



COUNTY OF HUMBOLDT

For the meeting of: 10/17/2023

File #: 23-1326

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Public Hearing

Vote Requirement: 4/5th

SUBJECT:

Green Diamond, Alto, Suchanek Lot Line Adjustment and Zone Boundary Adjustment
APNs 510-011-013, (a portion of) 510-011-014 & 511-111-057, and 510-041-022
Record No. PLN-2022-17598
Location: Babler Road, McKinleyville area
(4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. _____ (Attachment B) by title and waive further reading; and
2. Open the public hearing, receive and consider the staff report, consider the Planning Commission's recommendation and accept public comments; and
3. Close the public hearing; and
4. Adopt the attached Resolution to take the following actions:
 - a. Find the project exempt from CEQA pursuant to Class 5, Sections 15305 and 15061(b) (3) of the CEQA Guidelines, and that there is no substantial evidence that the project will have a significant effect on the environment; and
 - b. Make the necessary findings to approve the Lot Line Adjustment (LLA) and Zone Boundary Adjustment (ZBA); and
5. Adopt by 4/5ths vote Ordinance No. _____ (Attachment B) amending Section 311-7 of the Humboldt County Code by reclassifying, through immediate conversion, the property described in Attachment B - Exhibit A as follows: approximately 3.02 acres from TPZ-AP-N-WR

Timberland Production Zone (TPZ), Airport Safety Review (AP), Noise Impact (N), Streamside Management Areas & Wetlands (WR). Parcels 2 and 3: AG-B-5(5)-AP-WR Agriculture General minimum building site 5 acres, Airport Safety Review (AP), Streamside Management Areas and Wetlands (WR); and

6. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after adoption of the ordinance (Attachment D); and
7. Direct the Chair of the Board to sign and the Clerk of the Board to record a Certificate of Rezoning (Notice of Timberland Production Zone Status) (Attachment C); and
8. Direct the Clerk of the Board to give notice of the decision to the applicant/owner, the County Assessor's Office, the Planning Department, and any other interested party; and
9. Direct Planning and Building Department to file a Notice of Exemption pursuant to California Environmental Quality Act (CEQA).

SOURCE OF FUNDING:

Applicant fees.

DISCUSSION:

This project consists of two parts: a Lot Line Adjustment (LLA) and a Zone Boundary Adjustment (ZBA). The LLA will adjust the boundary between three legal parcels to result in three parcels of approximately 139.55 (Parcel 1) (Green Diamond lands), 18.84 acres (Parcel 2) (Suchanek lands), and 17.54 acres (Parcel 3) (Alto lands). Parcel 1 is currently zoned TPZ-AP-N-WR (Timberland Production Zone, Airport Safety Review, Noise Impact, Streamside Management Areas and Wetlands); Parcels 2 and 3 are both currently zoned AG-B-5(5)-AP-WR (Agriculture General, minimum size 5 acres, Airport Safety Review, Streamside Management Areas and Wetlands). A Zone Boundary Adjustment (ZBA) is also included to adjust the zone boundaries of the parcels to follow the new property lines as adjusted by the LLA, rezoning 3.02 acres from TPZ-AP-N-WR to AG-B-5(5)-AP-WR.

Presently, Parcel 1 is vacant and has been previously used for timber production. Both Parcels 2 and 3 are developed, each with single-family residences and accessory structures; these parcels are served by the McKinleyville Community Service District. This LLA will facilitate acquisition of Parcel 1 (lands owned by Green Diamond) into the proposed McKinleyville Community Forest. No development is proposed.

The purpose of this LLA/ZBA is to provide a formal resolution for a disputed property line boundary that was created by several surveyor errors made well over a century ago. Mistakes made by the surveyor led to many of the area's first fence lines being misplaced when installed. Such is the case here. The first fence line installed for Parcels 2 and 3 encroached upon lands belonging to Parcel 1.

