

To: Planning Commission
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Green Diamond, Alto, Suchanek Lot Line Adjustment and Zone Boundary Adjustment

Record Number PLN-2022-17598. Application Date: 1/25/2022. Assessor Parcel Numbers 510-011-013, a portion of 510-011-014 & 511-111-057, and 510-041-022.

Babler Road, McKinleyville Area

A Lot Line Adjustment (LLA) between three legal parcels of 142.57 acres, 16.82 acres, and 16.54 acres, resulting 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 to follow the new property lines as adjusted by the LLA by rezoning 3.02 acres from TPZ-AP-N-WR to AG-B-5(5)-AP-WR. The ZBA will ensure zoning consistency within the new property boundaries. This LLA will facilitate acquisition of Parcel 1 (lands owned by Green Diamond) into the proposed McKinleyville Community Forest. No development is proposed.

RECOMMENDATION(S):

That the Planning Commission:

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 part of the Consent Agenda; and
4. Adopt the resolution (Resolution 23-___). (Attachment 1) which does the following:
 - a. Make all of the required findings for approval based on evidence in the staff report and public testimony; and
 - b. Recommend that the Board of Supervisors approve the Zone Boundary Adjustment and Lot Line Adjustment subject to the recommended conditions of approval.

DISCUSSION:

A Lot Line Adjustment (LLA) between three legal parcels of 142.57 acres, 16.82 acres, and 16.54 acres, resulting 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.

A review of creation documents to determine the legal status of the subject parcels found that all involved parcels have been created in compliance with the Subdivision Map Act. APN 510-011-014 (a portion of) & 511-111-057 (Lands of Green Diamond Resource Company) is a single legal parcel, being Parcel 24 described in the Certificate of Subdivision Compliance recorded May 16,

2022 as Instrument No. 2022-009535. APN 510-011-013 (Lands of Brad and Laura Suchanek) is a resultant parcel of an approved lot line adjustment described in Notice of Lot Line Adjustment and Certificate of Subdivision Compliance (NOLLA) recorded February 18, 1986, in Volume 1790 of Official Records, page 111. APN 510-041-022 (Lands of Kevin and Sara Alto) is the remainder parcel as shown on Parcel Map 2309 recorded in Book 20 of Parcel Maps page 79.

The proposed project was reviewed and approved by the Forestry Review Committee with a vote of 5-0, on May 25, 2023 (Attachment 3). As recommended, the zone boundary would be adjusted to conform to the adjusted lot lines.

Based on the on-site inspection, 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 Lot Line Adjustment and Zone Boundary Adjustment.

Project Location: The project is located in Humboldt County, in the McKinleyville area, on the East end of Babler Road, approximately 0.35 miles from the intersection of Grace Avenue and Babler Road, on the property known as 2095 Babler Road.

Present General Plan Land Use Designation: Parcel 1: T, AP (Timberland, Airport Land Use Compatibility Plan). Parcels 2 and 3: RA(5-20), AP (Residential Agriculture, density 5-20 acres per dwelling unit, Airport Land Use Compatibility Plan); Humboldt County General Plan, McKinleyville Community Planning Area. Slope Stability (0) – relatively stable.

Present Zoning: Parcel 1: 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).

Environmental Review: Project is exempt from environmental review per Section 15305(a) and Section 15061(b)(3) of the California Environmental Quality Act (CEQA).

State Appeal: Project is not appealable to the California Coastal Commission.

Major concerns: None

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution

- A. Conditions of Approval
 - B. Zone Boundary Adjustment Detail
 - C. LLA & ZBA Site Map
 - D. Draft Ordinance for Adoption by the Board of Supervisors
2. Location Map
 3. Forestry Review Committee Meeting 05/25/2023 draft minutes
 4. Applicant Evidence in Support of the Required Findings
 5. Referral Agency Comments and Recommendations

Applicant:

Mark Rynearson
1803 Central Avenue
McKinleyville CA 95519

Agent:

Michael O'Hern
Kelly-O'Hern Associates
3240 Moore Avenue
Eureka CA 95501

Owner:

Brad & Laura Suchanek
22084 Betlen Way
Castro Valley CA 94546

Owner:

Kevin & Sara Alto
2070 Babler Road
McKinleyville CA 95519