



COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**L-2**

Hearing Date: December 6, 2016

To: Board of Supervisors

From: John H. Ford, Director, Planning and Building Department *JH*

Subject: Tomac, LLC General Plan Amendment and Zone Reclassification  
 Application Number 9588  
 Case Numbers GPA-15-002, ZR-15-002  
 Assessor Parcel Numbers 201-241-015, 201-241-018  
 2832 Old State Highway, Alton area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Introduce Ordinance No. 2500 (Attachment B) by title and waive further reading.
2. Open the public hearing and receive the staff report and public testimony.
3. Close the public hearing and deliberate.
4. Consider the Addendum to the certified Environmental Impact Report.

Prepared by *Trevor Estlow*  
 Trevor Estlow, Senior Planner

CAO Approval *Cheryl Dillingham*

REVIEW: Auditor \_\_\_\_\_ County Counsel *JWF* Personnel \_\_\_\_\_ Risk Manager \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
 Consent  
 Departmental  
 Public Hearing  
 Other \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**  
 Upon motion of Supervisor *Bohn*  
 Seconded by Supervisor *Fennell*  
 Ayes *Sundberg, Fennell, Lovelace, Bohn, Bass*  
 Nays \_\_\_\_\_  
 Abstain \_\_\_\_\_  
 Absent \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:  
 Board Order No. L-1  
 Meeting of: December 16, 2014

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Dec. 6, 2016*  
 By: *Kathy Hayes*  
 Kathy Hayes, Clerk of the Board

5. Make the findings in Exhibit A to Resolution No. ~~116-135~~ (Attachment A) and approve the amendment of the Fortuna Area Community Plan (FACP) land use map, by redesignating property in the Alton area (GPA-15-002, Tomac, LLC) from Agriculture Suburban (AS) to Industrial General (IG).
6. Make the necessary findings in Exhibit A to Resolution No. ~~116-135~~ (Attachment A) approving the proposed Zone Reclassification and adopt Ordinance No. ~~25166~~ (Attachment B), amending Section 311-7 of the Humboldt County Code by reclassifying approximately 8.3 acres from Residential Suburban with a 2.5 acre minimum parcel size and a manufactured home combining zone (RS-B-5(2.5)-T) to Heavy Industrial with a Qualified combining zone (MH-Q) and modifying the terms of the Q-Zone.
7. Direct Current Planning Division Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.
8. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after adoption of the ordinance by the Board, along with the names of those Supervisors voting for and against the ordinance (Attachment C) and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance.

#### SOURCE OF FUNDING:

The applicant is responsible for all costs associated with the processing of the project. Applicant fees are deposited into Planning and Building Department Current Planning Revenue Account 1100-277-608000.

#### DISCUSSION:

The project before the Board is a General Plan Amendment (GPA) and a Zone Reclassification (ZR) of two parcels totaling approximately 8.3 acres located in the Alton area, southeast of the intersection of Highway 101 and Highway 36. Assessor Parcel Number (APN) 201-241-015 is currently planned Industrial General (IG) and zoned Heavy Industrial with a Qualified combining zone that limits the use to the Nolan Trucking Facility (MH-Q). The project will modify the Q-zone to allow a variety of principally permitted uses as identified in the MH zone such as the applicant's heating, ventilation and air conditioning (HVAC) business and other similar uses. The Q-zone will be modified to allow the principally permitted uses in the MH zone subject to certain performance standards to assure compatibility with the surrounding areas and to utilize the mitigation measures identified in the Environmental Impact Report associated with the Nolan Trucking project. APN 201-241-018 is currently planned Agriculture Suburban (AS) and zoned Residential Suburban with a 2.5 acre minimum parcel size and combining zone for manufactured homes (RS-B-5(2.5)-T). The project will also change the general plan designation on this parcel to Industrial General (IG) and change the zone classification to Heavy Industrial with the same Q-zone, similar to APN 201-241-015.

