



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT**

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: September 3, 2020

To: John H. Ford, Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Subject: **Sousa Coastal Development Permit and Lot Line Adjustment**
Case Number PLN-2019-15975
Assessor Parcel Number (APN) 100-181-004, 100-162-018, and 100-231-002
1014 Port Kenyon Rd, Ferndale area

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Please contact Alyssa Suarez, Planner, at 268-3703, or by email at asuarez@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 3, 2020	Subject Coastal Development Permit and Lot Line Adjustment	Contact Alyssa Suarez
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Project: A Coastal Development Permit (CDP) to facilitate a Lot Line Adjustment (LLA) and the construction of a new garage. The LLA is between two parcels resulting in two parcels of approximately 2.0 acres and 26 acres in size. Additionally, a 1,200 square foot garage is proposed on the resultant 2-acre parcel as an accessory to the single-family residence. The smaller resultant parcel is developed with a single-family residence, barn, accessory structures, and will continue to support farm animals for personal use. The adjustment will consolidate the pastureland and will maximize the amount of land used for agriculture from 9.04 acres to 26.74 acres. The purpose for the LLA is to separate the leased agricultural lands from the smaller resulting parcel that is under new ownership. A rural parcel size analysis was conducted for the project and includes 28 surrounding parcels. The developed parcel is served community water by Del Oro Water Co. and sewer is provided by the City of Ferndale.

Parcel	APN	Creation Document	Area Before LLA	Area After LLA
1	100-181-004	The parcel is described by deed recorded in Book 148 of Deeds Page 90 Records of Humboldt County executed November 28, 1919. The parcel is a remnant from deed described in Volume 686 of Official records Page 361 recorded May 9, 1962.	19.7 acres	2.0 acres
2	100-231-002 and 100-162-018	The parcel is described in Book 150 of Deeds, page 411 recorded November 18, 1920, Humboldt County Records.	9.04 acres	26.74 acres

Project Location: The project is located in the Ferndale area, on the west side of California Street, approximately 1,060 feet south from the intersection of Port Kenyon Road and California Street, on the property known as 1776 California Street and on the properties known to be in the southwest quarter of the southeast quarter of Section 35 of Township 03 North, Range 02 West, Humboldt Base & Meridian.

Plan Designations: Agriculture Exclusive/Prime and Non-prime Lands (AE) Density: Range is 20 to 60 acres per unit, Eel River Area Plan (ERAP), 2017 General Plan, Slope Stability: Relatively Stable (0).

Present Zoning: Agricultural Exclusive: 60 acres minimum (AE-60), Flood Hazard Area (F), Streams and Riparian Corridor Protection (R)

Assessor Parcel Number: 100-181-004, 100-162-018, and 100-231-002

Case Number: PLN-2019-15975

Applicant

Jared and Courtney Sousa
1014 Port Kenyon Rd
Ferndale, CA 95536

Owner

Same as applicant and
Elias and Marilyn Sousa
241 Meridian Rd.
Ferndale, CA 95536

Agent

N/A

Environmental Review: Project is categorically exempt from environmental review per Section 15303 – New Construction or Conversion of Small Structures and 15305 - Minor Alterations in Land Use Limitations of the CEQA Guidelines.

Major Issues: None.

State Appeal Status: The project is appealable to the California Coastal Commission.

SOUSA COASTAL DEVELOPMENT PERMIT AND LOT LINE ADJUSTMENT

Case Number PLN-2019-15975

Assessor Parcel Number 100-181-004, 100-162-018, and 100-231-002

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find the project exempt from environmental review pursuant to Section 15303 and 15305 of the State CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit and Lot Line Adjustment, based on evidence in the staff report, and adopt the Resolution approving the Sousa project subject to the recommended conditions.

Executive Summary: The project involves a Coastal Development Permit (CDP) to facilitate a Lot Line Adjustment (LLA) and the construction of a new garage. The LLA is between two parcels resulting in two parcels of approximately 2.0 acres and 26 acres in size. Additionally, a 1,200 square foot garage is proposed on the resultant 2-acre parcel. The adjustment will consolidate the pastureland and will maximize the amount of land used for agriculture from 9.04 acres to 26.74 acres. The purpose for the LLA is to separate the leased agricultural lands from the smaller resulting parcel that is under new ownership. A rural parcel size analysis was conducted for the project and includes 28 surrounding parcels. The developed parcel is served community water by Del Oro Water Co. and sewer is provided by the City of Ferndale.

The project is located in the Ferndale area, on the west side of California Street, approximately 1,060 feet south from the intersection of Port Kenyon Road and California Street, on the property known as 1776 California Street. The parcels of interest are comprised of three Assessor Parcel Numbers but contain two, separate legal lots. The smaller resultant parcel is developed with a 2,408 square foot single-family residence, 3,234 square foot barn, three sheds totaling 1,271 square feet, two garages totaling 916 square feet, and will continue to support farm animals for personal use. The resultant 26-acre parcel is vacant and is leased for cattle grazing. No development is proposed on the larger, consolidated agriculture land. Assessor Parcel Number 100-181-004 is located entirely within the Local jurisdiction of the Coastal Zone. Assessor Parcel Numbers 100-231-002 and 100-162-018 are located within both the State and Local jurisdiction of the Coastal Zone and the applicant is required to obtain a Coastal Development Permit (or Waiver) from the California Coastal Commission for the Lot Line Adjustment.

The parcels are zoned Agriculture Exclusive with a minimum parcel size of 60-acres (AE-60). The proposed garage is principally permitted as accessory to the principally permitted single-family residence. Both parcels are nonconforming to minimum lot size requirements in the AE-60 Zone, and the LLA will begin and result with two substandard lots. The Flood Hazard Area (F) Combining Zone is applicable to the subject parcel and associated with flooding hazards from the Eel River, Francis Creek, and Salt River. The parcels also contain a Streams and Riparian Corridor Protection (R) Combining Zone. The proposed development is not anticipated to cause any potential degradation to environmentally sensitive habitat, including wetland habitat values.

The project is consistent with the Eel River Area Plan (ERAP) and the Humboldt County Zoning Code (HCC) for the following reasons: 1) the project is a LLA between two parcels zoned Agriculture Exclusive and will facilitate the construction of a new garage which is accessory to a principal use, 2) the proposed development complies with all development standards of the zone, and 3) the proposed development will not have adverse impacts on the neighborhood or the

environment. The Department believes that the proposed project may be found Categorically Exempt from environmental review pursuant to Section 15305(a). This exemption includes lot line adjustments in areas with an average slope of less than 20%, and which do not result in any changes in land use or density. The construction of the garage qualifies for exemption pursuant to Section 15303(e) of the CEQA guidelines which include new construction for accessory structures, including garages.

