



AGENDA ITEM NO.
L-1

COUNTY OF HUMBOLDT

Hearing Date: May 24, 2016

To: Board of Supervisors

From: Rob Wall, Interim Director of Planning and Building *EW R*

Subject: **FRUITLAND RIDGE Zone Reclassification, Agricultural Preserve partial dis-establishment and partial cancellation**
 Application Number 9886
 Case Numbers ZR-15-007, AGPN-15-003
 Assessor Parcel Numbers 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, 223-031-003
 Benbow area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Introduce Ordinance No. 2550 by title and waive further reading;
2. Open the public hearing, receive and consider the staff report, the Planning Commission's findings and accept public comment;
3. Make the necessary findings as prepared by staff to approve the Zone Reclassification;
4. Determine that the dis-establishment and cancellation of a portion of the Schmook Ranch Agricultural Preserve is in the public interest;

Prepared by *[Signature]*
Cliff Johnson, Senior Planner

CAO Approval *TLFR CD*

REVIEW:
 Auditor _____ County Counsel *[Signature]* Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

PREVIOUS ACTION/REFERRAL:
 Board Order No. _____
 Meeting of: _____

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

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

Dated: May 24, 2016
 By: *[Signature]*
 Kathy Hayes, Clerk of the Board

5. Adopt Ordinance No. 2550 amending Section 311-7 of the Humboldt County Code by reclassifying property in the Benbow area within APNs 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, 223-031-003 currently zoned Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)) to Timber Production Zone (TPZ) (Attachment A);
6. Direct the Clerk of the Board to publish a summary of the zoning changes within 15 days of the date of the hearing (Attachment B);
7. Adopt Resolution No. 110-6d, which contains the findings for Dis-establishment and Tentative Cancellation of the applicable portion of Land Conservation Contract No. 75-5 (AGP # 75-5) (Attachment C);
8. Direct the Clerk of the Board to record a Certification of Rezoning (Notice of Timberland Production Zone Status) (Attachment D) on the parcels pursuant to Sections 51117 and 51141 of the California Government Code (C.G.C.), after attaching a copy of the fully executed Ordinance (Attachment A);
9. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
10. Direct Planning Staff to publish a Notice of Decision as a display advertisement in accordance with Government Code Section 51284;
11. Direct the Clerk of the Board to record the Certificate of Tentative Cancellation of the applicable portion of Land Conservation Contract No. 75-5;
12. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's office, County Counsel, the Planning Division, the California Office of Land Conservation and any other interested party; and
13. Direct the Clerk of the Board to provide a copy of the published Notice of Decision to the Department of Conservation within 30 days of the tentative cancellation of the contract; and
14. Close the public hearing.

SOURCE OF FUNDING: Planning and Building Department's Planning and Engineering Services Revenue Account Number 1100-277-608000. Applicant is responsible for all costs related to processing of this application.

DISCUSSION: An application has been made by Fruitland Ridge LLC to rezone approximately 705 acres of Agriculture Exclusive with a Building Site combining zone specifying a minimum parcel size of 160 acres [AE-B-5(160)] to Timber Production Zone (TPZ). The rezone facilitates the immediate cancellation of a portion of an existing agricultural preserve for lands currently, and proposed to be, zoned TPZ.

Zone Reclassification

The proposed rezone will reclassify approximately 705 acres of property zoned Agriculture Exclusive into TPZ. Based on a review of aerial photography, literature and timber assessments prepared for the property, planning staff conclude that the lands proposed for rezoning meet the inclusion requirements into TPZ per Government Code Section 51113.5. The timber type is similar to adjacent lands and meets the minimum conifer stocking levels and site class designation for inclusion.

The rezone is in the public interest and is consistent with General Plan policies and the existing general plan designation. The rezone facilitates the addition of timberlands to adjoining timberlands currently zoned TPZ and increases the amount of timberlands in resource production. The 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 is consistent with the Forest Taxation Reform Act of 1976. The Forestry Review Committee reviewed and recommended approval of the proposed rezone at their meeting on November 16, 2015.

The rezone is proposed within the 6,500 acre Schmook Ranch Class B Agricultural Preserve No. 75-5. The properties are subject to the Land Conservation Contract recorded February 28, 1975. This preserve was established prior to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 which directed the establishment of Timberland Production Zoning. As such the lands placed under land conservation contract in 1975 were enrolled under the County's 1974 Williamson Act Guidelines provisions which recognized forest management (or "tree farming") as an allowed agricultural use in a Class B Preserve. This forest management emphasis is evident from the contract requirements that a "Forest Harvesting Plan" and a cutting plan be submitted to the County Assessor annually. The Fruitland Ridge portion that is the subject of this application is approximately 3,166 acres. Large portions of the Schmook Ranch were zoned TPZ under Lists A and B in 1977. Lands remaining under contract are those lands zoned Agricultural Exclusive and mixed-zoned AE-TPZ parcels which do not contain 160 acres of AE zoned land. Beginning in 1978 and clarified in more recent amendments to the County's Williamson Act Guidelines (2002 and 2005), Class B Preserves must be managed primarily for livestock grazing. The lands held now by Fruitland Ridge LLC and proposed for rezoning and Williamson Act cancellation do not comply with the annual production standards of the Guidelines as most of the preserve subject to contract is being managed as timberland rather than for livestock grazing. The reclassification to TPZ will allow for the subsequent cancellation of the Williamson Act Contract per Section 51282.5 of the California Government Code in lieu of the 9 year non-renewal of the Land Conservation Contract for the TPZ zoned Fruitland Ridge portion of the preserve.

For their holdings that cannot be rezoned TPZ, Fruitland Ridge has requested to file for 10-year nonrenewal of the Land Conservation Contract. However, because Fruitland Ridge only owns a portion of the Schmook Ranch preserve, the request is considered to be a "partial non-renewal of the preserve" under the County's Williamson Act Guidelines. Partial Non-Renewal requires the County to review the history of the preserve and whether the lands now held as separate parcels or land units are consistent with Section 8.C (Division) of the Guidelines. Under this section, any division of lands within the preserve must involve a land unit of 600 contiguous acres or larger. Additionally, the County must review the balance of the preserve to consider whether the lands are compliant with the Guidelines and whether a Notice of Non-Renewal must be served on these property owners as well (Section 14A(2) of the Guidelines).

The Department's preliminary review has determined that the Schmook Ranch preserve is inconsistent with Section 8.C of the Guidelines as the preserve has been divided into multiple ownership units which are below the threshold 600 acre minimum standard. Further, all indications are that grazing use over the preserve area has ceased. For these reasons, the partial non-renewal would leave the remainder of the preserve non-compliant with the preserve requirements and Fruitland Ridge's request for partial Non-Renewal cannot be independently processed. However, having performed this partial nonrenewal evaluation the County is now in a position to proceed with non-renewal of the entirety of the Schmook Ranch land conservation contract. This is the practice followed in similar non-renewal situations.

Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve a Zone Reclassification. These findings are as follows:

1. The proposed change is in the public interest; and
2. The proposed change is consistent with the General Plan; and

3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
4. That, for zoning into TPZ,
 - a. The proposed change is consistent with Section 51113.5 of the Government Code; and
 - b. The land shall be timberland as defined by Section 51104(f) of the Government Code; and
 - c. The land shall be in compliance with the land use standards of the TPZ zone.

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:

5.
 - 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.

Staff Analysis of the required findings:

A.1. Public Interest. The rezone proposes to reclassify approximately 705 acres from Agriculture Exclusive and Agriculture Exclusive specifying a minimum parcel size of 160 acres, into TPZ. The rezone facilitates an immediate cancellation of a land conservation contract, and allows for the property to be classified more consistently with the actual use and conditions of the land. The evidence submitted, including timberland analyses submitted by Timberland Resource Consultants demonstrates that the findings for inclusion into TPZ can be made, and that the parcels can be managed for timber production. The FRC recommends project approval.

In 1985, the County completed its General Plan (Vol. 1, Framework) that established policies and standards for resource production land uses. TPZ "is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber." These lands are currently being utilized for the growing and harvesting of timber and are therefore consistent with the general plan goals for timberland.

TPZ provides relative assurances that uses allowed within the affected timberlands will be consistent with local needs in resource economics, open space and compatibility of uses. TPZ also provides a static productive land base from which accurate timber supply projections could be made.

In addition, Federal, State and County governments have numerous policies and programs that encourage timber production. As stated in Section 51101 of the California Government Code (C.G.C.) the State has found and declared the following:

1. The forest resource and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state's economy and environment

by providing high quality timber, employment opportunities, resource protection, and aesthetic enjoyment.

2. The state's increasing population threatens to erode the timberland base and diminish forest resource productivity through pressure to divert timberland to urban and other uses and through pressure to restrict or prohibit timber operations when viewed as being in conflict with non-timberland uses.
3. A continued and predictable commitment of timberland, along with investment of capital, for the growing and harvesting of timber are necessary to ensure the long term productivity of the forest resource and the long term economic viability of the forest products industry.

Based on the above findings, the state has declared that "...in order to fully realize the productive potential of the forest resources and timberlands of the state, and to provide for a favorable climate for long term investment in forest resources, it is the policy of the state to do all the following:

- a. Maintain the optimum amount of limited supply of timberland as to ensure its current and continued availability for the growing and harvesting of timber and compatible uses;
- b. Discourage the premature or unnecessary conversion of timberland to urban or other uses;
- c. Discourage the expansion of urban services into timberland; and
- d. Encourage investment in timberlands based on a reasonable expectation of harvest."

The application of zoning that ensures compatible land uses furthers the public interest by protecting lands for continued resource production. Planning staff believes that the addition by rezoning into TPZ of qualifying timberlands enforceably restricted under the state constitution protects the timber base for future generations and is in the public interest.

A.2. General Plan Consistency. The property is currently planned Agriculture Grazing (AG) by the Framework Plan. Per the Zoning Consistency Matrix, Figure 2-10 Volume 1 of the Framework Plan, the rezone into TPZ is consistent with the AG designation. The Framework Plan, Section 2514, contains numerous policies that encourage timber production and long-term management of timberlands. The goal of the policies is to actively protect and conserve timberlands for long-term economic utilization and to actively enhance county timber production capabilities. Zoning lands into TPZ is consistent with the goals and policies of the General Plan which protects timberlands for the growing and harvesting of timber.

A.3. Housing Element Law. The lands are currently planned and zoned for agricultural use and timber production and, as such, were not included in the housing assessment. The parcels will continue to be resource lands, planned and zoned for agricultural use and timber production. The project does not reduce the residential density utilized by the Department of Housing and Community Development.

A.4. Consistency with California Government Code Sections 51113.5 and 51104. Per information and timber reports submitted by Timberland Resource Consultants, the project is consistent with the requirements for inclusion into TPZ. The areas to be rezoned into TPZ can meet the minimum conifer stocking levels and site class designation to be included in TPZ. The soils series is primarily Hugo (812). Hugo soil series are identified as having very high suitability for timber production. All of the parcels proposed for rezoning are capable of meeting the acreage annual growth requirements of C.G.C. Section 51104 (average annual volume of wood fiber of at least 15 cubic feet per acre). The existing land use is in compliance with the land use standards of the TPZ.

The FRC reviewed and recommended project approval at their November 16, 2015 meeting.

A.5 Environmental Impact. Planning staff believes that the project, as designed and conditioned, will not result in a significant adverse effect on the environment and is exempt from environmental review pursuant to the California Environmental Quality Act. The rezone into TPZ is exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code.

Based on the above information the Planning Commission recommended that the required findings be made. This information is more specifically identified in Planning Commission Staff Report and Resolution 16-03 attached as Attachment 5.

FINANCIAL IMPACT: The change in zoning to TPZ, if adopted, will place the subject property into a tax restricted classification, resulting in an overall reduction in the property tax assessment for the valuation of the land during the period that the property remains in TPZ (10-year minimum term). The reduction will be adjusted annually by the County Assessor in the manner prescribed in the California Revenue and Taxation Code for subsequent years. Additionally, the applicant has paid for all costs incurred in processing the ZR application.

OTHER AGENCY INVOLVEMENT: The project was circulated to various State and local agencies for comments and recommendations. County Counsel and the Assessor have both been directly involved in the processing of the application. Both the Forestry Review Committee and the Planning Commission have recommend approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS: The Board may choose not to approve the project. Staff does not recommend this alternative. Staff believes that satisfactory evidence has been provided in the project record to support making the required findings.

ATTACHMENTS:

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

- | | |
|--------------|--|
| Attachment 1 | Ordinance No. <u>1550</u> , and Certification of Rezoning Exhibit A (legal description), Exhibit B (map) |
| Attachment 2 | Summary of Ordinance, Map to be published (Exhibit A) |
| Attachment 3 | Resolution for Tentatively Dis-establishing a portion of the Schmook Ranch Class "B" Preserve and Tentative cancellation of the associated portion of the Land Conservation Contract |
| Attachment 4 | Certificate of Tentative Cancellation |
| Attachment 5 | Planning Commission Resolution and Staff Report |
| Attachment 6 | Certificate of Rezoning (Notice of Timberland Production Status) |
| Attachment 7 | Department of Conservation Comments on Petition for Partial cancellation |

ATTACHMENT 1

Ordinance No. 2550
Exhibit A (legal description), Exhibit B (map)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of May 24, 2016

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING
PROPERTY IN THE BENBOW AREA (ZR-15-007, FRUITLAND RIDGE)**

ORDINANCE NO. 2550

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 705 acres in the Benbow area from Agricultural Exclusive (AE) and Agricultural Exclusive with a Building Site Combining Zone specifying a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ), as described in the attached Exhibit A.

The area described is also shown on the Humboldt County Zoning Map [S49, T49, S50, T50, U50] and on the map attached as Exhibit B.

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

PASSED, APPROVED AND ADOPTED this 24th day of May, 2016 on the following vote, to wit:

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



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

(SEAL)

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

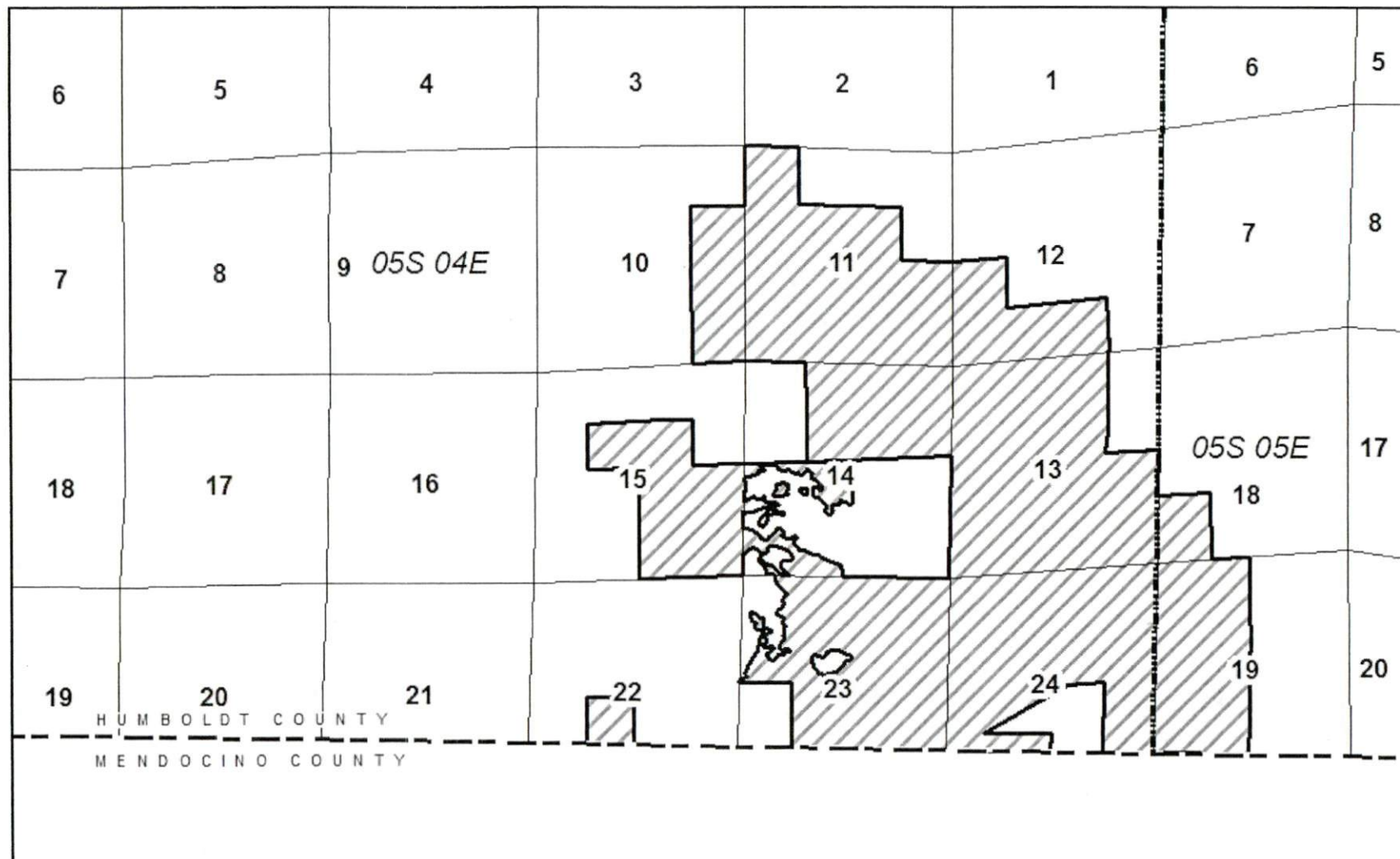
By: 
Ana Hartwell, Deputy

EXHIBIT A



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

All those portions of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Township 5 South, Range 4 East, Humboldt Meridian, and all those portions of Sections 18 and 19 of Township 5 South, Range 5 East, shown on the attached map, and as more specifically delineated in Humboldt County Zoning Maps S49, T49, S50, T50 and U50.

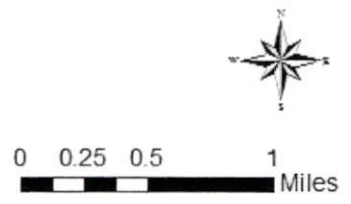
Also identified as Assessor Parcel Numbers 216-011-001, 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, and 223-031-003.



**Exhibit B
Existing and Proposed
Timberland Production Zone**

 Area to be Rezoned to TPZ
 County Boundary

For greater detail see Humboldt County Zoning Maps S49, T49, S50, T50 and U50 available at the Humboldt County Department of Planning and Building



ATTACHMENT 2

Summary of Ordinance, Map to be published (Exhibit A)

POST-ADOPTION SUMMARY OF ORDINANCE

(For publication after adoption)

On May 24, 2016, the Humboldt County Board of Supervisors adopted Ordinance No. 2550, which amends the zoning of property in the Benbow area known as 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, 223-031-003, by rezoning these lands out of Agriculture Exclusive with a combining zone specifying a minimum parcel size of 160 acres [AE-B5(160)] to Timberland Production Zone (TPZ). The new zones will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

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

ATTACHMENT 3

Resolution No. 116-661

Tentatively Dis-establishing a portion of the Schmook Ranch Agricultural Preserve and Tentatively cancelling the associated portion of the Land Conservation Contract

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of May 24, 2016

RESOLUTION NO. 16-61

RESOLUTION MAKING THE REQUIRED FINDINGS OF TENTATIVE DIS-ESTABLISHMENT OF A PORTION OF THE SCHMOOK RANCH AGRICULTURAL PRESERVE AND TENTATIVE CANCELLATION OF THE ASSOCIATED PORTION OF THE LAND CONSERVATION CONTRACT (RESOLUTION 75-5)

WHEREAS, the County of Humboldt has been requested to dis-establish an agricultural preserve as to the lands described below and illustrated on the attached map; and

WHEREAS, the County of Humboldt is authorized to establish and dis-establish agricultural preserves and to enter into and cancel Land Conservation Contracts pursuant to the California Land Conservation Act of 1965 (hereafter the "Act") and the County's Resolution Establishing Guidelines for Agricultural Preserves (hereafter the "Guidelines"); and

WHEREAS, the Planning Division on February 18, 2016 transmitted the petition for immediate cancellation to the Department of Conservation as required pursuant to Government Code Section 51284; and

WHEREAS, the Department of Conservation responded with comments by letter dated March 1, 2016; and

WHEREAS, the Humboldt County Board of Supervisors gave notice pursuant to Government Code Section 51284 and held a public hearing on May 24, 2016 to consider the rezoning of the property into Timberland Production Zone status and to consider the request for partial dis-establishment of the Schmoock Ranch agricultural Preserve and tentative cancellation of the associated portion of Land Conservation Contract No. 75-5, Recorded February 28, 1975 in Volume 1277, page 134 of Official Records; and

WHEREAS, the Humboldt County Board of Supervisors approved the rezoning of the property into Timberland Production; and

WHEREAS, the Humboldt County Board of Supervisors considered the comments by the Department of Conservation in accordance with Government Code Section 51284.1(d); and

WHEREAS, the Humboldt County Board of Supervisors considered the evidence submitted by the petitioner in support of the Public Interest Findings under Section 51282 of the California Government Code as follows:

The tentative cancellation is in the public interest because a) other public concerns substantially outweigh the objectives of the Williamson Act, and b) there is no proximate, noncontracted land which is both available and suitable for the proposed use; and

WHEREAS, the project is statutorily exempt per Section 15264 and Section 15063(b,3) of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED that the County of Humboldt finds that the cancellation of the Land Conservation Contract is in the public interest and adopts the Findings for Tentative Cancellation of a portion of Land Conservation Contract 75-5 as set forth in Exhibit 1, which is attached and incorporated herein as if set forth in its entirety.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of May 24, 2016

RESOLUTION NO. 16-61

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to:

1. Record the Certificate of Rezoning (Notice of Timberland Production Zone Status) with the Humboldt County Recorder's Office.
2. Publish the Notice of Decision as set forth in Government Code Section 51284.
3. Provide a copy of the published Notice of Decision to the Department of Conservation.
4. Record the Certificate of Tentative Cancellation pursuant to Government Code Section 51283.4(b).