This proposal follows your Board's December 16, 2014 acceptance of the petition to re-designate and rezone the properties. The Humboldt County Planning Commission considered the proposal and held a public hearing on the project at their meeting of December 3, 2015. In a 5-0 vote, the Planning Commission recommended the Board make the necessary findings and approve the amendment and zone reclassification.



### ***Required Findings***

To approve the project, the Board of Supervisors must determine that the applicants have submitted evidence in support of making **all** of the following required findings.

#### ***Required Findings for General Plan Amendment***

Per Sections 65358 and 65359 of the California Government Code, the General Plan may be amended 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.

Per Section 312-50.3 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;
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.
4. The proposed change is consistent with Section 51120, Rezoning, of the Government Code.

***Planning Commission Recommendation:*** Based on the information contained in the Planning Commission staff report (Attachment D), the Planning Commission recommended that the required findings be made and the proposed General Plan Amendment and Zone Reclassification be approved. Specifically, the Planning Commission found:

- The General Plan Amendment and Zone Reclassification is in the public interest, and is consistent with a comprehensive view of the General Plan; and
- That there is no substantial evidence that the proposed project will have a significant effect on the environment; and
- The findings necessary for approval of the project can be made as indicated in the Planning Commission staff report.

### ***CEQA***

A General Plan Amendment and Zone Reclassification is a “project” for the purposes of the California Environmental Quality Act (CEQA). Planning Division staff prepared an Addendum to a previously certified Environmental Impact Report to reflect changes to the project and has determined none of the conditions described in Section 15162 of the State CEQA Guidelines calling for preparation of a subsequent EIR have occurred.

### ***Staff Recommendation***

Planning staff supports the project because the required findings can be made. Both the General Plan Amendment and Zone Reclassification are in the public interest; the amendments reflect the change in base information and physical conditions due to the site no longer being utilized as a trucking facility. The amendments, as supported by planning staff, are consistent with Plan policies and with the development capabilities of the property.

Based on the on site inspection, a review of Current Planning Division reference sources and comments from all involved referral agencies, Current Planning Staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the project. The Humboldt County Planning Commission concurred at their meeting of December 3, 2015 when they adopted Resolution No. 15-38 (Attachment E) unanimously recommending approval of the project.

FINANCIAL IMPACT:

There will be no impact to the General Fund as the applicant is responsible for all costs associated with the processing of the project.

BOARD'S STRATEGIC FRAMEWORK:

The General Plan Amendment and Zone Reclassification supports the Board's Strategic Framework through its core role of supporting business, workforce development and creation of private sector jobs.

OTHER AGENCY INVOLVEMENT:

Current Planning Staff referred the proposed General Plan Amendment and Zone Reclassification to numerous agencies for comments and recommendations. All responding agencies have either recommended approval or conditional approval of the project. In addition, pursuant to SB 18 (California Government Code Section 65352.3), notice was sent on March 13, 2015 to potentially affected tribes to request consultation regarding the proposed General Plan Amendment. As of June 16, 2015 (90 day timeframe), no tribe requested a consultation.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board may choose not to approve the project. Staff does not recommend this alternative. Staff believes that satisfactory evidence has been provided in the project record to support making the required findings.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

- Attachment A: Resolution No. \_\_\_\_\_  
Exhibit A: Findings
- Attachment B: Ordinance No. \_\_\_\_\_, Exhibit A (map), Exhibit B (legal description)  
Exhibit A: Map  
Exhibit B: Legal Description
- Attachment C: Post-Adoption Summary of Ordinance  
Exhibit A: Map
- Attachment D: Copy of Planning Commission Staff Report for December 3, 2015
- Attachment E: Planning Commission Resolution No. 15-38

