

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

Record Number PLN-2022-17706

Assessor's Parcel Numbers: 100-241-004 (two separate legal parcels)

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Giaimo Coastal Development Permit and Lot Line Adjustment.

WHEREAS, Glenn and Gail Giaimo, submitted an application and evidence in support of approving a Coastal Development Permit and Lot Line Adjustment for the adjustment of property lines between parcels;

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Case Number: PLN-2022-17706); and

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on March 2, 2023, and reviewed, considered, and discussed the application for the CDP and LLA and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. FINDING

Project Description: A Coastal Development Permit to allow a Lot Line Adjustment between two parcels located off of Port Kenyon Road in Ferndale. The adjustment will take place between two parcels and result in two parcels. Currently the parcels are identified by a shared APN 100-241-004 and are legally comprised of two separate parcels separated at Bush Street. Parcel 2 is approximately 8.9 acres of land west of Bush Street and is currently vacant. Parcel 2 will be 17.62 acres after the adjustment and will remain vacant. Parcel 1 is 10.9 acres in size on lands east of Bush Street, and is developed with a single-family residence, and detached accessory building, both listed within the National Registry for Historical Places. Parcel 1 will be 2.18 acres after the adjustment. The residence utilizes a septic system and receives water service from an existing permitted well. The purpose of the Lot Line Adjustment is to adjust the parcel boundaries to surround the curtilage area of the Historic Structures and separate them from the surrounding AG lands to be purchased and used for running cattle. No ground disturbance or physical improvements are proposed as part of

this project.

- EVIDENCE** a) The project description has remained stable and can be reviewed in the Project File: PLN-2022-17706

2. FINDING **CEQA.** The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) under §15305(a) and §15061(b)(3).

- EVIDENCE** a) The project is Categorically Exempt from CEQA under §15305(a) Minor Alterations in Land Use Limitations, which includes minor Lot Line Adjustments. The proposed Lot Line Adjustment is located in an area that is surround by residential development and predominantly agricultural lands. An analysis of slopes was conducted utilizing Humboldt County Web GIS to support the CEQA §15305 requirement. The average slopes on the subject parcel are less than 20%.
- b) The activity is covered under §15061(b)(3), the common sense exemption. The County as the Lead Agency has performed an analysis of the proposed project and found that with no ground disturbing development proposed and agricultural viability of lands remaining intact, that the project has no possibility of having an effect on the environment.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND LOT LINE ADJUSTMENT

3. FINDING The project, as conditioned, is consistent with the development policies of the Eel River Area Plan (ERAP).

- EVIDENCE** a) The proposed Coastal Development Permit to allow a Lot Line Adjustment that will adjust the parcel boundaries to surround the curtilage area of the Historic Structures and separate them from the surrounding AE lands to be purchased and used for running cattle, allowable under the provisions of the ERAP.
- b) There is no ground disturbance identified as a part of the project therefore no potential cultural resources would be impacted by the proposal. The project is subject to follow the standard Inadvertent Discovery Protocol should any cultural resources become discovered. This is consistent with Sections 3.29 and 3.391, ERAP Archaeological and Paleontological Resources.
- c) All prime agricultural land is being preserved consistent with Section 30241 of the Coastal Act and Section 3.34 Agriculture in the ERAP. The lot line adjustment does not impact agricultural lands, since there is no reduction of prime agricultural lands to be used for local agricultural economy. The lot line adjustment separates the curtilage area and associated structures listed in the National Registry of Historical Places from the remaining agricultural lands on APN 100-241-004. No agricultural viability is lost in the facilitation of this project.