BE IT FURTHER RESOLVED that once the ordinance rezoning the subject property into Timberland Production becomes effective, the Planning Division is directed to transmit the Certificate of Cancellation to the Board of Supervisors for execution and recordation in accordance with Government Code Section 51283.4(b).

Dated: May 24, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

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

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

STATE OF CALIFORNIA)
County of Humboldt)

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

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



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

Exhibit 1
Findings of Tentative Cancellation for
Williamson Act Land Conservation Contract No. 75-5
for Fruitland Ridge

The Board of Supervisors of the County of Humboldt must make the following findings for tentative cancellation of a portion of Williamson Act Land Conservation Contract No. 75-5:

1. Government Code Section 51282(a) states that cancellation of a Williamson Act land conservation contract may occur if the cancellation is in the public interest;
2. In order to find that the cancellation of a land conservation contract is in the public interest, the Board must find that:
 - a) Other public concerns substantially outweigh the objectives of the Williamson Act; and
 - b) There is no proximate, non-contracted land which is both available and suitable for the proposed use, or that development of the contracted land would provide more contiguous patterns of urban development.

The Board of Supervisors of the County of Humboldt finds that cancellation of the proposed portion of the Schmook Ranch Williamson Act contract is in the public interest for reasons stated below:

- A. Other public concerns outweigh the objectives of the Williamson Act as it is applied to this property.

The Schmook Ranch Agricultural Preserve was entered into the Williamson Act program in 1975 primarily as a timber ranch, before the existence of the Timberland Production Zone (TPZ) classification and the amendments to the County's Williamson Act Guidelines requiring a majority of the land in the preserve to be grazing land. Over the subsequent years, natural regeneration of conifers has resulted in former grazing land within the preserve returning to timberland. Accordingly, these portions of the ranch are no longer eligible for the Williamson Act program, and should be removed from the program.

The County's Williamson Act Program and Timberland Production Zoning are implementation measures of the Open Space Element of the Humboldt County General Plan (Framework Plan). The rezoning of timberland into Timberland Production Zone (TPZ) is strongly encouraged by adopted policies within the County's Framework Plan. In particular, Section 2513 of the County's Framework Plan provides that the County should "actively protect and encourage timberlands for long term economic utilization and to actively enhance and increase county timber production capabilities." Reclassification of these lands into TPZ status will protect the existing timberlands and encourage further timber production.

Section 51246(b) of the California Government Code directs these lands, upon rezoning, to be removed from the Williamson Act Program. Immediate removal of these lands under Section 51282.5 of the California Government Code is consistent with the objectives of the

Williamson Act and the Humboldt County Williamson Act Guidelines. Additionally, removal of timberland from the Williamson Act program through TPZ rezoning and subsequent cancellation was a recommendation of the Department of Conservation's Humboldt County Williamson Act compliance audit completed in July of 2005. For all of these reasons, the immediate cancellation of these lands pursuant to Section 51282.5 of the California Government Code is in the public interest.

- B. There is No Available and Suitable Proximate Non-Contracted Land for the Use Proposed on the Contracted land, or that development of the contracted land would provide more contiguous patterns of urban development.

The existing use of the property is primarily timber production, and the proposed use is to remain as timber production. There is no development proposed as part of this cancellation, and the use of these lands for timber production under Timber Production Zone regulations and restrictions are consistent with the implementation of the County's Open Space Element and will continue to direct development to areas more contiguous to existing urban development.

EXHIBIT A

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

All those portions of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Township 5 South, Range 4 East, Humboldt Meridian, and all those portions of Sections 18 and 19 of Township 5 South, Range 5 East, shown on the attached map, and as more specifically delineated in Humboldt County Zoning Maps S49, T49, S50, T50 and U50.

Also identified as Assessor Parcel Numbers 216-011-001, 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, and 223-031-003.

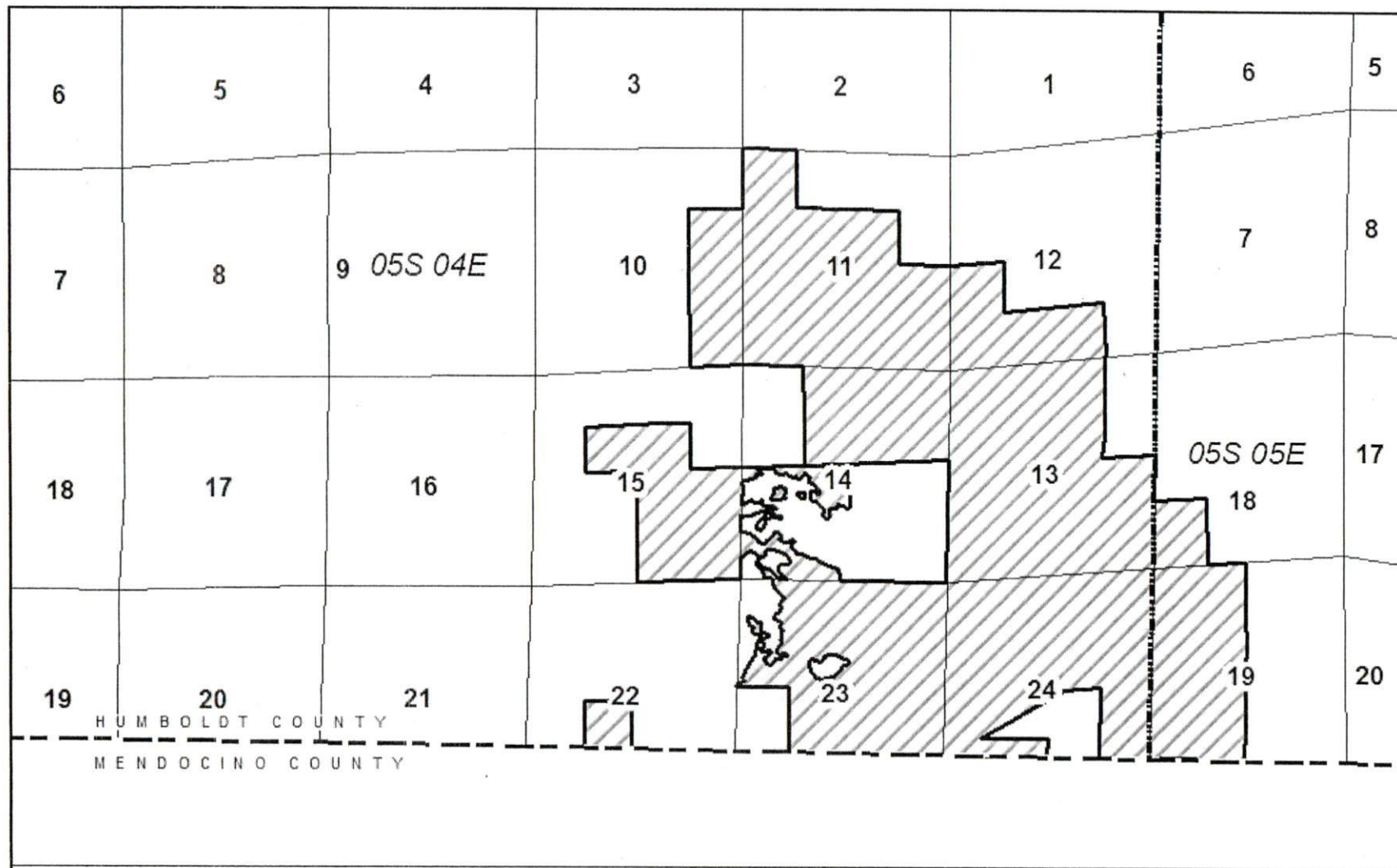





Exhibit B
Existing and Proposed
Timberland Production Zone

 Area to be Rezoned to TPZ
 County Boundary

For greater detail see Humboldt County Zoning Maps S49, T49, S50, T50 and U50 available at the Humboldt County Department of Planning and Building



0 0.25 0.5 1
 Miles

ATTACHMENT 4

**Certificate of Tentative Cancellation of the applicable
portion of Land Conservation Contract No. 75-5**

2016-010823

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT CNTY

Pages: 5

Recording Fee: \$ 0.00
Tax Fee: \$0
Clerk: sc Total: \$0.00
Jun 13, 2016 at 03:42:45

*** CONFORMED COPY ***

Recording requested by:
County of Humboldt
Planning and Building Department

When recorded return to:
Humboldt County Planning Division
3015 H Street
Eureka, CA 95501

SPACE ABOVE FOR RECORDER USE ONLY

**CERTIFICATE OF TENTATIVE CANCELLATION OF THE WILLIAMSON ACT LAND
CONSERVATION CONTRACT NO. 75-5**

In accordance with Article 5, Chapter 7, Division 1 of Title 5 (beginning with Section 51280) of the Government Code of the State of California, the County of Humboldt has granted approval of a petition by Fruitland Ridge LLC, hereinafter referred to as LANDOWNER, for tentative cancellation of the following described Williamson Act Land Conservation Contract:

Land Conservation No. 75-5

For Assessor Parcel Nos. 216-011-001, 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, 223-031-003; totaling approximately 3,077 acres.

Legal Description: See Exhibit A attached to this certificate and incorporated herein as though specifically set forth at length.

The petition for cancellation was accompanied by a proposal for a specific alternative use of the land, which has been approved by the Board of Supervisors on May 24, 2016.

The Board of Supervisors will, in accordance with Government Code Section 51283.4(b), within thirty (30) days of receipt of written notice from the landowner that the conditions and contingencies hereinafter set forth have been satisfied, the Board of Supervisors shall make its determination whether or not such conditions and contingencies are in fact satisfied and, if it determines that they are satisfied, will execute, by its Chair, a Certificate of Cancellation of the Agricultural Preserve Contract covering the land described above and cause same to be recorded.

The conditions and contingencies which must be satisfied prior to execution of a Certificate of Cancellation by the Chair of the Board of Supervisors are as follows:

1. Upon the effective date of the ordinance rezoning the subject property into Timberland Production.

If the landowner has been unable to satisfy the above conditions and contingencies, they shall so notify the Board of Supervisors of the particular conditions or contingencies which they are unable to satisfy. Within thirty (30) days after receipt of such notice, and upon a determination that the landowner is in fact unable to satisfy such conditions and contingencies, the Board of Supervisors, by its Chair, shall execute a Certificate of Withdrawal of this Certificate of Tentative Cancellation and cause such certificate to be recorded.

I certify the foregoing approval and the issuance of this Certificate of tentative cancellation were authorized by action duly taken by the Humboldt County Board of Supervisors in regular session held on May 24, 2016.

By Order of the Humboldt County Board of Supervisors

Kathy Hayes
Clerk of the Board
Board of Supervisors

By: 
Deputy Clerk

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 13 day of June 20 16, before me, Catherine Whitman Munsee Public

Notary, personally appeared Kathy Hayes who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Catherine Whitman Munsee (seal)
Signature

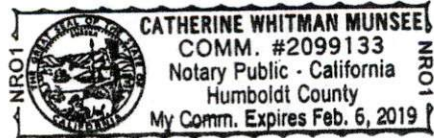
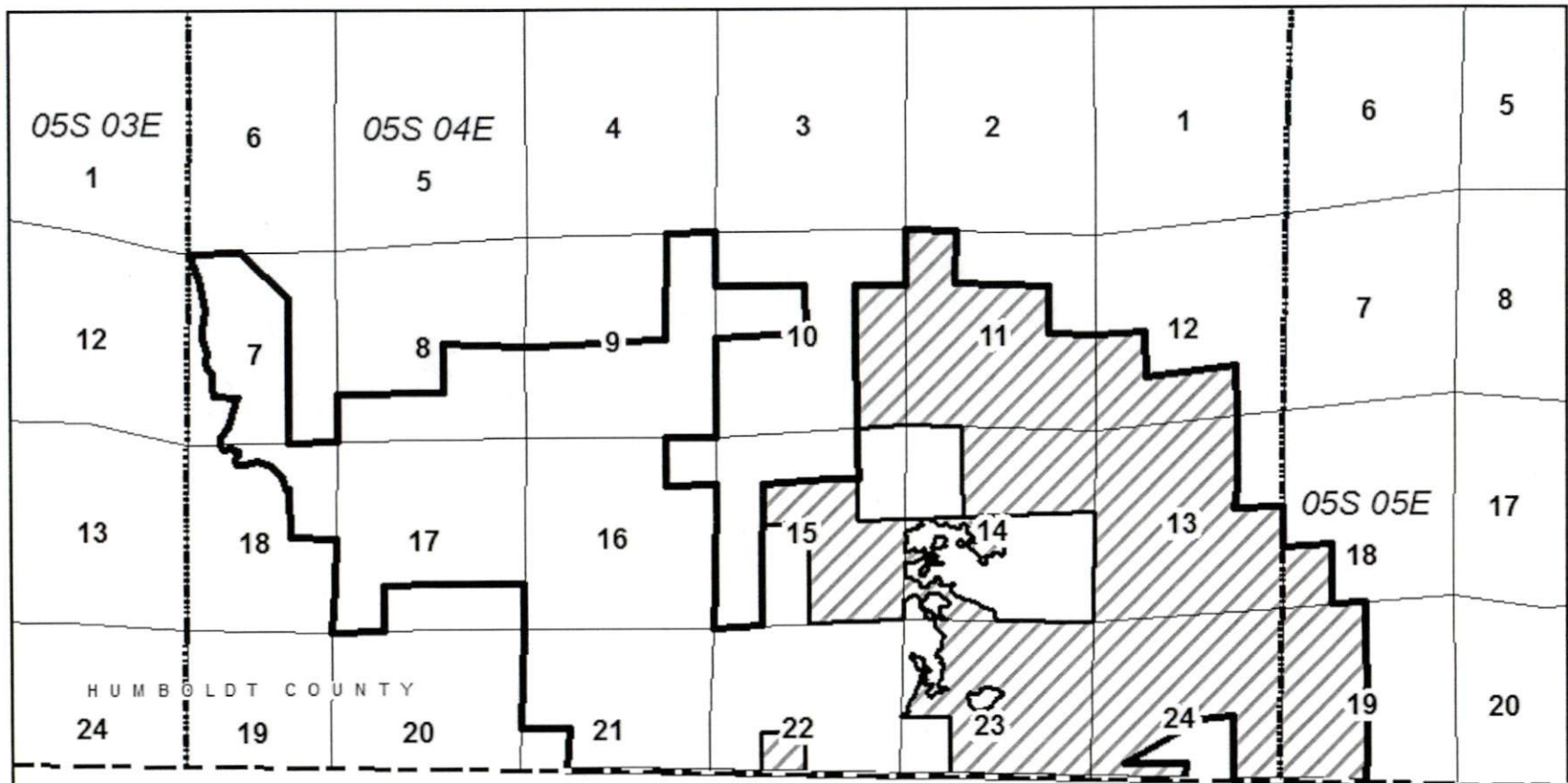


EXHIBIT A

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

All those portions of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Township 5 South, Range 4 East, Humboldt Meridian, and all those portions of Sections 18 and 19 of Township 5 South, Range 5 East, shown on the attached map, and as more specifically delineated in Humboldt County Zoning Maps S49, T49, S50, T50 and U50.

Also identified as Assessor Parcel Numbers 216-011-001, 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, and 223-031-003.






HUMBOLDT COUNTY

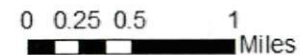
MENDOCINO COUNTY

Exhibit B

**Schmoock Ranch
Area to be Disestablished**

-  Schmoock Ranch Boundary
-  Area to be Disestablished
-  County Boundary

For greater detail, see Humboldt County Zoning Maps S49, T49, S50, T50 and U50 available at the Humboldt County Department of Planning and Building





Kelly E. Sanders
Humboldt County
County Clerk-Recorder
 825 Fifth Street, 5th Floor
 Eureka, CA 95501
 Recorder: (707) 445-7593
 Vitals: (707) 445-7382
www.humboldt.gov

Receipt: 16-7411

Product	Name	Extended
NT	NT	\$0.00
	External Document#	2016-010822
	Document Info:	HUMBOLDT CNTY
	# Pages	5
	# Conformed Labels and Copies	true
	PCOR Penalty	false
	Non-Conforming Document	false
MI	MISC	\$0.00
	External Document#	2016-010823
	Document Info:	HUMBOLDT CNTY
	# Pages	5
	# Conformed Labels and Copies	true
	PCOR Penalty	false
	Non-Conforming Document	false
Total		\$0.00
Change (Cash)		\$0.00

Please review all documents. All sales are final.

ATTACHMENT 5

**Planning Commission staff report and
Resolution of February 4, 2016**



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street • Eureka CA 95501
Phone: (707) 445-7541 • Fax: (707) 268-3792

Hearing Date: February 4, 2016
To: Humboldt County Planning Commission
From: Robert Wall, Interim Director of Planning and Building Department
Subject: **FRUITLAND RIDGE Zone Reclassification, Agricultural Preserve partial dis-
establishment and partial cancellation**
Application Number 9886
Case Numbers ZR-15-007, AGPN-15-003
Assessor Parcel Numbers 216-012-005, 216-012-006, 216-013-012, 216-013-014,
216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006,
223-023-005, 223-024-002, 223-031-002, 223-031-003
Benbow area

Table of Contents		Page
Agenda Item Transmittal		2
Recommended Action and Executive Summary		3
Draft Resolution		5
Maps		7
Location Map		8
Zoning Map		13
Assessor Parcel Map		17
Aerial Map		18
Rezone Map		19
Map showing Disestablishment of Portion of Schmook Ranch AGP		
Attachments		20
Attachment 1	Recommended Conditions of Approval	21
Attachment 2	Staff Analysis of the Evidence Supporting the Required Findings	25
Attachment 3	Applicant's Evidence in Support of the Required Findings	46
Attachment 4	Draft Ordinance for Board of Supervisors	47
Attachment 5	Referral Agency Comments and Recommendations	

Please contact Cliff Johnson, Senior Planner, at 268-3721 or via email at cjohnson@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date February 4, 2016	Subject Zone Reclassification, Agricultural Preserve partial cancellation and dis-establishment	Contact Cliff Johnson
---	--	---------------------------------

Project: An application to rezone approximately 705 acres of AE-B-5(160) to TPZ, and a partial disestablishment and cancellation of a Williamson Act preserve and contract.

Project Location: The project is located in Humboldt County, in the Benbow area, approximately 4.4 miles south-southeast of Benbow, on the property known to be in Sections 10-15, 22-24 township 05 south range 04 east and sections 18 19 township 05 south range 05 east.

Present Plan Designations: Agriculture/Grazing (AG), Framework Plan (FRWK), Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2) and High Instability (3)

Present Zoning: (AE-B-5(160)) Agriculture Exclusive-Minimum building site area 160.0 acres; Timberland Production (TPZ)

Application Number: 9886

Case Numbers: ZR 15-007, AGPN 15-003

Assessor Parcel Numbers: 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, 223-031-003

Applicant
Fruitland Ridge LLC
Thomas Grundman
3448 Nelson Lane
Fortuna, CA 95540

Owner
Same as applicant

Agent
Manhard Consulting
Meghan Ryan
611 I Street Ste A
Eureka, CA 95501

Environmental Review: Rezone into TPZ and Williamson Act cancellation is exempt per Section 15264 of CEQA and Section 51119 of the California Government Code.

Major Issues: None.

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

FRUITLAND RIDGE ZONE RECLASSIFICATION, AGRICULTURAL PRESERVE PARTIAL DIS-ESTABLISHMENT AND CANCELLATION

Case Numbers ZR 15-007, AGPN 15-003

Assessor Parcel Numbers 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, 223-031-003

Recommended Commission Action:

1. Describe the application as a Public Hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Make all of the required findings, based on evidence in the staff report and public testimony, and recommend adoption of the Zone Reclassification and Agricultural Preserve partial dis-establishment and cancellation to the Board of Supervisors for the Fruitland Ridge project, subject to the recommended conditions.

Executive Summary: The matter before the Commission is the approval of a rezone of approximately 705 acres of Agriculture Exclusive (AE) and Agricultural Exclusive with a Building Site combining zone specifying a minimum parcel size of 160 acres (AE-B-5(160)) to Timber Production Zone (TPZ). The rezone facilitates the immediate cancellation of a portion of an existing agricultural preserve for lands currently and proposed to be zoned TPZ.

The property is located in the Benbow area, approximately 4.4 miles south-southeast of Benbow. The property has historically been utilized for both cattle grazing and timber production and recently has been utilized mostly for timber production.

The lands are planned Agricultural Grazing (AG) by the Framework Plan. The property is zoned a combination of Timberland Production Zone (TPZ) and Agriculture Exclusive and Agriculture Exclusive-Minimum Building Site Area of 160 acres (AE-B-5(160)). Per the Zoning Consistency Matrix of the Framework Plan, the proposed rezoning into TPZ is consistent with the AG land use designation.

Zone Reclassification: The proposed rezone will reclassify approximately 705 acres of property zoned Agriculture Exclusive and Agriculture Exclusive -Minimum Building Site Area of 160 acres into TPZ. Based upon a review of aerial photography and a review of literature and timber assessments prepared for the property, planning staff conclude that the lands proposed for rezoning meet the inclusion requirements into TPZ per Government Code Section 51113.5. The timber type is similar to adjacent lands and will meet the minimum conifer stocking levels and site class designation for inclusion.

The rezone is in the public interest and is consistent with General Plan policies and the existing general plan designation. The rezone facilitates the addition of timberlands to adjoining timberlands currently zoned TPZ and increases the amount of timberlands in resource production. The 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 is consistent with the Forest Taxation Reform Act of 1976. The Forestry Review Committee reviewed and recommended approval of the proposed rezone at their meeting on November 16, 2015.