**ATTACHMENT A**

**Resolution No. 10-135**

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of December 6, 2016

RESOLUTION NO. 16-135

**RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVE THE AMENDMENT OF THE HUMBOLDT COUNTY GENERAL PLAN (FORTUNA AREA COMMUNITY PLAN) BY AMENDING PROPERTY IN THE ALTON AREA FROM AGRICULTURE SUBURBAN (AS) TO INDUSTRIAL GENERAL (IG) AND REZONING PROPERTY IN THE ALTON AREA FROM RESIDENTIAL SUBURBAN WITH A 2.5 ACRE MINIMUM PARCEL SIZE AND COMBINING ZONE FOR MANUFACTURED HOMES (RE-B-5(2.5)-T) TO HEAVY INDUSTRIAL WITH A QUALIFIED COMBINING ZONE (MH-Q) AND MODIFYING THE TERMS OF THE EXISTING Q-ZONE; CASE NUMBERS GPA-15-002, ZR-15-002 (TOMAC, LLC); ASSESSOR PARCEL NUMBERS: 201-241-015, 201-241-018**

**WHEREAS**, State law provides for local governments to amend their General Plans up to four (4) times per year; and

**WHEREAS**, Tomac, LLC submitted an application and evidence in support of approving the General Plan Amendment and Zone Reclassification application; and

**WHEREAS**, the proposed General Plan Amendment and Zone Reclassification; that is, to redesignate lands from Agriculture Suburban (AS) to Industrial General (IG) and to rezone lands from Residential Suburban with a 2.5 acre minimum parcel size and combining zone for manufactured homes (RS-B-5(2.5)-T) to Heavy Industrial with a Qualified combining zone (MH-Q) and modifying the terms of the existing Q-Zone, may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the 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; and

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

**WHEREAS**, the Planning Division, the lead agency, prepared an Addendum to a previously certified Environmental Impact Report to reflect changes to the project and has determined none of the conditions described in Section 15162 of the State CEQA Guidelines calling for preparation of a subsequent EIR have occurred; and

**WHEREAS**, Attachment 2 of Attachment D in the staff report to the Planning Commission includes evidence in support of making all of the required findings for approving the proposed General Plan Amendment and Zone Reclassification application for Case Nos.: GPA-15-002, ZR-15-002; and

**WHEREAS**, the Planning Commission has reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on December 3, 2015, and

**WHEREAS**, at their December 3, 2015 meeting, the Planning Commission recommended the Board make the necessary findings, consider the Addendum to the previously approved Environmental Impact Report, and approve the amendment and zone reclassification.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of December 6, 2016

RESOLUTION NO. 16-135


**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors, based on Planning and Building Department - Planning Division staff reports, supplemental reports, testimony presented at the public hearing, and having considered the recommendation of the Planning Commission, that the Board:

1. Considered the Addendum to the previously certified Environmental Impact Report, and finds that none of the conditions described in Section 15162 of the State CEQA Guidelines calling for preparation of a subsequent EIR have occurred; and
2. Makes the findings for the General Plan Amendment and Zone Reclassification as detailed in Exhibit A to this Resolution for Case Nos.: GPA-15-002, ZR-15-002 based on the submitted evidence; and
3. Approves the General Plan Amendment and Zone Reclassification as recommended by the Planning Commission at their December 3, 2015 meeting for Case Nos.: GPA-15-002, ZR-15-002; and
4. Adopts the Ordinance amending Section 311-7 of the Humboldt County Code to rezone property in the Alton area from Residential Suburban with a 2.5 acre minimum parcel size and combining zone for manufactured homes (RS-B-5(2.5)-T) to Heavy Industrial with a Qualified combining zone (MFI-Q) and modifying the terms of the existing Q-Zone in conformance with the mapping prepared for ZR-15-002 (Tovac, LLC).

**BE IT FURTHER RESOLVED** by the Humboldt County Board of Supervisors that:

1. The General Plan designation for the subject property in the Fortuna Area Community Plan be amended from Agriculture Suburban (AS) to Industrial General (IG); and
2. The Zone District for the subject property be amended from Residential Suburban with a 2.5 acre minimum parcel size and combining zone for manufactured homes (RS-B-5(2.5)-T) to Heavy Industrial with a Qualified combining zone (MH-Q) and modifying the terms of the existing Q-Zone; and
3. Current Planning Division Staff is hereby directed to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
4. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor's Office and any other interested party; and
5. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

Dated: December 6, 2016

  
\_\_\_\_\_  
MARK LOVELACE, Chair  
Humboldt County Board of Supervisors



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of December 6, 2016

RESOLUTION NO. 16-135

Adopted on motion by Supervisor Bohn, seconded by Supervisor Fennell, and the following vote:

AYES:	Supervisors	Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA    )  
County of Humboldt     )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California



## EXHIBIT A

### Findings for Plan and Zoning Amendments

**B.1 The project is in the public interest:** The former trucking company no longer operates on site and the current owner will utilize it for his HVAC business. In addition, the site may be leased to other similar industrial uses. This will allow for the expansion of business opportunities, additional sales tax revenue, and the potential to create additional jobs.

