

RESOLUTION NO. 2023-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING THE CARRINGTON COMPANY LOT LINE ADJUSTMENT (LLA-23-0001) AT 4775 BROADWAY (APN: 302-171-035)

WHEREAS, the applicant/owner, the Carrington Company, is proposing a Lot Line Adjustment (LLA) to adjust the lot lines between three parcels (identified as one Assessor's Parcel Number), resulting in three parcels all under the same ownership at 4775 Broadway (APN 302-171-035); and

WHEREAS, the subject property is approximately (~) 85 acres and has three distinct areas: (1) a small raised terrace at the northwestern corner of the property used by Butler Valley, Inc. where farm-related structures are concentrated; (2) a large lowland area of grazed wetlands; and (3) a large upper terrace area along the eastern side of the property, and the LLA would move existing lot lines to roughly separate these three areas into distinct parcels; and

WHEREAS, the purpose of the LLA is to convey proposed resultant Parcel A (3 acres) to Butler Valley, Inc., retain resultant Parcel B (61.3 acres) and continue grazing operations, and potentially sell resultant Parcel C (20.23 acres) in the future or maintain it as open space; no physical development or new uses are proposed on any of the resultant parcels; and

WHEREAS, most of the project site is located within the Coastal Zone with a Coastal Agriculture (AC) land use designation, and a small area at the northeastern corner of the project site is located outside of the Coastal Zone (in the Inland Zone) and is designated inland Agriculture (A) and Estate Residential (ER); no changes to existing land uses or zoning are proposed as part of the LLA; and

WHEREAS, because a majority of the project site is located in the Coastal Zone portion of the City, the proposed LLA constitutes non-exempt development, and therefore requires a Coastal Development Permit (CDP); and

WHEREAS, on November 13, 2023, the Director of Development Services held a duly noticed public hearing via Zoom and conditionally approved a CDP (CDP-23-0003) for the project, but the action was appealed (AP-23-0001) to the Planning Commission by nine aggrieved persons within 10 calendar days of the decision; and

WHEREAS, the Planning Commission adopted Resolution No. 2023-xx to sustain the Development Services Director's conditional approval of the Carrington Company Lot Line Adjustment Coastal Development Permit (CDP-23-0003) at their regular meeting on December 13, 2023; and

WHEREAS, the City's subdivision regulations in EMC Chapter 154 gives authority for action on the LLA to the Development Services Director; however, the Director may require a public hearing be held at the Planning Commission when the proposed development arouses extraordinary public

concern; therefore, due to the appeals filed on the CDP, the decision on the proposed LLA (LLA-23-0001) was elevated to the Planning Commission; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on December 13, 2023, at 5:30 p.m. via Zoom and in-person in the Council Chamber on the proposed LLA (LLA-23-0001); and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with the Eureka Municipal Code Chapters 154, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

- A. The City performed a legal parcel review, which confirmed there are three legal parcels under one Assessor's Parcel Number (APN), and the LLA will not create more parcels than originally existed prior to the lot line adjustment.
- B. Most of the property is located within the Coastal Zone with an Agriculture (A) land use designation, and a small area at the northeastern corner of the property is located outside of the Coastal Zone (in the Inland Zone) and is designated inland Agriculture and Estate Residential (ER). Although the City's Local Coastal Program (LCP) Land Use map online shows the upland portion of the property along the east property line as being designated as Coastal Rural Residential (RR), the Coastal Commission did not certify the RR designation when the LCP's Land Use Plan (LUP) was comprehensively updated in 1997; therefore, all of the land within the Coastal Zone is designated A and zoned Coastal Agriculture (AC). The minimum lot size for a parcel in the AC zoning district is 3-acres, and the resultant parcels conform to the applicable zoning districts development standards. The minimum parcel size for the Inland A zoning district is 20 acres, and for the RE zoning district, 10,000 square feet, but this LLA does not create a new parcel nor increase any nonconforming aspects of the parcels. Therefore, the Lot Line Adjustment conforms to the City's Municipal Code.
- C. The proposed LLA is considered development as defined by the Coastal Act; therefore, a Coastal Development Permit (CDP) is required. A CDP (CDP-23-0003) was conditionally approved by the Development Services Director at a noticed public hearing on November 13, 2023, and then the Director's action was sustained by the Planning Commission at a noticed public hearing on December 13, 2023. Based on the analysis in the Director's CDP staff report, the proposed project as conditioned is consistent with the certified LCP. Conditions were included to avoid impacts to coastal resources, including, limiting future development in the environmentally sensitive habitat areas on resultant Parcel B and ensuring resultant Parcel B maintains legal access over resultant Parcel A, which will protect agricultural lands for their resource, aesthetic, and economic values. The City's final action on the CDP is appealable to the California Coastal Commission. Condition 2 requires the approval of the CDP to be final and effective prior to recordation of the LLA.
- D. The proposed project is categorically exempt from the provisions of the California