Williamson Act Cancellation: The rezone is proposed within the 6,500 acre Schmoock Ranch Class B Agricultural Preserve No. 75-5. The properties are subject to the Land Conservation Contract recorded February 28, 1975. This preserve was established prior to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 which directed the establishment of Timberland Production Zoning. As such the lands placed under land conservation contract in 1975 were enrolled under the County's 1974 Williamson Act Guidelines provisions which recognized forest management (or "tree farming") as an allowed agricultural use in a Class B Preserve. Conditions of the contract requires that a "Forest Harvesting Plan" and a cutting plan is submitted to the County Assessor annually. The Fruitland Ridge portion that is the subject of this application is approximately 3,166 acres. Large portions of the Schmoock Ranch were zoned TPZ under Lists A and B in 1977. Lands remaining under contract are those lands zoned Agricultural Exclusive and mixed-zoned AE-TPZ parcels which do not contain 160 acres of AE zoned land. Beginning in 1978 and clarified in more recent amendments to the County's Williamson Act Guidelines (2002 and 2005), Class B Preserves must be managed primarily for livestock grazing. The lands held now by Fruitland Ridge LLC and proposed for rezoning and Williamson Act cancellation do not comply with the annual production standards of the Guidelines as most of the preserve subject to contract is being managed as timberland rather than for livestock grazing. The reclassification to TPZ will allow for the concurrent cancellation of the Williamson Act Contract per Section 51282.5 of the California Government Code in lieu of the 9 year non-renewal of the Land Conservation Contract for the TPZ zoned Fruitland Ridge portion of the preserve. Fruitland Ridge has requested to non-renew the remainder of their portion of the preserve that cannot be rezoned to TPZ. However, because Fruitland Ridge only owns a portion of the Schmoock Ranch, the request is considered to be a "partial non-renewal of the preserve" under the Guidelines. As part of a partial Non-Renewal review the County must consider the history of the preserve and whether lands now held as separate parcels or land units are consistent with Section 8.C (Division) of the Guidelines. Additionally, the County must review the balance of the contract to consider whether the County should serve a Notice of Non-Renewal on other property owners under this contract (Section 14A(2) of the Guidelines).

Because separate land units within the Schmoock Ranch preserve are not consistent with Section 8.C of the Guidelines and the partial non-renewal would leave the remainder of the preserve non-compliant with the preserve requirements, the request for partial Non-Renewal could not be independently processed. However, as a result of the partial non-renewal application the County will be proceeding with non-renewal of the entirety of the Schmoock Ranch land conservation contract. This is the practice followed in similar non-renewal situations.

Staff Recommendation: All referral agencies have recommended approval or conditional approval. The Planning Division believes that the project, as designed and conditioned, has no potential for causing a significant adverse effect on the environment. The rezone into TPZ is exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code.

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 the 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 16-**

Case Numbers ZR 15-007, AGPN 15-003
Assessor Parcel Numbers 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007,
216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002,
223-031-002, 223-031-003

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Fruitland Ridge Zone Reclassification and Dis-establishment of a portion of the Schmook Ranch Agricultural Preserve

WHEREAS, Manhard Consulting, on behalf of Fruitland Ridge, submitted an application and evidence in support of approving: (1) the Zone Reclassification (ZR) to reclassify an approximate 705 acres from Agricultural Exclusive (AE) and Agricultural Exclusive with a Building Site Combining Zone specifying a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ); and (2) dis-establishment of a portion of an existing Class B agricultural preserve and immediate cancellation of the associated portion of the land conservation contract pursuant to Section 51282.5 of the California Government Code; and

WHEREAS, the proposed ZR may be approved if it can be found that: (1) the proposed change is in the public interest; (2) the proposed change is consistent with the General Plan; and (3) the amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

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

WHEREAS, the project is exempt from environmental review per Sections 15264 of CEQA and Section 51119 of the California Government Code; and

WHEREAS, the County Planning 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 approving the project (Case Numbers ZR-15-007, AGPN-15-003); 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 on February 4, 2016 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 project is exempt per Section 15264 of CEQA and Section 51119 of the California Government Code, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The ZR is in the public interest; and
3. The ZR is consistent with the General Plan; and

4. The ZR 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 rezone is consistent with Section 51113.5 of the California Government Code; the land is timberland as defined by Section 51104(f) of the Government Code; and the land is in compliance with the land use standards of the Timberland Production Zone; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Division Staff Report for Case Numbers ZR-15-007 and AGPN 15-003 based on the submitted evidence.

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; and
2. Consider the application; and
3. Adopt the necessary findings prepared by Planning staff; and
4. Approve the Zone Reclassification; and adopt Ordinance No. ____ amending Section 311-7 of the Humboldt County Code by reclassifying an approximate six hundred and seventy three acres in the Benbow area currently zoned Agriculture Exclusive and Agriculture Exclusive specifying a minimum building site of 160 acres into Timberland Production Zone; and
5. Approve the dis-establishment of the proposed portion of the existing Class B agricultural preserve and immediately cancel the land conservation contract pursuant to Section 51282.5 of the Government Code as to the lands zoned TPZ; and adopt Resolution No. ____ Disestablishing the portion of the Schmook Ranch Agricultural Preserve; and
6. Direct the Clerk of the Board to record a Certification of Rezoning (Notice of Timberland Production Zone Status) on the parcels pursuant to Sections 51117 and 51141 of the California Government Code (C.G.C.), after attaching a copy of the fully executed Ordinance; and
7. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
8. Direct the Clerk of the Board to give notice of the decision to the applicant, the owners, the Assessor's Office, the Department of Conservation and any other interested party.

Adopted after review and consideration of all the evidence on February 4, 2016

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

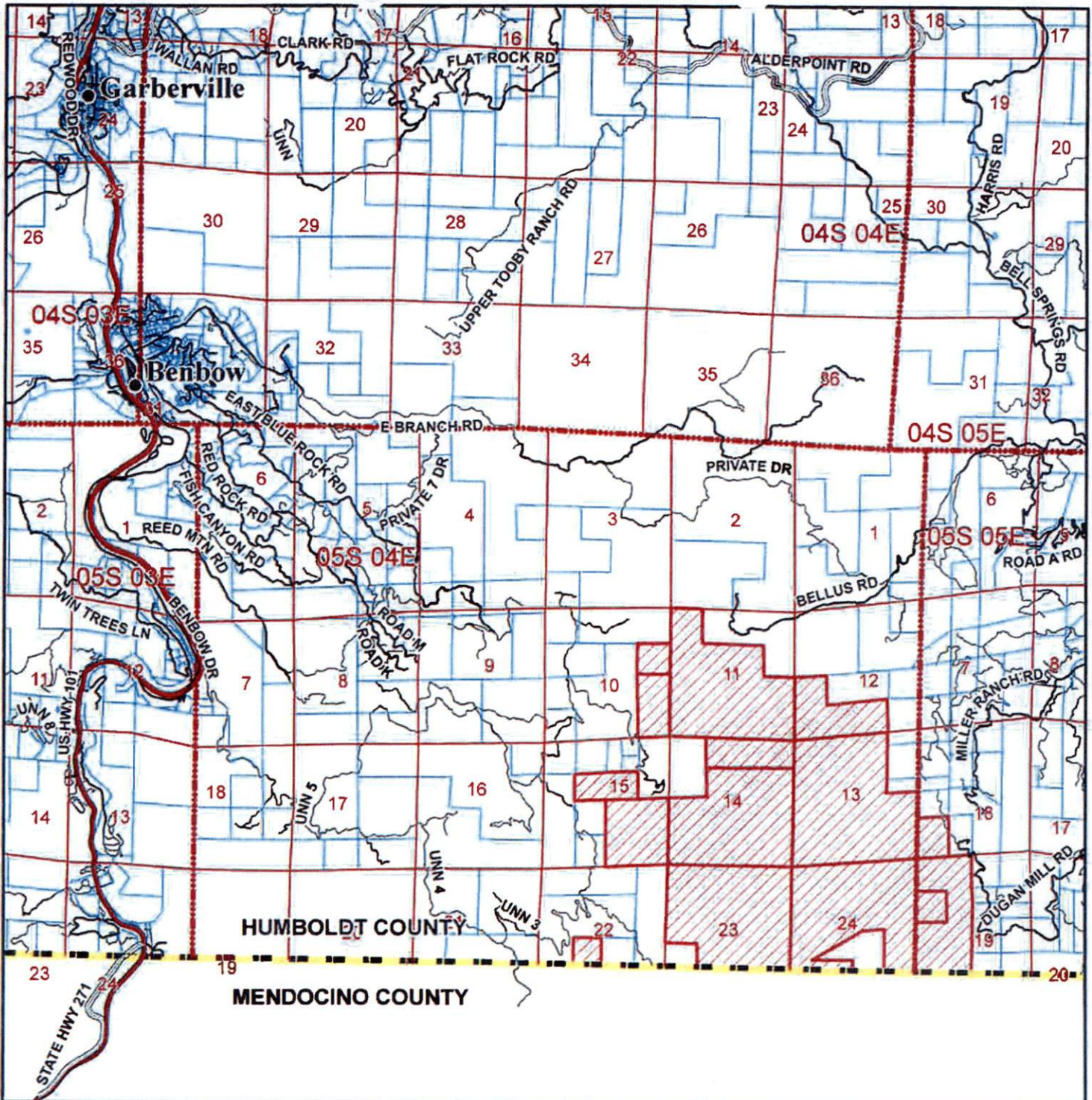
ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

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.

Catherine Munsee, Clerk



LOCATION MAP

Project Area = 

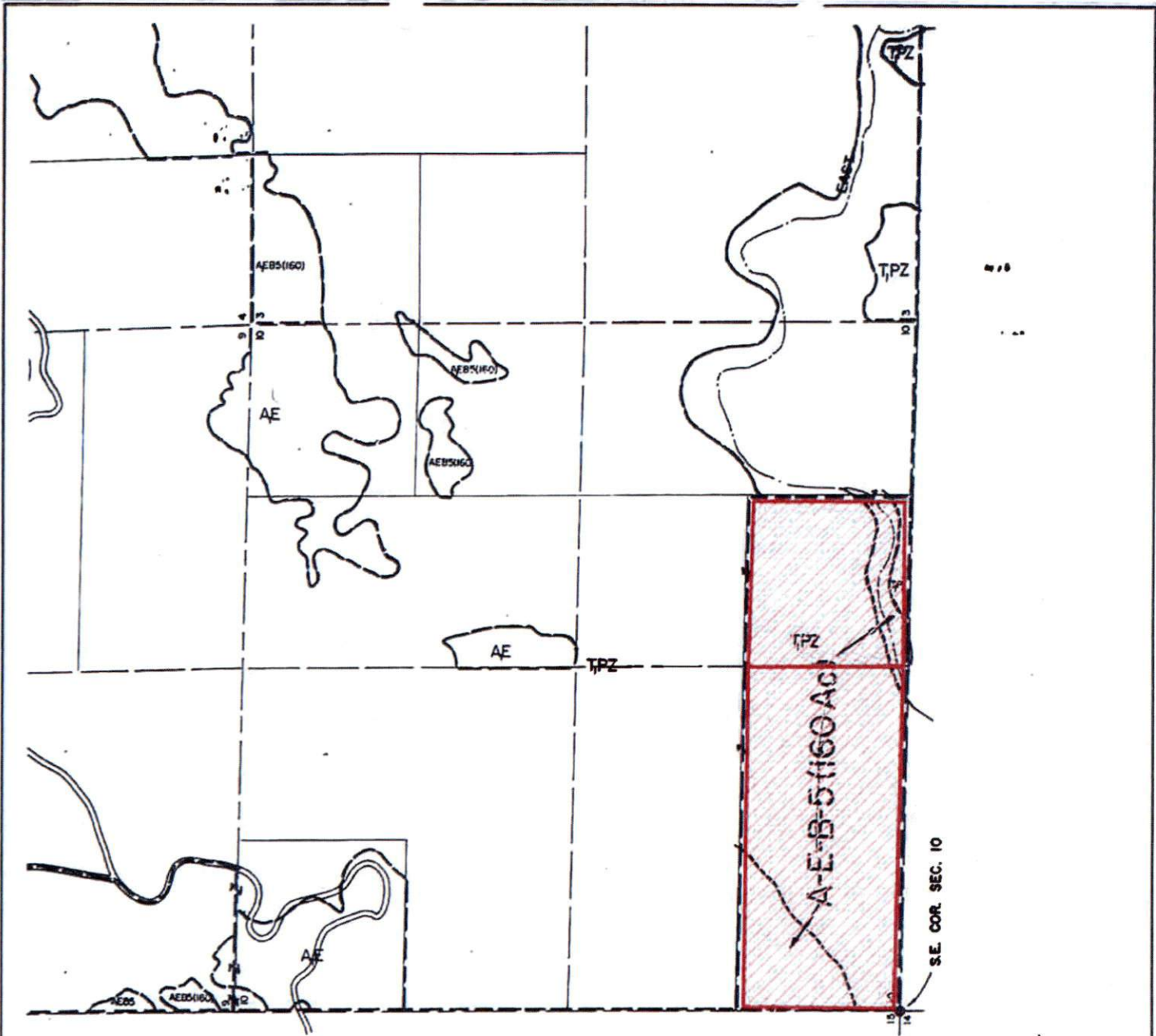
**PROPOSED FRUITLAND RIDGE LLC
ZONE RECLASSIFICATION,
AGRICULTURAL PRESERVE NOTICE OF NON-RENEWAL**

0 0.5 1 1.5 Miles



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.

BENBOW AREA
ZR-15-007/AGPN-15-003/LLA-15-025
APN: 216-011-001 et seq
T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)



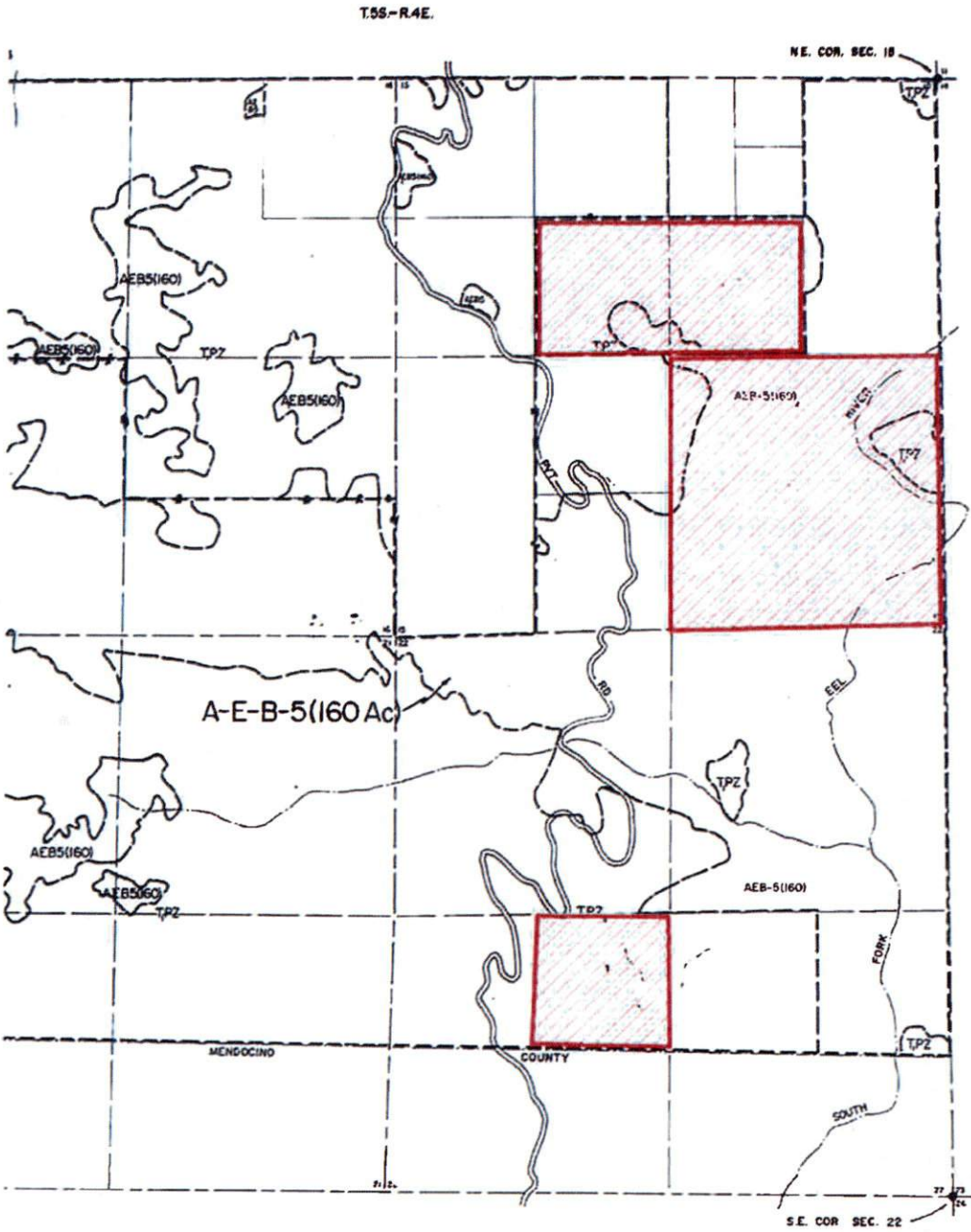
PROJECT AREA = 

ZONING MAP
PROPOSED FRUITLAND RIDGE LLC
ZONE RECLASSIFICATION,
AGRICULTURAL PRESERVE NOTICE OF NON-RENEWAL

BENBOW AREA
ZR-15-007/AGPN-15-003/LLA-15-025
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T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)



MAP NOT TO SCALE



PROJECT AREA =

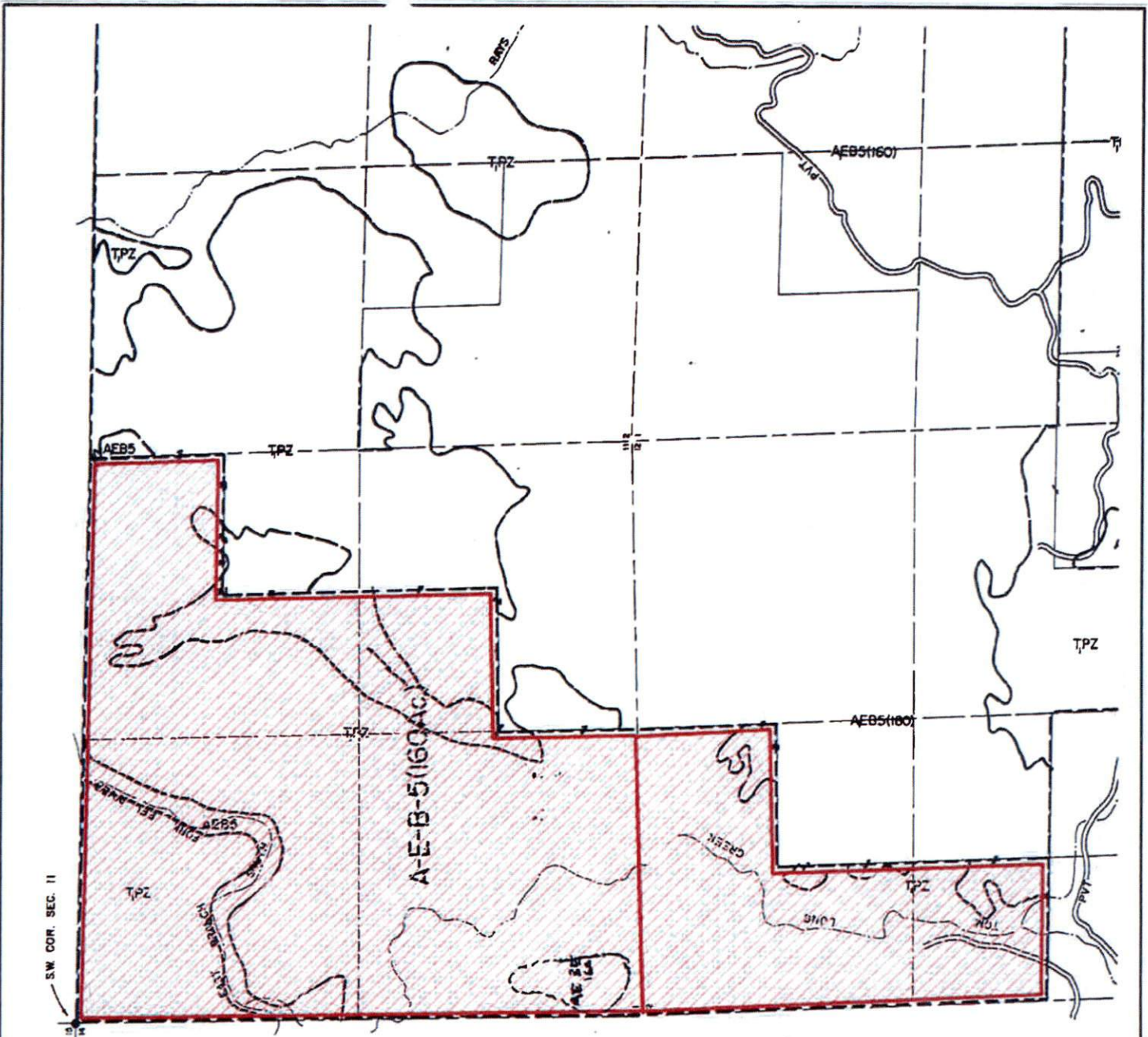
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BENBOW AREA
ZR-15-007/AGPN-15-003/LLA-15-025
APN: 216-011-001 et seq
T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)