- d) The project is consistent with section 3.34(E) Exception to Minimum Parcel Size -Bottom lands and Grazing lands (1) Historic Preservation. Parcel 1 results in the curtilage area surrounding Historically Registered Structures both locally and nationally. This conforms to the ERAP because agricultural viability is remaining intact for identified agricultural lands (Parcel 2), with no additional buildings being proposed as a part of the project.
- e) Consistent with Section 3.42 Visual Resource Protection (C) Protection of Historical Buildings, Parcel 1 will separate and protect locally and nationally listed historically significant structures which are considered scenic and visual resources of public importance. The resulting configuration of Parcel 1 will contribute to preservation of these resources while ensuring that net agricultural lands are utilized for grazing on resulting Parcel 2. This ensures the preservation of significant coastal resources both Historic and Agricultural.
- f) The average parcel sizes of the resulting parcels are consistent with the surrounding usable parcels within the same zoning designation. The project is consistent with Section 3.31 Rural Development, specifically Section 30250(a) -the resulting parcels are no smaller than 50 percent of the average size of surrounding parcel (see Exhibit C).
- g) The proposed project is consistent with ERAP Section 3.40 Resource Protection Policies and Standards and 3.41 Environmentally Sensitive Habitats, since no ground disturbance is proposed as part of this project. The surrounding ag lands are mapped wetlands on GIS. No ground disturbance is occurring, and the lot line adjustment is to facilitate the use of land for running cattle, an allowed use of agricultural lands.

4. FINDING

The proposed project is consistent with the purposes of the existing zones and designations in which the site is located and conforms with all applicable standards and requirements of these regulations.

EVIDENCE

- a) The project property is zoned and designated Agricultural Exclusive, with a 60 acres Minimum Lot Size (AE-60). The parcels are currently considered legal non-conforming as 8.9 and 10.9 acres respectively. The lot line adjustment would allow the resulting parcels to become 2.18 acres and 17.62 acres. An analysis of average parcel size for the area and zone (AE-60) is shown in Exhibit C.
- b) The parcel has combining zones of (F) Flood Hazard Area and (R) Streams and Riparian Corridor Protection. No development is proposed as part of the project therefore there are no impacts to Flood Hazards or conflicts of ground disturbance in or near protected riparian areas. The parcel does have mapped wetlands, though agricultural grazing is an allowed use. The purpose of the Lot Line Adjustment is to adjust the parcel boundaries to surround the curtilage area of the Historic Structures and separate them from the surrounding AG lands to be purchased and used for running cattle. The project is consistent with the associated Zoning Designations.

- 5. FINDING** The proposed project and conditions under which it may be operated or maintained are not anticipated to be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- EVIDENCE** a) The proposed project does not involve ground disturbing activities. The project is located within a flood plain and is in an area identified as the 100-Year Floodway. No additional structures are proposed; therefore, the project will not add to flood risk.
- There is no addition to tsunami risk. No additional structures or density is associated with the adjustment of lot lines.
- 6. FINDING** The proposed project does not reduce the residential density of the project parcels below the density utilized by the Department of Housing and Community Development in determining compliance with housing element law.
- EVIDENCE** a) The proposed project is a Coastal Development Permit to allow a Lot Line Adjustment between two parcels that will result in two parcels. The purpose of the Lot Line Adjustment is to isolate Nationally Listed Historical Structures for the sake of preservation and separate remaining agricultural lands to be used for cattle grazing. The proposed Lot Line Adjustment is consistent with the AE-60/F,R zoning designations and will not conflict with provisions of the County Housing element.
- 7. FINDING** The subject parcels are two separate legal parcels identified by APN 100-241-004, separated at Bush Street to the east and west.
- EVIDENCE** a) Both parcels are separate legal parcels created prior to 1964 consistent with the Subdivision Map Act. 100-241-004 (eastern portion) can be found in Book 64 Deeds, page 302 (second parcel). 100-241-004 (western portion) can be found in Book 120 Deeds, page 197 (except Book 64 Deeds, page 302).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Makes the findings set forth in this resolution; and
- Conditionally approves the Coastal Development Permit and Lot Line Adjustment for Glenn and Gail Giaimo subject to the conditions of approval attached hereto as Exhibit A, Tentative Map attached hereto as Exhibit B, Parcel Analysis hereto as Exhibit C, and Public Works Referral hereto as Exhibit D.

Adopted after review and consideration of all the evidence on March 2, 2023.

I, John H. Ford, Zoning Administrator 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