**B.2 The project is consistent with the General Plan:** The following table identifies the evidence which supports finding that the proposed project is in conformance with all applicable policies and standards in Chapter 2-4 of the Framework Plan (FP) and the Fortuna Area Community Plan (FACP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Proposed Land Use: Industrial General	Primary and Compatible uses: Manufacturing, processing wood, iron and concrete products, energy related facilities and educational and religious activities.	The 8.3 acre site was once home to a trucking facility. The trucking facility is no longer in operation, however, the zoning still reflects the previous use. The project will facilitate the use of the property by the owners HVAC business, an iron works business as well as other similar uses. This use is consistent with the proposed Industrial General plan designation. The parcel is served with on-site water and an on-site sewage disposal system.
Hazards: §3100	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	<p>The parcels are located in the rural area of Alton, just east of State Highway 101, and south of State Highway 36. The parcels are located in an area of relatively stable soils. According to the Geologic Hazards Land Use Matrix, a Soils Report is not required for the proposed development.</p> <p>The majority of the property is located within Flood Zone "A", areas within the 100 year Flood Zone. This requires that any new development comply with the County's Flood Damage Prevention Ordinance. No development is proposed at this time.</p> <p>The parcel has a low fire hazard rating and is within the Fortuna Fire Protection District.</p> <p>The site is within Zone C of the Rohnerville Airport which is considered the Common Traffic Pattern area. Warehousing, manufacturing and retail uses are allowed within this zone.</p>

Archaeological & Palontological Resources §3500	New development shall protect cultural, archaeological and paleontological resources.	The Northwest Information Center recommended that a cultural resource study be conducted. However, further consultation with the local Tribal Historic Preservation Officers (THPOs) concluded that the site does not warrant a study provided the standard condition regarding inadvertent discovery is included. This has been included in the informational notes. Furthermore, pursuant to SB 18 (California Government Code Section 65352.3), notice was sent on March 18, 2015 to potentially affected tribes to request consultation regarding the proposed General Plan Amendment. As of June 16, 2015 (90 day timeframe), no tribe requested a consultation.
Resource Protection §3400	To protect designated sensitive and critical resource habitats.	The site is relatively flat. It has been improved with a substantial amount of fill material when the existing shop building was constructed. The area surrounding the shop building is improved with gravel and has historically been used for truck storage and servicing. The perimeter of the parcel is vegetated and will be retained. There was no sensitive habitat identified on site. The project was referred to the California Department of Fish and Wildlife, however, they did not respond with any concerns.

**B.3. Impact on 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 and 322-3.1 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 law (the mid point of the density range specified in the plan designation), 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 is sited on commercial and industrial lands. The involved parcels were not utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**ATTACHMENT B**

**Ordinance No. 2566 Amending Section 311-7 of the Humboldt County Code by Rezoning Property in the Alton Area**

**Exhibit A: Map**

**Exhibit B: Legal Description**



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of December 6, 2016

**ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY  
REZONING PROPERTY IN THE ALTON AREA [ZR-15-002 (Tomac, LLC)]**

**ORDINANCE NO. 2566**

The Board of Supervisors of the County of Humboldt ordains as follows:

**SECTION 1. ZONE AMENDMENT.** Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Alton area from Residential Suburban with a 2.5 acre minimum parcel size and combining zone for manufactured homes (RS-B-5(2.5)-T) to Heavy Industrial with a Qualified combining zone (MH-Q) and modifying the Qualified combining zone as it applies to both APN 201-241-015 and 201-241-018. The area described is also shown on the Humboldt County zoning maps for the Fortuna Area Community Plan and on the map attached as Exhibit B.