MAP NOT TO SCALE
 ZR 15-007 Fruitland Ridge

May 24, 2016



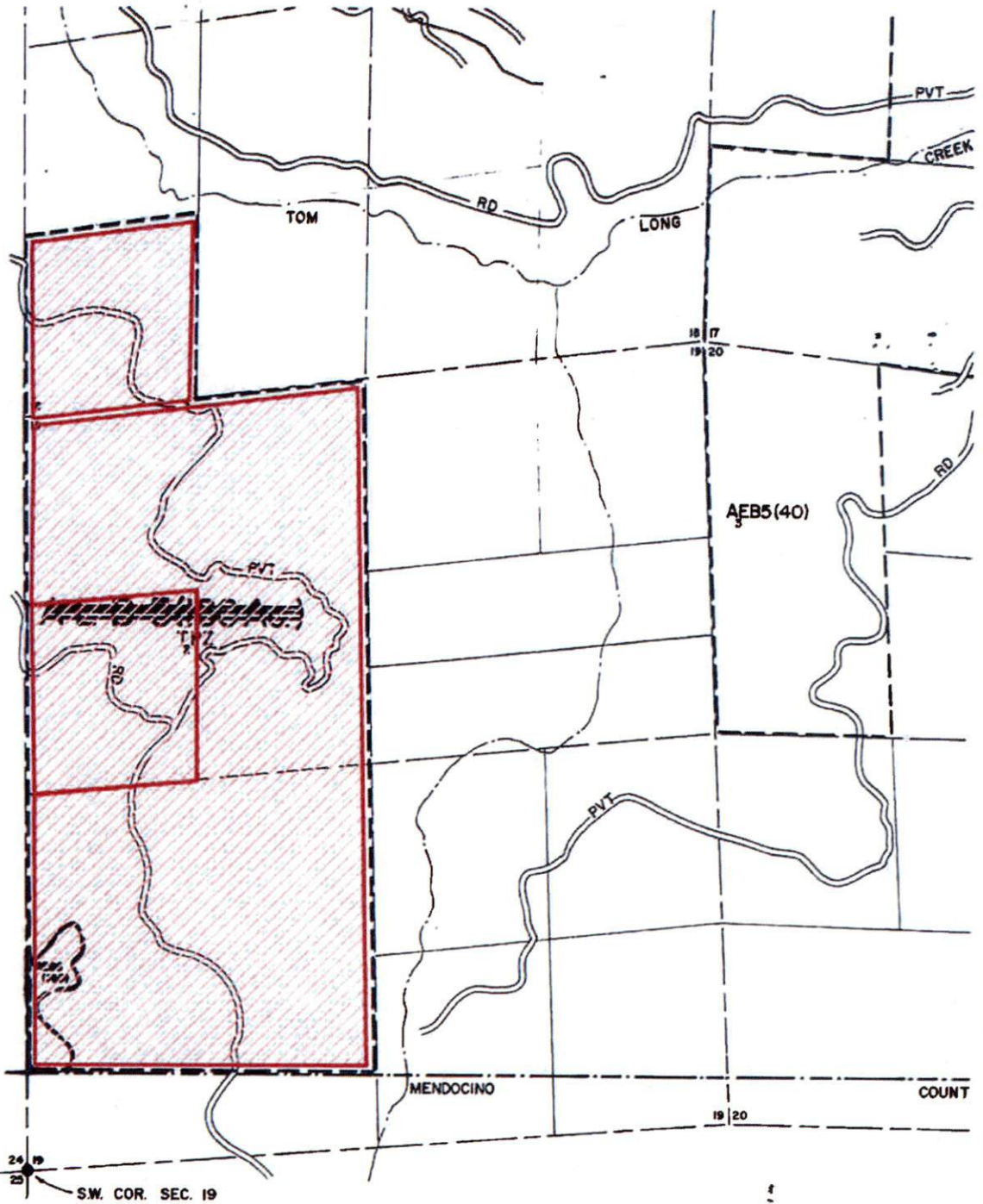
PROJECT AREA = 

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ZR-15-007/AGPN-15-003/LLA-15-025
APN: 216-011-001 et seq
T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)



MAP NOT TO SCALE



PROJECT AREA = 

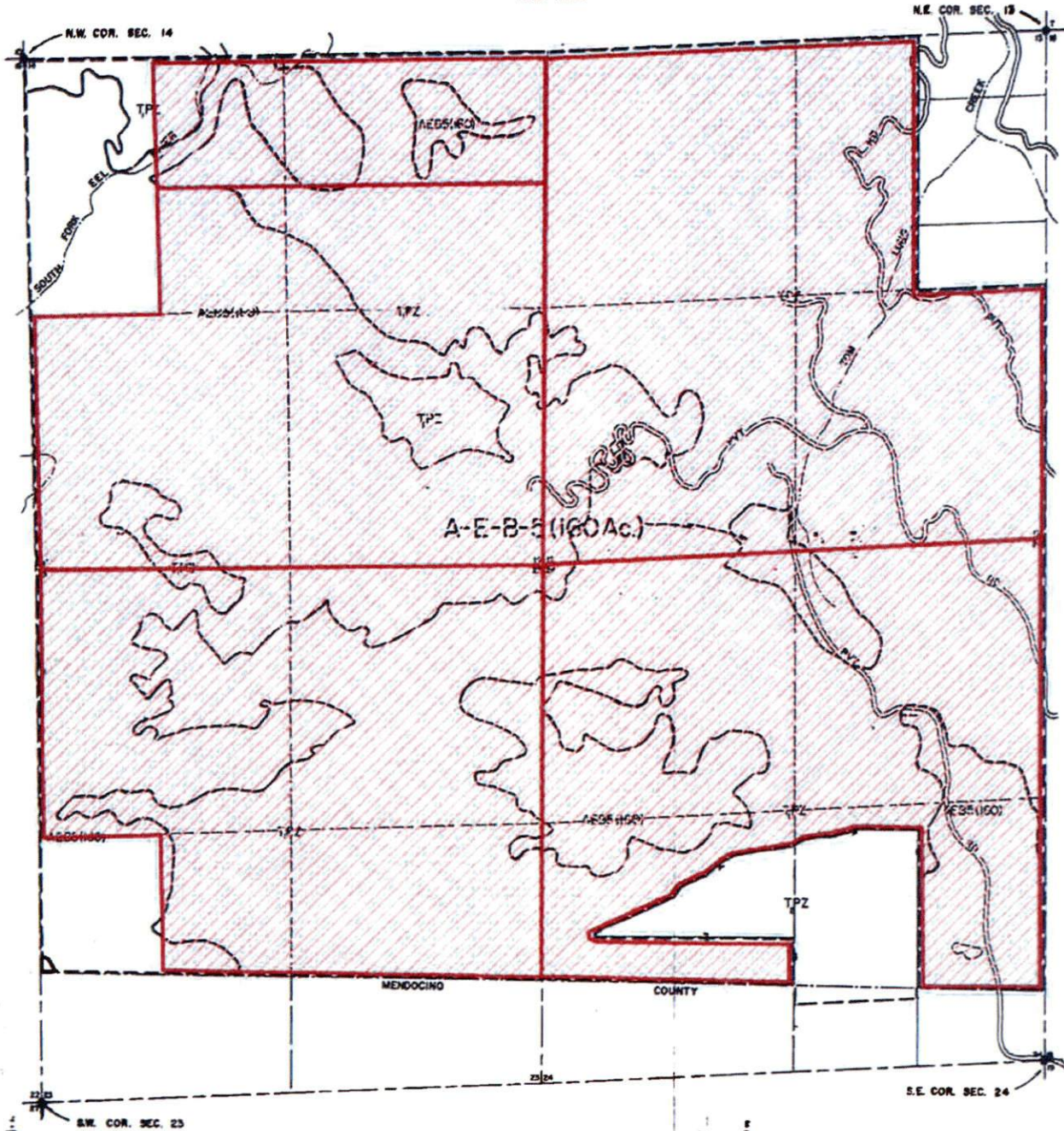
ZONING MAP
PROPOSED FRUITLAND RIDGE LLC
ZONE RECLASSIFICATION,
AGRICULTURAL PRESERVE NOTICE OF NON-RENEWAL

BENBOW AREA
ZR-15-007/AGPN-15-003/LLA-15-025
APN: 216-011-001 et seq
T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)



MAP NOT TO SCALE

T5S-R4E.



PROJECT AREA = 

ZONING MAP
PROPOSED FRUITLAND RIDGE LLC
ZONE RECLASSIFICATION,
AGRICULTURAL PRESERVE NOTICE OF NON-RENEWAL

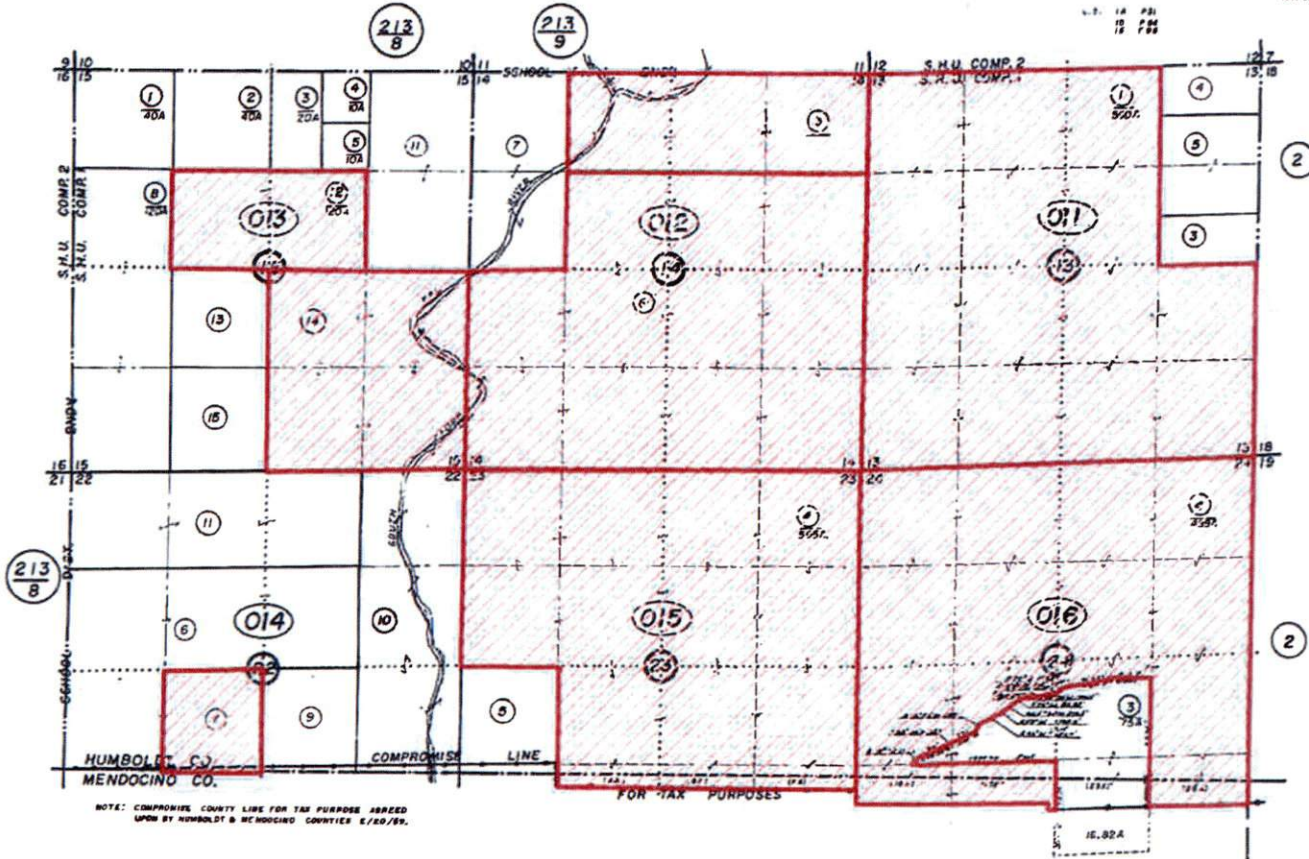
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APN: 216-011-001 et seq
T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)



MAP NOT TO SCALE

SECS. 13, 14, & 15 & PTNS. SECS. 22, 23, & 24, 5S 4E

216-01
T.C.A. 156-01
1" = 1200'
REV. 1/10/04 2004



NOTE: COMPROMISE COUNTY LINE FOR TAX PURPOSES AGREED UPON BY HUMBOLDT & MENDOCINO COUNTIES 1/20/89.

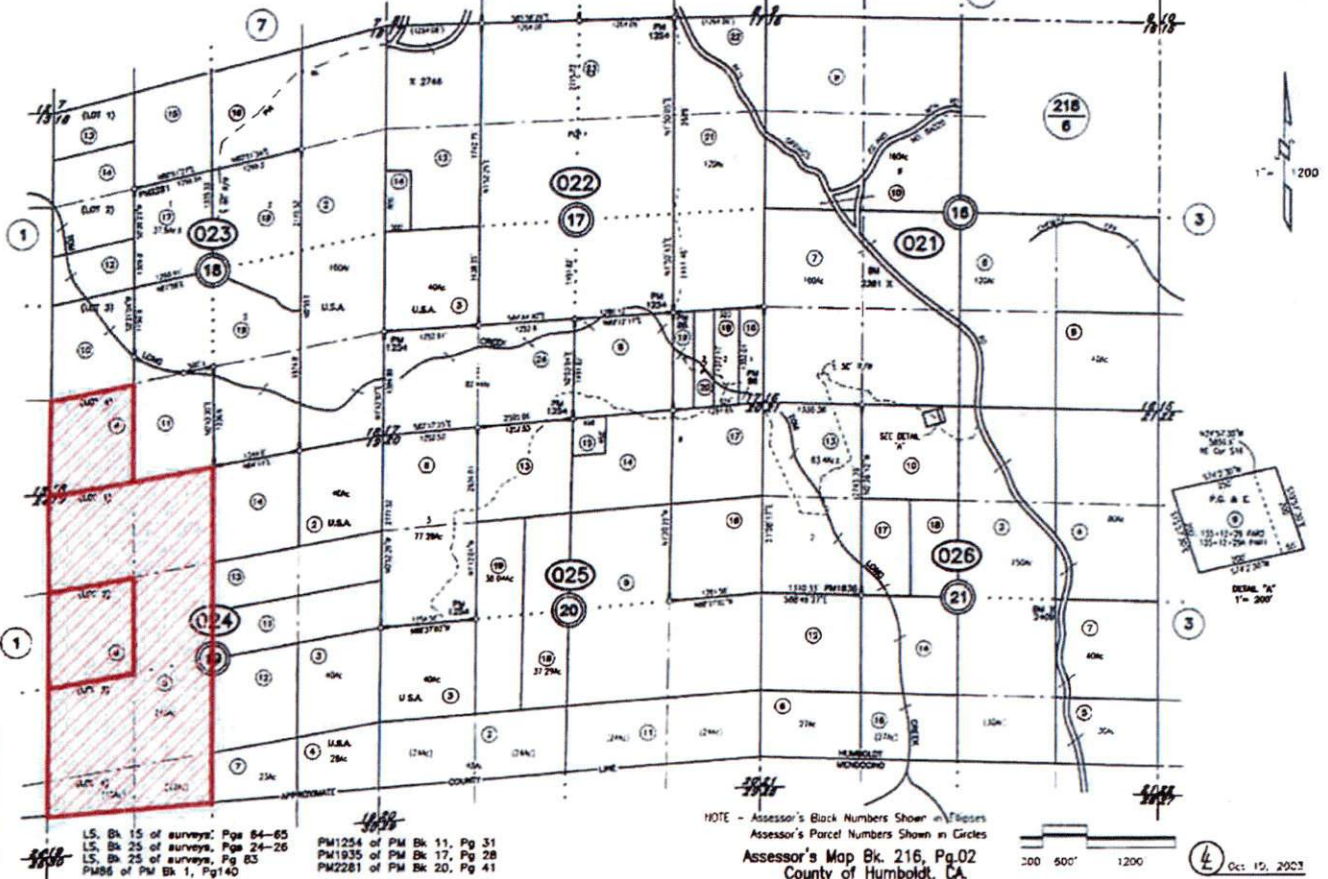
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ASSESSOR PARCEL MAP
PROPOSED FRUITLAND RIDGE LLC
ZONE RECLASSIFICATION,
AGRICULTURAL PRESERVE NOTICE OF NON-RENEWAL

BENBOW AREA
ZR-15-007/AGPN-15-003/LLA-15-025
APN: 216-011-001 et seq
T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)

SECS 16, 17 & 18 & PTNS SECS 19, 20 & 21 T5S, R5E

216-02

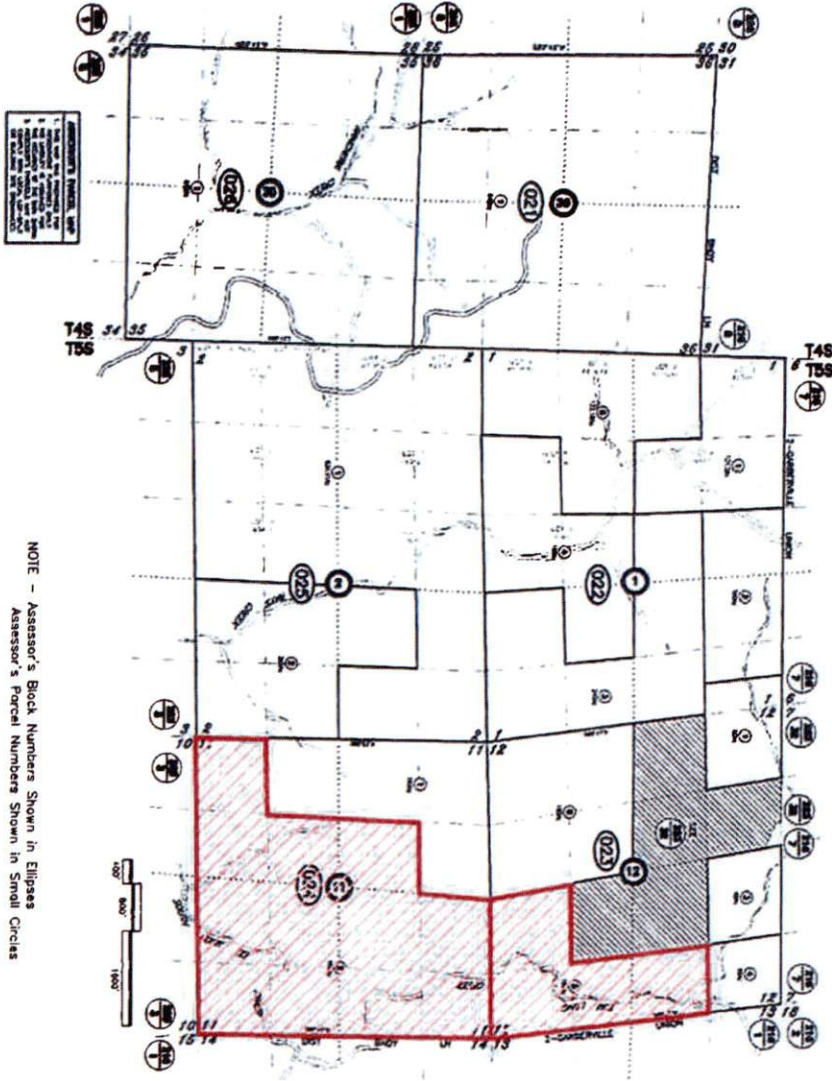


PROJECT SITE = 

ASSESSOR PARCEL MAP

**PROPOSED FRUITLAND RIDGE LLC
ZONE RECLASSIFICATION,
AGRICULTURAL PRESERVE NOTICE OF NON-RENEWAL**

**BENBOW AREA
ZR-15-007/AGPN-15-003/LLA-15-025
APN: 216-011-001 et seq
T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)**



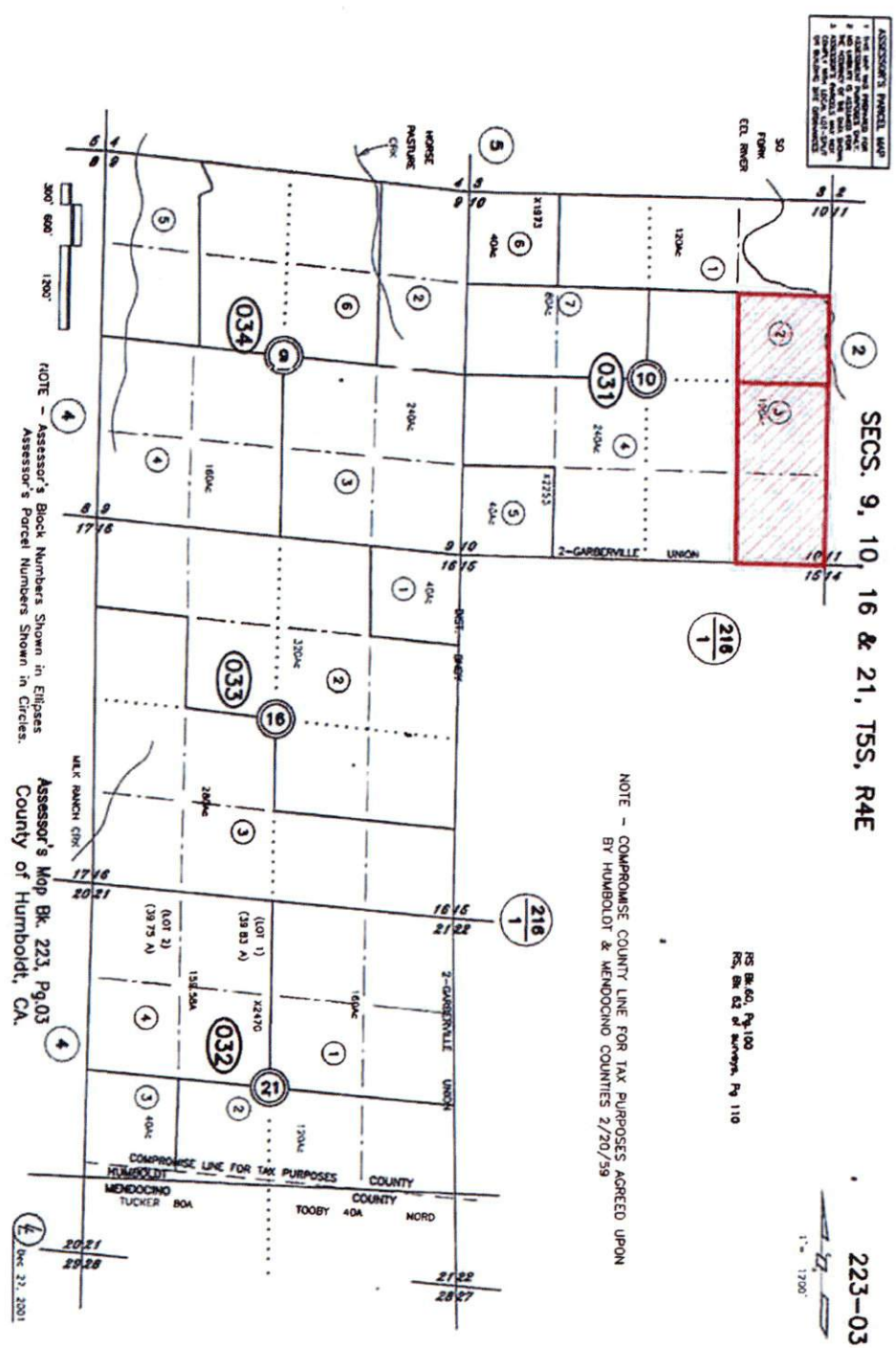
ASSESSOR'S PARCEL MAP
 1. THIS MAP IS PREPARED FOR THE COUNTY OF HUMBOLDT, CALIFORNIA, BY THE COUNTY ASSESSOR'S OFFICE.
 2. THIS MAP IS A REPRODUCTION OF THE ORIGINAL MAP AND IS NOT TO BE USED AS A LEGAL INSTRUMENT.
 3. THE ASSESSOR'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP.

