

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT**

Resolution Number _____

Record Number PLN-14387-LLA

Assessor's Parcel Numbers: 220-271-001, 220-282-012, 220-282-013, 220-301-007

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on May 2, 2023.

Resolution No. ____ Resolution of the Board of Supervisors of the County of Humboldt adopting findings for certifying compliance with the California Environmental Quality Act, and approve the Lot Line Adjustment and Zone Boundary Adjustment to adjust the zone boundary between the Timberland Production Zone (TPZ) and the Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)) zone to follow the new lines adjusted by the LLA, rezoning approximately 4.8 acres of Unclassified (U) into Timberland Production Zone (TPZ), approximately 4.8 acres of Timberland Production Zone (TPZ) into Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)) and approximately 79 acres of Unclassified (U) into Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)), approving the Carolan ZBA & LLA, PLN-14387-LLA.

WHEREAS, the Planning and Building Department 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 said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on September 5, 2019; and

WHEREAS, at its September 5, 2019 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 May 2, 2023, and reviewed, considered, and discussed the application and CEQA exemptions 15305(a), 15063(b)(3) and 15264 and the project (PLN-14387-LLA); and reviewed and considered all public testimony and evidence presented at the hearing; and

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

- 1. FINDING:** **Project Description:** The applicant is proposing a Lot Line Adjustment between three parcels resulting in three parcels of approximately 83 acres, 155 acres and 140 acres. A Zone Boundary Adjustment (ZBA) is also included to adjust the zone boundary between the Timberland Production Zone (TPZ) and the Forestry Recreation with a 40-acre minimum parcel

size (FR-B-5(40)) zone to follow the new lines adjusted by the LLA. The project will also remedy a violation of the Subdivision Map Act by merging APN 220-282-012 into 220-282-013 prior to adjustment. The parcels are developed with single family residences and accessory structures. The parcels are served with on-site water and on-site wastewater systems. The purpose of the LLA is to remedy a situation where structures were built across property lines.

EVIDENCE: a) Project File: PLN-14387-LLA

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), Section 15061(b)(3) and Section 15264 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), Section 15061(b)(3) and statutorily exempt per Section 15264 of the CEQA Guidelines. The LLA does not result in a change in land use or overall density and is intended to remedy construction over a property line. 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. Additionally, a small portion of lands will be zoned Timberland Production Zone (TPZ) which is exempt per Section 15264 (Timberland Preserves).

b) The LLA does not result in a change in land use or overall density and is intended to remedy construction over a property line. Section 15305(a) applies to minor lot line adjustments not resulting in the creation of any new parcel.

c) No ground disturbing activities are proposed. The adjusting of lot lines and rezoning has no possibility of having a significant effect on the environment consistent with Section 15061(b)(3).

d) The zoning of approximately 4.9 acres into Timberland Production Zone (TPZ) falls under Section 15264 which states: "Local agencies are exempt from the requirement to prepare an EIR or Negative Declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code Sec. 51119)."

FINDINGS FOR LOT LINE ADJUSTMENT & ZONE BOUNDARY ADJUSTMENT

3. FINDING The Lot Line Adjustment application is complete.

EVIDENCE a) Project File: PLN-14387-LLA.

- 4. FINDING** The project is consistent with the Subdivision Map Act.
- EVIDENCE** a) Two of the four parcels were created in compliance with the Subdivision Map Act and two were not. APN 220-271-001 is an intact patent and a separate, legal parcel. APN 220-301-007 is a separate, legal parcel created lawfully by a Deed (conveyance) in 1971. APN 220-282-012 was created in violation of the Subdivision Map Act when it was conveyed from 220-282-013 in 1973. Prior to that date, APNs 220-282-012 and 220-282-013 made up a separate, legal parcel created by a conveyance in 1970. The proposed LLA will merge APNs 220-282-012 and 220-282-013 to remedy the subdivision violation prior to adjusting with the adjacent parcels. The LLA will then result in three separate, legal parcels.
- 5. FINDING** The project conforms to zoning and building ordinances.
- EVIDENCE** a) The parcels are zoned Timberland Production Zone (TPZ), Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)) and Unclassified (U), with the U lands being rezoned either TPZ or FR-B-5(40). No development is associated with the project proposal. The project will adjust the parcel lines between three parcels with an equal exchange of approximately 4.9 acres between two of them. Two of the parcels are developed residentially and the third is vacant. The purpose of the LLA is to correct a nonconforming setback and structures built across property lines. After the parcels are adjusted, all development standards, including setbacks, parcel size and lot coverage, will be met and no new development or groundbreaking activities are proposed. 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 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 parcels are utilized for rural residential uses and suitable for timber production and will continue to be used as such. The project is therefore consistent with the goals of the Land Use Element of the General Plan.
- b) General Plan Ch. 10: The Open Space 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. Portions of the parcels are planned for timber and agricultural uses and are therefore part of the County's Open Space Plan and Action Program. 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. By adjusting the property lines to accommodate existing encroachments, thereby, creating more manageable