**SECTION 2. ZONE QUALIFICATION.** The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from "RS-B-5(2.5)-T" to "MH-Q" and lands already zoned "MH-Q" (described in Exhibit A-1), in accordance with Humboldt County Code Section 314-32, which authorizes restriction of the MH zone regulations by application of the "Q" (Qualified Combining Zone).

**SECTION 3. PURPOSE OF QUALIFICATIONS.** The purposes of the special restrictions and regulations herein imposed on the property described in Exhibit A-1 are to identify and restrict principally and conditionally permitted uses to those that are consistent with a General Plan designation of Industrial General (IG) and which have no impacts on adjacent residential and commercial uses that are greater than the impacts caused by uses historically located on the MH-Q zoned property.

**SECTION 4. SPECIAL RESTRICTIONS.** Principal permitted uses and conditionally permitted uses otherwise allowed under the MH (Heavy Industrial) Zone regulations of Humboldt County Code Section 314-6.5 shall not be allowed on the property described in Exhibit A-1 except as provided for below:

- (a) Principal Permitted Uses. Uses in paragraph (1) below and the industrial performance standards of paragraph (2) herein:
  - (1) Small animal hospitals completely enclosed within a building. Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. Administrative, business and professional offices. Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories. Animal hospitals and kennels. Animal feed and sales yards. Manufacture of furniture, finished paper and paper products. Industrial manufacturing uses, except uses permitted with a Use Permit.

(2) Industrial Performance Standards

- Noise. All noise generating operations shall be buffered so that they do not exceed 70dB(A) anywhere off site premises.
- Lights. All lights shall be directed on-site and shielded to reduce glare to adjacent residential areas.
- Traffic. New development shall demonstrate that it will not substantially increase truck traffic on residential streets above historical levels associated with forest products processing and sales.
- Vibrations. No perceptible vibrations shall be permitted off the building site.
- Electronic Interference. No visual or audible interference of radio or television reception by operations shall be permitted.
- Dust Control. All areas used for parking, traffic circulation and material storage shall be surfaced with asphalt concrete, treated with a dust suppressant or another method to maintain dust control.
- Enclosures. All manufacturing and fabricating areas shall be enclosed in buildings.
- Storage. All equipment and materials storage areas adjacent to any residential zone or uses shall be screened by walls, fences, or adequate plantings to a height of not less than six feet (6'); the fencing and plantings shall conform to all yard requirements.

(b) Uses permitted with a Use Permit: Uses in paragraph (a)(1) above but are not able to meet the performance standards of (a)(2) above.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective thirty (30) days after the date of its passage.

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of December, 2016 on the following vote, to wit:

AYES: Supervisors Sundberg, Fennell, Lovelace, Bohn, Bass  
NOES: Supervisors --  
ABSENT: Supervisors --



MARK LOVELACE, Chair  
Board of Supervisors of the County of Humboldt,  
State of California

(SEAL)