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

APR 23, 2014
 11:45 AM

PROJECT SITE = 

ASSESSOR PARCEL MAP
PROPOSED FRUITLAND RIDGE LLC
ZONE RECLASSIFICATION,
AGRICULTURAL PRESERVE NOTICE OF NON-RENEWAL
BENBOW AREA
ZR-15-007/AGPN-15-003/LLA-15-025
APN: 216-011-001 et seq
T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)



ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR THE COUNTY OF HUMBOLDT BY THE COUNTY ASSESSOR'S OFFICE.
 2. THIS MAP IS A RECLASSIFICATION OF THE MAPS OF THE COUNTY OF HUMBOLDT, CALIFORNIA, AND IS NOT A REVISION OF ANY PREVIOUS MAP.
 3. THIS MAP IS A RECLASSIFICATION OF THE MAPS OF THE COUNTY OF HUMBOLDT, CALIFORNIA, AND IS NOT A REVISION OF ANY PREVIOUS MAP.
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NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 223, Pg. 03
 County of Humboldt, CA.

NOTE - COMPROMISE COUNTY LINE FOR TAX PURPOSES AGREED UPON
 BY HUMBOLDT & MENDOCINO COUNTIES 2/20/59

PG. 03 OF PG. 100
 PG. 02 OF PG. 110

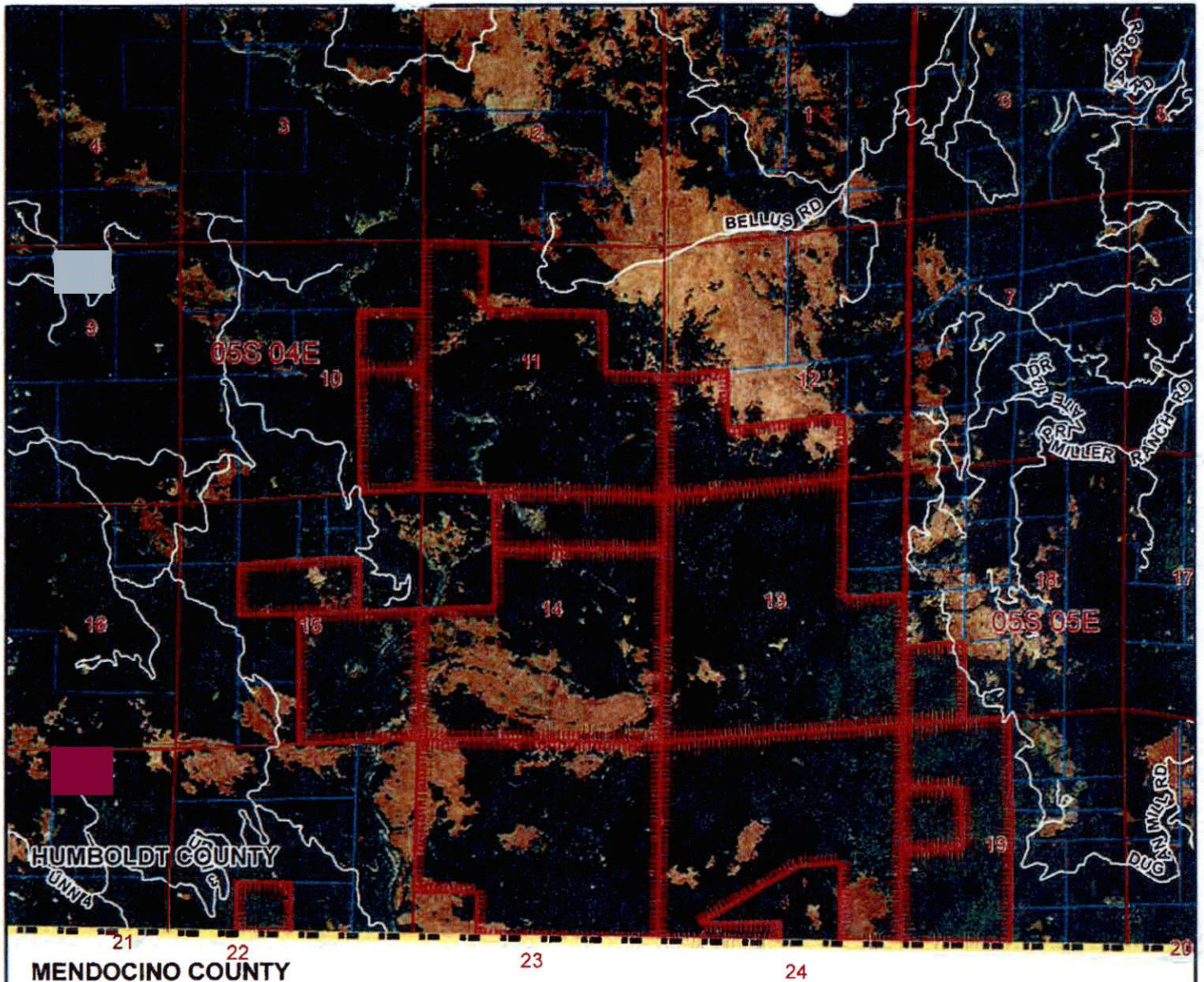
223-03
 1" = 1700'

ASSESSOR PARCEL MAP


PROJECT SITE = 216-011-001

**PROPOSED FRUITLAND RIDGE LLC
 ZONE RECLASSIFICATION,
 AGRICULTURAL PRESERVE NOTICE OF NON-RENEWAL**

**BENBOW AREA
 ZR-15-007/AGPN-15-003/LLA-15-025
 APN: 216-011-001 et seq
 T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)**



AERIAL MAP

Project Area = 

**PROPOSED FRUITLAND RIDGE LLC
ZONE RECLASSIFICATION,
AGRICULTURAL PRESERVE NOTICE OF NON-RENEWAL**

0 0.5 1 Miles



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.

BENBOW AREA
ZR-15-007/AGPN-15-003/LLA-15-025
APN: 216-011-001 et seq
T5S R4E S10-15,22-24; T5S R5E S18,19 HB&M (Harris)

r Parcels
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DATE	REVISION	DRAWN BY

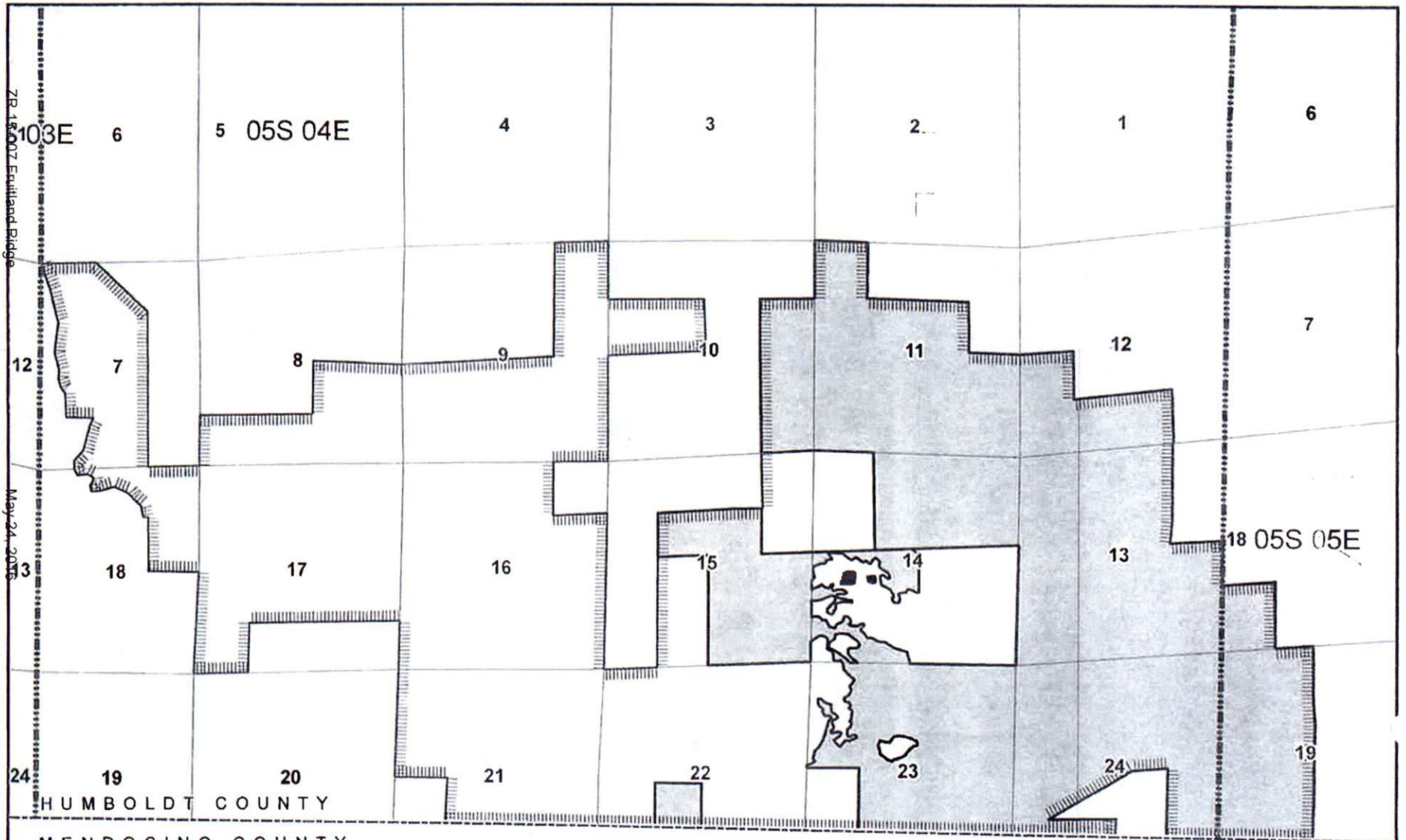

Manhard
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 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Geotechnical Engineers • Environmental Scientists • Professional Actuaries • Planners

FRUITLAND RIDGE LLC ZONE RECLASSIFICATION
 PORTION OF SCHMOOK RANCH, HUMBOLDT COUNTY, CA
 LANDS TO BE REZONED TPZ AND LANDS TO REMAIN AGRICULTURE EXCLUSIVE




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HUMBOLDT COUNTY
MENDOCINO COUNTY

**Schmook Ranch
Area to be Disestablished**

-  Schmook Ranch Boundary
-  Area to be Disestablished
-  County Boundary



ATTACHMENT 1

CONDITIONS OF APPROVAL - ZONE RECLASSIFICATION

Approval of the Zone Reclassification is conditioned on the following terms and requirements which must be satisfied before the Zone Reclassification can be scheduled for action by the Board of Supervisors.

1. The applicant shall submit a legal description of the approximate 705 acres to be re-zoned into TPZ for review and approval by the County Land Surveyor. The applicable review fee (currently \$209.00) 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. **Prior to hearing**, the applicant shall submit a check to the Planning Division, payable to Humboldt County in the amount of \$50. This check is to cover the County Clerk's costs for filing the Notice of Exemption pursuant to Section 15067 of the CEQA Guidelines.
3. 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.
4. The Assessor's office requires that any grazing acres to be reclassified as TPZ acres are to be shown by site class, with a map showing the site designation of all quality classes within the entire project. This documentation shall be prepared under the direction of a Registered Professional Forester and submitted to the Assessor's office for their acceptance.

Informational Notes:

1. Based on aerial imagery, many of the subject parcels appear to contain substantial agriculture and associated structures. If surface water is being used to supply and domestic or agricultural needs of these parcels, the water source must be permitted in accordance with Fish and Game Code Section 1602. To request an LSA agreement, the Permittee shall submit to CDFW a completed notification and include with the completed form payment of the fee identified in CDFW's current fee schedule (see Cal. Code Regs., Title 14, Section 699.5).
2. As part of this Project all stream crossing (i.e. culverts and bridges) should be evaluated by a qualified individual, and permitted and conditioned accordingly. Stream crossings are likely jurisdictional and subject to CDFW's LSA program. CDFW is unaware of any permitted stream crossings on any of the subject parcels.
3. Any other violations (e.g. the County's grading ordinance or streamside management area ordinance) that could have detrimental impacts to fish, wildlife, or their habitats should be remediated prior to Project approval.
4. The proposed project area contains recorded archaeological sites and any ground disturbing activities have the potential to impact archaeological and /or cultural resources. Future development activities may require additional archaeological studies.

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. Zone Reclassification: Section 312-50.7.2 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to grant approval of a Zone Reclassification. The required findings needed to approve the requested Zone Reclassification are as follows:

1. The proposed change is in the public interest; and
2. The proposed change is consistent with the General Plan; and
3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
4. That, for zoning into TPZ,
 - a. The proposed change is consistent with Section 51113.5 of the Government Code; and
 - b. The land shall be timberland as defined by Section 51104(f) of the Government Code; and
 - c. The land shall be in compliance with the land use standards of the TPZ zone.

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:

5.
 - 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.

Staff Analysis

A.1. Public Interest. The rezone proposes to reclassify approximately 705 acres from Agriculture Exclusive and Agriculture Exclusive specifying a minimum parcel size of 160 acres, into TPZ. The rezone facilitates an immediate cancellation of a land conservation contract, and allows for the property to be classified more consistently with the actual use and conditions of the land. The evidence submitted, including timberland analyses submitted by Timberland Resource Consultants demonstrates that the findings for inclusion into TPZ can be made, and that the parcels can be managed for timber production. The FRC recommends project approval.

In 1985, the County completed its General Plan (Vol. 1, Framework) that established policies and standards for resource production land uses. TPZ "is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber." These lands are currently being utilized for the growing and harvesting of timber.

TPZ provides relative assurances that uses allowed within the affected timberlands will be consistent with local needs in resource economics, open space and compatibility of uses. TPZ also provides a static productive land base from which accurate timber supply projections could be made.

In addition, Federal, State and County governments have numerous policies and programs that encourage timber production. As stated in Section 51101 of the California Government Code (C.G.C.) the State has found and declared the following:

1. The forest resource and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state's economy and environment by providing high quality timber, employment opportunities, resource protection, and aesthetic enjoyment.
2. The state's increasing population threatens to erode the timberland base and diminish forest resource productivity through pressure to divert timberland to urban and other uses and through pressure to restrict or prohibit timber operations when viewed as being in conflict with non-timberland uses.
3. A continued and predictable commitment of timberland, along with investment of capital, for the growing and harvesting of timber are necessary to ensure the long term productivity of the forest resource and the long term economic viability of the forest products industry.

Based on the above findings, the state has declared that "...in order to fully realize the productive potential of the forest resources and timberlands of the state, and to provide for a favorable climate for long term investment in forest resources, it is the policy of the state to do all the following:

- a. Maintain the optimum amount of limited supply of timberland as to ensure its current and continued availability for the growing and harvesting of timber and compatible uses;
- b. Discourage the premature or unnecessary conversion of timberland to urban or other uses;
- c. Discourage the expansion of urban services into timberland; and
- d. Encourage investment in timberlands based on a reasonable expectation of harvest."

The application of zoning that ensures compatible land uses furthers the public interest by protecting lands for continued resource production. Planning staff believes that the addition by rezoning into TPZ of qualifying timberlands enforceably restricted under the state constitution protects the timber base for future generations and is in the public interest.

A.2. General Plan Consistency. The property is currently planned Agriculture Grazing (AG) by the Framework Plan. Per the Zoning Consistency Matrix, Figure 2-10 Volume 1 of the Framework Plan, the rezone into TPZ is consistent with the AG designation. The Framework Plan, Section 2514, contains numerous policies that encourage timber production and long-term management of timberlands. The goal of the policies is to actively protect and conserve timberlands for long-

term economic utilization and to actively enhance county timber production capabilities. Zoning lands into TPZ is consistent with the goals and policies of the General Plan which protects timberlands for the growing and harvesting of timber.

Additionally, the table in B.4 (below in this staff report) identifies the evidence which supports finding that the proposed project is in conformance with other applicable policies and standards of the Framework Plan (FRWK).

A.3. Housing Element Law. The lands are currently planned and zoned for agricultural use and timber production and, as such, were not included in the housing assessment. The parcels will continue to be resource lands, planned and zoned for agricultural use and timber production. The project does not reduce the residential density utilized by the Department of Housing and Community Development.

A.4. Consistency with California Government Code Sections 51113.5 and 51104. Per information and timber reports submitted by Timberland Resource Consultants, the project is consistent with the requirements for inclusion into TPZ. The areas to be rezoned into TPZ can meet the minimum conifer stocking levels and site class designation to be included in TPZ. The soils series is Hugo (812), Laughlin (847), Unclassified (700), and Yorkville (752). Laughlin and Yorkville soils soil series are generally unsuitable for timber production; however, nearly 83% of the project site is classified as Hugo soils, which have a very high timber production suitability. Based on the soil classification and existing conditions the project area is more than capable of meeting the acreage annual growth requirements of C.G.C. Section 51104 (average annual volume of wood fiber of at least 15 cubic feet per acre). The existing land use is in compliance with the land use standards of the TPZ.

The FRC reviewed and recommended project approval at their November 15, 2015 meeting.

A.5 Environmental Impact. Planning staff believes that the project, as designed and conditioned, will not result in a significant adverse effect on the environment and is exempt from environmental review pursuant to the California Environmental Quality Act. The rezone into TPZ is exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code.

B. Agricultural Preserve-Williamson Act Findings

The California Land Conservation Act of 1965, also known as the Williamson Act, provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves and to both execute and cancel land conservation contracts. The Williamson Act may be found commencing with Section 51200 of the Government Code. The subject lands were established as an approximately 6,500 acre Class B agricultural preserve by Resolution No. 75-5. A land conservation contract was entered into on February 28, 1975 and recorded in Volume 1277 of Official Records, Page 134. The current proposal is for a dis-establishment of a portion of the existing Class B preserve and an immediate cancellation of the portion of the land conservation contract pertaining to the subject properties.

Cancellation of Land Conservation Contracts

Section 51282.5 of the Government Code provides that:

The owner of any land which has been zoned as a timberland production pursuant to Section 51112 or 51113, and that zoning has been recorded as provided in Section 51117, may petition the board or council for cancellation of any contract as to all or part of the land. Upon petition, the board or council shall approve the cancellation of the contract.

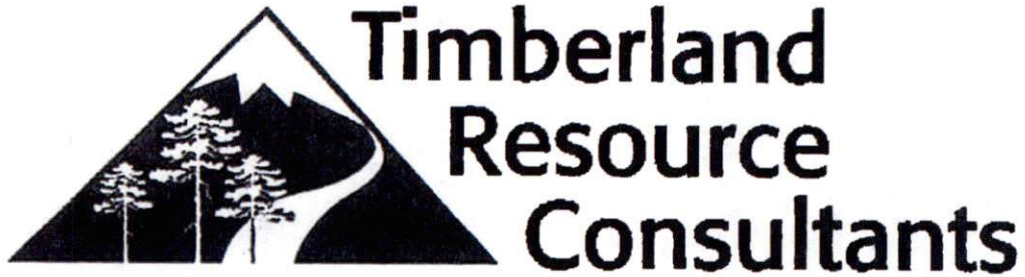
The owners of these lands proposed for rezoning into TPZ have requested immediate cancellation of the land conservation contract for all of the lands that currently zoned TPZ and all of the lands proposed to be reclassified as TPZ. As provided in Section 51282.5 of the Government Code, the lands may be approved for immediate cancellation upon reclassification into TPZ.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

This attachment 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 unless otherwise noted.

- Application form
- Project Proposal Map
- Preliminary Title Report
- Petition to Rezone the Fruitland Ridge property to Timber Production Zone dated August 1, 2014, prepared by Mark Distefano, Timberland Resource Consultants, dated June 8, 2015
- November 16, 2015 Forestry Review Committee meeting minutes



**SCHMOOK RANCH – TPZ REZONE
PETITION**

For

Tom Grundman

Prepared by

Mark Distefano RPF #2781

June 8, 2015

**165 South Fortuna Blvd
Fortuna, CA 95540
707-725-1897
707-725-0972 Fax
trc@timberlandresource.com**

1. PROPERTY OWNER

Tom Grundman
P.O. Box 2195
Mill Valley, CA 94942

2. PROJECT PURPOSE AND DESCRIPTION

The project involves Zone Reclassification pursuant to C.G.C. 51113.5. The project proposes the rezoning of 672.9 acres of Agriculture Exclusive (AE) land to Timber Production Zone (TPZ) land within the project area. The project proposes the retention of 146.7 acres as AE within the project area.