agricultural management units, the Lot Line Adjustment is consistent with the Open Space Plan and the Open Space Action Program.

- 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. No impacts to biological resources will result from this LLA or ZBA. A portion of Miller Creek and a tributary to Miller Creek flow through the subject property. According to the California Natural Diversity Database, the project site does not contain potential habitat for any special status species. No physical development is associated with this Lot Line Adjustment, therefore, no impacts to sensitive species is expected. 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. No impacts to cultural resources will result from this LLA or ZBA. The Department does not have a record of any culturally sensitive sites located in or around the project location. The project was referred to the Northwest Information Center, the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The referral comments from NWIC indicated that their office had record of one study that identified no cultural resources. Given that the lot line adjustment will not result in any ground disturbing activities and is solely to correct a setback issue created decades ago, the project can be viewed as having no likelihood of impacting cultural resources. The standard inadvertent discovery condition is included among the recommended conditions of approval in the Informational notes.

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 that responded to the County have approved or conditionally approved the proposed project. The application is complete. Parcels to be adjusted are found to be in compliance with the Subdivision Map Act. The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances. With no groundbreaking activities proposed, there are no physical impacts associated with the project which could impact public health, safety, or welfare.

8. FINDING

The proposed project is in the public interest.

EVIDENCE a) The LLA involves a Zone Boundary Adjustment (ZBA) between lands zoned Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)) and Timberland Production Zone (TPZ). The zone boundary is proposed to be coincidental with the new lot line as adjusted and avoid the creation of 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.

9. 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) Although APNs 220-282-012 and 220-282-013 are not separate legal parcels, they were listed on the Humboldt County Housing Inventory as contributing one housing unit each to meet the unincorporated County's moderate and above moderate income households housing needs for this Housing Element planning period. As these two APNs will be merged to remedy a subdivision violation, only one unit contributing to the Housing Inventory (Accessory Dwelling Units do not count towards density) could be constructed. Nonetheless, The County is obligated to accommodate its Regional Housing Need Allocation of 512 moderate and above moderate income households this Housing Element planning period (Housing Element Table 8-5, Projected Housing Need). The Housing Element indicates that the County has an inventory of 1,566 units to meet the moderate and above moderate need. Therefore, with the loss of this one unit, the County would still have a surplus inventory available to meet the projected housing need. The loss of this parcel from the Housing Inventory will not reduce the residential density below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.

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

1. Adopt the findings set forth in this resolution; and
2. Approve the requested Lot Line Adjustment and Zone Boundary Adjustment as recommended by Planning Commission at its September 5, 2019, meeting per Record No. PLN-14387-LLA; and
3. Adopt the Ordinance No. ____ amending section 311-7 of the Humboldt County Code to rezone property in the Briceland area, through immediate conversion

approximately 4.8 acres of Timberland Production Zone (TPZ) into Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)), approximately 4.8 acres of Unclassified (U) into Timberland Production Zone (TPZ) and approximately 79 acres of Unclassified (U) into Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)); and

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

- a. The Zone District for the subject property shall be amended from Timberland Production Zone (TPZ) to Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)), from Unclassified (U) into Timberland Production Zone (TPZ) and from Unclassified (U) into Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)); and
- b. 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
- c. 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
- d. Direct the Clerk of the Board to publish a summary of the Ordinance within 30 days after its adoption.

Steve Madrone,
Chair, Board of Supervisors

Adopted on motion by Supervisor seconded by Supervisor 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

NIKKI TURNER

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