This encroachment was established and acknowledged between property owners on both sides long ago, and despite the boundary dispute the fence was allowed to remain. The owners of lands belonging to Parcels 2 and 3 have occupied and used these areas ever since. Lands belonging to Parcels 2 and 3 are a part of the larger holding of land in that area owned by, and handed down through, the same family line (last names changing over time through marriages) for generations. The oral history of the disputed land boundary has been passed along as well.

This LLA is proposed as a means reallocating portions of Parcel 1 into Parcels 2 and 3, and formally adjusting the legal description of all the properties to reflect the area of occupancy as it has existed for over 100 years. The proposed LLA facilitates the acquisition of property for the McKinleyville Community Forest by clearing up existing errors in the properties' legal descriptions which, if left unaddressed, results in clouded titles for all parcels, and impedes the conveyance of the Green Diamond property to the McKinleyville Community Service District.

The Zone Boundary Adjustment associated with this Lot Line Adjustment affects 3.02 acres of land presently zoned Timber Production Zone (TPZ) (Parcel 1). Owners of the subject properties state there to be no marketable timber in the areas to be rezoned from TPZ-AP-N-WR to AG-B-5(5)-AP-WR and that there is no conversion of timber due to the proposed action. Alders are the predominating species in the areas involved in the adjustments. Along with some plum trees. Further, Parcel 1 is intended to be conveyed to the McKinleyville Community Service District as a part of the proposed McKinleyville Community Forest; this parcel will no longer be logged.

The changing of zoning from TPZ-AP-N-WR to AG-B-5(5)-AP-WR, will allow property owners of Parcels 2 and 3 to implement 2020 Fire Safe mitigations on their respective lands; including fire safe access, fire suppression (both 100-foot defensible space buffer and reduced fuel zone for existing structures), and allow for lands not entirely comprised of commercial harvest species to be managed in a way that could benefit public health safety and welfare for the surrounding community. Once completed, this LLA will also negate the need for any easement for accessing Parcel 2 through Green Diamond lands.

Due to limitations imposed by zoning, further subdivision of Parcels 2 or 3 is not possible, now, or in the future.

The proposed project was reviewed and approved by the Forestry Review Committee with a vote of 5-0, on May 25, 2023. As recommended, the zone boundary would be adjusted to conform to the adjusted lot lines.

Required Findings

Section 312-50 of the Humboldt County Code Zoning Regulations, *Required Findings for All Amendments*, amendments may be approved only if the following findings are made:

1. The amendment is in the public interest; and
2. The amendment is consistent with the County 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.

Planning Commission Recommendation: Based on the information contained in the Planning Commission Staff Report (Attachment E), the Planning Commission recommended that the required findings be made, and the proposed Lot Line Adjustment and Zone Boundary Adjustment be approved. Furthermore, the project was found consistent with the Humboldt County General Plan. Specifically, the Planning Commission found:

- The Zone Boundary Adjustment is in the public interest, and is consistent with a comprehensive view of the General Plan; and
- That the project is exempt from environmental review per Class 5, Section 15305(a) and Section 15061(b)(3) of the California Environmental Quality Act (CEQA); and

The findings necessary for approval of the project can be made as indicated in the Planning Commission staff report.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved in the processing of the application.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework priority of enforcing laws and regulations to protect residents

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board may choose not to approve the project. Planning Division staff believes that satisfactory evidence has been provided in the project record to support making the requisite findings. Therefore, further consideration of this alternative is not recommended.

ATTACHMENTS:

- A. Draft Resolution
 1. Lot Line Adjustment Map
- B. Draft Ordinance with Exhibit A (legal description) and Exhibit B (ZBA map)
- C. Certificate of Rezoning (Notice of Timberland Production Status)
- D. Post-Adoption Summary of Ordinance

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- E. Planning Commission Staff Report of July 6, 2023
- F. Planning Commission Resolution No. 23-057

PREVIOUS ACTION/REFERRAL:

Board Order No.:

Meeting of: PC 7/6/2023

File No.: 23-988