3. PRESENT ZONING AND PLAN DESIGNATION

The project area has the following zoning designations: Agriculture Exclusive (160 minimum parcel size) and Timber Production Zone (160 minimum parcel size). The project area has the following plan designations: Agriculture, Grazing, and Timberland.

4. LEGAL DESCRIPTION AND GENERAL LOCATION

The project area is located approximately 4.4 miles south-southeast of Benbow, California in Sections 10, 11, 12, 13, 14, 15, 22, 23, and 24, Township 5 South, Range 4 East and Section 18 & 19, Township 5 South, Range 5 East in Humboldt county, HB&M (See General Location Map on page 7). The project area is located on the Harris 7.5' USGS Quadrangle. The project area is 3,166 acres in size and extends geographically from the East Branch South Fork Eel River in the west to Tom Long Creek in the east. The project area is tributary to East Branch South Fork Eel River and Tom Long Creek.

5. TIMBERLAND DESCRIPTION

The timberlands located within the project area are a combination of the following stand types: (1) 2nd growth Douglas-fir, (2) 2nd growth Douglas-fir and tanoak, (3) oak woodlands consisting of black oak, white oak and live oak, and lastly (4) oak woodlands with Douglas-fir regeneration and scattered mature Douglas-fir. Portion of the timberland have been previously harvested in association with THP 1-91-046, THP 1-00-367, THP 1-00-397, THP 1-01-128 and THP 1-12-072. All four stand types meet the definition of "Timberland" per C.G.C. 51113.5, and are currently growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

6. GRASSLAND DESCRIPTION

The grasslands located within the project area range in size from 0.5 acres to 150 acres in size. The stratification of grassland by parcel shows that grassland size by parcel ranges from 0.0 acres to 97.1 acres (0-54.3%). See Appendix C for an Acreage Summary by parcel. There are two parcels (Parcels 8 and 10) that have more than 30% actual grassland (34.9% and 54.3% respectively). As described below under the heading "Discussion of Photo and Field Review" it has been demonstrated that the smaller grasslands are the remnants of larger grasslands that are continuing to be encroached upon and will likely be entirely recaptured by forest types that are capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre. The remaining larger grassland areas will also likely continue to be encroached upon, however due to their size, these areas will likely maintain their integrity as grassland into the future. The maintenance of these areas as grassland is also supported by their underlying soil types as described under the heading Discussion of Project Area Soils.

7. REZONING JUSTIFICATION

California Government Code Section 51113.5: (a) After March 1, 1977, an owner with timberlands in a timberland production zone pursuant to Section 51112 or 51113 may petition the board or council to add to his or her timberland production lands that meet the criteria of subdivisions (f) and (g) of Section 51104 and that are contiguous to the timberland already zoned as timberland production. Section 51113 shall not apply to these lands.

(b) In the event of land exchanges with, or acquisitions from, a public agency in which the size of an owner's parcel or parcels zoned as timberland production pursuant to Section 51112 or 51113 is reduced, the timberland production shall not be removed from the parcel except pursuant to Section 51121 and except for a cause other than the smaller parcel size.

Discussion of California Government Code Section 51113.5: This section allows a property owner with TP-zoned land to petition the County to rezone *contiguous* land not zoned TP to the TP zone. The only requirements for this type of rezoning are that the parcels must meet the definitions of Government Code Section 51104(f), (g) and (h). The County may not place any additional requirements on this petition to rezone the property to Timber Production. All areas proposed to be rezoned to Timber Production are lands contiguous to other TPZ lands contained within the project area.

California Government Code Section 51104(f)(g) and (h): (f) "Timberland" means privately owned land, or land acquired for state forest purposes, which devoted to and used for growing and harvesting timber, or for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

(g) "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 and 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and Compatible uses, as defined in subdivision (h).

(h) "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use"

1. Management for watershed
2. Management for fish and wildlife habitat
3. A use integrally related to the growing, harvesting and processing of forest precuts, including but not limited to roads, log landings, and log storage areas.
4. The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.
5. Grazing
6. A residence or other structure necessary for the management of land zoned as timberland production.

Discussion of California Government Code Section 51104(f), (g) and (h): The project area meets the definitions of Government Code Section 51104(f), "Timberland". The project area was previously owned by Eel River Sawmills, Inc., who managed the property for timber production and compatible uses since 1984. The present landowner, Fruitland Ridge, LLC, who recently purchased the property from Eel River Sawmills, Inc., has an approved Timber Harvest Plan that identifies 375 acres for harvest. Several of the approved THP acres overlap areas that are currently zoned AE. The landowner is also in the initial stages of identifying and sequencing additional harvest blocks within the project area. The project area is currently dominated by areas (90% of project area) that are growing well in excess of an average annual volume of wood fiber of at least 15 cubic feet per acre. 8.7% of the project area is occupied by grasslands. These areas are capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre as described below under the headings "Discussion of Photo and Field Review" and "Discussion of Project Area Soils". The remaining 1.2% is occupied by the South Fork East Branch Eel River which is most suited to be managed for the "Compatible Uses" associated with "Timberland Production Zone" as described below.

The project area is suitable to be zoned as defined in Government Code Section 51104(g), "Timberland Production Zone". All of the affected parcels within the project area are devoted to and used for growing and harvesting timber, or for growing and harvesting timber and Compatible uses, as defined in subdivision (h).

7. REZONING JUSTIFICATION (Cont.)

The portions of the project area that are currently not dominated by tree species (i.e. grasslands and the South Fork East Branch Eel River) meet the definition of Government Code Section 51104(h), "Compatible Use". The compatible uses associated with the project area are (1) Management for watershed, (2) Management for fish and wildlife habitat (3) A use integrally related to the growing, harvesting and processing of forest precuts, including but not limited to roads, log landings, and log storage areas and (5) Grazing. The project area is suitable for the aforementioned "Compatible Uses" and has in the past and is currently being managed directly and indirectly for those compatible uses.

Discussion of Photo and Field Review: The basis for determining the appropriateness of rezoning the AE zoned lands into TPZ lands was determined by using available aerial photos, soil maps, and physical on-site reconnaissance of the project area. Aerial photos from past years (1948, 1963, 1984, 2005, 2010, 2012 and 2014) were interpreted for changes in vegetation types across a period of time. Aerial photos revealed successional encroachment of conifers and hardwoods into AE grasslands over a period of approximately 66 years. For instance, small grassland areas (0.5 - 5 acres in size) observed in the earliest photo sets are almost completely timbered in the more recent photo sets. Larger grassland areas have similarly been encroached upon through the years as their edges slowly constrict as seen in the photo sets. It is assumed that this successional encroachment will continue to occur at similar rates provided that fire and heavy livestock grazing are controlled. Future use of the grassland areas for the purpose of grazing will likely be small scale and is not expected to significantly detract from the use of the property for growing and harvesting of timber.

On examination of the AE lands during field investigation for the this project it is noted that the majority of the land presently zoned AE is obviously stocked with Douglas-fir and hardwoods, as described on page 1, Number 5. Timberland Description. These areas are currently growing an average annual volume of wood fiber of at least 15 cubic feet per acre. Currently, approximately 90.1% of the project area meets the definition of Timberland, 1.2% is streambed and gravel bar associated with the East Branch South Fork Eel River, and approximately 8.7% is actual grassland. For the grassland areas that have heavy encroachment, growth potential as indicated by published yield tables (Bulletin 491) will be well in excess of 15 cubic feet of wood fiber per acre per year. Based on Bulletin 491, the even-aged areas of conifer encroachment should have a mean annual growth of 568 board feet at stand age 30. The 568 board feet equates to approximately 47.3 cubic feet using a 12:1 board foot to cubic foot ratio. However, due to milling practices and the loss of volume to saw kerf, a more suitable conversion factor is 5.5 board feet per cubic foot. A ratio of 5.5 board feet per cubic foot is recommended for general use when comparing raw wood to finished lumber. Using the ratio of 5.5:1 indicates that these areas are capable of growing 21.7 cubic feet of growth per acre per year of finished product.

One particular area that is currently zoned as AE land coincides with the East Branch South Fork Eel River. The East Branch South Fork Eel River and its surrounding riparian corridor is most suited to be managed for compatible uses associated with (1) Management for watershed and (2) Management for fish and wildlife habitat. The portions of this block of AE zoned land, which are not periodically inundated with water, are capable of growing wood fiber in excess of 15 cubic feet per acre per year. However, periodic flooding, which is exacerbated by upslope landsliding and channel aggradation, has inhibited the establishment of riparian tree species. Regardless of the stocking levels, these streamside areas would not be manageable for timber production due to their proximity to anadromous fish habitat and the resulting restrictions imposed by the Forest Practice Act, Endangered Species Act, and Water Quality Act. However, the management of these areas for watershed, fish and wildlife habitat is a compatible use with Timber Production Zone land and will not significantly detract from the use of the property for growing and harvesting of timber.

Some areas zoned AE coincide with large unstable areas associated with East Branch South Fork Eel River and Tom Long Creek. Onsite inspection of these areas showed them to be in a recovery stage as evidenced by the re-establishment of Douglas-fir seedlings and saplings, hardwoods, and brush species. Aerial photo interpretation reveals that these large unstable areas were heavily timbered in the 1948 and 1963 photos with old growth Douglas-fir and associated hardwoods. The 1984 photo series depicts large bare areas, which upon field inspection appear to be old translational, rotational, and debris slides, which were likely triggered by past timber harvesting in combination with the 1964 flood. The majority of these old unstable areas have been previously mapped by Department of Mines and Geology (Geology and Geomorphic Features Related to Landsliding, Harris 7.5' USGS Quadrangle, Humboldt County, California Scale 1:24,000). In summary, the majority of the AE zoned unstable areas meet the definition of timberland, and the balance, which are in a state of re-stabilization, are easily capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

7. REZONING JUSTIFICATION (Cont.)

Discussion of Project Area Soils: Soils are a major factor in determining the suitability of ground for timber production. Soils mapped by the California Cooperative Soil-Vegetation Survey in the project area are: Hugo (812), Laughlin (847), Unclassified (700) and Yorkville (752). (See Appendix B for additional Soil Descriptions and a Soils Map) Soil-Vegetation descriptions describe Hugo soils as having very high timber production, Laughlin soils as being unsuited for timber production, Yorkville soils as being unsuited for timber production. The Unclassified soils have not been described in terms of timber production suitability. Representative areas in each of the major soil types have been inspected to determine the suitability of timber production based on observed conditions.

Hugo soils underlay approximately 82.7% of the project area. The majority of the lands mapped as the Hugo soil type are shown as Site Class III. Minor inclusions of Site Class II and Site Class IV are located within the project area. Approximately 95% of the Hugo Site Class IV ground is presently zoned TPZ. The remaining Hugo Site Class IV acreage, presently zoned AE has been inspected in the field. Timberland is considered to be Site Class III if the heights of the dominant and codominant trees are at least 140 feet tall when they reach 100 years in age. Field measurements indicate that the conifer trees in the mapped Site Class IV areas are indicative of at least Site Class III. All areas within the project area, which are mapped as the Hugo soil type are suitable for growing timber and have been determined to be Site Class III timberland or better. The Hugo soil type is currently growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

Laughlin soils underlay approximately 10.7% of the project area consisting of several blocks of various shapes and sizes. Areas mapped as the Laughlin soil type have been visually inspected in the field and through air photo interpretation. Inspection of aerial photography shows that these soils have been encroached upon by tree and brush species since the initial production of the applicable soil maps in 1951. Small grassland areas (0.5 - 5 acres in size), which were observed in the earliest photo sets (1948 & 1963) are almost completely covered in the most recent photo set (2014). Field observations of these areas confirmed that encroachment into the grassland areas is occurring as evidenced by Douglas-fir and hardwood regeneration. In addition, the RPF observed scattered Douglas-fir and hardwood stumps, which suggest the area's capability to grow wood fiber. The presence of these stumps within the Laughlin soils is evidence that these areas were converted from timberland to grazing areas in the past. If conversion of timberland to grazing land did not occur in the past within these soils it is likely that Douglas-fir and hardwood trees stocking levels would be correspondingly higher which would have contributed to further encroachment from natural regeneration. Based on the degree of encroachment occurring within this soil type and the performance of the established regeneration, these areas are currently growing an average annual volume of wood fiber of at least 15 cubic feet/acre or are *capable* of growing an average annual volume of wood fiber of at least 15 cubic feet/acre.

Yorkville soils underlay approximately 3.0% of the project area in one large block that extends east from the East Branch South Fork Eel River. The area mapped as the Yorkville soil type has also been visually inspected in the field and through air photo interpretation. Inspection of aerial photography shows a distinct break between the Yorkville soils, which are generally unstable, and the Laughlin soils, which are generally more stable. Yorkville soils show evidence of having been encroached upon by tree and brush species since the initial production of the applicable soil maps in 1951. Field observations of these areas confirmed that encroachment into the grassland areas is occurring as evidenced by Douglas-fir and hardwood regeneration. Based on the degree of encroachment occurring within this soil type and the performance of the established regeneration, these areas are *capable* of growing an average annual volume of wood fiber of at least 15 cubic feet/acre.

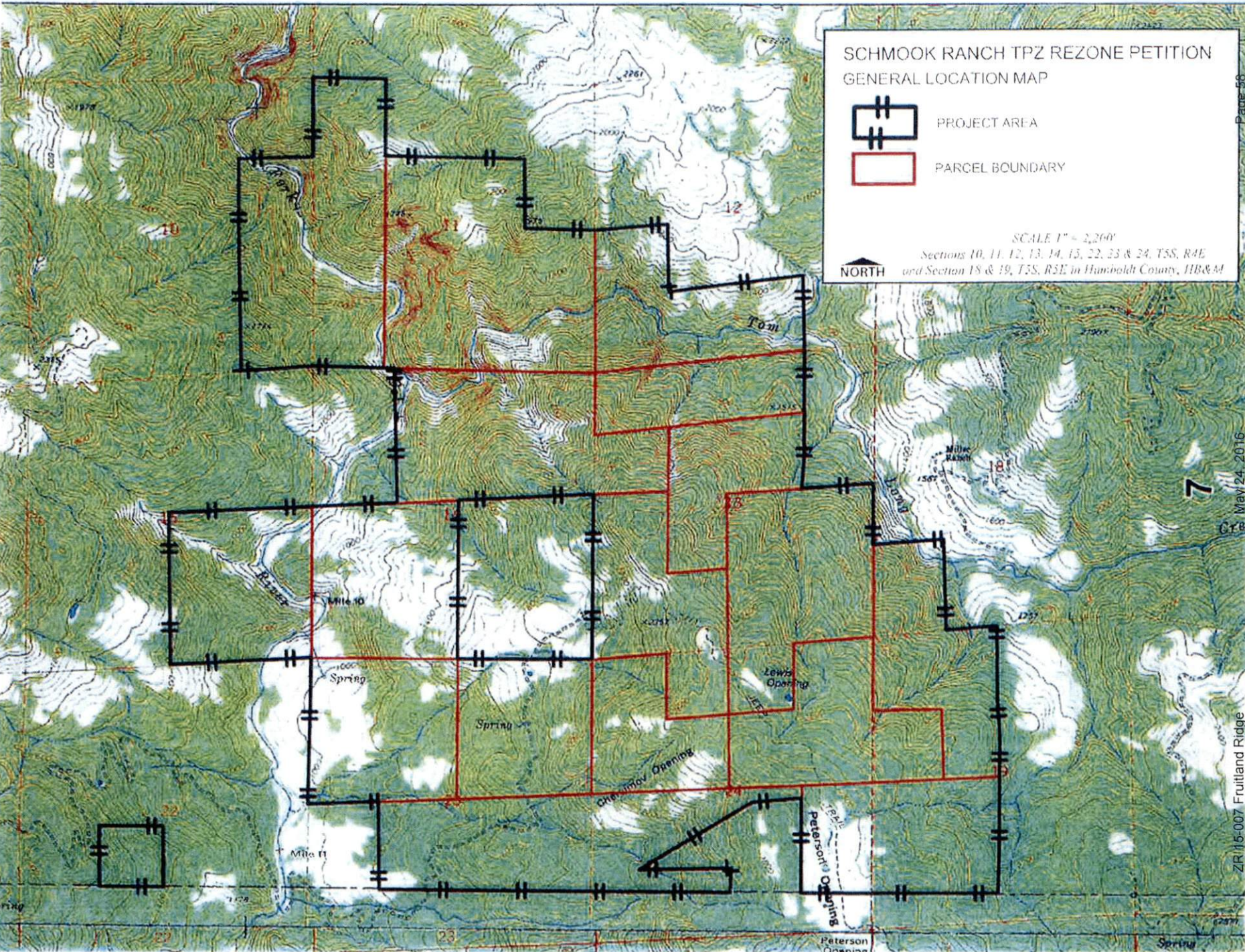
Unclassified soils underlay approximately 3.6% of the project area. The areas mapped as Unclassified have been visually inspected in the field and through air photo interpretation. Field observations in combination with inspection of aerial photography reveal that the vast majority of these areas meet the definition of Timberland, with only minor inclusions of grassland (0 - 1 acre in size). The Unclassified soil type is currently growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

7. CONCLUSION

The areas proposed to be rezoned to TPZ meet all of the requirements detailed in C.G.C. 51113.5 to be rezoned into Timber Production Zone as follows:

1. The non-TPZ lands that are currently forested are not unlike adjacent timbered TPZ lands, which consist primarily of (1) 2nd growth Douglas-fir, (2) 2nd growth Douglas-fir and tanoak, (3) oak woodlands consisting of black oak, white oak and live oak, and lastly (4) oak woodlands with Douglas-fir regeneration and scattered mature Douglas-fir.
2. Approximately 90.1% of the project area meets the definition of Timberland, 1.2% is streambed and/or gravel bar associated with the East Branch South Fork Eel River, and approximately 8.7% is grassland.
3. The non-TPZ lands that are currently grassland are becoming encroached upon by early to mid-successional tree species. These areas are capable of producing at least 15 cubic feet of wood fiber per acre annually provided that encroachment continues to occur at a rate similar to the past. The presence of 8.7% of grassland within a 3,166 acre project area will not significantly detract from the use of the TPZ portions of the project area for growing and harvesting of timber.
4. Based upon the California Cooperative Soil-Vegetation Survey, approximately 81.2% of the project area contains soils that are suitable for timber production. Based on the presence of timberland, approximately 90.1% of the project area contains soils that are suitable for timber production. This represents an 8.9% increase in timberland since the development of applicable California Cooperative Soil-Vegetation Survey Maps in 1951. An additional 8.7% of the project area is currently or is capable of producing at least 15 cubic feet of wood fiber per acre annually based upon observed rates of encroachment as described in the report.
5. Timberland Resource Consultants has prepared numerous Timber Harvest Plans on the Schmook Ranch in the past, and the presence of grassland areas did not inhibit or detract from the ranch's ability to be managed for timber production. It is my professional experience that there is always going to be a relatively small percentage (10% or less) of un-manageable ground within any large ownership consisting of, but not limited to, rock outcroppings, rivers and streambeds, grassland/rangeland and unstable areas, etc. Despite the small acreage, these non-timbered areas scattered throughout the Schmook Ranch provide unique habitat diversity for numerous wildlife and plant species in the form of spatial heterogeneity, edge, islands, and un-disturbed ground. Management for watershed, fish and wildlife are compatible uses of TPZ.