Environmental Quality Act (CEQA), in accordance with §15305, Minor Alterations in Land Use Limitation, Class 5 of the CEQA Guidelines. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, and do not create any new parcels. The area involved in the LLA has an average slope of less than 20% (at approximately 11%), the LLA will not change the current land use or density, and will not create any new parcels as it only reconfigures three parcels resulting in three parcels. Therefore, the proposed project is exempt from CEQA.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions, and compliance with conditions will be to the satisfaction of Development Services – Planning unless noted otherwise:

1. The LLA shall not be recorded until CDP-23-0005 is final and effective.
2. The final conditions of approval of the Coastal Development Permit for the Carrington Company Lot Line Adjustment shall be followed.
3. A “Notice of Lot Line Adjustment and Certificate of Subdivision Compliance” for project LLA-21-0001 shall be recorded for each resultant parcel. Forms for the Notices can be obtained from Development Services - Planning. A qualified licensed professional shall prepare the legal description (Exhibit A) of each Notice. All ‘new’ legal descriptions must include a “wet signature” of the licensed preparer of the legal description (i.e. ‘new’ means a legal description that has not been previously recorded on a deed or other legal document). The owner(s) of each parcel for which a Notice of Lot Line Adjustment and Certificate of Subdivision Compliance is being prepared shall sign, in the presence of a Notary Public, the appropriate page of the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, and shall have their signature notarized by the Notary Public.
4. The applicant shall submit one original and one electronic copy of the completed Notices of Lot Line Adjustment and Certificates of Subdivision Compliance to Development Services – Planning for review and signature prior to recordation.
5. The applicant shall submit copies of the new grant deeds to be recorded for the new parcel configurations to Development Services - Planning for review and approval. NOTE: The vesting on the title for the grant deeds must be exactly the same as the vesting on the title for the properties receiving the land.
6. Pursuant to Section 8762 of the Business and Professions Code, a record of survey documenting the corners of the new property lines may be required to the satisfaction of Public Works - Engineering.

WHEREAS, the following notes are provided as information only:

1. Taxes may need to be paid or secured; the applicant is advised to contact the County Tax

Collector regarding property taxes for the parcels involved in the Lot Line Adjustment.

2. Should any modifications to the existing driveway from Broadway providing access to resultant Parcels A and B be needed in the future, the owner must work with the California Department with Transportation (Caltrans) regarding an encroachment permit.
3. The review by Development Services - Planning was performed consistent with the Eureka Municipal Code and the State Subdivision Map Act. It has been determined the parcels involved in the Lot Line Adjustment were created in accordance with all applicable laws. Approval of this Lot Line Adjustment does not guarantee developable parcels will result. Final approval for any development will depend upon demonstration of conformance with site suitability requirements in effect at the time development is proposed. Except for the specified LLA stated above, this action does not eliminate the requirement of the applicant to comply with all codes and ordinances, as well as to secure all required permits of local, regional, State and Federal entities which relate to this project or any future development on the resultant parcels.
4. The approval, which is subject to the conditions of approval contained herein, will remain in effect for 12 months from the effective date of this action. If the conditions cannot be completed within the 12-month time limit, an extension of this approval may be granted for an additional period of up to 12 months upon submittal of an extension request and appropriate fees. The application shall be filed no less than 30 days prior to the expiration date and shall state the reasons for requesting the extension.

NOW THEREFORE, BE IT RESOLVED the Planning Commission of the City of Eureka does hereby approve the application, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 13th day of December, 2023 by the following vote:

AYES:	COMMISSIONER
NOES:	COMMISSIONER
ABSENT:	COMMISSIONER
ABSTAIN:	COMMISSIONER

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary