

ATTACHMENT E

Copy of Planning Commission Staff Report for September 6, 2012



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501 Fax: (707) 268-3792 Phone: (707) 445-7541
<http://www.co.humboldt.ca.us/planning/>

DATE: July 18, 2012
TO: Humboldt County Planning Commission
FROM: Martha Spencer, Interim Director, Planning and Building Department
SUBJECT: BAKER General Plan Amendment, Zone Reclassification and Lot Line Adjustment
Case Nos.: GPA-11-001/ZR-11-001/LLA-11-007
File No.: APNs: 202-151-013, 202-151-014, 202-151-015, 202-151-019 & 202-161-022
Fortuna Area

The attached staff report has been prepared for your consideration of the Baker application at the public hearing on September 6, 2012. The staff report includes the following:

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Please contact Trevor Estlow, Senior Planner at 268-3740 if you have any questions about the scheduled public hearing item.

cc: Applicant, owners

AGENDA ITEM TRANSMITTAL

TO: HUMBOLDT COUNTY PLANNING COMMISSION

FROM: Martha Spencer, Interim Director of Planning and Building Department

HEARING DATE: September 6, 2012	SUBJECT: GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION AND LOT LINE ADJUSTMENT	CONTACT: Trevor Estlow
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Before you is the following:

PROJECT: A General Plan Amendment to change approximately 0.5 acres of lands planned Timberland (T) to Agricultural Suburban (AS) and approximately 1.5 acres of AS to T. This will facilitate a Zone Reclassification to compatible zone classifications (AG-B-5(5) and TPZ), as well as a Lot Line Adjustment to increase the size of the three residentially zoned parcels. The project will also remedy a violation of the Subdivision Map Act. Three parcels are each developed with a single family residence and served with on-site water and one parcel is developed with a barn. The large, timbered parcel is covered by a Non-Industrial Timber Management Plan and Conservation Easement.

PROJECT LOCATION: The project site is located in Humboldt County, in the Fortuna area, on the north side of Loop Road, approximately 1,000 feet north of the intersection of Loop Road and Watson Road, on the properties known as 1960, 1966 and 1984 Loop Road.

PRESENT PLAN DESIGNATIONS: Agricultural Suburban (AS) and Timberland (T). Fortuna Area Community Plan (FACP). Density: AS: one dwelling unit per 2.5 to 5.0 acres; T: one dwelling unit per 160 acre to one dwelling unit per 40 acres. Slope Stability: Moderate Instability.

PRESENT ZONING: Agriculture General with a combining zone specifying a 5 acre minimum parcel size (AG-B-5(5)) and Timberland Production Zone (TPZ).

ASSESSOR PARCEL NUMBERS: 202-151-013, 202-151-014, 202-151-015, 202-151-019 & 202-161-022

APPLICANT

Gary & Lynn Baker
P.O. Box 872
Fortuna, CA 95540
Phone: (707) 725-4263

OWNER(S)

Same and Robert Parks
1984 Loop Road
Fortuna, CA 95540
725-5318

Richard & Nancy Head
1960 Loop Road
Fortuna, CA 95540
616-6527

ENVIRONMENTAL REVIEW:

Requires environmental review.

MAJOR ISSUES

Timberlands

STATE APPEAL STATUS:

Project is not appealable to the California Coastal Commission.

EXECUTIVE SUMMARY

Baker General Plan Amendment/Zone Reclassification/Lot Line Adjustment
Case Numbers: GPA-11-001/ZR-11-001/LLA-11-007

RECOMMENDED COMMISSION ACTION:

1. Describe the application as a public hearing;
2. Allow the staff to present the project;
3. Open the public hearing; and
4. After receiving testimony, close the hearing, and make a motion to:

"I move to adopt the Mitigated Negative Declaration, make all of the required findings, based on evidence in the staff report and public testimony, and approve the project as described in the Agenda Item Transmittal subject to the recommended conditions."

Project Summary

The matter before the Commission is the approval of a General Plan Amendment (GPA), Zone Reclassification and Lot Line Adjustment application. The applicants submitted a Petition to amend the general plan that was accepted for processing by the Board of Supervisors on October 12, 2010. The General Plan Amendment proposes to change approximately 0.5 acres of lands planned Timberland (T) to Agricultural Suburban (AS) and approximately 1.5 acres of AS to T. The Zone Reclassification proposes to reclassify an approximate 2.8 acres, through an immediate conversion, from Timberland Production Zone (TPZ) into Agriculture General with a Special Building Site combining zone specifying a 5-acre minimum parcel size (AG-B-5(5)). The Zone Reclassification will also reclassify approximately 0.8 acres of AG-B-5(5) into TPZ. The Lot Line Adjustment will result in Parcels 1, 2, 3 and 4 of approximately 2.1, 2.0, 1.9 and 74.5 acres, respectively.

Background

The site is located in the Fortuna area and accessed from Loop Road. Parcels 1, 2 and 3 are each developed with a single family residence and Parcel 4 is developed with a barn. The majority of the property was purchased in 1972 by the three property owners. In 1974, the land was subdivided into four parcels (Parcel Map No. 389). Each family retained an approximately one acre parcel and jointly owned Parcel 4. Shortly thereafter, a portion of a neighboring parcel (202-162-024 (old APN)) was purchased and merged with Parcel 4. In 1976, the entire reconfigured Parcel 4 was zoned TPZ. This parcel included a portion of pasture that remains today. Also in 1976, another portion of a neighboring parcel (202-162-001 (old APN)) was purchased but never merged with the larger TPZ parcel. In 2004, a Nonindustrial Timber Management Plan was placed on the majority of the TPZ parcel. Finally, in 2009, a Conservation Easement was placed on a majority of the TPZ parcels (current 202-151-019 and 202-161-022).

The lands are planned both T and AS by the Fortuna Area Community Plan (FACP) and zoned both TPZ and AG-B-5(5). The area proposed for rezoning out of TPZ is currently pasture and has been since the time the lands were originally zoned TPZ.

General Plan Amendment

The General Plan Amendment proposes to change the designation of approximately 0.5 acres of land planned T to AS and approximately 1.5 acres of lands planned AS to T. This will be consistent with the corresponding zoning designation proposed (TPZ and AG-B-5(5)). Areas within the AS plan designation contain merchantable timber whereas areas within the T designation are open pasture.

Additionally, the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan. The proposed changes are required in order to facilitate a Lot Line Adjustment to provide adequate reserve septic leachfield area for one of the involved parcels. The only area that can be utilized for onsite sewage disposal is located across a property line on lands zoned TPZ. Because the Lot Line Adjustment can not create a mixed-zoned parcel of Agricultural General (AG) and TPZ, the area required for residential use must be planned and zoned for such. Currently, the TPZ zoning prohibits the Lot Line Adjustment as planned.

Zone Reclassification

The Zone Reclassification proposes to reclassify an approximate 2.8 acres, through an immediate conversion, from Timberland Production Zone (TPZ) into Agriculture General with a Special Building Site combining zone specifying a 5-acre minimum parcel size (AG-B-5(5)). The Zone Reclassification will also reclassify approximately 0.8 acres of AG-B-5(5) into TPZ. The applicant has provided a letter from a Registered Professional Forester stating that the lands proposed to be zoned TPZ meet the inclusion requirements (i.e. meets definition of "timberland" and is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre).

The rezone is in the public interest and is consistent with General Plan policies. The rezone facilitates a remedy of conveyances done in violation of subdivision regulations, retains rural residential development consistent with adjacent development along Loop Road, and maintains timberlands in resource production. Furthermore, the project was reviewed and approved by the Forestry Review Committee on November 15, 2011 (see Attachment 5)

While it is the policy of Cal Fire not to support immediate rezoning of lands out of TPZ, discussions with Cal Fire representatives indicate that the facts specific to this project would not likely draw opposition from the agency. The rezone will remove non-timbered (pasture) land from TPZ but will add timberlands to the remaining TPZ zoned lands, resulting in a net increase in actual timberland under restriction. Staff believes that the immediate rezone is consistent with the required findings for the zone reclassification, as well as the findings required under Section 312-50.8, *Supplemental Timberland Production Zoning Procedures*, and with Article 4 of the California Government Code, specifically Section 51133, *Immediate Rezone*, including the Board of Supervisors approval process, and is consistent with the Forest Taxation Reform Act of 1976. A Timberland Conversion Permit if required by Cal Fire must be obtained prior to final approval by the Board.

Lot Line Adjustment

The LLA involves the four parcels created by Parcel Map No. 389 filed in Book 3, page 149 of Parcel Maps as well as the neighboring lands acquired in 1974 and 1976. The portions of parcels acquired in 1974 and 1976 were done without benefit of local review and are a violation of subdivision regulations. The LLA utilizes the four parcels created by subdivision to result in Parcels 1, 2, 3 and 4 of approximately 2.1, 2.0, 1.9 and 74.5 acres, respectively. The purpose of the LLA is to allow the owners of APN: 202-151-014 to acquire additional lands such that the existing septic system can function properly. Currently, the existing one acre parcel does not have a suitable leachfield area to accommodate the Department of Environmental Health requirements. All residential parcels (Parcel 1, 2 and 3) are being enlarged equally due to the joint ownership of the timberlands. The LLA will remedy violations of subdivision regulations, and places additional timbered lands within the TPZ classification and removes pastured areas out of TPZ.

Staff Recommendation

The Planning Division believes that the project, as conditioned and mitigated, has no potential for causing a significant effect on the environment. All referral agencies have recommended approval or

conditional approval.

Based on the on-site inspection, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the project.

ALTERNATIVES:

The Planning Commission could elect not to recommend approval of 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 and does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 12-**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE BAKER GENERAL PLAN
AMENDMENT, ZONE RECLASSIFICATION AND LOT LINE ADJUSTMENT APPLICATION
CASE NUMBERS GPA-11-001/ZR-11-001/LLA-11-007
ASSESSOR PARCEL NUMBERS 202-151-013 ET SEQ.**

WHEREAS, applicant submitted an application and evidence in support of approving the General Plan Amendment (GPA), Zone Reclassification (ZR) and Lot Line Adjustment (LLA) to result in Parcels 1, 2, 3 and 4 of approximately 2.1, 2.0, 1.9 and 74.5 acres, respectively; and

WHEREAS, the project may be approved if it can be found that: (1) The proposed change is in the public interest; and (2) The proposed change is consistent with the General Plan, (3) The proposed change 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 immediate rezone may be approved if it can be found to be consistent with the Forest Taxation Reform Act of 1976 and with the requirements of Article 4, specifically Section 51133 et seq. of the California Government Code [*immediate TPZ rezone*]; 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, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning and Building Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for granting the GPA, ZR and LLA (Case Nos.: GPA-11-001/ZR-11-001/LLA-11-007); and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission has considered the proposed Mitigated Negative Declaration in Attachment 5, as required by Section 15074 (b), of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The proposed General Plan Amendment and Zone Reclassification are in the public interest; and

3. The proposed General Plan Amendment and Zone Reclassification are consistent with the General Plan; and
4. 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
5. The immediate rezone is consistent with the Forest Taxation Reform Act of 1976 and Article 4 (Section 51130 et seq.) of the California Government Code; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Division Staff Report for Case Nos.: GPA-11-001/ZR-11-001/LLA-11-007 based on the submitted evidence.
7. The Planning Commission approves the proposed project as recommended and conditioned in the Planning Division Staff Report for Case Nos.: GPA-11-001/ZR-11-001/LLA-11-007.

BE IT FURTHER 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 Mitigated Negative Declaration and make the necessary findings prepared by Planning Staff.
3. Tentatively approve the immediate rezoning of approximately 2.8 acres out of TPZ into AG-B-5(5), and direct staff to transmit the tentative approval to the Director of the Department of Forestry and Fire Protection in accordance with Section 51130 of the California Government Code.
4. Approve the Lot Line Adjustment to result in Parcels 1, 2, 3 and 4 of approximately 2.1, 2.0, 1.9 and 74.5 acres, respectively.
5. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on September 6, 2012.

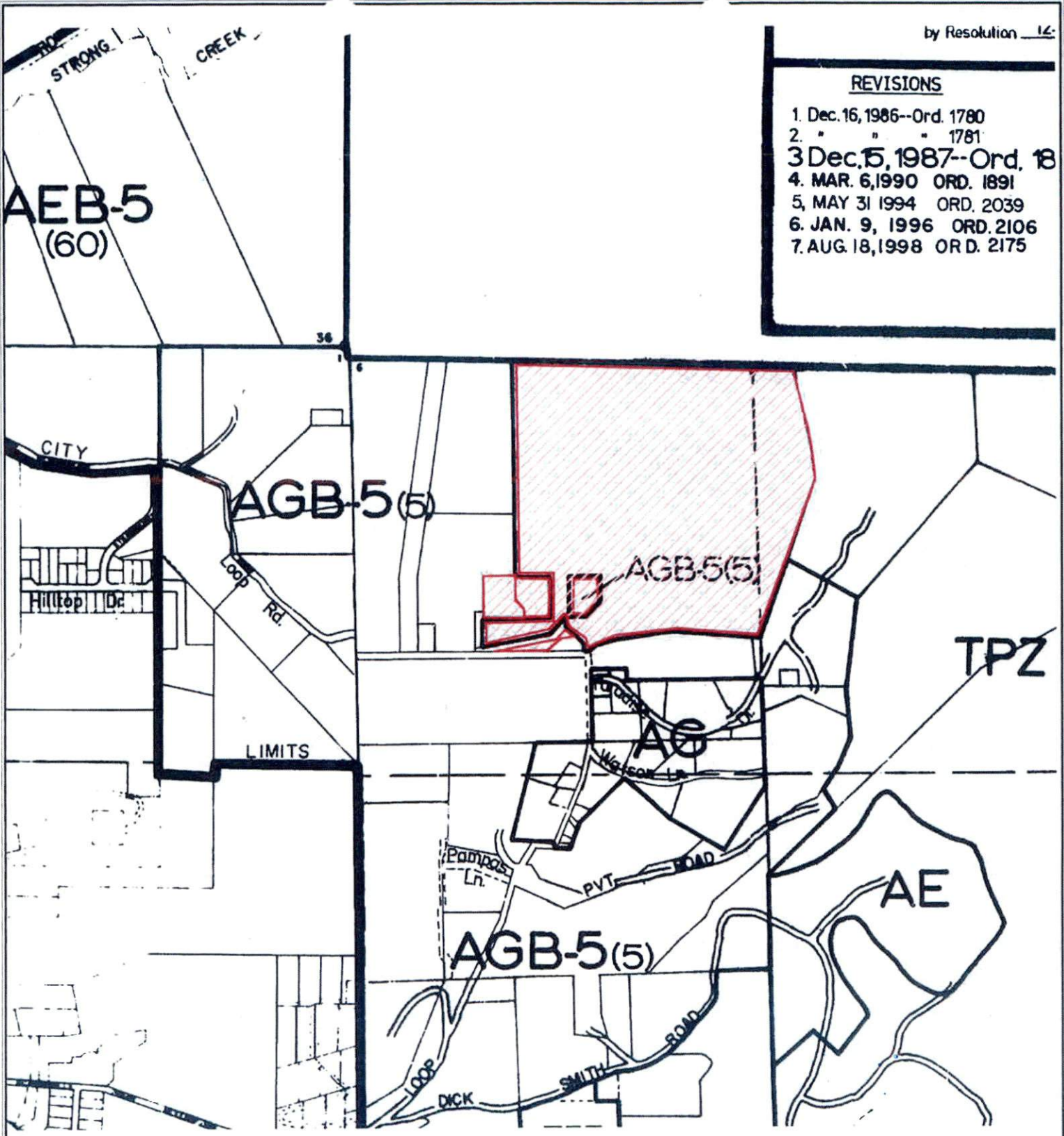
The motion was made by Commissioner _____ and seconded by Commissioner _____ with the following ROLL CALL vote.

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

 Chairperson

REVISIONS

- 1. Dec. 16, 1986--Ord. 1780
- 2. " " " " 1781
- 3. Dec. 15, 1987--Ord. 18
- 4. MAR. 6, 1990 ORD. 1891
- 5. MAY 31 1994 ORD. 2039
- 6. JAN. 9, 1996 ORD. 2106
- 7. AUG. 18, 1998 ORD. 2175



ZONING MAP

**PROPOSED BAKER
 GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION,
 LOT LINE ADJUSTMENT & DETERMINATION OF STATUS
 FORTUNA AREA**

GPA-11-01/ZR-11-01/LLA/11-07/DS-11-05

APN: 202-151-13 ET SEQ.

T02N R01E S06 H B & M

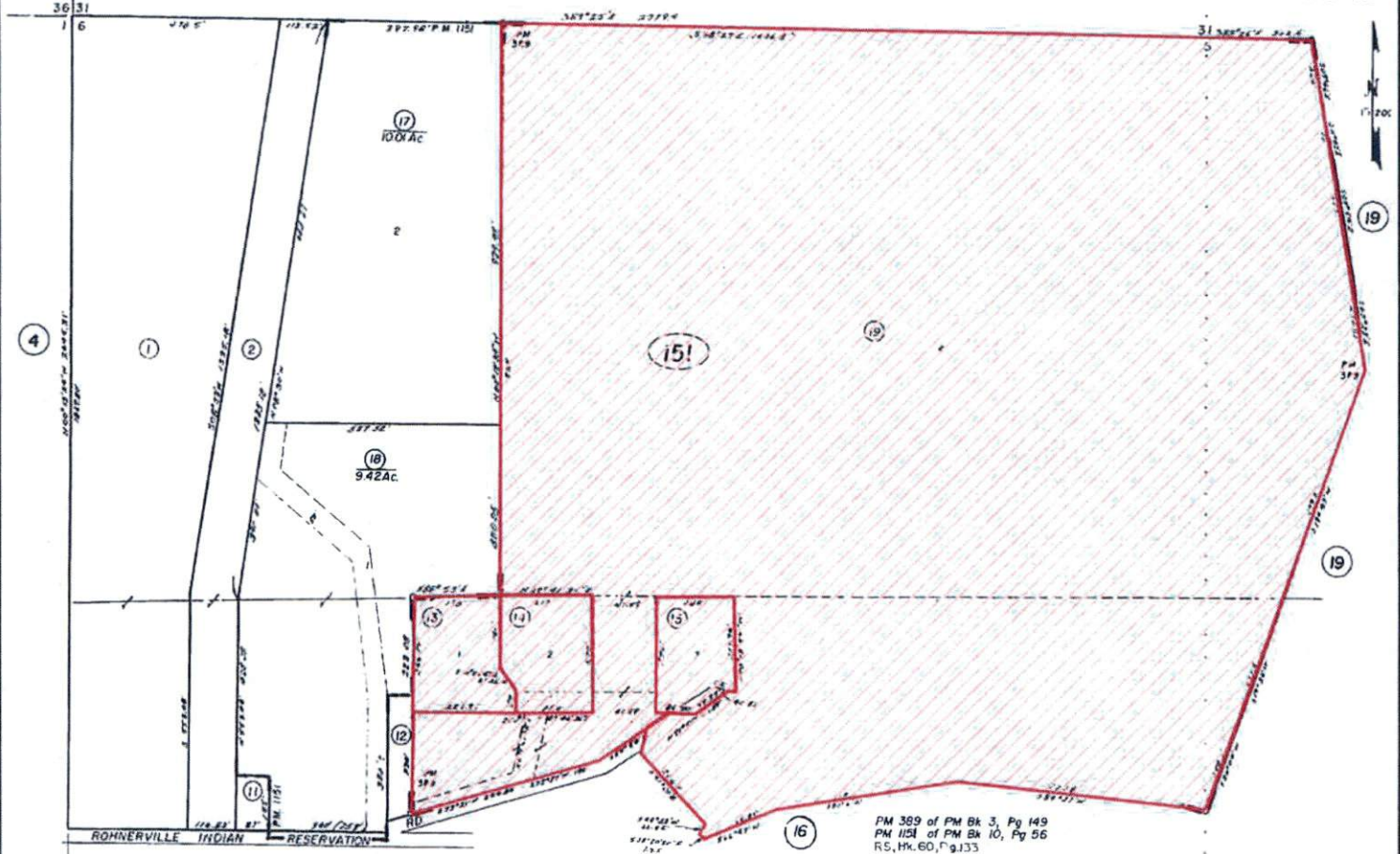
PROJECT AREA = 



MAP NOT TO SCALE

③ POR N 1/2 SEC 6, T2N R1E

202-15



PM 389 of PM Bk 3, Pg 149
 PM 1151 of PM Bk 10, Pg 56
 R5, Hk. 60, Pg. 133

PROJECT AREA = 

ASSESSOR PARCEL MAP

**PROPOSED BAKER
 GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION,
 LOT LINE ADJUSTMENT & DETERMINATION OF STATUS
 FORTUNA AREA
 GPA-11-01/ZR-11-01/LLA/11-07/DS-11-05
 APN: 202-151-13 ET SEQ.
 T02N R01E S06 H B & M**



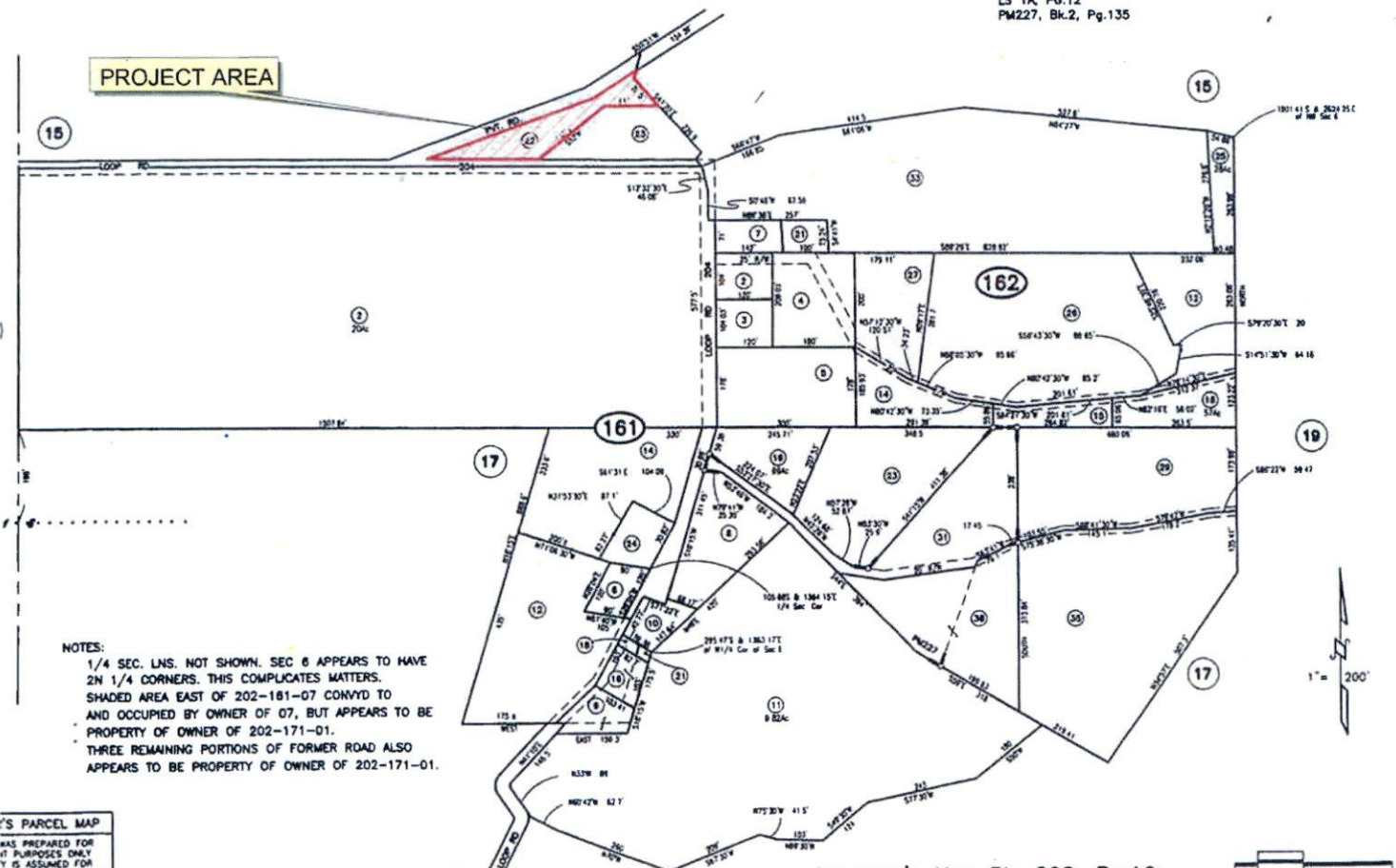
MAP NOT TO SCALE

PTN W1/2 SEC.6, T2N, R1E H.B.& M.

LS 2A, PG.5
LS 1A, PG.12
PM227, Bk.2, Pg.135

202-16

PROJECT AREA



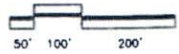
NOTES:
 1/4 SEC. LNS. NOT SHOWN. SEC. 6 APPEARS TO HAVE
 2N 1/4 CORNERS. THIS COMPLICATES MATTERS.
 SHADED AREA EAST OF 202-181-07 CONVD TO
 AND OCCUPIED BY OWNER OF 07, BUT APPEARS TO BE
 PROPERTY OF OWNER OF 202-171-01.
 THREE REMAINING PORTIONS OF FORMER ROAD ALSO
 APPEARS TO BE PROPERTY OF OWNER OF 202-171-01.

ASSASSOR'S PARCEL MAP
 WAS PREPARED FOR
 IT PURPOSES ONLY
 Y IS ASSUMED FOR
 CY OF THE DATA SHOWN
 S PARCELS MAY NOT
 IN LOCAL LOT-SPLIT
 TO SITE CIRCUMSTANCES

4 Jul 19, 2006

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 202, Pg.16
 County of Humboldt, CA.



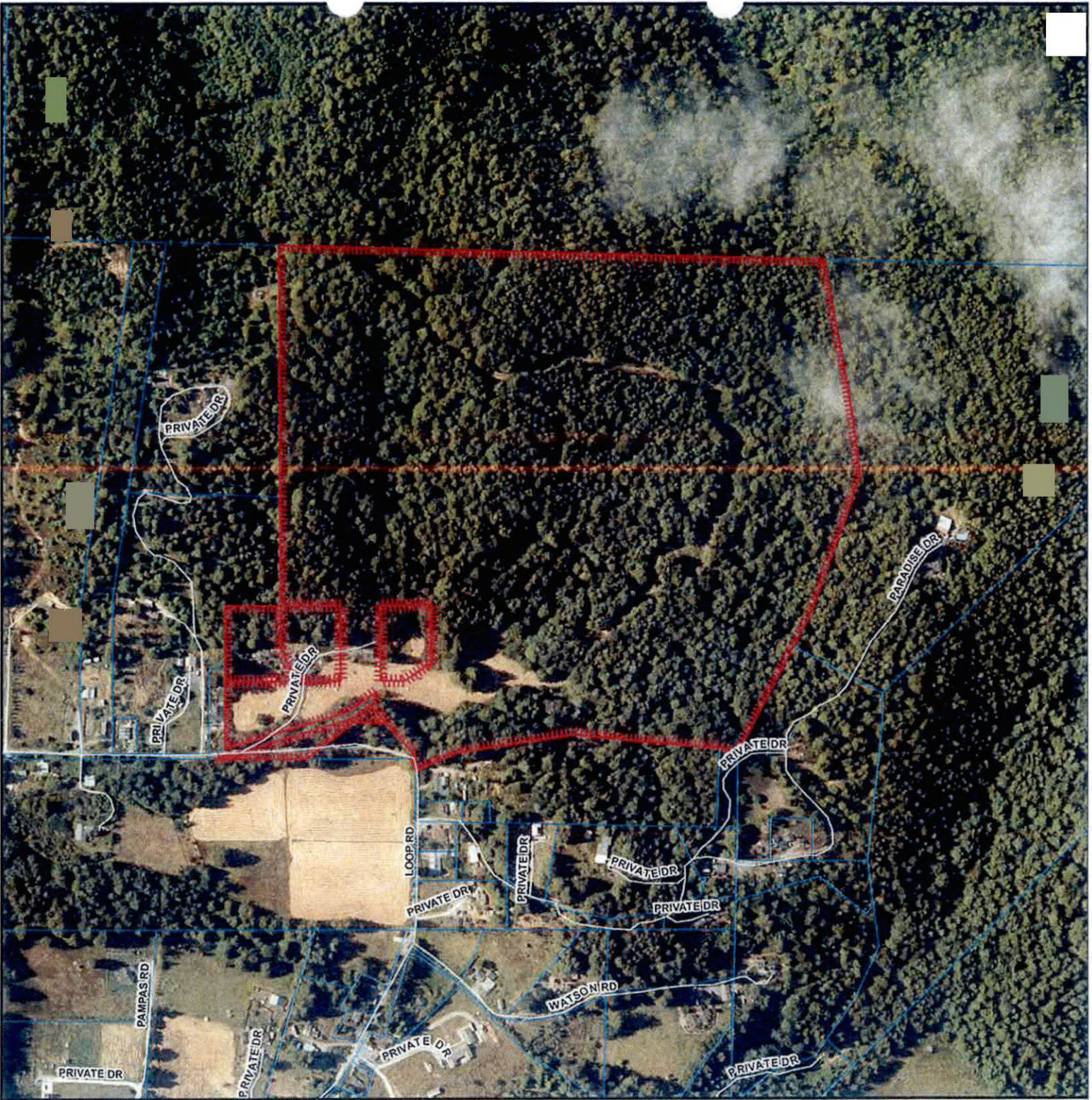
PROJECT AREA =

ASSESSOR PARCEL MAP

**PROPOSED BAKER
 GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION,
 LOT LINE ADJUSTMENT & DETERMINATION OF STATUS
 FORTUNA AREA
 GPA-11-01/ZR-11-01/LLA/11-07/DS-11-05
 APN: 202-151-13 ET SEQ.
 T02N R01E S06 H B & M**



MAP NOT TO SCALE



AERIAL MAP

**PROPOSED BAKER
GENERAL PLAN AMENDMENT, ZONE RECLASSIFICATION,
LOT LINE ADJUSTMENT & DETERMINATION OF STATUS
FORTUNA AREA**

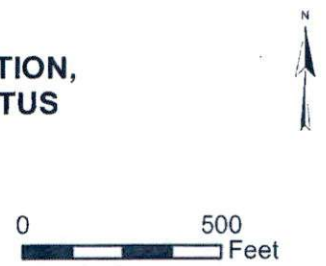
GPA-11-01/ZR-11-01/LLA/11-07/DS-11-05

APN: 202-151-13 ET SEQ.

T02N R01E S06 H B & M

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



ATTACHMENT 1A
CONDITIONS OF APPROVAL (General Plan Amendment and Zone Reclassification)

APPROVAL OF THE GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE GENERAL PLAN AMENDMENT AND 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 land to be re-zoned from TPZ for review and approval by the County Land Surveyor. The applicable review fee (currently \$190.00) must accompany each legal description. The legal description must be approved by the County Land Surveyor prior to the Zone Reclassification being scheduled for a decision by the Board of Supervisors.
2. Applicant shall obtain from the California Department of Forestry and Fire Protection approval for a Timberland Conversion Permit or a Less than 3 acre Conversion Exemption, as required by Cal Fire, for immediate rezone out of the Timberland Production Zone, prior to final approval by the Board of Supervisors.
3. **Within five (5) working days of the effective date of this permit approval**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,151.50. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus a \$50 document handling fee. This fee is effective through December 31, 2012 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFG by phone at (916) 651-0603 or through the DFG website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFG concurs, a form will be provided exempting the project from the \$2,101.50 fee payment requirement. In this instance, only a copy of the DFG form and the \$50.00 handling fee is required.

Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).

ATTACHMENT 1B
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 LOT LINE ADJUSTMENT:

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning and Building 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. (If the submitted title documents are more than 6 months old, updated documents must be submitted.)
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel (enclosed in the final approval packet).
 - 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 \$66.00 per notice, \$190 per 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 Building Department and the Public Works Department.
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 \$70.00) as required by the County Assessor shall be paid to Planning and Building 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 property owner(s) shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.
5. The applicant shall obtain a Timberland Conversion Permit or a Less Than 3 acre Conversion Exemption, as required by Cal Fire, prior to final approval by the Board of Supervisors.
6. Final approval and adoption of the rezone by a four-fifths vote of the full body of the Board of Supervisors for Case Nos. GPA-11-001/ZR-11-005.
7. Applicant shall contact the County Tax Collector regarding the Tax Recoupment Fee for the immediate rezone out of TPZ.
8. 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 Notices 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.*

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. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning and Building Department for review as a package at least four (4) weeks before the desired date for recordation. Post application assistance by the Planner on Duty or by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is no charge for the first post project approval meeting. Please contact the Planning and Building Department at (707) 445-7541 for copies of all required forms and written instructions.
4. This permit shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see Effective Date). If necessary, an extension may be requested in accordance with the provisions of Section 312-11.3 of the Humboldt County Code.
5. The January 1, 2004 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts that describe that document are available from the Planning and Building Department.
6. Compliance with the Fire Safe regulations (Humboldt County Ordinance No.1952),

development standards and parking requirements specified in Humboldt County Code must be demonstrated at the time of application for the Building Permit. Conformance with these standards has not been reviewed as part of this Lot Line Adjustment.

7. If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover). Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials.

The applicant is responsible for compliance with this requirement.

8. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, as applicable.
9. Lands classified as Timberland Production Zone (TPZ) are enforceably restricted under the California State Constitution and are subject to applicable provisions of the California Government Code and California Revenue and Taxation Codes. These provisions of law affect the manner in which the subject real property may be used and conveyed. A Joint Timber Management Plan (JTMP) will be required in certain situations. Please contact the Humboldt County Assessor (445-7276) or the Planning and Building Department – Planning Division (445-7541) for further information.
10. Agricultural and timber lands are identified in the Government Code as a class of open-space land [Section 65560(b)(2)]. Government Code Section 65567 prohibits the issuance of a building permit if the proposed construction is inconsistent with the local open-space plan.
11. Under state planning and zoning law (CGC §66000 et seq.), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
12. The Determination of Status for this Lot Line Adjustment found that a portion of current APN 202-151-019 and APN 202-161-022 were not created in compliance with provisions of the State Subdivision Map Act and local subdivision regulations. Pursuant to Section 66499.36 of the California Government Code, the County must issue a Notice of Intent to Record a Notice of Violation for these parcels, absent measures to remedy the identified violation. Acceptable remedies include: 1) adjustment to one or more separate legal parcels (the current application); 2) merger with a separate legal parcel under the same ownership or merger to reconfigure the property prior to violation; or 3) issuance of a Conditional Certificate of (Subdivision) Compliance by the County. Until this violation is remedied, the County is prohibited from issuing any development permits for APNs 202-151-019 and 202-161-022 (C.G.C. Sec. 66499.34).

ATTACHMENT 2

Staff Analysis of the Evidence Supporting the Required Findings

Required Findings: To approve this project, the Hearing Officer shall determine that the applicants have submitted evidence in support of making **all** of the following required findings.

A. Required Findings for General Plan Amendments/Zone Reclassifications

The General Plan of Humboldt County is a dynamic document that can be modified to reflect changing social, economic or environmental conditions, or changes in state law. These changes include changing property from one plan designation or zone to another. Per Section 1452.2, *Findings Required*, of the Fortuna Area Community Plan and the Framework Plan, an amendment may be approved if:

1. Base information or physical conditions have changed; or
2. Community values and assumptions have changed; or
3. There is an error in the plan; or
4. To maintain established uses otherwise consistent with a comprehensive view of the plan.

B. State Planning and Zoning Law (Government Code §65300 et seq.) and Sections 312-50.3 and 312-50.8 of the Humboldt County Code Zoning Regulations, Required Findings for All Amendments, may be approved only if the following applicable findings are made:

1. The amendment is in the public interest;
2. The amendment is consistent with the General Plan;
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.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

4. a) The project either is categorically or statutorily exempt; or
b) There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
(c) An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.
5. Furthermore, per Section 312-50.8.2, *Rezoning From Timberland Production to a Different Zone*, rezoning of the land shall be in conformance with the requirements of the Forest Taxation Reform Act of 1976. Immediate rezoning out of TPZ must be consistent with the requirements of Article 4, *Immediate Rezone*, of the California Government Code, specifically Section 51133:

- 6. a) The board or council may tentatively approve the immediate rezoning after notice and hearing and only if by a four-fifths vote of the full body; and:
 - (1) A public hearing is held with notice of the hearing being given to all owners of lands situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
 - (2) The board or council makes written findings that immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution and of this Chapter (refer to Attachment 1A) and with the provisions of the Timber Yield Tax Law (Sections 51130 through 51134 of the California Government Code).
 - (3) The board or council makes written findings that immediate rezoning is in the public interest.
- (b) The board or council shall forward its tentative approval to the State Board of Forestry, together with the application for immediate rezoning, a summary of the public hearing and any other information required by the State Board of Forestry.

C. Lot Line Adjustment

- 1. **The application is complete**
- 2. **Consistency with the Subdivision Map Act**
- 3. **Conformance with Zoning and Building Ordinances**

Evidence to support the findings

Staff Analysis:

A. Base Information or physical conditions have changed

The amendment affects lands within five Assessor parcel numbers that comprise four legal parcels and two conveyances in violation of the subdivision regulations. The lands proposed to be planned and zoned for timber production have been shown to meet the inclusion requirements into TPZ. The majority of the lands proposed to be planned and zoned for agricultural/rural residential uses are utilized as pasture, however, when the lands were originally zoned TPZ, the owners included the entire parcel and were not aware that the entire parcel did not need to be rezoned. Each of the agriculturally zoned properties are developed with a residence and the TPZ parcel is developed with a barn. The amendment, rezone and lot line adjustment will allow one of the parcel owners to expand their septic leach fields in compliance with Environmental Health regulations.

The project warrants consideration based on the fact that base information and physical conditions have changed. Had the owners originally been aware of the partial zoning of a parcel into TPZ, the TPZ zoning would not include the pastureland. This is an example of how the base information has changed and the current zoning does not represent the use of the land.

Based on the above facts, the Board of Supervisors accepted the petition for a General Plan Amendment allowing the applicants to submit the present application to change the land use

designation both from Timber (T) to Agriculture Suburban (AS) and from AS to T.

B.1 The project is in the public interest: The inclusion of additional lands into timber will keep resource lands in production. Additionally, the use of the land will be correctly represented in the zoning classification.

B.2. The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of 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
Land Use: §2721 Timberland (T) §2721 Agricultural Suburban (AS)	Timberland designation is utilized to classify land that is primarily suitable for growing, harvesting and production of timber. The AS designation allows for one-family dwellings and general agriculture.	Parcels 1, 2 and 3 are each developed with a single family residence and associated outbuildings. Parcel 4 is developed with a barn. The General Plan Amendment and Zone Reclassification will facilitate a Lot Line Adjustment that will remedy conveyances in violation of subdivision regulations. The NTMP currently affecting the timberlands which are generally Site II redwood indicates that the timberlands can be managed for timber production. Cal Fire does not object to project approval.
Hazards: §3000	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	The site is in an area of moderate slope instability and high wildland fire rating. The site is within a State Responsibility Area, and fire jurisdiction is shared by Cal Fire and the Fortuna Fire Protection District. Future development must comply with the provisions of this section, and future building installations must meet County Building regulations including County Fire Safe Regulations.
Archaeological & Paleontological Resources §3500	New development shall protect cultural, archaeological and paleontological resources.	The project was referred to the North Coastal Information Center and the Bear River Band of the Rohnerville Rancheria. They both recommended approval with no further study. Furthermore, pursuant to SB 18 (California Government Code Section 65352.3), notice was sent on April 21, 2010 to potentially affected tribes to request consultation regarding the proposed General Plan Amendment. As of July 20, 2010 (90 day timeframe), no tribe requested a consultation.

Resource Protection §3400	To protect designated sensitive and critical resource habitats.	An unnamed seasonal tributary to Strongs Creek flows along the southern property line. No impacts to the watercourse are anticipated as the parcels are already developed. Future development must comply with the Streamside Management Area Ordinance and the resource protection policies and standards of the Plan.
Visual Resource Protection	New development shall conserve and protect scenic and visual qualities of coastal areas.	The project site is not a designated scenic area.

B.3 Housing Element Law. The existing agriculturally zoned lots are each developed with a single family residence. Parcel 4 is planned and zoned for timber production and, as such, was not included in the housing assessment. The project does not reduce the residential density utilized by the Department of Housing and Community Development.

B.4. Environmental Impact. Please see the attached draft Negative Declaration.

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department, Planning Division (Attachment 6) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of this General Plan Amendment, Zone Reclassification and Lot Line Adjustment, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,151.50. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus the \$50 document handling fee. This fee is effective through December 31, 2012 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFG by phone at (916) 651-0603 or through the DFG website at www.dfg.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFG concurs, a form will be provided exempting the project from the \$2,101.50 fee payment requirement. In this instance, only a copy of the DFG form and the \$50.00 handling fee is required. This requirement appears as Condition #3 of Attachment 1A.

B.5. Immediate Rezoning From Timberland Production Zone. Section 51130 et seq. of the California Government Code provides the process for the immediate rezone from TPZ. This process requires that: (1) the project be noticed for the Board of Supervisor hearing to include all owners within one-mile of the exterior boundary of the land proposed for rezone, (2) tentative approval of a four-fifths vote of the full Board of Supervisors be obtained, (3) final approval by the Board of Supervisors be obtained, and (4) the County Assessor's Office be duly notified of final approval such that the lands may be taxed consistent with Subdivision (j) of Section 3 of Article XIII of the Constitution. Based on Title 14, Section 1102 of the California Code of Regulations, the State Board delegates its authority and responsibilities to the Director of the

California Department of Forestry and Fire Protection (CDF). A Less than 3-acre conversion or a Timberland Conversion Permit, as required by Cal Fire, shall be obtained prior to final approval by the Board.

To approve the rezoning the Board of Supervisors must adopt written findings that:

1. The rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution of the State of California; and
2. The rezoning is in the public interest.

Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p><u>SUBDIVISION (j) OF SECTION 3 OF ARTICLE XIII OF THE CONSTITUTION:</u></p> <p>Immature forest trees planted on lands not previously bearing merchantable timber or planted or of natural growth on lands from which the merchantable original growth timber stand to the extent of 70 percent of all trees over 16 inches in diameter has been removed. Forest trees or timber shall be considered mature at such time after 40 years from the time of planting or removal of the original timber when so declared by a majority vote of a board consisting of a representative from the State Board of Forestry, a representative from the State Board of Equalization, and the Assessor of the County in which the trees are located.</p> <p>The Legislature may supersede the foregoing provisions with an alternative system or systems of taxing or exempting forest trees or timber, including a taxation system not based on property valuation. Any alternative system or systems shall provide for exemption of unharvested immature trees, shall encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions. Nothing in this paragraph shall be construed to exclude timberland from the provisions of Section 8 of this article.</p>	<p>A Timberland Conversion Permit or Less Than 3-acre Conversion Exemption may be required by Cal Fire for the immediate rezone. However, the proposed substitute zone (AG-B-5(5)) does permit general agriculture, including timber production, as a principally permitted use. Additionally, as discussed above, the lot line adjustment will not result in any actual on the ground change of use of the land; Parcels 1 – 3 are each developed with a single family residence and accessory structures and the majority of the timbered areas remains undeveloped subject to a Nonindustrial Timber Management Plan. The area proposed to be rezoned out of TPZ is existing pasture that has been uses as such since the parcel was originally zoned TPZ. Cal Fire does not oppose the project. The LLA maintains the majority of the timberlands in timber production. The project is consistent with the legislative intent encouraging the continued use of timberlands for the production of trees for timber products.</p>

<p><u>PUBLIC INTEREST</u> (a) Whether the alternative use will serve a</p>	<p>The alternative use is the reconfiguration of lands</p>
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<p>public need; provide a public service; benefit the local community and region, including economic and social benefits; avoid damage or threatened damage to other property, especially public parks and other publicly-owned lands; or involve costs and secondary impacts caused by services required by the alternative use.</p>	<p>that allow for the remedy of conveyances done in violation of subdivision regulations and separation of lands utilized for pasture from the TPZ zone. The existing NTMP indicates that the timberlands will be managed for continued resource production.</p>
<p>(b) The adverse environmental impacts of the alternative use and mitigation thereof; including, but not limited to, impacts on lakes, streams, and other waters, wildlife, air quality and aesthetics.</p>	<p>Parcels 1 – 3 are each developed with a single family residence. Parcel 4 is developed with a barn and utilized for growing and harvesting of timber. Future site development will be required to setback from watercourses and implement best management practices (BMPs) for erosion and sediment control.</p>
<p>(c) The impact on the long term timber supply capability of California, including the cumulative impact from conversion of similar properties.</p>	<p>As noted above, the project will reconfigure the existing parcels to remedy conveyances done in violation of subdivision regulations and to separate lands utilized for pasture from the TPZ zone. The NTMP indicates that the timberlands may be managed for continued resource production. Also, the AG zone allows timber production to occur as a principally permitted use.</p>
<p>(d) The availability of proximate and suitable land to accommodate the alternative use which lies outside of a TPZ or which would involve the removal of lower quality timberlands from productive use.</p>	<p>The project will reconfigure the existing parcels to remedy conveyances done in violation of subdivision regulations and to separate lands utilized for pasture from the TPZ zone. The NTMP indicates that the timberlands may be managed for continued resource production. Also, the AG zone allows timber production to occur as a principally permitted use.</p>

C. Lot Line Adjustment

C.1. The application is complete: The following table identifies the evidence which supports the finding that the applicant has submitted the information which is required by Section 325.5-6(a) of the Humboldt County Code.

Application Requirements	Submitted	Not Submitted
Completed and Signed Application Form	✓	
Copies of Present Owners Deeds	✓	
Preliminary Title Report	✓	
Copy of the Creation Documents for the parcels	✓	
6 Copies of a Lot Line Adjustment Plot Plan	✓	
Required County Fees	✓	
A Written Statement Explaining the Reasons For the Adjustment	✓	

C.2. Consistency with the Subdivision Map Act: The following table identifies the evidence

which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code.

Parcels	Creation Document/Legal Status
APNs 202-151-013, 202-151-014, 202-151-015, 202-151-019 & 202-161-022	Four parcels were originally created by subdivision (Parcel Map No. 389 filed in Book 3, page 149 of Parcel Maps) and subsequently re-configured via conveyances in violation of subdivision regulations. The current project will remedy the violations.

Based upon requirements of the County Lot Line Adjustment Ordinance, and due to requirements in the Subdivision Map Act, a Notice of Lot Line Adjustment must be recorded for each resultant parcel.

C.3. Conformance with Zoning and Building Ordinances: The following tables identify the evidence which supports the finding that the lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances.

§314-7.2 AG §314-7.4 TPZ	Summary of Applicable Requirement	Evidence for Resultant Parcels
Permitted Use:	AG: General agriculture, timber production, one-family and farm dwelling. TPZ: Growing and harvesting of timber and accessory uses compatible thereto.	The AG zoned parcels are each developed with a single family residence. The TPZ zoned parcel is developed with a barn and covered by a NTMP that indicates the parcel can be managed for timber production.
Min. Parcel Size	AG-B-5(5): 5 acre minimum TPZ: 160 acres or 40 acres if C.G.C. §51119.5 are met.	The LLA results in Parcels 1, 2, 3 and 4 of approximately 2.1, 2.0, 1.9 and 74.5 acres, respectively. Parcels 1 – 3 were created by Parcel Map, however, they pre-date the 5 acre minimum parcel size and are considered legal, non-conforming. The LLA will result in more conforming parcels. Parcel 4 was placed into into TPZ as a substandard parcel and is subject to a NTMP.
Min. Lot Width	AG: 60 feet TPZ: n/a	Parcels comply. Future development must comply with the standards of the zone and County Building regulations.
Max. Lot Coverage	AG: 35% TPZ: n/a	The parcels are developed at approximately 5%.
Max. Bldg. Height	AG: 35 feet TPZ: n/a	All structures are less than 35 feet tall.
Setbacks w/in SRA	30' to all property lines	The existing residences on Parcels 2 and 3 are less than 30 feet to property lines, however, they were constructed prior to the implementation of the FireSafe Ordinance that requires such setbacks.

Special Restrictions for residences in TPZ	Residences must be compatible with the growing and harvesting of timber	There are no residences existing or proposed on the parcel zoned TPZ.
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ATTACHMENT 3

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting on _____, 2012

ORDINANCE NO. _____

**AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE FORTUNA AREA
[ZR-11-01 (BAKER)]**

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 from Timberland Production Zone, through an immediate conversion, approximately 2.8 acres as described in the attached Exhibit A into Agriculture General with a B-5 Special Building Site combining zone that sets a minimum 5-acre parcel size (AG-B-5(5)) and reclassifying from Agriculture General with a B-5 Special Building Site combining zone that sets a minimum 5-acre parcel size (AG-B-5(5)) approximately 0.8 acres as described in Exhibit B into Timberland Production Zone.

The area described is also shown on the Humboldt County Zoning Map [I-31] and on the map attached as Exhibit C.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2012, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairperson of the 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

ATTACHMENT 4

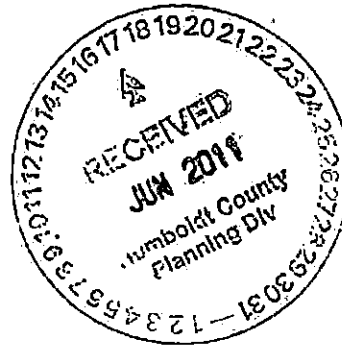
Applicant's Evidence In Support of the Required Findings

Attachment 2 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form
- Purpose Statement
- Plot Plan/Tentative Map Checklist
- Project Proposal Map
- Present Owners' Deeds and creation documents
- Preliminary Title Reports
- Letter from Andrew Elsbree dated June 1, 2011 (attached)
- Board of Supervisors Resolution No. 10-90 approving the General Plan Petition

Andrew Elsbree
44 Vitus Lane
Bayside, CA 95524
June 1, 2011

County of Humboldt
Planning Division
3015 H Street
Eureka, CA 95501
Attention: Trevor Estlow, Senior Planner



This letter is regarding: Proposed merger of parcel 202-161-022 with 202-161-19

Dear Sir:

I am the registered professional forester of record for this property for the last 10 years and have measured the timber volume and growth on the property in question in a statistically valid manner. In 2003, I also received approval of a non-industrial timber management plan (1-03NTMP-038 HUM) from the State of California.

The Landowners have asked me to write this letter asking if I would verify that the property in question be devoted to and used for growing and harvesting timber and compatible uses and capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

I will attest that this parcel has been devoted to growing trees for at least the past fifty years as the parcel is reasonably well stocked with redwoods 24" to 48" in diameter and heights well in excess of 100' tall.

I measured the timber volume and growth in 2003. The owner's property in general is Site II redwood timberland and is growing at 1,540 board feet per acre per year. This equates to 220 cubic feet per acre per year, which easily exceeds the minimum threshold of 15 cubic feet per acre per year for inclusion into TPZ.

Please call me if you have any questions (707-498-6681). Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Elsbree".

Andrew Elsbree,
RPF #2460

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on October 12, 2010

RESOLUTION NO. 10-70

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT APPROVING THE PLAN AMENDMENT
APPLICATION FOR FILE NO. APNs 202-151-13 ET SEQ.; CASE NO. GPP-09-06.**

WHEREAS, Section 65358 of the State Government Code allows the Board of Supervisors to amend the General Plan up to four times in any calendar year;

WHEREAS, Section 1452.2 of the Humboldt County Framework Plan establishes that, if any one of the following findings are made, a requested plan amendment "shall be considered" by the Board of Supervisors:

1. Base information or physical conditions have changed; or
2. Community values and assumptions have changed; or
3. There is an error in the plan; or
4. The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

WHEREAS, the property owner has submitted an application requesting a plan amendment and zone reclassification for property as identified in Project File APNs 202-151-13 et seq.; Case No. GPP-09-06; and

WHEREAS, Community Development Services – Current Planning Division staff has evidence within planning files in support of finding the base information or physical conditions have changed.

NOW, THEREFORE, BE IT RESOLVED by the Humboldt County Board of Supervisors that the following findings are hereby made:

1. There is factual evidence in support of the proposed application: base information or physical conditions have changed and the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan;

BE IT FURTHER RESOLVED that based on the above findings, the findings in the staff report, evidence in the file for the project, and public testimony received on the project, the Board of Supervisors accepts the Baker General Plan Petition, File Number APNs 202-151-13 et seq., Case Number GPP-09-06; and

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to provide notice of this decision to all interested parties.



Cliff Clendenen, Chair, Humboldt County Board of Supervisors

Adopted on motion by Supervisor Smith, second by Supervisor Neely and the following vote:

AYES:	Supervisors:	<u>Smith, Neely, Loveace, Clendenen, Duffy</u>
NAYS:	Supervisors:	
ABSENT:	Supervisors:	
ABSTAIN:	Supervisors:	

STATE OF CALIFORNIA)

County of Humboldt) ss

I, Kathy Hayes, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

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

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

By Nikki Turner
Nikki Turner, Deputy

ATTACHMENT 5**Referral Agency Comments and Recommendation**

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
County Building Inspection Division	✓	Approval	On file
County Public Works, Land Use Division	✓	Comments	On file
County Division of Environmental Health	✓	Conditional approval	On file
CA. Dept. of Forestry and Fire Protection	✓	Approval	On file
Ca. Dept. of Fish and Game			
Forestry Review Committee	✓	Approval per November 15, 2011 meeting	Attached
North Coastal Information Center	✓	Approval	On file
Bear River Band of the Rohnerville Rancheria	✓	Approval	On file

DRAFT DRAFT DRAFT DRAFT DRAFT
Forestry Review Committee
November 15, 2011 Meeting Minutes

DATE: November 16, 2011
TO: Forestry Review Committee (FRC)
FROM: Trevor Estlow, Senior Planner
SUBJECT: Draft Minutes for the Forestry Review Committee (FRC) Meeting of **Tuesday, November 15, 2011**

I. Attendance

FRC Members Present: Jim Able, Mark Andre, Kathy McGrath, Gary Ryneerson and Yana Valachovic

FRC Members Absent: Chris Carroll, Ben Hawk

Staff Present: Trevor Estlow, Planning Department

The Committee welcomed guest Jim Robbins (Calfire).

II. Public Appearances: None

III. Approval of Minutes from October 25, 2011 FRC Meeting

On a motion by Jim Able, seconded by Gary Ryneerson, the minutes of the October 25, 2011 meeting were approved by a vote of 5-0. The FRC again raised the issue of whether or not access easements identified in the JTMP need to be in place before Board approval of a JTMP.

IV. New Business

A. Baker General Plan Amendment/Zone Reclassification/Lot Line Adjustment Application (Case Nos.: GPA-11-01/ZR-11-01/LLA-11-07).

Trevor Estlow provided a short summary of the project. The FRC discussed the lands coming into and out of TPZ. It was noted that a letter from the RPF addressing the lands coming out of TPZ would have been helpful. Given that the lands coming out of TPZ that appeared to be timbered would remain as timberlands and controlled by the NTMP, the FRC found that they could support the project. A motion to approve the project was made by Gary Ryneerson, seconded by Jim Able. The motion passed 5-0.

V. Old Business

A. FRC Website Discussion – Content

Mark Andre briefly discussed items that may be added to the FRC website. It was recommended that it would be helpful to have a live link to the website to provide further discussion.

VII. Adjournment

The meeting was adjourned by Mark Andre at 6:10 P.M.

ATTACHMENT 6

Initial Study and Draft Mitigated Negative Declaration

Draft Mitigated Negative Declaration

1. Project title: Baker General Plan Amendment
2. Lead agency name and address: Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501-4484; Phone: (707) 445-7541; Fax (707) 268-3792
3. Contact person and phone number: Trevor Estlow, Senior Planner, Phone: 707-268-3740
4. Project location: The project site The project site is located in Humboldt County, in the Fortuna area, on the north side of Loop Road, approximately 1,000 feet north of the intersection of Loop Road and Watson Road, on the properties known as 1960, 1966 and 1984 Loop Road.
5. Project sponsor's name and address: Gary and Lynn Baker, P.O. Box 872, Fortuna, CA 95540.
6. General plan designation: Agricultural Suburban (AS) and Timberland (T). Density: AS: one dwelling unit per 2.5 to 5.0 acres; T: one dwelling unit per 160 acres to one dwelling unit per 40 acres.
7. Zoning: Agriculture General with a combining zone specifying a 5 acre minimum parcel size (AG-B-5(5)) and Timberland Production Zone (TPZ).
8. Description of project: A General Plan Amendment to change approximately 0.5 acres of lands planned Timberland (T) to Agricultural Suburban (AS) and approximately 1.5 acres of AS to T. This will facilitate a Zone Reclassification to compatible zone classifications (AG-B-5(5) and TPZ), as well as a Lot Line Adjustment to increase the size of the three residentially zoned parcels. The project will also remedy a violation of the Subdivision Map Act. Three parcels are each developed with a single family residence and served with on-site water and one parcel is vacant. The vacant parcel is covered by a Non-Industrial Timber Management Plan and Conservation Easement.
9. Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement.): Department of Environmental Health, Public Works, Building Division, California Department of Forestry and Fire Protection.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

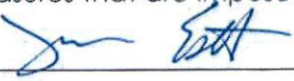
The environmental factors checked below would be potentially affected by this project, but none of these effects are considered to be Potentially Significant Impacts as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a potentially significant impact or potentially significant unless mitigated impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project COULD have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

July 24, 2012
Date

Trevor Estlow, Senior Planner
Printed Name

County of Humboldt Planning and Building Department
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except No Impact answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A No Impact answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A No Impact answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. Potentially Significant Impact is appropriate if there is substantial evidence that an effect may be significant. If there are one or more Potentially Significant Impact entries when the determination is made, an EIR is required.
- 4) Negative Declaration: Less Than Significant With Mitigation Incorporated applies where the incorporation of mitigation measures has reduced an effect from Potentially Significant Impact to a Less Than Significant Impact. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, Earlier Analyses may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addresses. Identify which effects from the above checklist were within the scope of and adequately analyze in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are Less Than Significant with Mitigation Measures describe the mitigation measures which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue identify:
 - a) The significant criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

Environmental Checklist

Checklist and Evaluation of Environmental Impacts: An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the **Checklist**, the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the project.

I. Aesthetics: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X
<p>Discussion:</p> <p>(a-d) No Impact: The project facilitates a Lot Line Adjustment to add area to an existing leach field. The parcels are located behind a stand of trees along the public road that buffer their views. Therefore, the project will not impact any aesthetic resources in the vicinity. The large timbered parcel has a conservation easement on it that further restricts uses.</p>				

II. Agriculture and Forestry Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Discussion:

(a, b and e) No Impact: The project site contains no lands subject to the Williamson Act and no prime soils. The parcels are zoned both Agriculture General and Timberland Production Zone (TPZ). The project facilitates a minor Lot Line Adjustment to accommodate an expansion to an existing septic system.

(c and d) Less Than Significant Impact: The project does propose to remove approximately two acres from Timberland Production Zone (TPZ), however, this area has been historically grazed and does not contain merchantable timber. Additionally, approximately one-half acre of timbered lands will be rezoned into TPZ. Therefore, there will be no net loss of timberlands.

III. Air Quality. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion:

(a-c) Less than Significant with Mitigation Incorporated: NCUAQMD is responsible for monitoring and enforcing local and state air quality standards in the County of Humboldt. Air quality standards are set for emissions that may include but are not limited to visible emissions, particulate matter, and fugitive dust. The NCUAQMD is in attainment for all federal criteria air pollutants and for all state standards, except Particulate Matter less than 10 microns in size (PM-10). PM-10 air emissions include chemical emissions and other inhalable particulate matter with an aerodynamic diameter of less than 10 microns. Therefore, any use or activity that generates unnecessary airborne particulate matter may be of concern to the NCUAQMD. The project does not include any source of visible emissions, including intentional fire/burning or manufacturing.

Pursuant to Air Quality Regulation 1, Chapter IV, Rule 430 – *Fugitive Dust Emissions*, the handling, transporting, or open storage of materials in such a manner, which allows or may allow unnecessary amounts of particulate matter to become airborne, shall not be permitted. Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including but not limited to: 1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and 2) earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

The NCUAQMD has advised that, generally, an activity that individually complies with the state and local standards for air quality emissions will not result in a cumulatively considerable increase in the countywide PM-10 air quality violation. NCUAQMD staff concludes that with the mitigation measure listed below, which requires compliance with NCUAQMD standards and regulations, the proposed project will not result in adverse air quality impacts or a cumulatively considerable increase in the PM-10 non-attainment.

Due to the small amount of dust and emissions anticipated during construction and compliance with Rule 430 (Mitigation Measure No. 1), the project will not result in impacts to air quality.

(d) No Impact: Due to the nature of the project, construction is not expected to generate pollutants; therefore, it will not expose sensitive receptors to substantial pollutant concentrations.

(e) No Impact: With regard to objectionable odors, the proposed project does not include construction techniques or other activities that would result in excess or permanent odors. Some temporary odors associated with construction-related materials may be present at the project site during construction activities, but are temporary.

Based on the discussion above and by implementing the mitigation measure below, the proposed project will not result in an adverse impact on air quality.

Mitigation Measure No. 1. The applicant shall, at all times, comply with Air Quality Regulation 1,

Chapter IV to the satisfaction of the NCUAQMD. This will require, but may not be limited to: 1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and 2) earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

IV. Biological Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion:

(a-f) Less than significant: The proposed project involves a General Plan Amendment and Zone Reclassification to result in a Lot Line Adjustment to facilitate additional area for an existing leach field. There are no known federally protected wetlands on site, and the nearest watercourse, a seasonal tributary to Strongs Creek, flows through the timberlands and along the southern property line. The leach field expansion associated with the Lot Line Adjustment is located over 250 feet from this watercourse. The Department of Fish and Game (DFG) reviewed the project but did not respond with any comments. Based on the above, County Staff finds that the project as proposed will have no significant impact on the Biological Resources.

V. Cultural Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

Discussion:

(a) No Impact: No historical resources have been identified by referral agencies or staff, nor are any expected. Therefore, the project will have no impact on historical resources defined in California Environmental Quality Act (CEQA) § 15064.5.

(b) Less Than Significant with Mitigation Incorporated: The project was referred to the North Coastal Information Center (NCIC) for a review of their records of the site for archaeological and paleontological resources. NCIC recommended approval of the general plan amendment and zone reclassification. Furthermore, pursuant to Senate Bill 18 (California Government Code Section 65352.3), notice was sent on April 21, 2010 to potentially affected tribes to request consultation regarding the proposed General Plan Amendment. As of July 21, 2011 (90 day timeframe), no tribe requested a consultation.

(c) No Impact: No paleontological, geologic, or physical features are known to exist on the proposed project site; therefore, the project will not directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature.

(d) Less Than Significant with Mitigation Incorporated: The project is not expected to disturb any human remains, including those interred outside of formal cemeteries. However, implementation of Mitigation Measure No. 2 has been included in the event that human remains are accidentally discovered during any groundbreaking activities.

Mitigation Measure No. 2. If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, as required by CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

Mitigation Measure No. 3. If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the North American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for

the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant failed to make a recommendation.

VI. Geology and Soils. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Discussion:

(a) Less Than Significant Impact: The project site is located within the Alquist-Priolo Fault Hazard Zone, however, the project does not require a Fault Evaluation Report pursuant to the Alquist-Priolo Act. The site is within an area of relatively unstable soils. The Building Division reviewed the project and recommended approval.

(b) No impact: The project results in additional leach field area. No loss of topsoil or soil erosion is expected.

(c) Less Than Significant Impact: Although the project is located within the Alquist-Priolo Fault Hazard Zone, the Alquist-Priolo Act does not require Fault Evaluation Reports for this type of project.

(d) No impact: The Building Division did not identify any issues related to expansive soils with respect to Table 18-1-B of the Uniform Building Code.

(e) No Impact: The Division of Environmental Health has reviewed the septic proposal and

recommended approval.

VII. Greenhouse Gas Emissions. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion:

(a-b) Less Than Significant Impact: The work on the leach field would contribute temporary, short-term increases in air pollution from equipment usage.

Because of the temporary nature of the greenhouse gas contributions, coupled with the modest quantity of emission, the proposed project would not have a significant impact on the environment, nor conflict with applicable plan, policy, or regulation for the purposes of reducing greenhouse gas emissions.

VIII. Hazards and Hazardous Materials. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?				X

Discussion:

(a and b) No impact: The proposed project does include the use of regulated materials, such as, petroleum hydrocarbons, fuels, and lubricants for the use of heavy equipment, during construction. Fueling will be conducted by licensed contractors off site or within an area with adequate spill containment measures to prevent accidental releases.

(c) No Impact: The project site is not located within one-quarter mile of a school; therefore, the proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

(d) No Impact: The California Envirostor database was queried for hazardous materials sites pursuant to Government Code Section 65962.5. No site is located within the vicinity (<http://www.calepa.ca.gov/SiteCleanup/Corteselist/SectionA.htm>).

(e) No Impact: The project site is not located within an airport land use plan; therefore the project will have no impact on a public airport.

(f) No Impact: There is no private airstrip located within the vicinity of the proposed project; therefore, the proposed project would not result in a safety hazard in regard to private airstrips.

(g) No impact: The project will not impair the implementation, or physically interfere with, an adopted emergency response plan or emergency evacuation plan because the proposed project will not result in a delay or interruption in service.

(h) No Impact: The project does not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

IX: Hydrology and Water Quality. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Result in inundation by seiche, tsunami, or mudflow?				X

Discussion:

(a-j) No Impact: The project will facilitate a Lot Line Adjustment in order to add area to an existing leach field serving an existing single family residence. There is no evidence in the record that the project will create or contribute to any violations of waste discharge requirements.

The parcel is well outside any dam or levee inundation area, and outside the areas subject to tsunami run-up. According to the Flood Insurance Rate Maps, the involved parcels are within Flood Zone C, which is defined as areas of minimal flooding, and is outside the 100- and 500-year floodplains.

The County Division of Environmental Health has already reviewed and approved the proposed project. As mentioned above, the Department finds no evidence indicating that the project will violate any water quality or waste discharge standards.

X. Land Use and Planning. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
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Discussion:

(a) No Impact: Due to the nature of the proposed project it would not divide an established community.

(b) No Impact: The project is not located in the Coastal Zone and complies with the local zoning ordinance and General Plan.

(c) No Impact: The timbered portion of the site has a conservation easement across it. No changes to this easement are proposed.

XI. Mineral Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion:

(a and b) No Impact: On-site soils and geologic resources are not suitable as commodity materials that would be of value to the region or the state. The site is not designated as an important mineral resource recovery site by a local general plan, specific plan, or other land use plan.

XII. Noise. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?				X
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
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Discussion:

(a-d) No Impact: Noises generated by the proposed project will result in a temporary increase during construction because the proposed project may require the use of heavy equipment (tractor, backhoe, etc.). The construction does not include equipment that would result in groundborne vibration. These activities are consistent with the current uses at the site and no permanent change in noise from the existing conditions would result from this project.

(e and f) No Impact: The project area is not located within an airport land use plan or the vicinity of a public or private airstrip. Therefore, any noise generated during construction will have no impact on people residing or working in the vicinity of an airport land use plan or public or private airstrip.

XIII. Population and Housing: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion:

(a-c) No Impact: The project involves a General Plan Amendment, Zone Reclassification and a Lot Line Adjustment to facilitate the expansion of an existing leach field. The project would not induce substantial growth or displace existing housing or people that would necessitate replacement housing.

XIV. Public Services: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X

e) Other public facilities?				X
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Discussion:

(a through e) No Impact: The proposed project involves a General Plan Amendment, Zone Reclassification and a Lot Line Adjustment to facilitate the expansion of an existing leach field. These changes do not induce population growth, therefore the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for public services. The proposed project will not require a new neighborhood park, or expansion to an existing park or other public facility. The project as defined will not result in an adverse impact on public services.

XV. Recreation. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion:

(a-b) No Impact: The proposed project will have no impact on the usage of neighborhood or regional parks, or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated by the project. The proposed project will not require the construction or expansion of any existing recreational facilities that may pose adverse physical effects to the environment.

XVI. Transportation/Traffic. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Discussion:

(a-b) No Impact: The project does not result in an increase in vehicular trips, therefore there would be no conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system or an applicable congestion management program.

(c) No Impact: The proposed project does not involve changes to air traffic; therefore there would be no impact to air traffic patterns.

(d) No Impact: The project does not require additional roads or accessways; Therefore, the project will have no impact on hazards due to a design feature or incompatible uses.

(e) No Impact: The project does include any changes to emergency access, therefore the project would have no impact.

(f) No Impact: Due to the nature of the project, it does not involve changes to transportation currently received at the site. Therefore, the project would have no conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

XVII: Utilities and Service Systems. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

d) Have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed)?				X
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Violate any federal, state, and local statutes and regulations related to solid waste?				X

Discussion:

(a-b) No Impact: The proposed project does not include any changes to the existing wastewater system other than adding area to an existing leach field; therefore, it will not result in any impacts related to wastewater treatment.

(b) No Impact: The project does not include development that requires construction of water or wastewater treatment facilities, and therefore would have no impact on existing facilities.

(c) No Impact: The purpose of the proposed project is to facilitate an expansion of the existing leach field. The project does not require or result in the construction of new storm water drainage facilities or the expansion of any existing facilities the construction of which would cause significant environmental effects.

(d and e) No Impact: The proposed project does not include development that would require a change in water rights or existing wastewater treatment.

(f and g) No Impact: The proposed project does not increase solid waste nor does it violate any regulations relating to solid waste.

XVIII. Mandatory Findings of Significance	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).				X
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion:

(a through c) No Impact: The proposed project does not contemplate a change in the way that land is currently used, or increase the development potential of existing developed land.

The proposed project does not necessitate changes to the existing circulation system. The proposed project will not increase the capacity of infrastructure or public service systems and, therefore, would not be growth inducing.

Based on the project as proposed and discussed herein, it is not expected that the proposed project will achieve short-term goals to the disadvantage of long-term environmental goals; or have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, threaten to eliminate a plant or animal community, or eliminate an important example of a major period of California history or pre-history; have an impact that is individually limited but cumulatively considerable; or have an environmental effect that will cause a substantial adverse effect on human beings, either directly or indirectly.

Proposed Mitigation Measures, Monitoring, and Reporting Program

Air Quality

Mitigation Measure No. 1. The applicant shall, at all times, comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the NCUAQMD. This will require, but may not be limited to: 1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and 2) promptly remove earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicant, Building Division and NCUAQMD

Monitoring Frequency: Ongoing throughout project construction

Evidence of Compliance: Visual observations

Cultural Resources

Mitigation Measure No. 2. If a cultural resource, such as chipped or ground stone or bone is discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, as required by CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological find shall not resume until a professional archaeologist who meets the Secretary of the Interior's Standards and Guidelines has evaluated the materials and offered recommendations for further action.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicant

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence

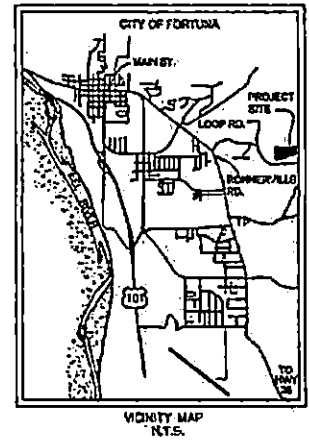
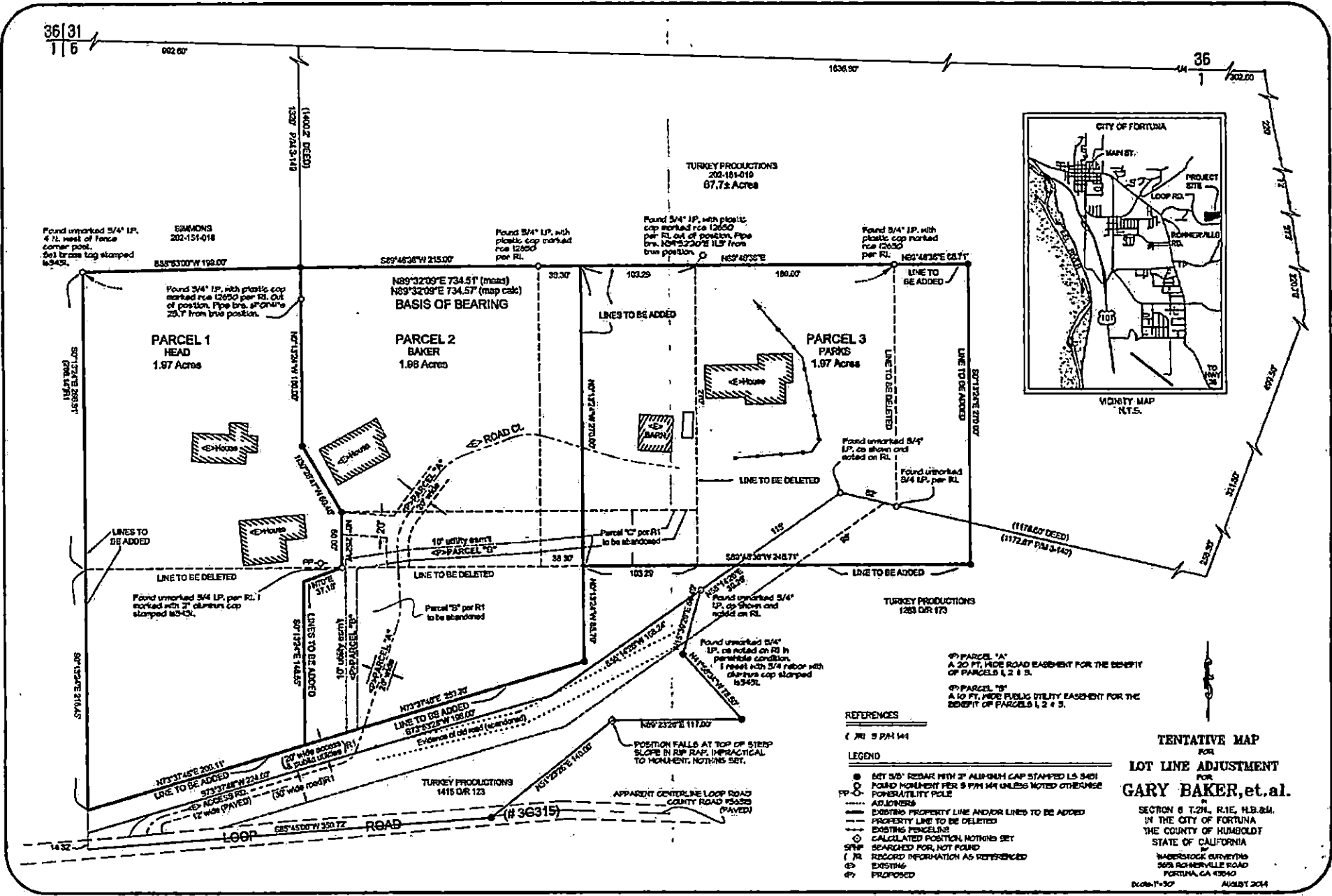
Mitigation Measure No. 3. If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the North American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant failed to make a recommendation.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicant

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence



REFERENCES
 (7/1 3 P.M. 141

LEGEND

- MET 3/8" REDBAR WITH 2" ALUMINUM CAP STAMPED LS 3461
- ⊗ FOUND MONUMENT PER 8 P.M. 141 UNLESS NOTED OTHERWISE
- ⊕ POWER UTILITY POLE
- AIR LINES
- EXISTING PROPERTY LINE AND/OR LINES TO BE ADDED
- PROPERTY LINE TO BE DELETED
- EXISTING FENCE LINES
- CALCULATED POSITION, NOTHING SET
- ⊕ SEARCHED FOR, NOT FOUND
- (R) RECORDED INFORMATION AS REFERENCED
- ⊕ EXISTING
- ⊕ PROPOSED

- ⊕ PARCEL "A"
A 20 FT. WIDE ROAD EASEMENT FOR THE BENEFIT OF PARCELS 1, 2 & 3.
- ⊕ PARCEL "B"
A 10 FT. WIDE PUBLIC UTILITY EASEMENT FOR THE BENEFIT OF PARCELS 1, 2 & 3.

TENTATIVE MAP
 FOR
LOT LINE ADJUSTMENT
 FOR
GARY BAKER, et al.
 IN
 SECTION 6 T.2N., R.1E., H.B. 84.
 IN THE CITY OF FORTUNA
 THE COUNTY OF HUMBOLDT
 STATE OF CALIFORNIA
 BY
 WADSWORTH SURVEYING
 305 ROSEMILLE ROAD
 FORTUNA, CA 95640
 (530) 771-7507 AUGUST 2014

ATTACHMENT F

Planning Commission Resolution No. 12-32

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 12-32**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE BAKER GENERAL PLAN
AMENDMENT, ZONE RECLASSIFICATION AND LOT LINE ADJUSTMENT APPLICATION
CASE NUMBERS GPA-11-001/ZR-11-001/LLA-11-007
ASSESSOR PARCEL NUMBERS 202-151-013 ET SEQ.**

WHEREAS, applicant submitted an application and evidence in support of approving the General Plan Amendment (GPA), Zone Reclassification (ZR) and Lot Line Adjustment (LLA) to result in Parcels 1, 2, 3 and 4 of approximately 2.1, 2.0, 1.9 and 74.5 acres, respectively; and

WHEREAS, the project may be approved if it can be found that: (1) The proposed change is in the public interest; and (2) The proposed change is consistent with the General Plan, (3) The proposed change 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 immediate rezone may be approved if it can be found to be consistent with the Forest Taxation Reform Act of 1976 and with the requirements of Article 4, specifically Section 51133 et seq. of the California Government Code [*immediate TPZ rezone*]; 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, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning and Building Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for granting the GPA, ZR and LLA (Case Nos.: GPA-11-001/ZR-11-001/LLA-11-007); and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission has considered the proposed Mitigated Negative Declaration in Attachment 5, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The proposed General Plan Amendment and Zone Reclassification are in the public interest; and

3. The proposed General Plan Amendment and Zone Reclassification are consistent with the General Plan; and
4. 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
5. The immediate rezone is consistent with the Forest Taxation Reform Act of 1976 and Article 4 (Section 51130 et seq.) of the California Government Code; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Division Staff Report for Case Nos.: GPA-11-001/ZR-11-001/LLA-11-007 based on the submitted evidence.
7. The Planning Commission approves the proposed project as recommended and conditioned in the Planning Division Staff Report for Case Nos.: GPA-11-001/ZR-11-001/LLA-11-007.

BE IT FURTHER 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 Mitigated Negative Declaration and make the necessary findings prepared by Planning Staff.
3. Tentatively approve the immediate rezoning of approximately 2.8 acres out of TPZ into AG-B-5(5), and direct staff to transmit the tentative approval to the Director of the Department of Forestry and Fire Protection in accordance with Section 51130 of the California Government Code.
4. Approve the Lot Line Adjustment to result in Parcels 1, 2, 3 and 4 of approximately 2.1, 2.0, 1.9 and 74.5 acres, respectively.
5. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on September 6, 2012.

The motion was made by Commissioner Edmonds and seconded by Commissioner Kreb with the following ROLL CALL vote.

AYES: Commissioners: Kreb, Disiere, Faust, Edmonds, Nelson
 NOES: Commissioners: None
 ABSTAIN: Commissioners: None
 ABSENT: Commissioners: None
 DECISION: Motion carries 5/0.



 Ralph Faust, Chairperson

I, Catherine Munsee, Clerk 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.

By: C. H. H. H. H. H.
Clerk

ATTACHMENT G

Cal Fire Less Than 3-Acre Conversion Exemption (1-15EX-343-HUM) dated October 30, 2015



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

135 Ridgway Ave.
 Santa Rosa, CA 95401
 Website: www.fire.ca.gov
 (707) 576-2959



Date: October 30, 2015
 Ref.: 1-15EX-343-HUM

GARY H & LYNN C BAKER TRUST
 P O BOX 872
 FORTUNA, CA 95540

Dear Timberland Owners:

This is to acknowledge that your **Less Than 3 Acre Conversion Exemption** was accepted on **October 29, 2015**. It has been assigned the above listed Exemption number. All timber operations must be complete within one year. All conversion activities must be complete within two years, unless under permit by local jurisdiction.