APPENDIX A - MAPS



SCHMOOK RANCH TPZ REZONE PETITION
GENERAL LOCATION MAP



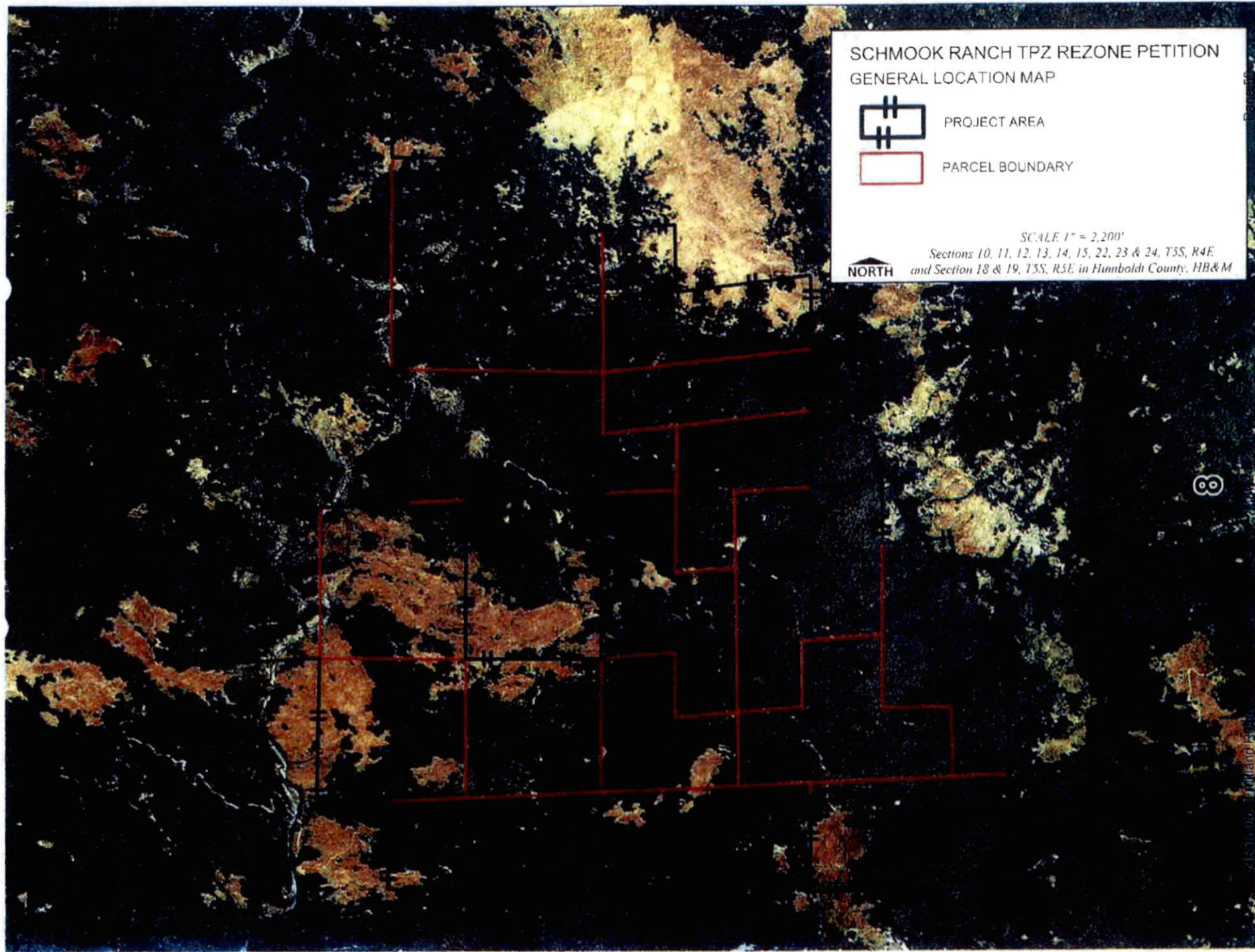
PROJECT AREA



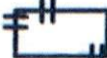



PARCEL BOUNDARY

SCALE 1" = 2,200'

Sections 10, 11, 12, 13, 14, 15, 22, 23 & 24, T5S, R4E
and Section 18 & 19, T5S, R5E in Humboldt County, HB&M



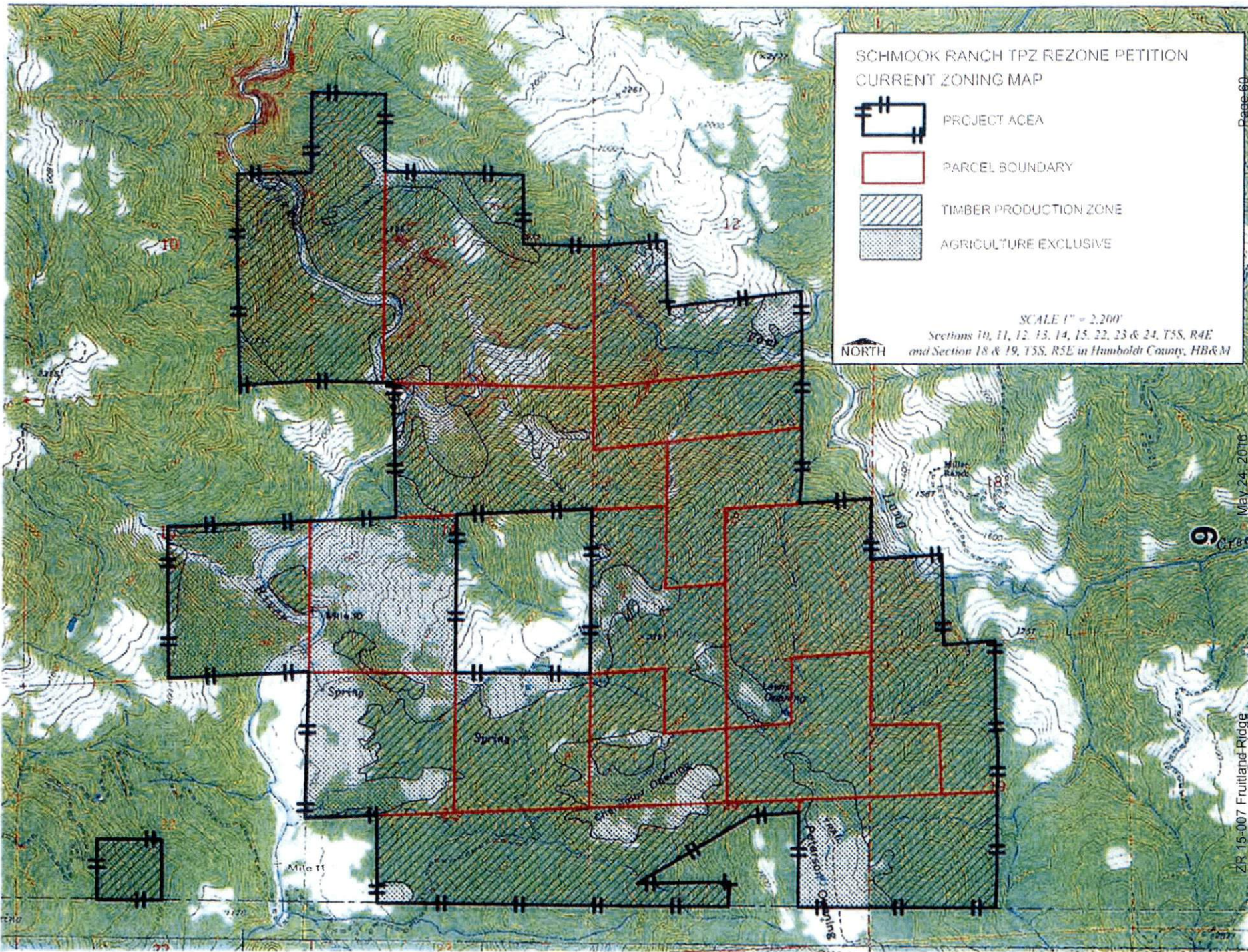
SCHMOOK RANCH TPZ REZONE PETITION
CURRENT ZONING MAP

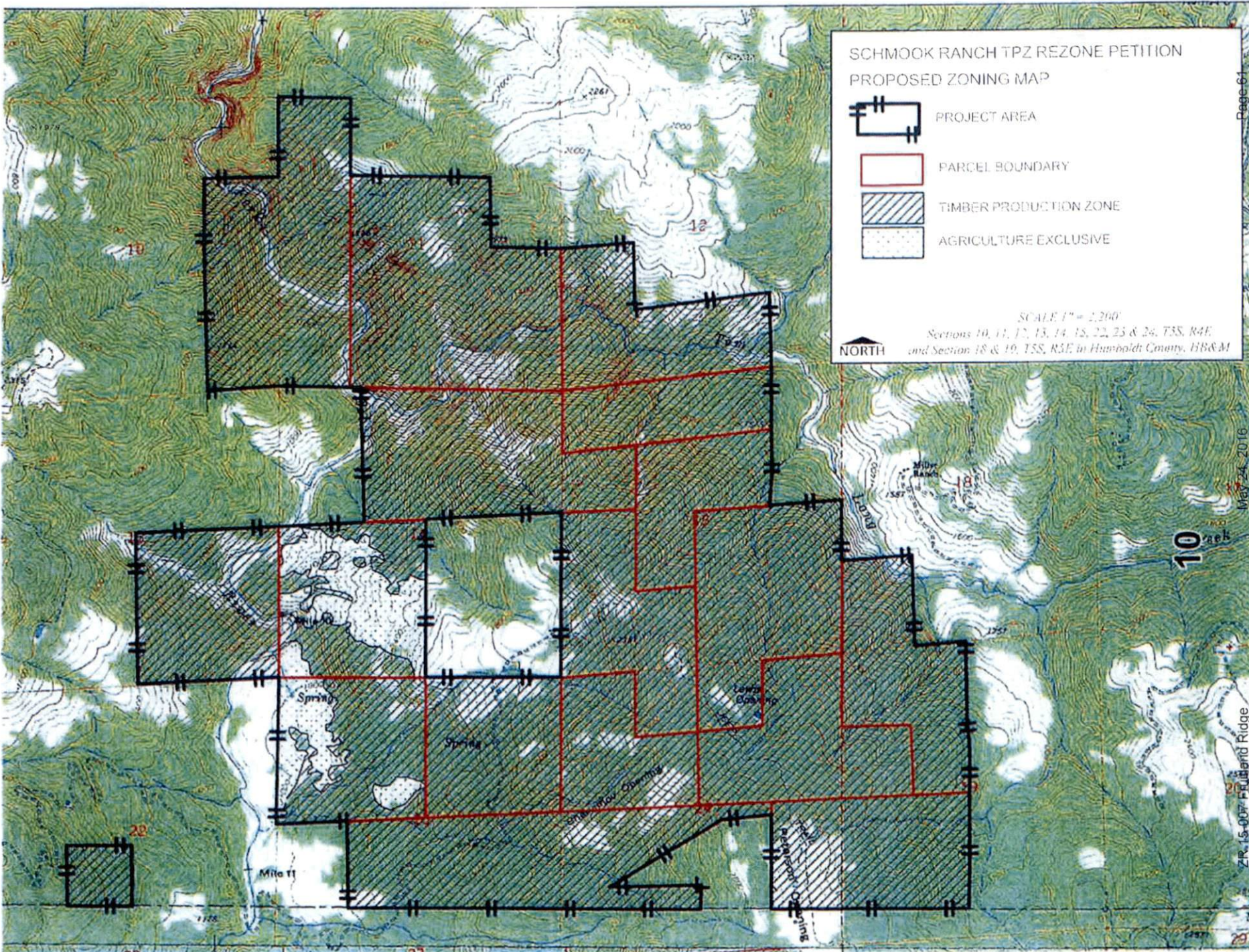
-  PROJECT ACEA
-  PARCEL BOUNDARY
-  TIMBER PRODUCTION ZONE
-  AGRICULTURE EXCLUSIVE

SCALE 1" = 2,200'

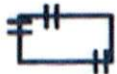



Sections 10, 11, 12, 13, 14, 15, 22, 23 & 24, T5S, R4E
and Section 18 & 19, T5S, R5E in Humboldt County, HB&M

NORTH





**SCHMOOK RANCH TPZ REZONE PETITION
PROPOSED ZONING MAP**

-  PROJECT AREA
-  PARCEL BOUNDARY
-  TIMBER PRODUCTION ZONE
-  AGRICULTURE EXCLUSIVE

SCALE 1" = 2,200'
Sections 10, 11, 12, 13, 14, 15, 22, 23 & 24, T3S, R4E
and Section 18 & 19, T5S, R5E in Humboldt County, HB&M

NORTH

APPENDIX B - SOIL DESCRIPTION and SOIL MAP

APPENDIX B - SOILS DESCRIPTIONS

Soils - The major soil types in the project area are: Hugo (812), Laughlin (847), Yorkville (752) & unclassified (700). Hugo Soils represent approximately 81.2 % of the total project area. Laughlin Soils represent approximately 12% of the total project area. Yorkville Soils represent approximately 3.2% of the total project area. Unclassified Soils represent approximately 3.5% of the total project area.

HUGO SERIES (812): The Hugo series consists of deep, well drained soils that formed in material weathered from sandstone, shale, schist, and conglomerate. Hugo soils are on uplands and have slopes of 9 to 75 percent. The mean annual precipitation is about 60 inches and the mean annual air temperature is about 57 degrees F.

TAXONOMIC CLASS: Fine-loamy, mixed, superactive, mesic Typic Dystrocherepts

TYPICAL PEDON: Hugo gravelly sandy clay loam, forested.

GEOGRAPHIC SETTING: Hugo soils occur on strongly dissected mountains with sharp, narrow ridges, and deep V-shaped drainages and have slopes of 9 to 75 percent. They formed in material weathered from sandstone, shale, schist and conglomerate. They range from near sea level to 4,000 feet elevation in a humid, mesothermal climate, with warm, nearly rainless summers with occasional fog, and cool wet winters. Annual precipitation ranges from 35-100 inches, with snow common above 3,000 feet elevation. Mean annual temperature is about 57 degrees F.; January average about 46 degrees F.; July average about 65 degrees F. Frost-free season ranges from 200 to 300 days.

DRAINAGE & PERMEABILITY: Well drained; medium to very rapid runoff; moderately rapid permeability.

USE AND VEGETATION: Hugo soils are used for timber production. Considerable acreage has been cleared and seeded forage production, which is low. Natural vegetation associated with Hugo soils is mixed conifer-hardwood forest of Douglas-fir, coast redwood some grand fir, tanoak, and madrone with an understory of shrubs. At higher elevations the vegetation is white fir, Douglas-fir, incense cedar, and black oak.

DISTRIBUTION AND EXTENT: Coast Range mountains in NW California & SW Oregon. The series is extensive.

LAUGHLIN SERIES (847): The Laughlin series is a member of the fine-loamy, mixed, mesic family of Ultic Haploxerolls. Typically, Laughlin soils have brown, medium acid, loam A horizons and brown, strongly acid, slightly finer loam B2 horizons over sandstone at a depth of about 22 inches.

TAXONOMIC CLASS: Fine-loamy, mixed, superactive, mesic Ultic Haploxerolls

TYPICAL PEDON: Laughlin loam - range.

GEOGRAPHIC SETTING: Laughlin soils are strongly sloping to very steep and are on footslopes and mountain slopes at elevations of 800 to 3,500 feet. They formed in residuum weathered from hard sandstone, hard shale, and graywacke, usually of the Franciscan Formation. The climate is humid mesothermal with warm dry summers and cool moist winters. Mean annual precipitation is 35 to 70 inches with very little snow. Average January temperature is 46 degrees F., average July temperature is about 69 degrees F., and the mean annual temperature is about 53 degrees to 58 degrees F. The average freeze-free season is 240 to 280 days.

DRAINAGE & PERMEABILITY: Well-drained; medium to very rapid runoff; moderate permeability.

USE AND VEGETATION: Used for range. Some small areas used for growing hay and small grain. Naturalize and native vegetation is annual grasses, perennial grasses with open stands of oak trees and small amounts of brush.

DISTRIBUTION AND EXTENT: Coast Range of northern California. The soils are moderately extensive.

APPENDIX B - SOIL DESCRIPTIONS (Cont.)

YORKVILLE SERIES (752): The Yorkville series consists of very deep well drained soils that formed in material weathered from chloritic schist & other sedimentary & metamorphic rocks. Yorkville soils are on hills and mountains & have slopes of 5 to 75%. The mean annual precipitation is about 37 inches & the mean annual temp is about 58° F.

TAXONOMIC CLASS: Fine, mixed, superactive, thermic Typic Argixerolls

TYPICAL PEDON: Yorkville loam - on a southwest facing concave slope of 20 percent under medusahead, tarweed, filaree, wild oats and soft chess at 1,040 feet elevation.

GEOGRAPHIC SETTING: The Yorkville soils are on hills and mountains. Slopes are 5 to 75 percent, are unstable, complex, and are characterized by slips, slides, hummocky relief, sag ponds seeps and springs. The soils formed in material weathered from chloritic schist intermixed with other sedimentary and metamorphic rocks. The underlying material is commonly altered from occurring in fault zones and is locally know as "gouge material". Elevations are from 50 to 4,000 feet. The climate is subhumid with hot dry summers and cool moist winters. Mean annual precipitation is 25 to 70 inches. Mean January temperature is about 44 degrees F; mean July temperature is about 72 degrees F; mean annual temperature is 53 degrees to 59 degrees F. Frost-free period is 125 to 270 days.

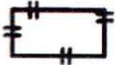





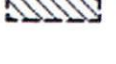
DRAINAGE & PERMEABILITY: Moderately well & well drained; medium to rapid runoff; slow & very slow permeability.

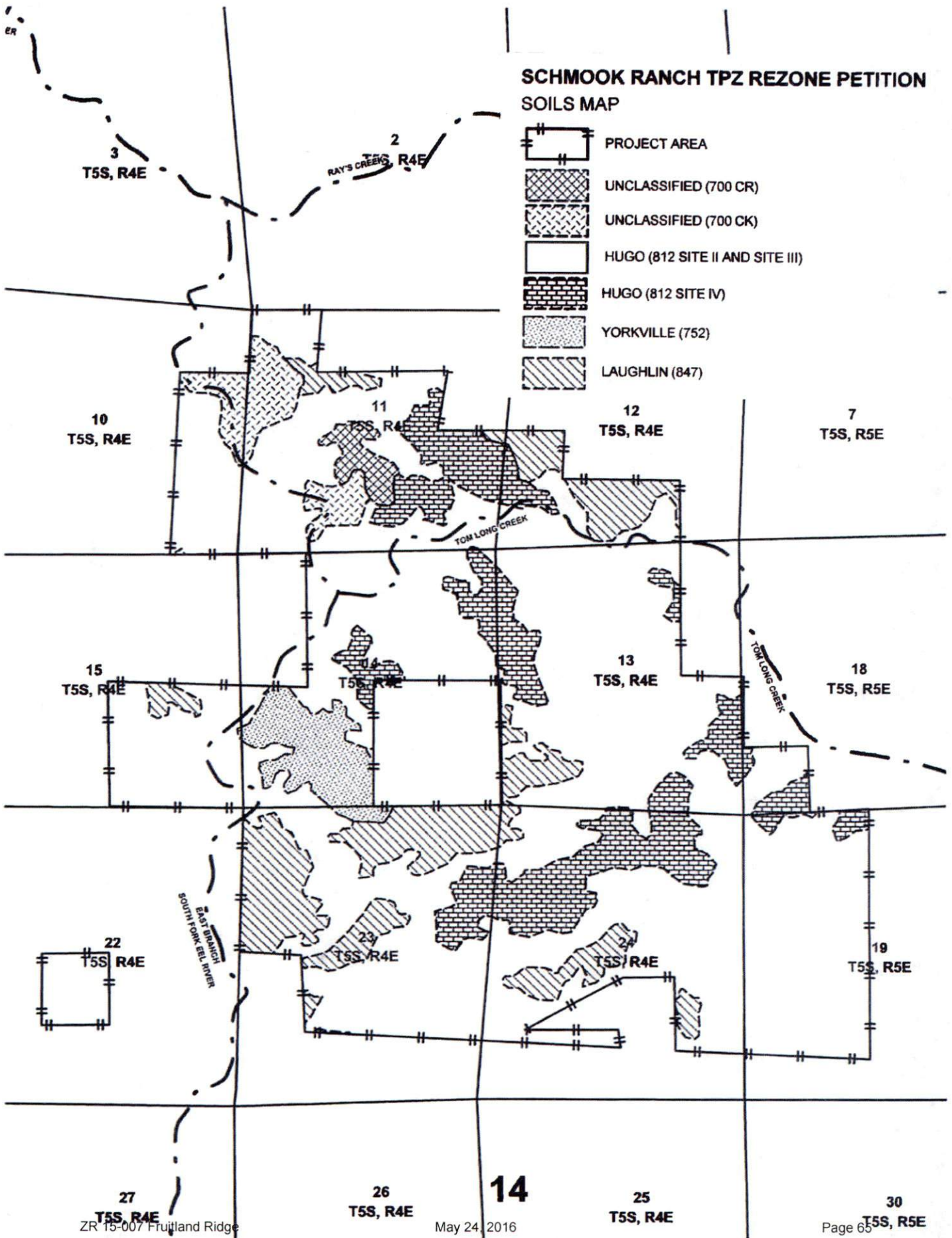
USE AND VEGETATION: Used for livestock grazing, watershed, and wildlife habitat. Vegetation is wild oats, soft chess, filaree, dogtail fescue, burclover, medusahead, wildrye, and tarweed.

DISTRIBUTION AND EXTENT: Northern California in the Coast Range. The soils are moderately extensive.

UNCLASSIFIED (700): The 700 soil series is an undescribed soil series. Soil survey maps classify these areas as miscellaneous Land Types. Miscellaneous land types are areas of land that have little or no natural soil or where it is not feasible to classify the soil. As a group, they are distinguished by the symbol "700". Subdivisions are made within the group, based on rock material & kind of land. Within the project area two subdivisions of the 700 series are noted: 700(CK) & 700(CR). 700(CK) = Colluvial land of sedimentary rock material; 700(CR) = Rock land of sedimentary rocks.