Based upon the on-site inspection conducted by the Building Inspection Division, a review of Planning Division reference sources, and comments from all responding referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if the applicant is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

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

Resolution Number 20-

**Case Number: PLN-2019-15975;
Assessor Parcel Number: 100-181-004, 100-162-018, and 100-231-002**

Making the required findings for certifying compliance with the California Environmental Quality Act and conditionally approving the Sousa Coastal Development Permit and Lot Line Adjustment.

WHEREAS, Jared and Courtney Sousa submitted an application and evidence in support of approving the Coastal Development Permit and Lot Line Adjustment; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is exempt from environmental review pursuant to Section 15303 (New Construction and conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Coastal Development Permit and Lot Line Adjustment (Record Number PLN-2019-15975) subject to the recommended Conditions of Approval; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on September 3, 2020; and

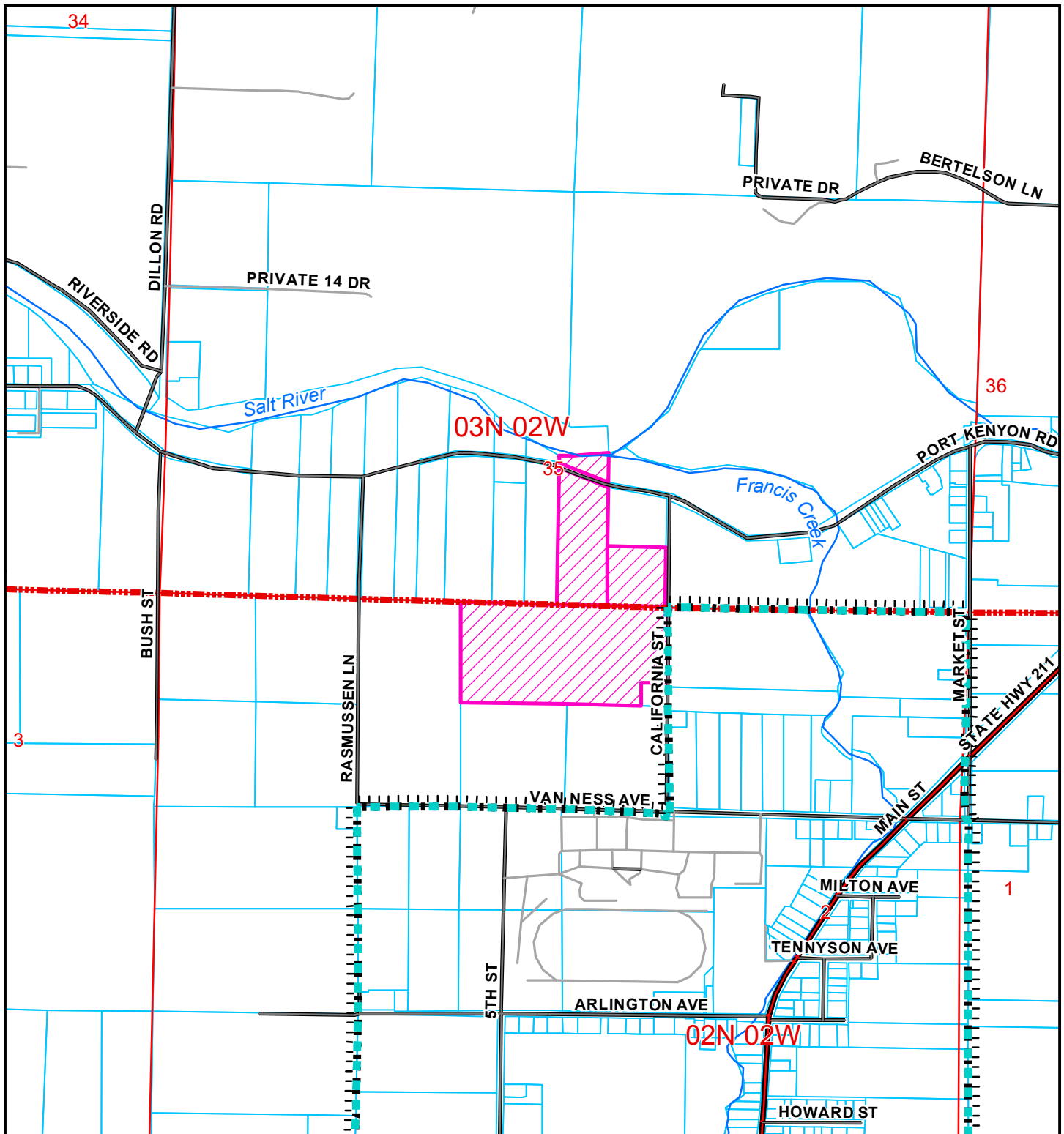
NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator:

1. Finds the proposed project is exempt from environmental review pursuant to Section 15303 (New Construction and conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines; and
2. Makes the findings in Attachment 2 of the Planning Division staff report for Record Number PLN-2019-15975 based on the submitted evidence and public testimony received; and
3. Approves the Coastal Development Permit and Lot Line Adjustment (Record Number PLN-2019-15975) as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on September 3, 2020.

I, John 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 Zoning Administrator at a meeting held on the date noted above.

John Ford, Zoning Administrator



LOCATION MAP

PROPOSED SOUSA
LOT LINE ADJUSTMENT
FERNDALE AREA
PLN-2019-15975

APN: 100-181-004 et al
T02N R02W S02 &
T03N R02W S35 HB&M (Ferndale)