*****Please read the enclosed notice regarding Listed Anadromous Salmonids, Slash Clean-up, Sudden Oak Death, Pitch Canker, and Operations between October 15 – May 1.*****

In addition, please note the requirement for submittal of the Timber Operations Work Completion and/or Stocking Report (blue form) upon completion of the project.

Compliance with all provisions of the Forest Practice Act, rules pursuant to Section 1104.1(a)--Title 14 of the California Code of Regulations, will be determined by future inspection(s).

If you have any questions you may contact your local CAL FIRE Forest Practice Inspector or me at (707) 576-2959.

Sincerely,

Topher Henderson
 Forestry Assistant II

Enclosure

cc: Unit
 Board of Equalization
 RPF – Christopher Carroll
 LTO – NPI Logging
 File
[ftp://thp.fire.ca.gov/THPLibrary/North Coast Region/](ftp://thp.fire.ca.gov/THPLibrary/North_Coast_Region/)

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

LESS THAN 3 ACRE CONVERSION EXEMPTION

STATE OF CALIFORNIA
 DEPARTMENT OF FORESTRY AND FIRE PROTECTION
 NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
 CONVERSION AND TIMBER HARVESTING PLAN REQUIREMENTS
 RM-73 (1104.1a) (11/12)

VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE
 TIMBER OPERATIONS CANNOT START UNTIL VALID COPY
 OF A NOTICE OF ACCEPTANCE IS RECEIVED FROM CAL FIRE

FOR ADMIN. USE ONLY

Ex. # 1-15EX-343HUM
 Date of Receipt 10/20/15
 Date Accepted 10/29/15 ✓
 Date Expires 10/28/16

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1104.1(a): Harvesting of trees that is a single conversion to a non-timber growing use of timberland of less than three acres. (See 14 CCR § 1104.1(a) for a description of the conditions on the conduct of this type of timber operation and additional information that is required to be submitted.) Complete items 1 through 8 on both pages of this notice.

1. TIMBER OWNER(S) OF RECORD: Gary H & Lynn C Baker Trust

Address: P.O. Box 872

City: Fortuna State CA Zip 95540 Phone 707-725-4263

TIMBER TAX EXEMPTION: Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from timber yield tax: Timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete items A and B below. For timber yield tax information or for further assistance with these questions call the State Board of Equalization, 1-800-400-7115, or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0060; or contact the BOE Web Page on the Internet at <http://www.boe.ca.gov>.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf There will be no timber harvesting

B. Estimate the species composition of the timber that will be removed during this harvest (numbers should sum to 100%):

Redwood _____%; Ponderosa/Sugar pine _____%; Douglas-fir _____%; Fir _____%; There will be no timber harvesting
 Port-Orford Cedar _____%; Cedar (IC, WRC) _____%; Other conifer _____%; Other hardwood _____%.

2. TIMBERLAND OWNER(S) OF RECORD: Gary H & Lynn C Baker Trust

Address: P.O. Box 872

City: Fortuna State CA Zip 95540 Phone 707-725-4263

I certify, under penalty of perjury, that this is a one-time conversion to a non-timberland use and that there is a "bona fide intent" [14 CCR § 1100(b)] to convert to Agriculture. We also certify that as the timberland owners, we have not obtained an exemption pursuant to this section in the last five years.

SIGNATURE Gary H Baker Trustee Date 16 Oct 2015

SIGNATURE Lynn C Baker, Trustee Date 16 Oct 2015

3. LICENSED TIMBER OPERATOR(S): Name NPI Logging-Greg Niekrasz Lic. No. A-9734 ✓

Address 2228 Chaney Lane

City: Eureka State CA Zip 95503 Phone 707-442-7181

SIGNATURE Greg Niekrasz Date 10-19-15

4. Designate the legal land description of the location of timberland conversion. A map showing the location of the timberland conversion MUST be attached. The map must show the ownership boundaries, the location of the timber operation, boundaries of the conversion, location and classification of all watercourses, and landing locations.

Section	Township	Range	Base & Meridian	County	Acreage to be Converted	Assessor's Parcel Number
6	2N	1E	HB&M	HUM	2.9	202-151-019

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OCT 20 2015

LESS THAN THREE ACRE CONVERSION EXEMPTION

5. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption (Notice, Notice of Conversion Exemption, Conversion Exemption):
- A. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
 - B. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
 - C. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
 - D. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
 - E. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)1.-3.
 - F. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
 - G. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
 - H. No sites of rare, threatened or endangered plants or animals or species of special concern shall be disturbed, threatened, or damaged.
 - I. No timber operations are allowed on significant historical or archeological sites.
 - J. Within one month of the completion of timber operations, including slash disposal, the timberland owner shall submit a work completion report to CAL FIRE.
 - K. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

6. I, _____, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice. (If the county has authorized a designee this item MUST be completed. If it has not, see Item 7.)

SIGNATURE _____ Date _____

7. Registered Professional Forester preparing Notice: Name Chris Carroll Number 2628
 Address 165 S. Fortuna Blvd.
 City Fortuna State CA Zip 95540 Phone 707-725-1897

I have, or my supervised designee has, (1) prepared this Notice of Conversion Exemption Timber Operations; (2) visited the site and flagged the boundaries of the conversion exemption, applicable WLPZs and equipment limitation zones; (3) prepared a Neighborhood Notice of Conversion Exemption according to 14 CCR § 1104.1(a)(3) to be mailed by the landowner to adjacent landowners; and (4) posted and dated a copy of the Neighborhood Notice of Conversion Exemption on the ownership, visible to the public, at least 5 days prior to the postmark date of submission of the Notice of Conversion Exemption. I certify that if the County Board of Supervisors has not designated a representative authorized to sign in Item 6 that I, or my supervised designee, contacted the county and the Notice is in conformance with county regulations.

SIGNATURE of RPF Chris Carroll Date 10-20-15

8. NOTICE SUBMITTER(S): Gary H. & Lynn C. Baker Trust

Address: P.O. Box 872
 City: Fortuna State CA Zip 95540 Phone 707-725-4263
 Submitter must be 1, 2, or 3 above, and must sign.

SIGNATURE Gary H. Baker Trustee Date 16 Oct 2015

SIGNATURE Lynn C. Baker Trustee Date 16 Oct 2015

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

RECEIVED

OCT 20 2015

Forest Practice, CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401	Forest Practice, CAL FIRE 6105 Airport Road Redding, CA 96002	Forest Practice, CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710
Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties	Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties	Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties

COAST AREA OFFICE
RESOURCE MANAGEMENT

Project Description

This Conversion Exemption proposes to convert timberland into agriculture. This conversion exemption is necessary to facilitate a Zone Reclassification through the County of Humboldt (see letter from Humboldt County dated May 20, 2014). This conversion exemption is solely to facilitate the rezone of lands out of TPZ into Agricultural General and consequently NO TIMBER OPERATIONS SHALL OCCUR upon approval of this conversion exemption.

Addendum 14CCR 1104.1(a)(1)(E)(1-4)

The timberland owner has certified via their signatures, under penalty of perjury, that this is a one-time conversion to Agriculture General. The timberland owners understand that a "Bona Fide Intention or bona fide intent" is a present, sincere intention of the applicant to conform with and successfully execute the conversion plan, as determined by the Director in accordance with provisions of Sec. 1105.2 (Ref.: Sec. 4623, PRC).

Addendum 14CCR 1104.1(a)(2)(F)

The conversion area includes watercourses and associated WLPZ or Class III ELZ. However, this conversion exemption is solely to facilitate the rezone of lands out of TPZ into Agricultural General and consequently NO TIMBER OPERATIONS SHALL OCCUR upon approval of this conversion exemption. See letter from Humboldt County dated May 20, 2014

Addendum 14CCR 1104.1(a)(6)

The extent of the vegetation removal and site preparation required for the conversion;

This conversion exemption is solely to facilitate the rezone of lands out of TPZ into Agricultural General and consequently NO TIMBER OPERATIONS SHALL OCCUR upon approval of this conversion exemption. See letter from Humboldt County dated May 20, 2014

The suitability of soils, slope, aspect, and microclimate for the stated non-timber use;

This conversion exemption is solely to facilitate the rezone of lands out of TPZ into Agricultural General and consequently NO TIMBER OPERATIONS SHALL OCCUR upon approval of this conversion exemption. See letter from Humboldt County dated May 20, 2014

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OCT 20 2015
COAST AREA OFFICE
RESOURCE MANAGEMENT

Head-Baker-Parks Trust

RECEIVED

General Location Map

OCT 20 2015



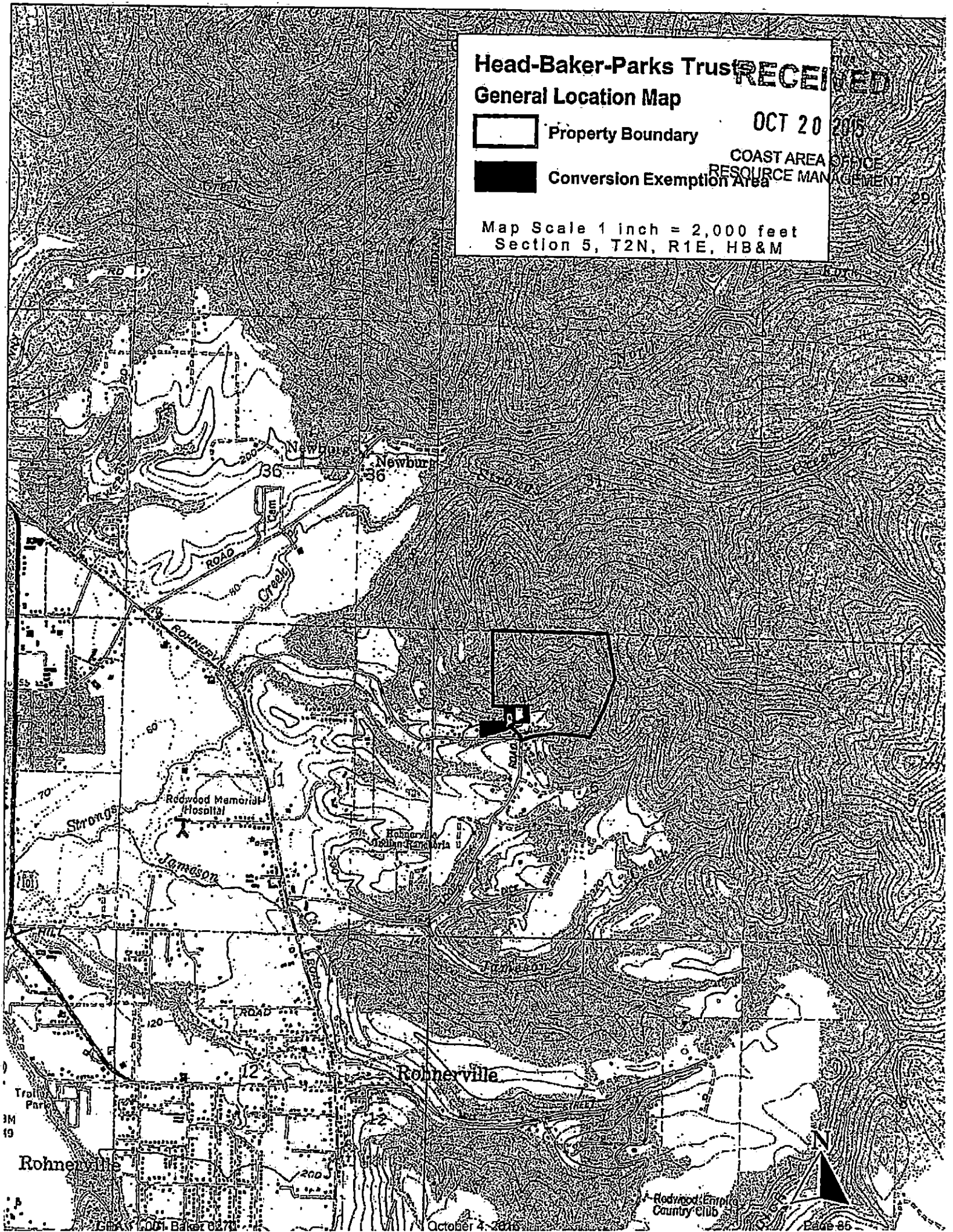
Property Boundary



Conversion Exemption Area

COAST AREA OFFICE
RESOURCE MANAGEMENT

Map Scale 1 inch = 2,000 feet
Section 5, T2N, R1E, HB&M



3M
19

Rohnerville

Rohnerville

Rodwood Empire
Country Club





**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION**

3015 H Street Eureka CA 95501 Fax: (707) 268-3792 Phone: (707) 445-7541
<http://www.co.humboldt.ca.us/planning/>

May 20, 2014

Timberland Resource Consultants
Chris Carroll RPF# 2628
165 South Fortuna Blvd.
Fortuna, CA 95540

Subject: Baker, Head, Parks General Plan Amendment, Zone Reclassification and Lot Line Adjustment; GPA-11-001, ZR-11-001, LLA-11-007; APNs: 202-151-013, -014, -015, -019 and 202-161-022

Dear Chris:

The applicants identified above are proposing a Zone Reclassification to rezone lands zoned Timberland Production Zone (TPZ) into Agriculture General (AG). As part of the conditions of approval, a Less Than 3-Acre Conversion Exemption is required for these lands. It is my understanding that a portion of these lands are considered Watercourse and Lake Protection Zone (WLPZ). You have mentioned that typically these lands cannot be included in a Less Than 3-Acre Conversion Exemption without County approval. This letter hereby authorizes the inclusion of these lands as no timber harvest is proposed and the lands will continue to be protected under the County's Streamside Management Area Ordinance. The Conversion Exemption is solely to facilitate the rezone of the lands out of TPZ.

