Review, Streamside Management Areas and Wetlands). The ZBA would rezone approximately 3.02 acres from TPZ-AP-N-WR to AG-B-5(5)-AP-WR, adjusting the zone boundary of the two smaller resultant parcels such that each parcel in its entirety is zoned AG-B-5(5)-AP-WR. This action will allow the respective owners of the two smaller parcels to implement 2020 Fire Safe mitigations, including fire safe access and fire suppression means, both defensible space buffers and reduced fuel zones. The zone boundary is proposed to be coincidental with the new lot line as adjusted, avoiding a mixed-zone condition. The Planning Division believes that the ZBA is in the public interest in that it accurately zones property and is minor in nature.
 - b) This action facilitates resolution to a decades-old property line dispute which is required to clear the title of lands being conveyed to McKinleyville Community Service District that will be included in the McKinleyville Community Forest.

10. 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. The two parcels zoned RA are both developed, each with an existing single-family residence. Housing potential will not be impacted through the approval of this project. The project has no impact on overall density.

11. FINDING: There is no substantial evidence that the project will have a significant effect on the environment.

EVIDENCE: a) As lead agency, the Planning and Building Department found the ZBA to be exempt per Section 15061(b)(3) of the CEQA Guidelines. 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.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Board of Supervisors hereby:

1. Finds the project to be exempt from CEQA per Section 15305(a) and Section 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. Makes the findings for the Lot Line Adjustment and Zone Boundary Adjustment as detailed in this Resolution based on Planning and Building Department – Planning Division staff reports, supplemental reports, testimony presented at the public hearing; and
3. Having considered the recommendation of the Planning Commission, approves the requested Lot Line Adjustment and Zone Boundary Adjustment as recommended by the Planning Commission at its July 6, 2023, meeting for Record No.: PLN-2022-17598; and
4. Adopts Ordinance No. _____ amending Section 311-7 of the Humboldt County Code to rezone property in the McKinleyville area out of TPZ-AP-N-WR (Timberland Production Zone, Airport Safety Review, Noise Impact, Streamside Management Areas and Wetlands) and into AG-B-5(5)-AP-WR (Agriculture General, minimum size 5 acres, Airport Safety Review, Streamside Management Areas and Wetlands), in conformance with the mapping prepared for PLN-2022-17598.

Steve Madrone, Chair

Adopted on motion by Supervisor X, seconded by Supervisor X, 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 _____

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