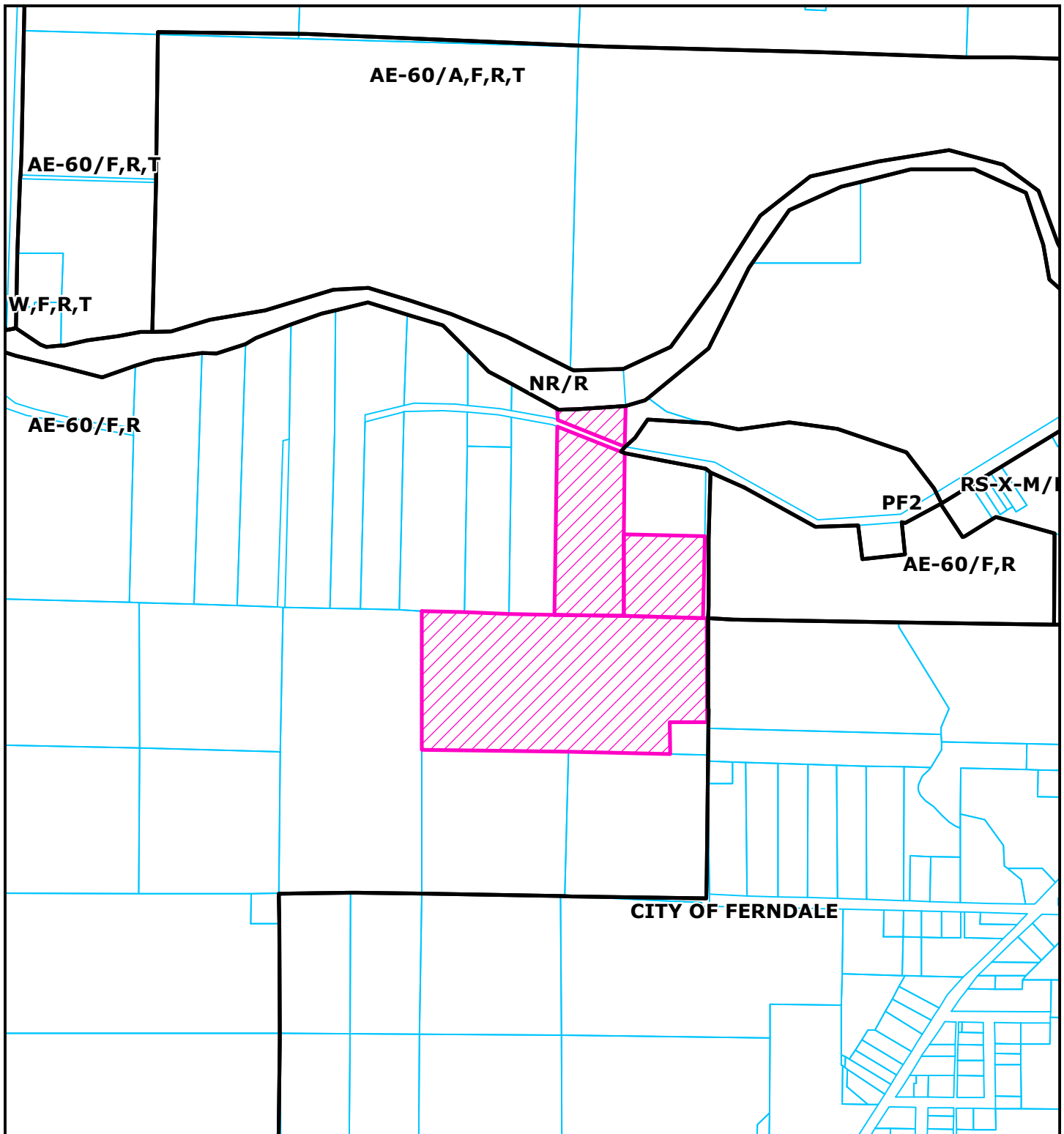
Project Area = 

Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



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Feet



ZONING MAP

**PROPOSED SOUSA
LOT LINE ADJUSTMENT
FERNDALE AREA
PLN-2019-15975**

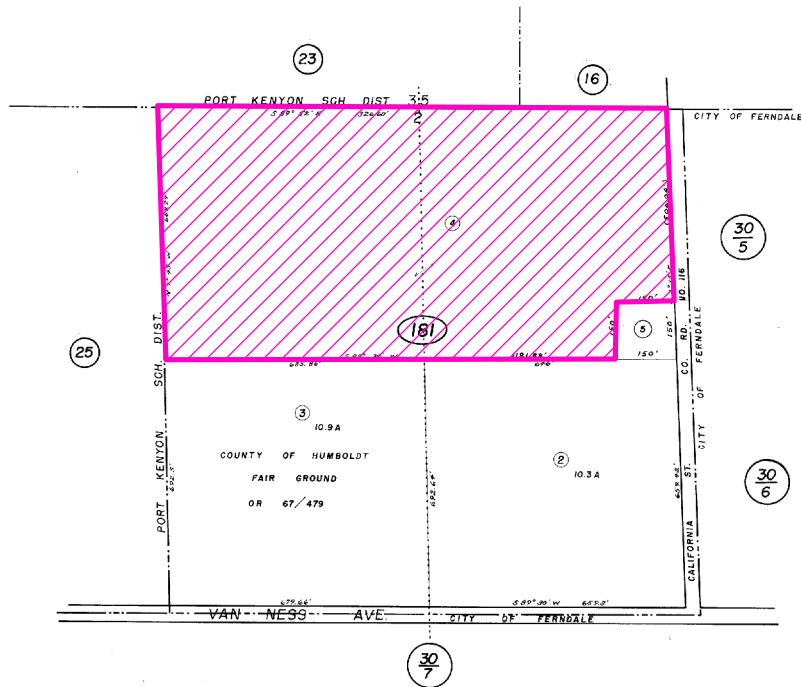
**APN: 100-181-004 et al
T02N R02W S02 &
T03N R02W S35 HB&M (Ferndale)**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



