

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

**Certified copy of portion of proceedings; Meeting on December 7, 2021**

**RESOLUTION NO. 21-141**

**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 MYERS FLAT AREA FROM TIMBERLAND PRODUCTION ZONE (TPZ) TO UNCLASSIFIED (U) AND FROM UNCLASSIFIED (U) TO TIMBERLAND PRODUCTION ZONE (TPZ); RECORD NUMBER: PLN-2020-16327; ASSESSOR PARCEL NUMBERS: 211-302-001, 217-191-003.**

**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 Unclassified (U), and from Unclassified (U) 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 May 6, 2021; and

**WHEREAS**, at its May 6, 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:** The application is a Lot Line Adjustment (LLA) between two parcels resulting in two parcels of approximately 31.6 acres and 1.4 acres. Also included in the project is a Zone Boundary

Adjustment to adjust the zone boundary between U and TPZ to follow the adjusted parcel lines. The purpose of the LLA is to remedy a long-standing encroachment of a residence and curtilage area on the Humboldt Redwood property. No development is proposed.

**EVIDENCE:** a) Project File: PLN-2020-16327

**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 remedy long-standing encroachment of a residence and curtilage area on the Humboldt Redwood Company property. 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 217-191-003 was created by a Deed, conveying land from Cyphers to Stevens, filed in Volume 264 of Official Records, Page 229 on September 18, 1953. The approximately 31.6-acre (aliquot 40-acre) parcel is a portion of APN 211-302-001 and was created by a Land Patent (Certificate N0. 5836) to Robert Robertson on January 24, 1890. Both parcels were created legally.

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

**EVIDENCE:** a) The parcels are zoned Unclassified (U) 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 two parcels with each parcel exchanging approximately 9,000 square feet with the other. The current residence crosses a property line and after the LLA, all development standards will be met. The new zone boundary will follow the new property lines.

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

**EVIDENCE:** a) General Plan Ch. 4: The Residential Agriculture (RA) designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. 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 will continue to be utilized for timber production.

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. The smaller resultant parcel is planned and zoned for rural residential uses while the larger resultant parcel is planned and zoned for timber and agricultural uses. No development is proposed with the LLA, and future development and uses on the project parcels will not have any impact 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. A tributary to the Eel River is located over 1,000 feet to the north of the project site. 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 NWIC indicated that their office had no record of any previous cultural resource studies and recommended consultation with the local tribes. Neither the Bear River Band of the Rohnerville Rancheria, nor the Intertribal Sinkyone Wilderness Council responded with any concerns. Additionally, no development is proposed as the LLA is intended to correct a house built over a property line. 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 3,500 feet away from the nearest 100-year flood zone associated with the Eel 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 also within the Fruitland Ridge Fire Protection District who provides structural fire 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) 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.

**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 Unclassified (U) and Timberland Production Zone (TPZ). The LLA involves an equal exchange of approximately 9,000 square feet of land between the two parcels. The LLA will correct a situation where

a home is built across a property line. 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 corrects a nonconforming situation 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 Residential Agriculture (RA) and Timber (T) by the Humboldt County General Plan. As the zone change is minor in nature (approximately 9,000 square feet), the underlying general plan designation will be amended during the next scheduled quarterly amendment package. This will assure the zoning remains consistent with the General Plan designation. the above LLA discussion.

**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:

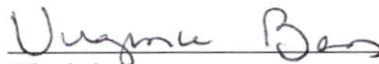
1. Finds the project to be categorically exempt from CEQA per Class 5, Section 15305(a) and Section 15061(b)(3) of the CEQA Guidelines, and finds that there is no substantial

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 May 6, 2021 meeting for Record No.: PLN-2020-16327; and
4. Adopts the Ordinance amending Section 311-7 of the Humboldt County Code to rezone property in the Myers Flat from Timberland Production Zone (TPZ) to Unclassified (U) and from Unclassified (U) to Timberland Production Zone (TPZ) in conformance with the mapping prepared for PLN-2020-16327 (Martin)(“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 Unclassified (U) and from Unclassified (U) 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  
Chair, Board of Supervisors

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

AYES: Supervisors-- Bohn, Bushnell, Bass, Wilson, Madrone  
NOES: Supervisors--NONE  
ABSENT: Supervisors-- NONE  
ABSTAIN: Supervisors-- NONE

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

Humboldt County Board of Supervisors