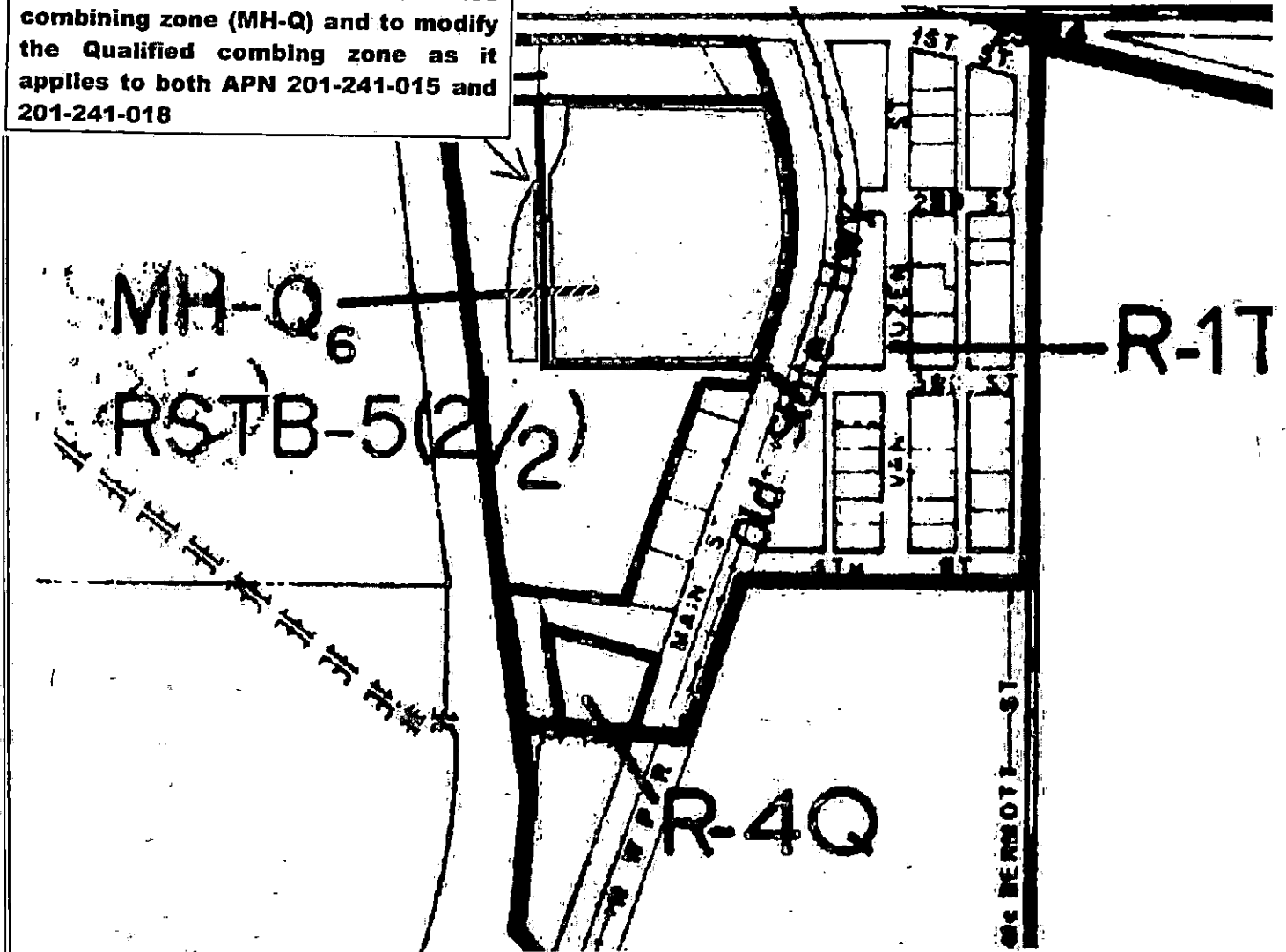
ATTEST:  
Kathy Hayes, Clerk of the Board of Supervisors  
of the County of Humboldt, State of California

By:   
Ana Hartwell, Deputy

EXHIBIT A

Map

Area to be rezoned from Residential Suburban with a 2.5 acre minimum parcel size and combining zone for manufactured homes (RS-B-5(2.5)-T) to Heavy Industrial with a Qualified combining zone (MH-Q) and to modify the Qualified combining zone as it applies to both APN 201-241-015 and 201-241-018



PROJECT AREA = 

ZONING MAP

PROPOSED TOMAC LLC  
 GENERAL PLAN AMENDMENT &  
 ZONE RECLASSIFICATION  
 ALTON AREA  
 GPA-15-002/ZR-15-002  
 APN: 201-241-015, -018  
 T02N R01W S23 HB&M (Fortuna)



MAP NOT TO SCALE



## EXHIBIT B

### Legal Description

That real property situate in the County of Humboldt, State of California, described as follows:

#### TRACT ONE:

Parcel One, as shown on Parcel Map No. 2993 on file in the Office of the Humboldt County Recorder, in Book 27 of Parcel Maps, Pages 98 and 99.

EXCEPTING therefrom that portion granted to the State of California by Grant Deed recorded July 30, 2007 as Instrument No. 2007-22691-4, Humboldt County Records.

#### TRACT TWO:

That portion of the Northeast Quarter of Section 23, Township 2 North, Range 1 West, Humboldt Meridian.

Bounded on the East by the Westerly line of Parcel 1 of Book 27, Parcel Maps, Pages 98 and 99, Humboldt County Records.

Bounded on the South by the Westerly extension of the South line of said Parcel 1.

Bounded on the West by the following described line:

COMMENCING at a found 5/8-inch rebar with a 1 1/2-inch aluminum cap stamped "HUNT LS4570" hereinafter referred to as QC719, marking the North Quarter corner of said Section 23, as shown on the Map filed in Book 20 of Parcel Maps, Page 137, Humboldt County Records;

thence South 87 degrees 03 minutes 56 seconds East, 809.095 meters to a found 1 1/2-inch square iron rod, hereinafter referred to as SC609, marking the Northeast corner of said Section 23 as shown on said Map;

- (1) thence North 85 degrees 46 minutes 58 seconds West 228.759 meters;
- (2) thence South 02 degrees 47 minutes 51 seconds West 15.000 meters;
- (3) thence North 88 degrees 07 minutes 20 seconds West 30.516 meters;
- (4) thence South 85 degrees 14 minutes 13 seconds West 44.403 meters;
- (5) thence along a curve to the left having a radius of 5.000 meters through an angle of 71 degrees 56 minutes 58 seconds 6.279 meters;
- (6) thence South 13 degrees 17 minutes 15 seconds West 53.301 meters;
- (7) thence South 27 degrees 52 minutes 48 seconds West 42.945 meters;
- (8) thence South 18 degrees 33 minutes 46 seconds West 15.812 meters;
- (9) thence along a curve to the left having a radius of 383.500 meters through an angle of 19 degrees 48 minutes 17 seconds 132.560 meters;
- (10) thence South 01 degrees 14 minutes 31 seconds East 97.357 meters;
- (11) thence South 04 degrees 06 minutes 16 seconds East 80.099 meters;
- (12) thence South 01 degrees 30 minutes 01 seconds West 52.914 meters to the Easterly line of State Route 101 as described in Book 283, Deeds, Page 115, Humboldt County Records.

EXCEPTING therefrom all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating (thereof and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than those hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land hereinabove described, and to bottom such whipstock or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 100 feet of the subsurface of the land hereinabove described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said lands. Being the same as excepted in the Deed from Henry T. Cardoza and Alaris A. Cardoza, his wife, as joint tenants, to the State of California, recorded March 27, 2007 as Instrument No. 2007-9901-7, Humboldt County Records.

**ATTACHMENT C**

**Post- Adoption Summary of Ordinance**

**Exhibit A: Map**

**POST-ADOPTION SUMMARY OF ORDINANCE**  
(For publication after adoption)

On December 6, 2016, the Humboldt County Board of Supervisors adopted Ordinance No. \_\_\_\_\_, which amends the zoning of property in the Alton area known as APNs 201-241-015 and 201-241-018 by rezoning these lands out of Residential Suburban with a 2.5 acre minimum parcel size and combining zone for manufactured homes (RS-B-5(2.5)-T) to Heavy Industrial with a Qualified combining zone (MH-Q) and modifying the terms of the existing Q-Zone. The new zone will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