Please call me at (707) 268-3740 if you have any questions regarding this letter.

Sincerely,

Trevor Estlow, Senior Planner
Planning and Building Department

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OCT 26 2015

**COAST AREA OFFICE
RESOURCE MANAGEMENT**

RECEIVED

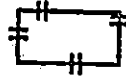
OCT 20 2015

COAST AREA OFFICE
SOURCE MANAGEMENT

Head-Baker-Parks Trusts Conversion Exemption Map



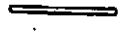
Property Boundary



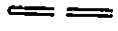
Conversion Exemption Area



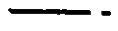
Loop Road County



Permanent Road



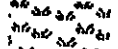
Existing Road



Class II Watercourse



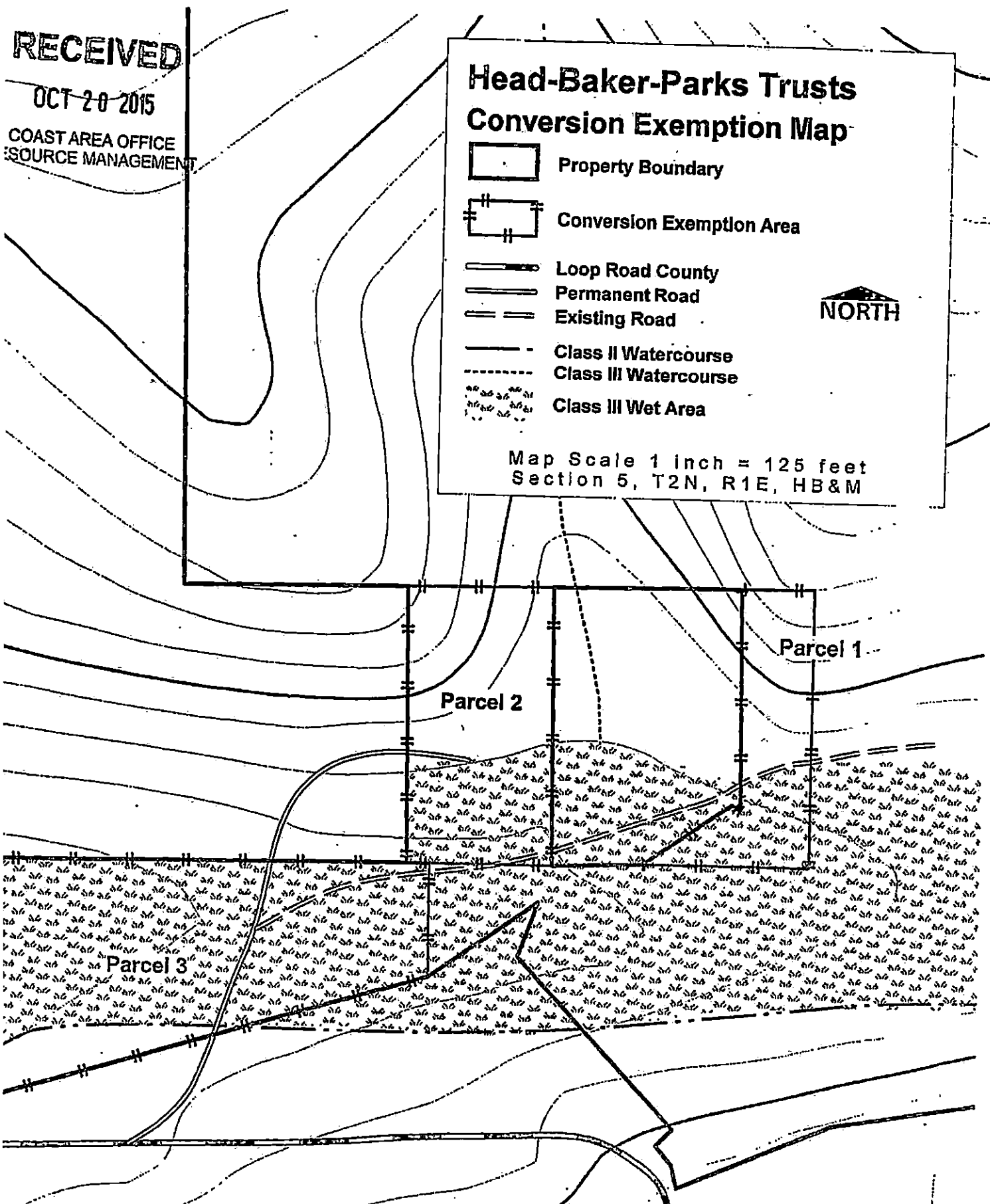
Class III Watercourse



Class III Wet Area



Map Scale 1 inch = 125 feet
Section 5, T2N, R1E, HB&M



This conversion exemption is solely to facilitate the rezone of lands out of TPZ into Agricultural General and consequently **NO TIMBER OPERATIONS SHALL OCCUR** upon approval of this conversion exemption.

Less Than 3-acre Conversion Exemption NOTICE OF TIMBER OPERATIONS

Date of Posting of this Notice: October 12, 2015

A Conversion exemption that may be of interest to you will be submitted to the California Department of Forestry & Fire Protection. The California Department of Forestry & Fire Protection will be reviewing the proposed timber operation for compliance with various laws and rules. The following briefly describes the proposed conversion exemption and where and how to get more information. Questions about the proposed conversion exemption or laws and rules governing timber operations should be directed to:

California Department of Forestry and Fire Protection
Forest Practice Program
135 Ridgeway Avenue
Santa Rosa, CA 95402
(707) 576-2959

Information about the Conversion Exemption is as follows:

1. TIMBER OWNER OF RECORD: Gary H. & Lynn C. Baker Trust
Address: P.O. Box 872
City: Fortuna State: CA Zip: 95514 Phone: 707-725-4263
2. TIMBERLAND OWNER OF RECORD: Gary H. & Lynn C. Baker Trust
Address: P.O. Box 872
City: Fortuna State: CA Zip: 95514 Phone: 707-725-4263
3. LICENSED TIMBER OPERATOR(S): NPI Logging-Greg Niekrasz Lic. No. A-9734
Address: 2228 Chaney Lane
City Eureka State CA Zip 95503 Phone 707-442-7181
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: NW ¼ of Section 6, Township 2 North, Range 1 East, Humboldt County, APN 202-151-18. Located approximately 1.8 miles east of Fortuna. Access is via Loop Road.
7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture, and the maximum size of the conversion is less than 3 acres.

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ATTACHMENT H

Cal Fire Notice of Inspection dated February 10, 2016



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Resource Management
118 S. Fortuna Blvd.
Fortuna, CA. 95540
(707) 726-1253
Website: www.fire.ca.gov



February 10, 2016

GARY H & LYNN C BAKER TRUST
P O BOX 872
FORTUNA, CA 95540

NOTICE OF INSPECTION

Section 4604 of the Public Resources Code (PRC) requires the department to inspect timber operations for compliance with the Forest Practice Act and rules of the Board of Forestry and Fire Protection.

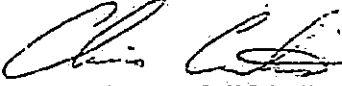
Harvest Document: 1-15EX-343-HUM
Inspection Date: February 09, 2016
Inspection Type: Completion
Inspection Number: 2
Person Contacted: NONE

FINAL COMPLETION INSPECTION – NO VIOLATIONS OBSERVED ON THE AREA INSPECTED.

There was no timber operations conducted on this exemption. This exemption was required by Humboldt County for the purpose of rezoning and subdivision. There is no Prescribed Maintenance Period for this plan.

If you have any questions, please contact Chris Curtis at the telephone number listed below.

HUGH SCANLON
UNIT CHIEF, HUMBOLDT / DEL NORTE UNIT


CHRIS CURTIS RPF #2541
Forest Practice Inspector
CAL FIRE Humboldt / Del Norte Unit
118 S. Fortuna Blvd.
Fortuna, CA 95540
(707) 726-1268

CC: Northern Region Headquarters
- HUU-RM File
CAL FIRE Inspector C Curtis
RPF Christopher Carroll
TLO Gary H & Lynn C Baker Trust
LTO Greg Niekrasz

FC

ORIGINAL + O.C. TO UNIT
DATE 11/30 INITIALS FC

State of California
Department of Forestry
and Fire Protection
Completion/Stocking Report
RM-71 (Rev. 12/08)
Page One of Three

Admin. Use Only

Area: _____
Date Received: NOV 25 2015
Date Approved: _____
Date Sent to B.O.E.: _____

CNR-orig, BOE, WQ, DFW
TO/TLO, LTO, RPF, Unit on _____

TIMBER OPERATIONS WORK COMPLETION AND/OR STOCKING REPORT
(As per Div. 4, Chap. 8, Sections 4585 and 4587 PRC, and Title 14 CCR Sections 1070-1075)

Certification By Timber Owner or Agent: I certify that the declarations herein are true and correct to the best of my knowledge and belief. I am notifying the Department of Forestry and Fire Protection of the status of compliance with the completion and stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection for:

Harvest Document Number: 1-15EX-343 HUM

Harvest document includes a Timber Harvesting Plan (THP), a Nonindustrial Timber Management Plan's Notice of Timber Operations (NTO), a Less Than Three Acre Conversion Exemption (EX), or an Emergency Notice (EM). For Timberland Conversion Permits (TCP), include the THP Number above, as well as the Conversion Permit No.: _____

Completion Report

- Final Completion Report On (date): _____ all work on the operation was completed, and no further harvesting shall be conducted.
- Partial Completion Report. On (date): _____ all work on a part of the plan as shown on the attached map was completed. Additional harvesting is anticipated on the remaining portion of the logging area. **Only one partial completion report may be accepted by the CAL FIRE during any calendar year.**
- NTMP-NTO Completion Report. On (date): _____ all work on this NTO was completed for this calendar year. Additional harvesting is anticipated in following years.
- EX Completion Report. On 11/23/15 all work on this Less Than Three Acre Conversion Exemption was completed. No stocking report is required.
- TCP Completion Report. On (date): _____ all work on this Timberland Conversion Permit was completed. No stocking report is required.

Stocking Report: The area declared as complete in this report or a previously approved completion report meets all of the stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection. The stocking status after completion of timber operations was determined by:

- One of the sampling procedures adopted by the Board of Forestry and Fire Protection. The identification of the person sampling, plot data, and a map of the area sampled are attached.
- Physical examination of the area by the timber owner or the agent thereof after completion of timber operations determined that the area's stocking obviously meet the requirements of the Forest Practice Rules and a waiver of stocking sampling is requested.
- As stated in the harvest document, the area was **substantially damaged** as per 14 CCR 1080.1, and only dead, down, or dying trees were salvaged, or the Site Class is IV or V, hence no restocking is required.

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This is a stocking report for the:

- Entire operating area covered by the harvest document.
- Entire operating area covered by this completion report or the completion report previously submitted on (date): _____
- Part of the operating area for which this completion report is submitted.

A map indicating the area completed (if the actual area harvested is less than approved) and/or stocked must be submitted with this report. Additional information can be found in the Instruction pages of this form.

Chris Carroll
Signature

11-24-15
Date

Chris Carroll
Print Name

165 S. Fortuna Blvd.
Address

Fortuna
City

CA
State

95540
Zip Code

707-725-1897
Telephone Number (with Area Code)

DIRECTOR'S CERTIFICATION

Report in Conformance

- The Director has determined that all of the requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection have been completed except stocking for the area described in this report. Erosion control maintenance is required for at least one year following the submission of this report, or until stocking is met, whichever is later, and it may be extended to three years.
- The area described by this report has been found to meet all of the requirements of the Forest Practice Act and forest practice rules including stocking, as shown on the attached map. Erosion control maintenance is required for at least one year following the submission of this report or until stocking is met for the entire area of the harvest document, whichever is later, and it may be extended to three years.
- The area described by this report has been found to meet all of the requirements of the Forest Practice Act and Forest Practice Rules including stocking for the entire area as shown on the THP (or other harvest document) map. Erosion control maintenance is required for at least one year following the submission of this report, and it may be extended to three years.

Maintenance Period

The prescribed maintenance period for erosion control shall be:

- One Year. Ending date: _____
- Three Years. Ending date: N/A
- Other. Specify length: _____ years and ending date: _____

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Report Not In Conformance

- [] The area described by this report has been found not to be in compliance with the Forest Practice Act and Forest Practice Rules. See attached documents for further information. **A new completion and/or stocking report must be submitted** upon completion of the work required in the documents attached.
- [] The Director has determined that the stocking requirements of the Forest Practice Act and forest practice rules have not been met. See attached documents for further information. **A new completion and/or stocking report must be submitted** upon completion of the work required in the documents attached.


Other Reports

- Conversion Permit. The Completion Report is necessary, but a stocking report is not required.
- Less Than Three Acre Conversion Exemption. The Completion Report is necessary, but a stocking report is not required.
- [] Emergency Notice or a THP with Substantially Damaged Timberland as per 14 CCR § 1080.1, where a stocking report is not required.

For the selection from Other Reports above, the Director has determined that all of the requirements of the Forest Practice Act and Forest Practice Rules:

- Have been completed.
- Have not been completed and are not in compliance with the regulations and/or the rules. See attached documents for further information. **A new completion report must be submitted** upon completion of the work required in the documents attached.

Director, California Department of Forestry and Fire Protection

By:  Chris Curtis
Signature Print Name

FORESTER I FOREST PRACTICE INSPECTOR 2541 2/10/2016
Title RPF # Date

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