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 Feet

$$I^{21} = 200^1$$


ASSESSOR PARCEL MAP

PROPOSED SOUSA LOT LINE ADJUSTMENT FERNDALE AREA

PLN-2019-15975

APN: 100-181-004 et al

T02N R02W S02 &

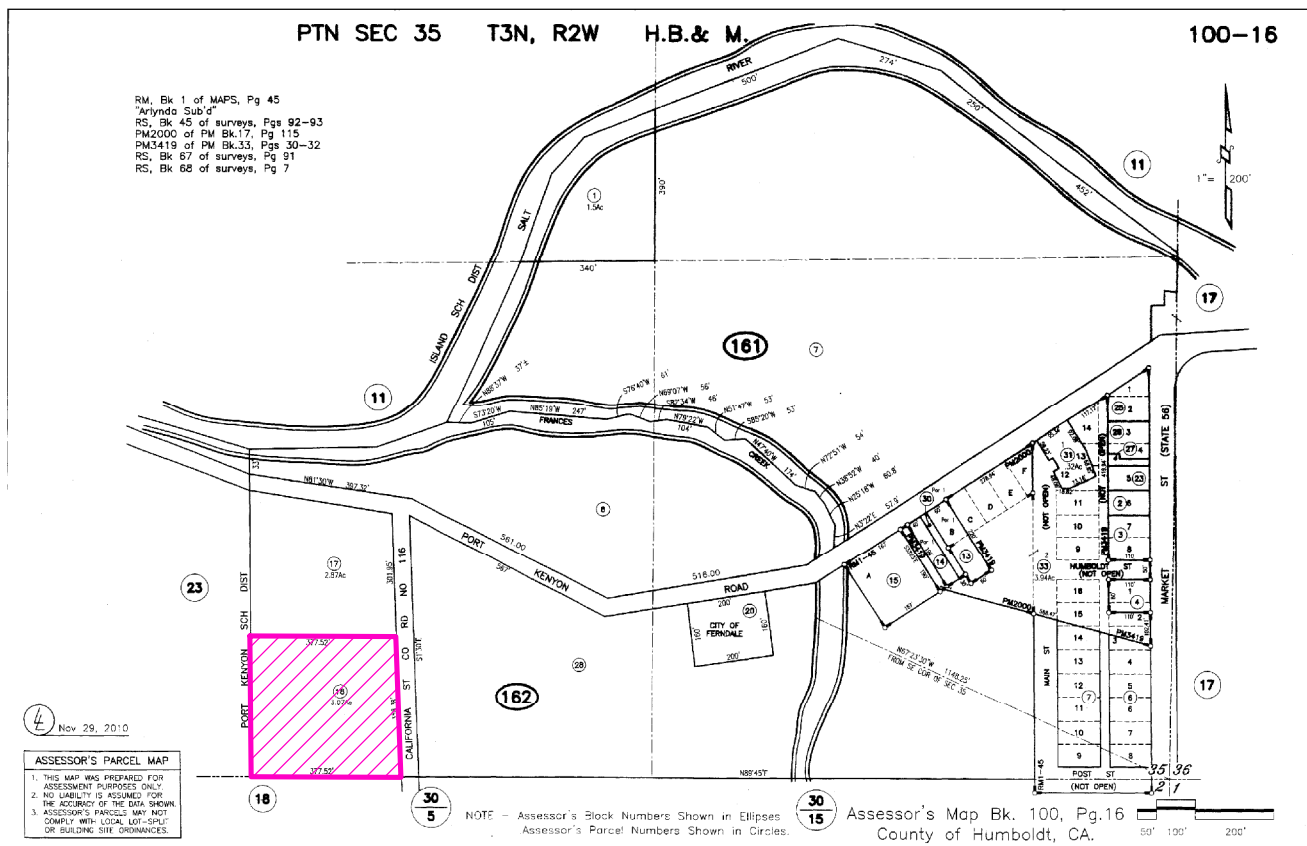
T03N R02W S35 HB&M (Ferndale)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



MAP NOT TO SCALE



ASSESSOR PARCEL MAP

PROPOSED SOUSA LOT LINE ADJUSTMENT FERNDAL AREA

PLN-2019-15975

APN: 100-181-004 et al

T02N R02W S02 &

T03N R02W S35 HB&M (Ferndale)

Project Area = 

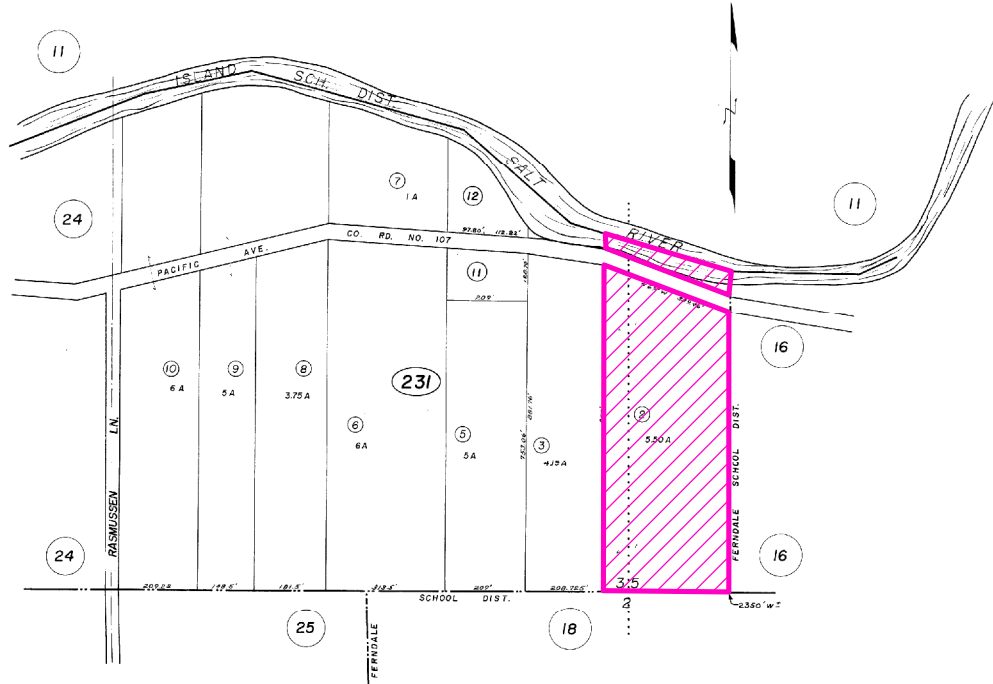
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MAP NOT TO SCALE

PTN SEC 35 3 N 2 W

100-23

1" = 200'



