

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on July 19, 2022

RESOLUTION NO. 22-89

RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVE THE ZONE BOUNDARY ADJUSTMENT TO REZONE PROPERTY IN THE KORBEL AREA FROM TIMBERLAND PRODUCTION ZONE (TPZ) TO AGRICULTURE EXCLUSIVE WITH A 160-ACRE MINIMUM PARCEL SIZE (AE-B-5(160)) AND FROM AGRICULTURE EXCLUSIVE WITH A 160-ACRE MINIMUM PARCEL SIZE (AE-B-5(160)) TO TIMBERLAND PRODUCTION ZONE (TPZ); RECORD NUMBER: PLN-2021-16919; ASSESSOR PARCEL NUMBERS: 316-205-006, 316-206-002, 316-206-009, 316-212-003.

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 Boundary Adjustment; that is, to rezone lands, through immediate conversion, from Timberland Production Zone (TPZ) to Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)), and from Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) to Timberland Production Zone (TPZ), 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 and Building Department – Planning Division (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 Planning Division, the lead agency, found the project to be categorically exempt per Class 5, Section 15305(a) and Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Planning Commission reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on July 29, 2021; and

WHEREAS, at its July 29, 2021 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.

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 parcels resulting in three parcels of approximately 10.0 acres, 146.5 acres and 179.5 acres. Also part of the project is a Zone Boundary Adjustment that would adjust the zone boundary between the Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) and Timberland Production Zone (TPZ) boundary to follow the new parcel line. This would involve rezoning approximately 3.09 acres from TPZ to AE-B-5(160) and approximately 6.2 acres of AE-B-5(160) into TPZ. Therefore, there will be no net loss of TPZ lands. The parcels have a General Plan designation of both Agriculture Grazing (AG) and Timber (T). The smaller parcel is developed with a single-family residence and the larger parcels are managed for timber production. The purpose of the LLA is to provide a greater buffer for the residentially developed parcel to the adjoining timberlands. No development is proposed.

EVIDENCE: a) Project File: PLN-2021-16919

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Board of Supervisors has found the project 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 does not result in a change in land use or overall density and is intended to provide a greater buffer for the residentially developed parcel to the adjoining timberlands. 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 Plot Plan.

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

EVIDENCE: a) APN 316-206-002 was created by a Land Patent to Joseph Lane dated March 1, 1875, including lands identified in a Deed (Kerr to Macy) dated February 18, 1925 (164 OR Page 454) and excluding cut Deed prior to Assessor rolls in 1958. APNs 316-205-006 and 316-206-009 make up one legal parcel which was created by Deed (Eisenhuth to Gundersen) dated July 29, 1920, excepting out the following Deeds: Gundersen to Madison (56 OR page 207) dated July 16, 1948, Gundersen to Gilardoni (15 OR page 76) dated July 24, 1947, Gundersen to Ghidinelli (61 OR page 184) dated July 24, 1947, Gundersen to Richardson (15 OR page 226) dated July 24, 1947, Gundersen to Merryman (271 OR page 579) dated November 9, 1953 and Anvick to Adams (796 OR page 423) dated July 14, 1964. APN 316-212-003 was created by a Deed Gundersen to Ghidinelli (61 OR page 184) dated July 24, 1947. All three parcels were created legally.

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

EVIDENCE: a) The parcels are zoned Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) which both allow general agriculture and single family residential as principally permitted uses. The project will adjust the parcel lines between three parcels providing a greater buffer for the developed parcel to the commercial timberlands. Existing development complies with current zoning and building ordinances. The LLA will not cause a non-conformance or increase the severity of preexisting nonconformities with zoning and building ordinances. The project will decrease the severity of the nonconformance of the smaller parcel as it will become more conforming with respect to minimum parcel size.

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

EVIDENCE: a) General Plan Ch. 4: The Agriculture Grazing (AG) designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation. The Timberland (T) designation applies to land that is primarily suitable for growing, harvesting and production of timber. The smaller parcel will continue to be utilized for rural residential uses and the larger parcels will continue to be utilized for timber production and grazing.

