

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-2022-17758

Assessor Parcel Numbers 500-011-007 & 500-011-008

Recommending that the Board of Supervisors make the required findings for certifying compliance with the California Environmental Quality Act and conditionally approving the Davies Lot Line Adjustment and Zone Boundary Adjustment

WHEREAS, the owners, submitted an application and evidence in support of approving the Lot Line Adjustment between two parcels, and to make a zone boundary adjustment to adjust the zone boundary between the Timberland Production Zone (TPZ) and the Unclassified (U) to follow the new lines adjusted by the LLA in addition to rezoning approximately 1.3 acres of TPZ zoned land into U; and

WHEREAS, the County as lead agency, found the project exempt from environmental review pursuant to Section 15305(a) and Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **October 6, 2022**; reviewed, considered, and discussed the application for a Lot Line Adjustment and Zone Boundary Adjustment; and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The applicant is proposing a Lot Line Adjustment (LLA) and Zone Boundary Adjustment (ZBA) between two parcels, Parcel A (APN 500-011-008) & Parcel B (APN 500-011-007). The purpose of this LLA is to move the existing property line to match the current general plan boundary between the Timber (T) and Residential Estates (RE 2.5-5) plan designation. This LLA will also provide more logical layout between the two parcels. Upon completion of this adjustment a conservation easement for forest management will be gifted to the City of Arcata over the majority of APN 500-011-007. No development is proposed.

EVIDENCE: a) Project File: PLN-2022-17758
- 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) 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 consistency with the General Plan designation. 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) Both parcels involved in the Lot Line Adjustment were created in compliance with the Subdivision Map Act and the governing rules at such time the parcels were created as both were created by deeds executed prior to the establishment of County subdivision regulations.
- 5. FINDING:** The project conforms to zoning and building ordinances.
- EVIDENCE:** a) The parcels are zoned Timberland Production Zone (TPZ) and Unclassified (U), with no development associated with the project proposal. The project will adjust the parcel lines between two parcels with the smallest parcel acquiring approximately 1.5 acres. The largest parcel is developed with a residence and smaller parcel is currently undeveloped. All development standards are currently 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 Estates designation applies to lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. The Timberland (T) designation applies to land that is primarily suitable for growing, harvesting and production of timber. The smaller parcel may be utilized for residential uses in the future though it is currently undeveloped. The larger parcel is developed with a home and may be utilized for timber production and grazing.
- 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. Kelly Creek is located just south of the subject parcels. No sensitive habitat was identified on site via review of the CNDDDB. The project was referred to the office of the California Department of Fish and Wildlife, however, they did not respond with any concerns. No ground breaking activities are associated with the proposal.
- 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. No referral comments were received from NWIC. The Bear River Band of the Rohnerville Rancheria did not respond with any concerns. Blue Lake Rancheria and the Wiyot Tribe have requested Inadvertent Discovery protocol. Additionally, no development is proposed as the LLA. 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 divided into areas of low slope instability and high slope insatiability and is outside of the Alquist-Priolo Fault Hazard Area. The project is not located in proximity of a flood zone. The subject properties are located within the primary responsibility area of the Arcata Fire Protection District. The project is also located in the State Fire Responsibility Area where the State of California has the responsibility for the prevention and suppression of wildland fires.

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.

8. FINDING: The project, and the conditions under which it may be operated or maintained, will not adversely impact the environment; and the required CEQA findings can be made for any development which is subject to the regulations of CEQA.

EVIDENCE: a) As lead agency, the Planning and Building Department found the LLA to be categorically exempt per Class 5, Section 15305(a) of the CEQA Guidelines. The LLA does not result in a change in land use or overall density and is intended to remedy an inconsistency in parcel size with the underlying General Plan designation. Section 15305(a) applies to minor lot line adjustments not resulting in the creation of any new parcel.

ZONE BOUNDARY ADJUSTMENT

9. 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 ZBA would adjust the zone boundary of the resultant 2.4-acre parcel such that the entire parcel is zoned Unclassified with a minimum parcel size that is not specified. This action would rezone approximately 1.5 acres from TPZ to U. The Zone Boundary Adjustment would also allow for the resulting parcel size to be consistent with the General Plan designation for the smaller parcel (GP Designation of RE 2-2.5). The Planning Division believes that the ZBA is in the public interest in that it accurately zones property and plan designation and alternations are minor in nature.

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

EVIDENCE: a) The properties involved in the ZBA are planned both Residential Estates (RE 2-2.5) and Timberland (T) by the Humboldt County General Plan. According to the Zoning Consistency Matrix of the Humboldt County General Plan, both the RE 2-2.5 and T plan designations are both compatible with the U and TPZ zoning.

11. 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.

12. 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) 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.

DECISION

NOW THEREFORE BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Staff.
3. Approve the Lot Line Adjustment and Zone Boundary Adjustment.
4. Adopt Ordinance No._____ amending Section 311-7 of the Humboldt County Code by reclassifying property in the Arcata area [PLN-2022-17758, Davies] so that the zone boundary between Timberland Production Zone (TPZ) and Unclassified (U) is coincidental with the relocated property lines.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on **October 6, 2022**

The motion was made by _____and seconded by _____and the following ROLL CALL vote:

AYES: Commissioners:
 NOES: Commissioners:
 ABSTAIN: Commissioners:
 ABSENT: Commissioners:
 DECISION:

I, John Ford, Secretary to the Planning Commission 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 Commission at a meeting held on the date noted above.

 John H. Ford
 Director, Planning and Building Department

ATTACHMENT 1

Exhibit 1A

CONDITIONS OF APPROVAL (Lot Line Adjustment)

APPROVAL OF THE LOT LINE ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE PROJECT:

1. 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 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 \$458.00 per notice plus \$300.00 for each additional legal description plus applicable recordation fees).
2. 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.
3. 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 \$85.50 per parcel) as required by the County Assessor shall be paid to the Humboldt County Planning Department, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property*

combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

7. 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 Planning Commission 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.
8. Applicant shall obtain Board of Supervisors approval for the associated Zone Boundary Adjustment.

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. This permit, including the Lot Line Adjustment 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.
4. The Humboldt County zoning map shall be revised to conform to the realigned zone boundary per the zone boundary determination of the Humboldt County Planning Commission (H.C.C. §311-8.2).

CONDITIONS OF APPROVAL (Zone Boundary Adjustment)

Exhibit 1B

APPROVAL OF THE ZONE BOUNDARY ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE ZONE RECLASSIFICATION CAN BE SCHEDULED FOR ACTION BY THE BOARD OF SUPERVISORS:

Conditions of Approval:

1. The applicant shall submit a legal description of the area to be rezoned from TPZ into RE 2-2.5 for review and approval by the County Land Surveyor. The applicable review fee (currently \$300.00) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Zone Boundary Adjustment being scheduled for a decision by the Board of Supervisors.