ASSESSOR PARCEL MAP

PROPOSED SOUSA
LOT LINE ADJUSTMENT
FERNDALE AREA

PLN-2019-15975

APN: 100-181-004 et al

T02N R02W S02 &

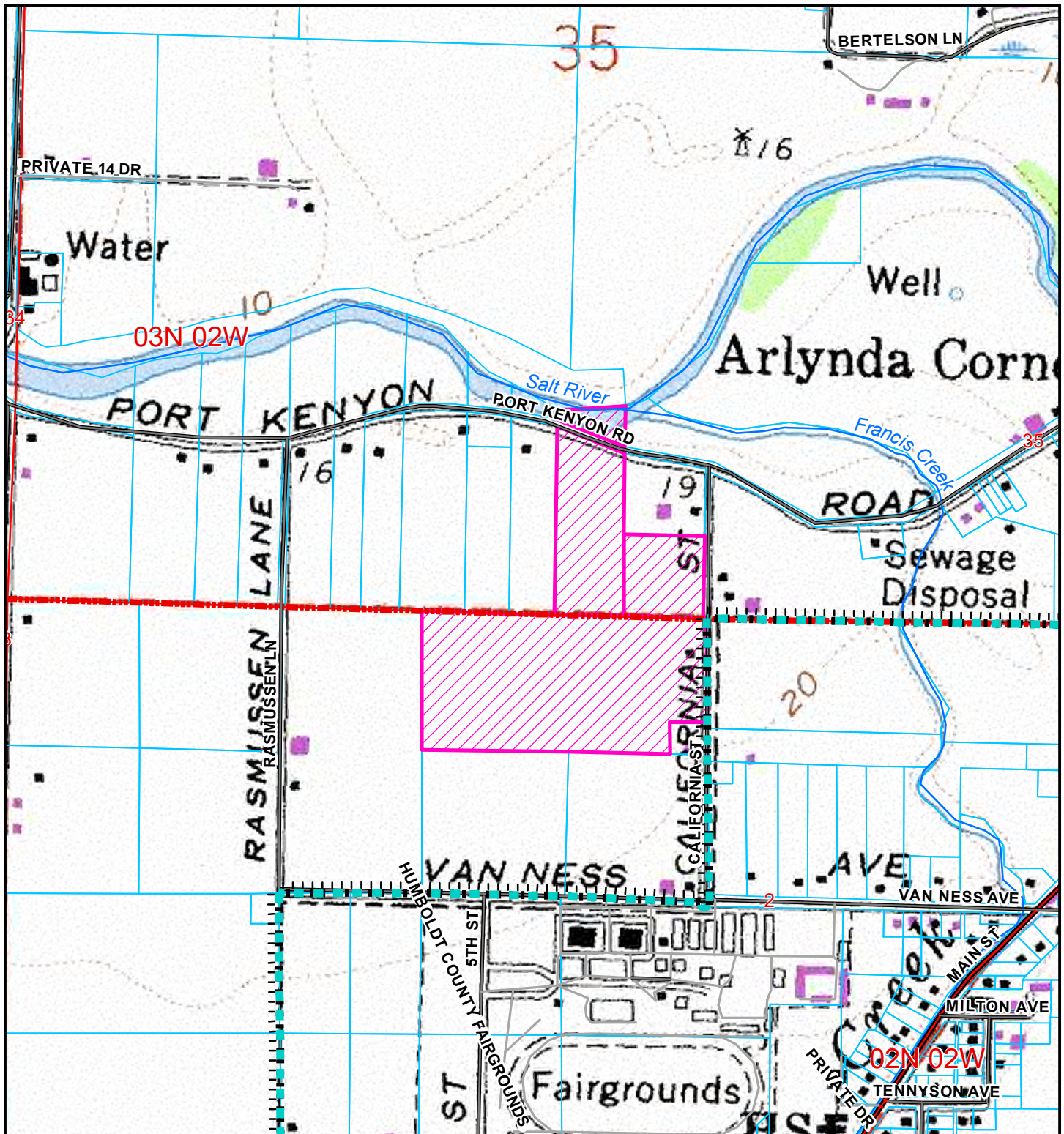
T03N R02W S35 HB&M (Ferndale)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



MAP NOT TO SCALE



TOPO MAP

PROPOSED SOUSA
LOT LINE ADJUSTMENT
FERNDALE AREA
PLN-2019-15975

APN: 100-181-004 et al
T02N R02W S02 &
T03N R02W S35 HB&M (Ferndale)