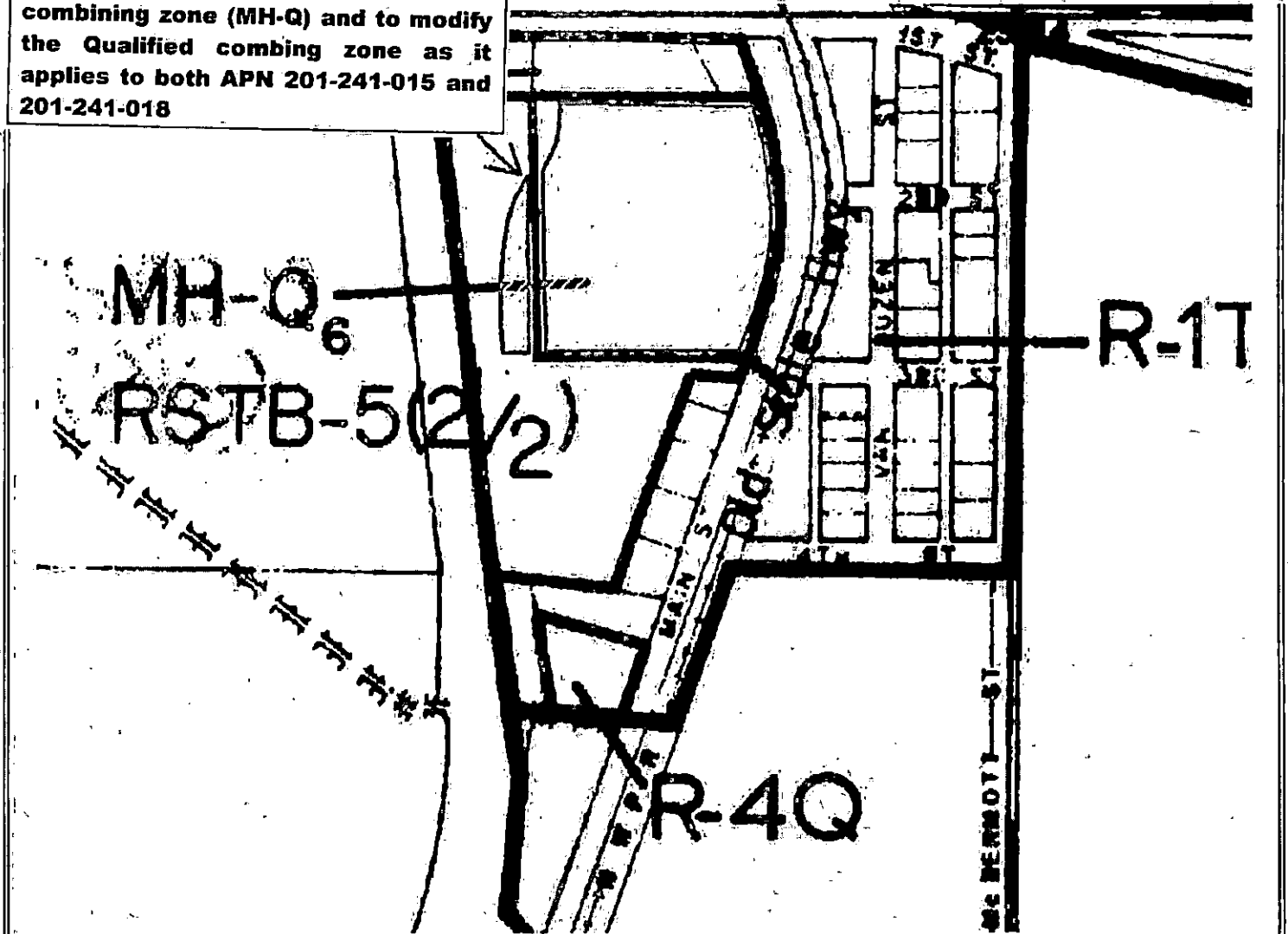
A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.



ATTACHMENT C, EXHIBIT A

Map

Area to be rezoned from Residential Suburban with a 2.5 acre minimum parcel size and combining zone for manufactured homes (RS-B-5(2.5)-T) to Heavy Industrial with a Qualified combining zone (MH-Q) and to modify the Qualified combining zone as it applies to both APN 201-241-015 and 201-241-018



PROJECT AREA = 

ZONING MAP

PROPOSED TOMAC LLC  
GENERAL PLAN AMENDMENT &  
ZONE RECLASSIFICATION  
ALTON AREA  
GPA-15-002/ZR-15-002  
APN: 201-241-015, -018  
T02N R01W S23 HB&M (Fortuna)



MAP NOT TO SCALE