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. All three parcels are planned and zoned for timber and agricultural uses. The smallest parcel was created in 1947, prior to any land use designation or zoning and is considered legal nonconforming with respect to parcel size. The LLA will actually decrease the severity of the nonconformance of the smaller parcel as it will become more conforming with respect to minimum parcel size. 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.

- 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. Lake Prairie Creek, a tributary to Redwood Creek is located just south of the subject parcels. No sensitive habitat was identified on site. The project was referred to the Eureka office of the California Department of Fish and Wildlife, however, they did not respond with any concerns.
- 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. The Department does not have record of any culturally sensitive sites located in or around the project location. The referral comments from Northwest Information Center (NWIC) indicated that their office had no record of any previous cultural resource studies and recommended consultation with the local tribes. The Bear River Band of the Rohnerville Rancheria did not respond with any concerns. Additionally, no development is proposed as the LLA is intended to provide additional buffer to the industrial timberlands. Nonetheless, the standard inadvertent discovery condition is included in the conditions of approval.
- 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 moderate slope instability and outside of any Alquist-Priolo Fault Hazard Area. According to FIRM Map Panel 1675, the property is approximately 4.5 miles away from the nearest 100-year flood zone associated with the Mad River. 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 Fire Department who provides structural fire protection as well as responding to medical emergencies. The LLA will provide the residentially developed parcel with greater control of fire prevention measures and create a greater buffer for defensible space.

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) All reviewing referral agencies have approved or conditionally approved the proposed project. The project will not result in changes in land use or density and will not create a new parcel. Additionally, the LLA will provide the residentially developed parcel with greater control of fire prevention measures and create a greater buffer for defensible space.

ZONE BOUNDARY ADJUSTMENT

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

- EVIDENCE:** a) The LLA involves a Zone Boundary Adjustment (ZBA) between lands zoned Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) and Timberland Production Zone (TPZ). The ZBA would adjust the zone boundary of the resultant 10-acre parcel such that the entire parcel is zoned Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)). This action would rezone approximately three acres from TPZ to AE-B-5(160). The Zone Boundary Adjustment would also rezone approximately six acres of the adjoining parcels from AE-B-5(160) into TPZ. The LLA will provide the smaller parcel an additional buffer to the adjacent industrial timberlands. The zone boundary is proposed to be coincidental with the new lot line as adjusted and avoid 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.

9. **FINDING:** The proposed change is consistent with the General Plan.

EVIDENCE: a) The properties involved in the ZBA are planned both Agriculture Grazing (AG) and Timber (T) by the Humboldt County General Plan. According to the Zoning Consistency Matrix of the Humboldt County General Plan, both the AG and T plan designations are both compatible with the AE and TPZ zoning.

10. 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.

11. 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; 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) These 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.

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

1. Finds the project to be categorically exempt from CEQA per Class 5, 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 having considered the recommendation of the Planning Commission; and
3. Approves the requested Lot Line Adjustment and Zone Boundary Adjustment as recommended by the Planning Commission at its July 29, 2021 meeting for Record No.: PLN-2021-16919; and

4. Adopts the Ordinance amending Section 311-7 of the Humboldt County Code to rezone property in the Korbel area out of Timberland Production Zone (TPZ) to Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) and from Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) to Timberland Production Zone (TPZ) in conformance with the mapping prepared for PLN-2021-16919 (Blanc)("Ordinance").

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

1. The Zone District for the subject property shall be amended from Timberland Production Zone (TPZ) to Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) and from Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) to Timberland Production Zone (TPZ); and
2. 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
3. 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
4. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

Virginia Bass

Virginia Bass

Chair, Board of Supervisors

Adopted on motion by Supervisor Bohn, seconded by Supervisor Wilson and the following vote:

AYES: Supervisors-- Bohn, Wilson, Bass, Bushnell, Madrone

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