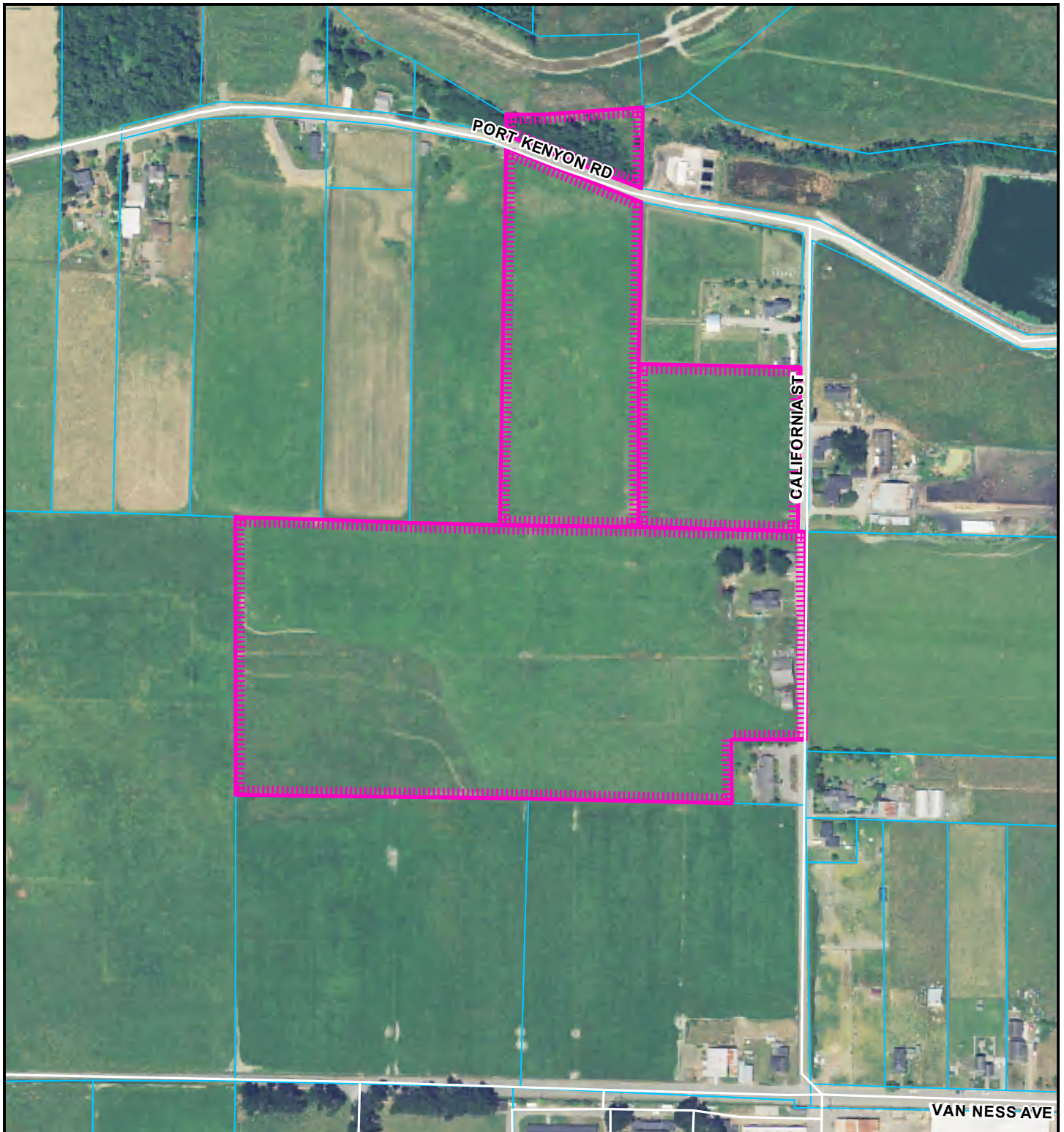
Project Area = 

Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



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Feet



AERIAL MAP


**PROPOSED SOUSA
LOT LINE ADJUSTMENT
FERNDALE AREA
PLN-2019-15975**

**APN: 100-181-004 et al
T02N R02W S02 &
T03N R02W S35 HB&M (Ferndale)**

Project Area = 

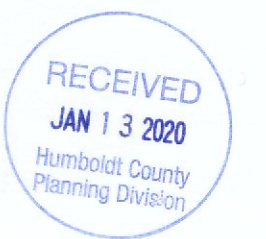
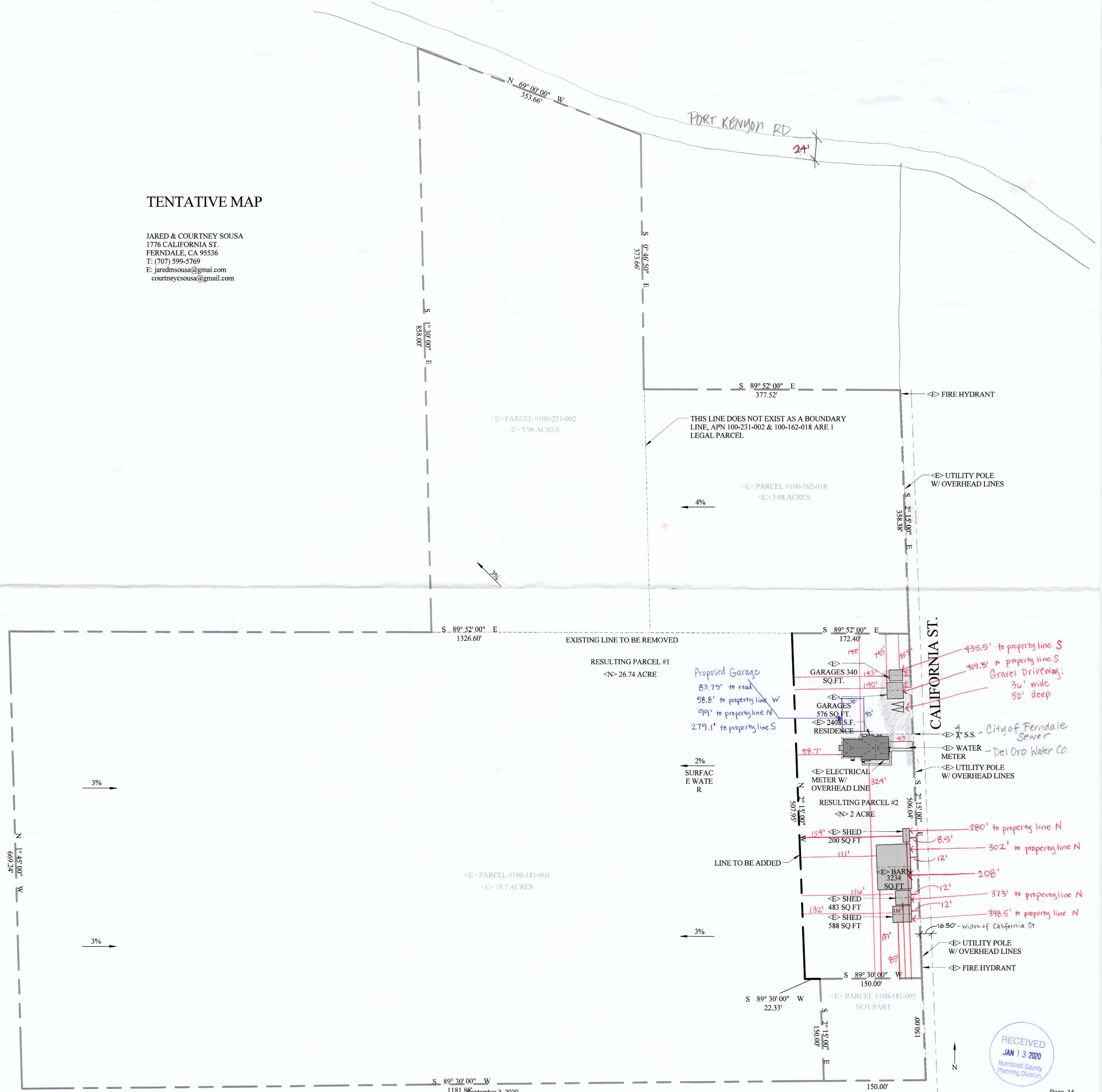
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 100 200 300
 Feet

TENTATIVE MAP

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E: jaredmsousa@gmail.com
courtneycousa@gmail.com



ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit and Lot Line Adjustment is conditioned upon the following terms and requirements which must be fulfilled before a building permit may be issued or use initiated.

1. A Conveyance and Agreement of development rights shall be executed for the resultant 26-acre parcel for the purposes of conveying the residential development rights to the County. The Agreement shall be submitted for review to the Planning Division, along with applicable recording and processing fees.
2. A Conservation Easement shall be established for the resultant 26-acre parcel for the purposes of protecting and conserving the existing and future agriculture uses on the parcel.
3. The applicant must secure a Coastal Development Permit (or Waiver) from the California Coastal Commission for the Lot Line Adjustment.
4. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" form for each parcel.
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$415.00 per notice plus \$280.00 for each additional legal description plus applicable recordation fees).

When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.

5. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75.00) as required by the County Assessor shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
6. The Applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the Applicant after the Zoning Administrator decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

Informational Notes:

1. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with Native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers (THPOs) for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include, but are not limited to, obsidian or chert flakes, tools, locally darkened midden soils, ground-stone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include, but are not limited to, 19th century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.

Should known or suspected Native American skeletal remains or burials be inadvertently discovered, the provisions of Section 7050.5 of the California Health & Safety Code and Section 5097.98 of the Public Resources Code shall apply (see at <http://www.nahc.ca.gov/profguide.html>).

Informational Notes:

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey..."
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: items 1-6) as a package at least four (4) weeks before the desired date for recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is no charge for the first post project approval meeting. Please contact the Planning Division at (707) 445-7541 for copies of all required forms and written instructions.
4. This permit shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.

The applicant is responsible for ensuring compliance with this condition.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

3. The Coastal Development Permit and Lot Line Adjustment shall expire and become null and void at the expiration of one (3) years after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

ATTACHMENT 2
STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

The Zoning Ordinance, Sections 312-1.1.2 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit and Lot Line Adjustment:

1. The proposed development is in conformance with the County General Plan and Eel River Area Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. 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.
5. 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.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a) is categorically or statutorily exempt; or
 - b) will not have a significant effect on the environment and a negative declaration has been prepared; or
 - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

STAFF ANALYSIS

1. The application is complete: The following table identifies the evidence which supports the finding that the applicant has submitted the information which is required by Section 325.5-6(a) of the Humboldt County Code.

Application Requirements	Submitted	Not Submitted
Completed and Signed Application Form	✓	
Copies of Present Owners Deeds	✓	
Preliminary Title Report	✓	
Copy of the Creation Documents for the parcels	✓	
6 Copies of a Lot Line Adjustment Plot Plan	✓	
Required County Fees	✓	
A Written Statement Explaining the Reasons For the Adjustment	✓	

2. Consistency with the Subdivision Map Act: The following table identifies the evidence which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code (See also Sections 4 and 5, General Plan Conformance per SB 497).

Parcel	Creation Document	Parcel Legality
100-181-004	The parcel is described by deed recorded in Book 148 of Deeds Page 90 Records of Humboldt County executed November 28, 1919. The parcel is a remnant from deed described in Volume 686 of Official records Page 361 recorded May 9, 1962.	One, separate legal parcel
100-231-002 and 100-162- 018	The parcel is described in Book 150 of Deeds, page 411 recorded November 18, 1920, Humboldt County Records.	One, separate legal parcel containing two Assessor Parcel Numbers

Based upon requirements of the County Lot Line Adjustment Ordinance, and due to requirements in the Subdivision Map Act, a Notice of Lot Line Adjustment must be recorded for each resultant parcel.

3. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County General Plan and Eel River Area Plan (ERAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence which Supports Making the General Plan Conformance Finding
Land Use §5.20 (ERAP)	The Agriculture Exclusive (AE) designation applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Density is	The proposed project is a CDP to facilitate the construction of a 1,200 square foot garage and a Lot Line Adjustment between two parcels that will result in two parcels of approximately 2-acres and 26.74 acres.
Housing §3.26 (ERAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The project will not add to nor subtract from the County Housing Inventory. The project is to facilitate the construction of a garage that is accessory to a principally permitted residence and a Lot Line Adjustment between two parcels.
Hazards §3.28 (ERAP)	New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard.	<p>The project is located in a relatively stable (0) geologic area.</p> <p>The parcel is located in a 100-year flood zone (Zone AE) according to FEMA Flood Map No. 1184F. Flood hazards are associated with the Eel River, Francis Creek and the Salt River to the north, a tributary to the Eel River. The construction of the garage must be consistent with Humboldt County Flood Ordinance and may require a Flood Elevation Certificate. Given the structure will not be used for human occupancy, no risks to life or property are anticipated.</p> <p>The parcel is located in the Local Response Area. The parcel is serviced by the Ferndale Fire Protection District who responds to structural fires and medical emergencies. Based on these findings, the proposed development does not increase risks to hazards.</p>

Biological Resources §3.40 (ERAP)	Protect designated sensitive and critical resource habitats.	According to the California Natural Diversity Database, the parcel is located within habitat occupied by the obscure bumble bee (<i>Bombus caliginosus</i>). No referral agencies cited any potential issue regarding biological resources. No threats to sensitive and critical habitats are expected as the proposed garage will be located closest to existing development, and the consolidation of agricultural land will restrict any non-agriculture development, including farm dwellings, on the resulting open pasture.
Archaeological and Paleontological Resources §3.29 (ERAP)	Mitigation measures shall be provided to prevent and/or offset any adverse impacts to archaeological and/or paleontological resources.	The project was referred to the Northwest Information Center, Wiyot Tribe, and Bear River Band of the Rohnerville Rancheria. According to Bear River, no cultural resources are associated with the parcel. The standard inadvertent archaeological discovery protocol has been added to the Condition of Approval.
Visual Resources §3.42 (ERAP)	Protect and conserve scenic and visual qualities of coastal areas. In Coastal View Areas, no development shall block coastal views to the detriment of the public.	The subject parcel is not located in a designated coastal or scenic area. Additionally, the parcel is not located adjacent to, or along the ocean. Therefore, the proposed project will not adversely impact scenic and visual qualities of coastal areas.
Access §3.50 (ERAP)	Protect public rights and provide access to shoreline and the coast except where to do so would be inconsistent with public safety or protection of fragile coastal resources, adequate public access exists nearby, or agriculture would be adversely affected.	The parcel is not included in the coastal access inventory found in Section 4.80 of the ERAP. Nor is the subject property in the vicinity of an existing or potential coastal access point. Therefore, the proposed project will not adversely impact public coastal access.

<p>Agriculture - Rural Lands §3.34 (ERAP)</p> <p>***30241 The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy and conflicts shall be minimized between agricultural and urban land uses through all of the following:</p>	<p>(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land</p>	<p>(a) The subject property lies adjacent to the city limits of Ferndale along California Street. While the adjoining uses are principally low density residential and agriculture on parcels of comparable size, they lie within the incorporated limits of the City of Ferndale and future urban development could occur beyond the control of the County. The residence on the subject property receives City sewer service from the sewer main in California Street. Given the parcel is served community services, and adjacent to land designated public facilities and residential low density, it may be considered subject to conflicts with urban land uses.</p>
	<p>(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development uses.</p>	<p>(b) The lot line adjustment will place the existing homesite on a 2-acre parcel fronting on California Street. The adjustment will consolidate the pastureland and will maximize the amount of land used for agriculture from 9.04 acres to 26.74 acres. Given the proximity to residential development and city limits of Ferndale, the resultant parcel fits in well with the character of the neighborhood and will allow the leased agricultural land to be consolidated, ultimately maximizing agricultural productivity. Restricting future residential development on the consolidated pasture lands through a conservation easement and conveyance of development rights will provide a stable limit to urban development uses.</p>
	<p>(c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.</p>	<p>(c) The adjustment will facilitate an estate distribution and involves the separation of the already developed portions of the property containing the homesite and accessory buildings from the balance of the land currently used for hay cultivation and pasture.</p>

	<p>(d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.</p>	<p>(d) Public water and sewer are currently extended to the homesite. No extension of water or sewer service to the agricultural parcel is proposed and would be restricted by the conservation easement. Therefore, there would be no change to the existing condition.</p>
	<p>(e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.</p>	<p>(e) Except for the land being adjusted that will contain the existing residence and accessory structures, all remaining land will remain in agricultural production. Consolidating the land into a single parcel/agricultural unit will enhance productivity over the existing condition by facilitating a consistent management approach (i.e., cross fencing, irrigation systems, and crop and pasturage rotation).</p>

<p>***30242</p>	<p>All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless</p> <p>(1) continued or renewed agricultural use is not feasible, or</p> <p>(2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.</p>	<p>While designated for long-term agricultural use, the parcels, 9 and 19 acres, respectively, are greatly substandard to the 60-acre minimum parcel size. Provisions of the ERAP provide allowance for the division of parcels from 60 acres down to 20 acres in size for a starter farm or other specific agriculture purpose. The ERAP recognizes that such a parcel is below that considered a viable economic agricultural unit requiring a covenant on the title establishing a rebuttable presumption should a change to a non-agricultural use be sought [3.34A.4.(b)]. Given the small parcel sizes, the only manner in which these lands can successfully function is by leasing to operators who require supplemental pasturage. Even this limited viability can cease once lands are sold or transferred into separate ownership units. This LLA intends to place the working pasture lands under a single ownership unit with appropriate restrictions to preserve these lands for continued agricultural use.</p> <p>The proposed project is consistent with the policies described in §3.24 of the ERAP because of the special characteristics of the lot and its setting. While the LLA will increase the viability of the working pasture lands, continued agricultural use on the smaller unit is not feasible. This conversion may be found consistent with the ERAP for the following reasons:</p> <p>(1) The Lot Line Adjustment will result in a 2-acre homestead parcel. Parceling off this 2-acre homesite is considered a conversion of agriculture land, as the resultant land will not support commercial agricultural activities. Given the portion of the parcel is developed with residential structures, the 2-acre homesite will not be feasible for maximum agricultural productivity, but rather offer more opportunity for maximizing productivity on the 26-acre parcel.</p> <p>(2) The conversion will result in a maximization of agriculture land, creating a 26-acre parcel dedicated solely for commercial agricultural purposes and will be preserved with the execution of a conservation easement and Conveyance and Agreement of development rights restricting new development to agriculture uses and no farm dwellings. Additionally, by parceling off the 2-acre parcel, this will consolidate new development on a parcel that is already developed with a single-</p>
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		family residence and is served community water and sewer. The resultant two-acre parcel is located adjacent to the urban limit line and across the street from the City of Ferndale. The proposed LLA is consistent with the standards of Section 3.21 of the ERAP and 30250 of the Coastal Act that states new development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.
§3.31 Rural developments subdivision requirements (ERAP)	30250(a). Land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.	The survey sampled 28 parcels bordered by Francis Creek and the Salt River to the East and North, respectively, Rasmussen Lane to the West and Van Ness Avenue to the South. Although some of the parcels are within the City limits of Ferndale, they are directly across the street from the subject parcel and represent similar parcels in the neighborhood including shared parcel sizes and community services. As for the first test of 50% developed, 22 of the 28 parcels are developed with a permitted main building representing 78.5%. As for the second test of average parcel size, the mean is 4.5 acres, the median is 2.35 acres, and the mode is 2.0 acres. Therefore, the created parcel (2.0 and 26.74 acres) are no less than the mode of the surveyed parcels.

4. The proposed development is consistent with the purposes of the existing zone in which the site is located; and the proposed development conforms to all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Zoning Finding
§ 313-7.1 Agricultural Exclusive (AE)	Principally permitted uses in the AE Zone include Single-Family Residences, General Agriculture, Timber Production, Cottage Industries, and Minor Utilities to serve these uses.	The construction of the garage is accessory to the existing single-family residence on the parcel. The lot line adjustment will place the existing homesite on a 2-acre parcel fronting on California Street and will consolidate the pastureland and will maximize the amount of land used for agriculture from 9.04 acres to 26.74 acres and will enhance productivity over the existing condition by facilitating a consistent management approach (i.e., cross fencing, irrigation systems, and crop and pasturage rotation).
Min. Lot Size	60 acres	<u>Existing</u> Parcel 1: 19.70 Parcel 2: 9.04 acres <u>Proposed</u> Parcel 1: 2.0 acres Parcel 2: 26.74 acres
Min. Lot Width	75 feet	Parcel 1: 506 feet Parcel 2: 1,527 feet
Max. Lot Depth	None Specified	Parcel 1: 172 feet Parcel 2: 1,253 feet
Max. Coverage	None Specified	Parcel 1: 10% (including proposed garage) Parcel 2: 0%
Min. Yard Setbacks	Front: 20 feet Rear: 30 feet Side: 30 feet	There are six legal nonconforming structures located in the front yard setback: three sheds, two garages and one barn. All setback requirements are met otherwise.
Max. Bldg. Height	None Specified	The proposed garage will be no greater than 20 feet.

Combining Zones		
§ 313-21.1 Flood Hazard Areas (F)	The purpose of these regulations is to minimize public and private losses due to flood and tsunami conditions in specific areas of the County.	The project is within the AE Flood Zone, associated with flood hazards from the Eel River, Francis Creek, and Salt River, a tributary to the Eel River. The construction of the garage is required to meet flood requirements as part of the building permit. The project is will not increase risks to flooding.
§ 313-33.1 Streams and Riparian Corridors Protection (R)	The purpose of these regulations is to provide for the maintenance, enhancement, and, where feasible, restoration of water resources by restricting development, and by minimizing adverse effects of runoff, interference with surface waterflow, and alteration of natural streams, and by protecting riparian habitats.	The Salt River and Francis Creek are over 900 feet north of the project area where new development will occur. Construction of the garage is not anticipated to impact ESHA, and the LLA will not negatively impact the vacant, agricultural land. The resultant larger parcel will be required to enter an into a Conveyance and Agreement of development rights for new residential development and a Conservation Easement to enhance agricultural productivity and ensure the land is maintained for solely agricultural uses. The project is not anticipated to impact riparian habitat or other environmentally sensitive habitat areas (ESHA).

5. Public Health, Safety and Welfare, and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	All responding referral agencies have approved or conditionally approved the proposed development. No detrimental effects to public health, safety and welfare have been identified. The proposed development is not expected to be detrimental to property values in the vicinity nor pose any kind of public health hazard.
CEQA Guidelines	Categorically exempt from State environmental review.	The project is categorically exempt from State environmental review per Section 15305(a). This exemption includes lot line adjustments in areas with an average slope of less than 20%, and which do not result in any changes in land use or density. The construction of the garage qualifies for exemption pursuant to Section 15303(e) of the CEQA guidelines which include new construction for accessory structures, including garages. None of the exceptions to the exemptions per Section 15300.2 of the CEQA Guidelines apply.

7. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	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, except where: 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.	The proposed project will not add to or reduce from the housing inventory in the County.

ATTACHMENT 3
APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form (in file)
- Plot Plan (attached)
- Current Deed (in file)
- Creation Deeds (in file)
- Parcel Size Analysis (in file)

ATTACHMENT 4

Referral Agency Comments: The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation
County Building Inspection Division	✓	Approval
California Coastal Commission		
CDFW		
County Counsel		
Department of Environmental Health	✓	Approval
County Public Works Department	✓	Approval
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval
Northwest Information Center	✓	Consult with local Tribes