**SCHMOOK RANCH TPZ REZONE PETITION
SOILS MAP**

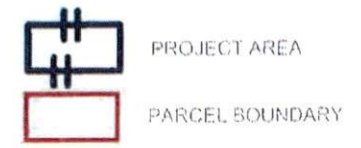
-  PROJECT AREA
-  UNCLASSIFIED (700 CR)
-  UNCLASSIFIED (700 CK)
-  HUGO (812 SITE II AND SITE III)
-  HUGO (812 SITE IV)
-  YORKVILLE (752)
-  LAUGHLIN (847)



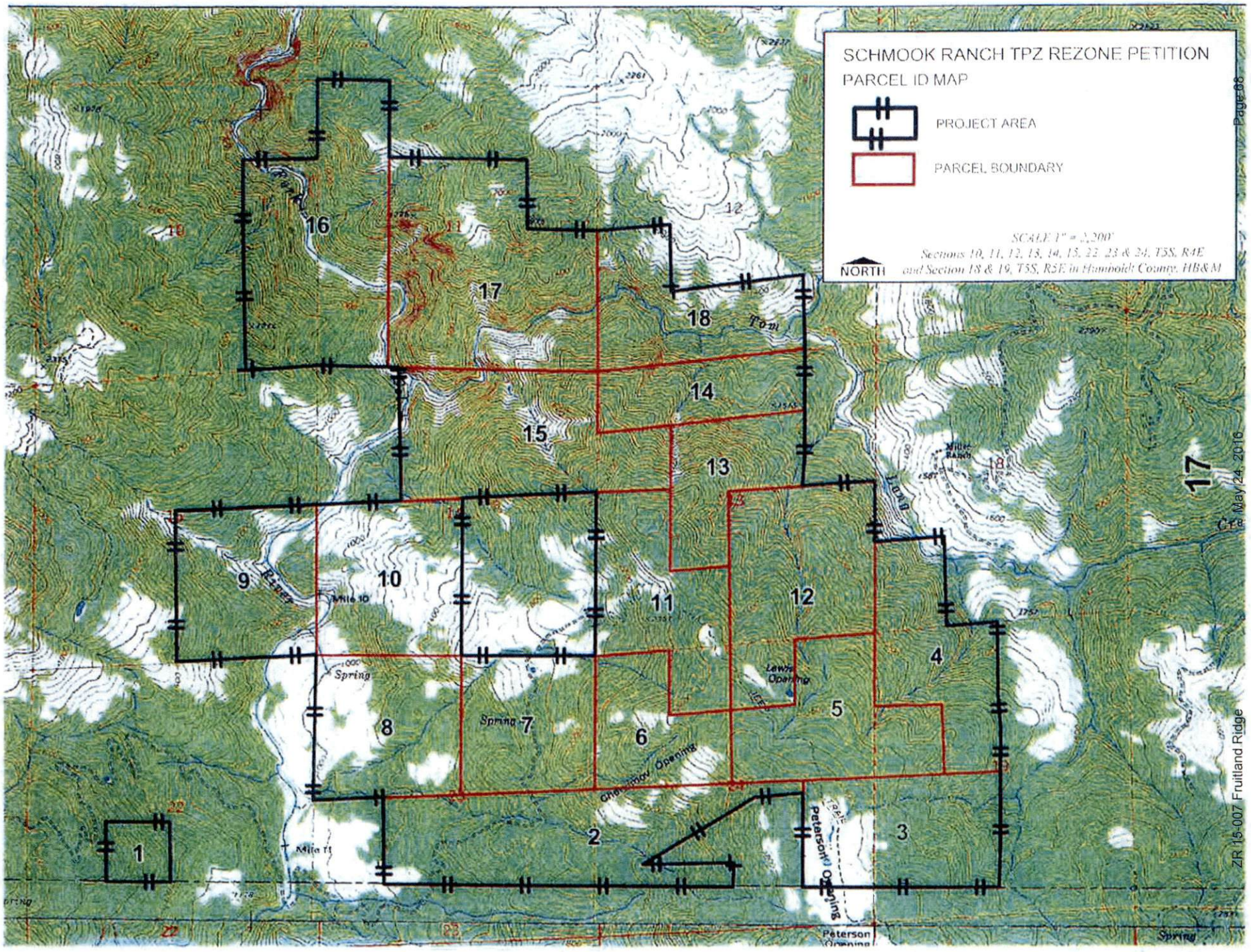
APPENDIX C – ACREAGE SUMMARY TABLE AND PARCEL MAP

TABLE 1 - SCHMOOK RANCH TPZ REZONE PETITION - ACREAGE SUMMARY TABLE BY PARCEL													
PARCEL IDENTIFICATION NUMBER	GIS ACRES	CURRENTLY ZONED TPZ ACRES	ADDITIONAL TPZ ACRES	CURRENTLY ZONED AE ACRES	EAST BRANCH SOUTH FORK EEL ACRES	GRASSLAND ACRES	% CURRENTLY ZONED TPZ	% ACTUAL TIMBERLAND	% EAST BRANCH SOUTH FORK EEL	% CURRENTLY ZONED AE	% ACTUAL GRASSLAND	PROPOSED TPZ ACRES	PROPOSED AE ACRES
1	30.9	30.9	0.0	0.0	0.0	0.0	100.0%	100.0%	0.0%	0.0%	0.0%	30.9	0.0
2	259.9	230.0	16.4	29.9	0.0	13.6	88.6%	94.8%	0.0%	11.5%	5.2%	259.9	0.0
3	178.4	116.9	34.3	61.5	0.0	27.2	65.5%	84.7%	0.0%	34.5%	15.3%	178.4	0.0
4	160.7	160.7	0.0	0.0	0.0	0.0	100.0%	100.0%	0.0%	0.0%	0.0%	160.7	0.0
5	168.1	156.4	11.7	11.7	0.0	0.0	93.0%	100.0%	0.0%	7.0%	0.0%	168.1	0.0
6	115.9	73.4	34.8	42.5	0.0	7.7	63.3%	93.4%	0.0%	36.6%	6.6%	115.9	0.0
7	146.0	106.2	21.6	39.8	0.0	18.2	72.7%	87.5%	0.0%	27.3%	12.5%	146.0	0.0
8	187.2	59.8	49.1	107.4	0.0	58.3	35.7%	65.1%	0.0%	64.2%	34.9%	114.7	52.5
9	168.0	21.7	128.6	146.3	12.9	4.8	12.9%	89.5%	7.7%	87.1%	2.8%	168.0	0.0
10	178.8	7.1	70.9	171.7	3.8	97.1	4.0%	43.8%	2.0%	96.1%	54.3%	84.5	94.2
11	186.3	123.4	35.3	42.9	0.0	7.6	74.2%	95.4%	0.0%	25.8%	4.6%	186.3	0.0
12	211.7	195.4	14.6	16.3	0.0	1.7	92.3%	99.2%	0.0%	7.7%	0.8%	211.7	0.0
13	113.8	113.0	0.5	0.8	0.0	0.3	99.3%	99.7%	0.0%	0.7%	0.3%	113.8	0.0
14	102.4	102.4	0.0	0.0	0.0	0.0	100.0%	100.0%	0.0%	0.0%	0.0%	102.4	0.0
15	238.0	181.1	62.4	54.9	2.5	0.0	76.7%	89.0%	1.0%	23.3%	0.0%	238.0	0.0
16	287.5	250.6	12.9	36.9	16.3	7.8	87.2%	91.6%	5.7%	12.8%	2.7%	287.5	0.0
17	313.7	278.6	24.8	35.1	4.2	6.2	88.8%	96.7%	1.3%	11.2%	2.0%	313.7	0.0
18	160.8	138.8	0.0	22.0	0.0	22.0	86.3%	86.3%	0.0%	13.7%	13.7%	160.8	0.0
Totals	3168.0	2346.4	507.8	819.6	38.4	272.4	74.1%	90.1%	1.2%	25.9%	8.6%	3019.3	146.70

SCHMOOK RANCH TPZ REZONE PETITION
PARCEL ID MAP



SCALE 1" = 2,200'
Sections 10, 11, 12, 13, 14, 15, 22, 23 & 24, T5S, R4E
and Section 18 & 19, T5S, R5E in Humboldt County, HB&M



Minutes

November 16, 2015 Meeting

I. Attendance

FRC Members Present: Mark Andre, Charles Ciancio, Ben Hawk, Gary Ryneerson, Jim Robbins, Yana Valachovic

FRC Members Absent: Chris Carroll, Jim Able, Bill Kleiner

Staff Present: Trevor Estlow, Planning and Building Department, Cliff Johnson, Planning and Building Department, Steve Lazar, Planning and Building Department

The Committee welcomed guests: Nick Robinson, Mark DiStefano, Alex Powell

- II. **Public Appearances:** Nick Robinson inquired about subdivision findings required for TPZ subdivisions. The topic was discussed briefly and it was agreed that the item will be placed on the next agenda for discussion.

III. Approval of Minutes from the September 15, 2015 Meeting.

Approval of the minutes was deferred to the next meeting.

IV. New Business (in order of items heard):

1. **Fruitland Ridge Zone Reclassification Application (9886)** Case Number: ZR-15-007
Assessor Parcel Numbers: 216-011-001 et seq.; Benbow area

Cliff Johnson provided the staff report and staff recommendations. The project involves a Zone Reclassification on fifteen assessor parcels owned by Fruitland Ridge LLC. Per a Determination of Status completed previously, there are 14 separate legal parcels within the area proposed for rezoning. The proposal is to reclassify these lands from Agriculture Exclusive specifying a minimum parcel size of 160 acres to Timber Production Zone (TPZ). The total area proposed for rezoning to TPZ is approximately 673 acres. Significant portions of these parcels are already zoned TPZ. The property is currently located within an Agricultural Preserve pursuant to the California Land Conservation Act (also known as the Williamson Act).

At this time, the Chair opened the meeting to public comments. The committee discussed the tax benefits of AE versus TPZ zoned lands and areas for inclusion into TPZ. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Ben Hawk, seconded by Charles Ciancio, the Fruitland Ridge project was recommended approved by a vote of 5-0.

4. Review of the Draft Medical Marijuana Commercial Cannabis Cultivation Ordinance

Steve Lazar presented the item with a brief history and timeline relating the cultivation ordinance. The committee discussed enforcement issues as well as the State's involvement. There was discussion on whether or not TPZ or other timberlands are

appropriate cultivation sites. The review of the Ordinance was continued until the next meeting.

2. Maple Creek Ranch Determination of Status, Lot Line Adjustment and Joint Timber Management Plan Application. Case Number: DS-15-009, LLA-15-015, JTMP-15-003; Assessor Parcel Numbers: 313-146-002, 313-146-004, 315-011-001; Maple Creek area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Determination of Legal Status to confirm there are two separate legal parcels within the subject lands. A Lot Line Adjustment between the two parcels that will move approximately 45 acres from the parcel of land that is a portion of the APNs 313-146-002 and 313-146-004 (owned by Maple Creek Ranch), and add it to the parcel of land known as APN 315-011-001 (owned by Zarcufsky). The two resulting parcels will be approximately 458 acres, of which approx. 428 acres will be TPZ (Maple Creek Ranch); and approximately 90 acres that will contain about 79 acres of TPZ (Zarcufsky). No new development is proposed.

At this time, the Chair opened the meeting to public comments. The committee discussed access through the parcels. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Gary Ryneason, seconded by Yana Valachovic, the Maple Creek Ranch project was recommended approved by a vote of 6-0.

3. Nejedly Lot Line Adjustment and Joint Timber Management Plan Application. Case Number: LLA-15-004, JTMP-15-005; Assessor Parcel Numbers: 522-174-005, 522-174-009; Willow Creek area

Trevor Estlow provided the staff report and staff recommendations. The project involves a Lot Line Adjustment between two parcels of 139 acres and 60 acres in size to result in two parcels of 143 acres and 54 acres in size. A Joint Timber Management Plan is required when an Assessor parcel is "broken" creating a parcel less than 160 acres of lands zoned TPZ.

At this time, the Chair opened the meeting to public comments. The committee posed questions regarding the dividing line between the subject parcels. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Yana Valachovic, seconded by Jim Robbins, the Nejedly project was recommended conditionally* approved by a vote of 6-0. (*It was requested that the forester clarify the parcel lines dividing the parcels.)

V. Adjournment

The meeting was adjourned at 6:25 p.m.

ATTACHMENT 4

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE BENBOW AREA (ZR-15-007, FRUITLAND RIDGE)

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 705 acres in the Benbow area from Agricultural Exclusive (AE) and Agricultural Exclusive with a Building Site Combining Zone specifying a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ), as described in the attached Exhibit A.

The area described is also shown on the Humboldt County Zoning Map [S49, T49, S50, T50, U50] and on the map attached as Exhibit B.

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

Chair, Humboldt County Board of Supervisors

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

(SEAL)

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

Kathy Hayes

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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
California Department of Conservation			
County Assessor's office	✓	Comments	Added to project conditions
County Building Division	✓	Approval	On File
Forestry Review Committee	✓	Approval per November 16, 2015 meeting	Attached
Wiyot Tribe			
Bear River Band	✓	Approval	
Humboldt County Farm Bureau			
Humboldt County Cattlemen's Association			
County Environmental Health	✓	Approval	
County Counsel	✓	No Comment	
County Public Works, Land use Division	✓	No Comment	On File
California Fish and Wildlife	✓	Comments	Added to project conditions
Northwest Information Center	✓	Recommended Archaeological Study	Added to project conditions

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-03**

Case Numbers ZR 15-007, AGPN 15-003

**Assessor Parcel Numbers 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007,
216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002,
223-031-002, 223-031-003**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Fruitland Ridge Zone Reclassification and Dis-establishment of a portion of the Schmook Ranch Agricultural Preserve

WHEREAS, Manhard Consulting, on behalf of Fruitland Ridge, submitted an application and evidence in support of approving: (1) the Zone Reclassification (ZR) to reclassify an approximate 705 acres from Agricultural Exclusive (AE) and Agricultural Exclusive with a Building Site Combining Zone specifying a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ); and (2) dis-establishment of a portion of an existing Class B agricultural preserve and immediate cancellation of the associated portion of the land conservation contract pursuant to Section 51282.5 of the California Government Code; and

WHEREAS, the proposed ZR may be approved if it can be found that: (1) the proposed change is in the public interest; (2) the proposed change is consistent with the General Plan; and (3) the amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

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

WHEREAS, the project is exempt from environmental review per Sections 15264 of CEQA and Section 51119 of the California Government Code; and

WHEREAS, the County Planning 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 approving the project (Case Numbers ZR-15-007, AGPN-15-003); 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 on February 4, 2016 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 project is exempt per Section 15264 of CEQA and Section 51119 of the California Government Code, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The ZR is in the public interest; and
3. The ZR is consistent with the General Plan; and
4. The ZR 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 rezone is consistent with Section 51113.5 of the California Government Code; the land is timberland as defined by Section 51104(f) of the Government Code; and the land is in compliance with the land use standards of the Timberland Production Zone; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Division Staff Report for Case Numbers ZR-15-007 and AGPN 15-003 based on the submitted evidence.

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; and
2. Consider the application; and
3. Adopt the necessary findings prepared by Planning staff; and
4. Approve the Zone Reclassification; and adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying an approximate six hundred and seventy three acres in the Benbow area currently zoned Agriculture Exclusive and Agriculture Exclusive specifying a minimum building site of 160 acres into Timberland Production Zone; and
5. Approve the dis-establishment of the proposed portion of the existing Class B agricultural preserve and immediately cancel the land conservation contract pursuant to Section 51282.5 of the Government Code as to the lands zoned TPZ; and adopt Resolution No. ____ Disestablishing the portion of the Schmook Ranch Agricultural Preserve; and
6. Direct the Clerk of the Board to record a Certification of Rezoning (Notice of Timberland Production Zone Status) on the parcels pursuant to Sections 51117 and 51141 of the California Government Code (C.G.C.), after attaching a copy of the fully executed Ordinance; and
7. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
8. Direct the Clerk of the Board to give notice of the decision to the applicant, the owners, the Assessor's Office, the Department of Conservation and any other interested party.

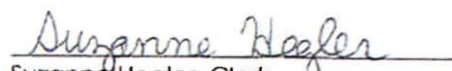
Adopted after review and consideration of all the evidence on February 4, 2016.

The motion was made by Commissioner Ulansey and seconded by Commissioner Edmonds.

AYES: Commissioners Ulansey, Levy, McKenny, Morris, Edmonds, Shepard, Bongio
NOES: Commissioners None
ABSTAIN: Commissioners None
ABSENT: Commissioners None
DECISION: Motion carries by roll call vote 7/0.


Robert Morris, Chair

I, Suzanne Hegler, 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.


Suzanne Hegler, Clerk

ATTACHMENT 6

CERTIFICATION OF REZONING

(Notice of Timberland Production Zone Status)

2016-010822

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Kelly E. Sanders, Recorder
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Recording Requested By:
PLANNING DEPARTMENT
COUNTY OF HUMBOLDT

Exempt from fees per Government Code Section 27383

Return To:
Planning and Building Department - Planning Division
3015 H Street
Eureka, CA 95501-4484

CERTIFICATION OF REZONING
(NOTICE OF TIMBERLAND PRODUCTION ZONE STATUS)

Pursuant to Government Code Sections 51117, 51140 and 51141, I hereby certify that on May 24, 2016, the Humboldt County Board of Supervisors, by Ordinance No. 2550, rezoned lands in the Benbow area, an approximate 705 acres to Timberland Production Zone (TPZ), more fully described in said Ordinance and the map for the rezoned land (Exhibit A and B to Ordinance), a copy of which is attached to this Certification.

The ordinance shall take effect and be in full force thirty (30) days from the date of its passage.

DATED: May 24, 2016



Chair, Board of Supervisors Mark Lovelace
County of Humboldt, State of California.

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF HUMBOLDT }
}

On this ____ day of _____ 20 ____, before me, _____
_____ Personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

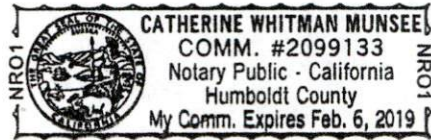
State of California)
County of Humboldt)

On May 25, 2016 before me, Catherine Whitman Munsee,
personally appeared MARK LOVELACE, who proved to me on the basis of satisfactory
evidence to be the person whose name is subscribed to the within instrument and acknowledged
to me that he executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Catherine Whitman Munsee



BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of May 24, 2016

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING
PROPERTY IN THE BENBOW AREA (ZR-15-007, FRUITLAND RIDGE)**

ORDINANCE NO. 2550

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 705 acres in the Benbow area from Agricultural Exclusive (AE) and Agricultural Exclusive with a Building Site Combining Zone specifying a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ), as described in the attached Exhibit A.

The area described is also shown on the Humboldt County Zoning Map [S49, T49, S50, T50, U50] and on the map attached as Exhibit B.

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

PASSED, APPROVED AND ADOPTED this 24th day of May, 2016 on the following vote, to wit:

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

The within instrument is a full, true and correct copy of the original on file in this office.

ATTEST:

KATHY HAYES
Clerk of the Board of Supervisors
of the County of Humboldt,
State of California

By: 



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

(SEAL)

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

By: 

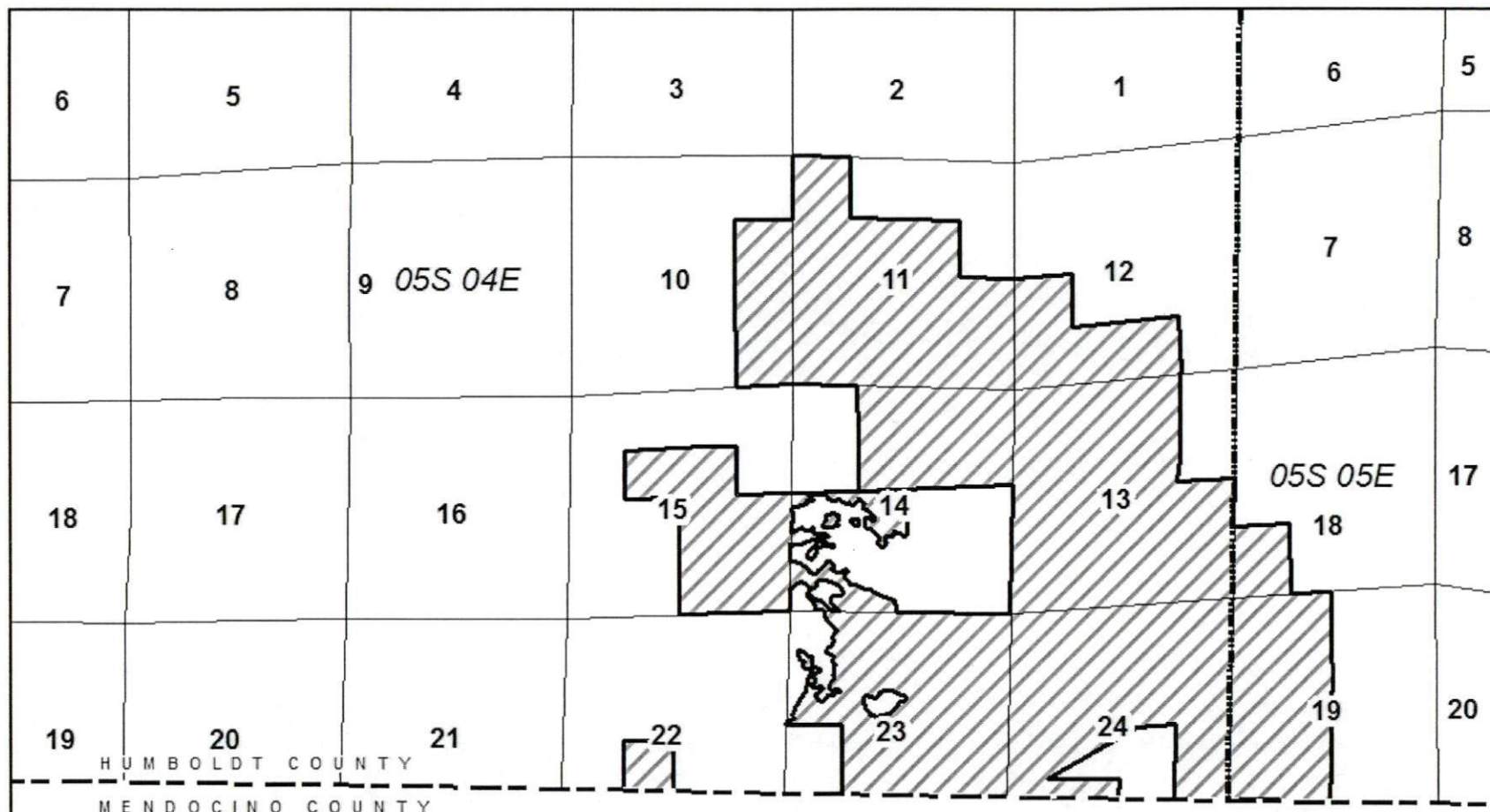
Ana Hartwell, Deputy

EXHIBIT A



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

All those portions of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Township 5 South, Range 4 East, Humboldt Meridian, and all those portions of Sections 18 and 19 of Township 5 South, Range 5 East, shown on the attached map, and as more specifically delineated in Humboldt County Zoning Maps S49, T49, S50, T50 and U50.

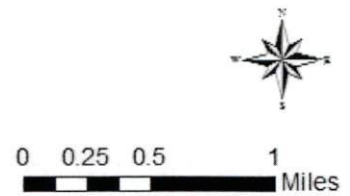
Also identified as Assessor Parcel Numbers 216-011-001, 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, and 223-031-003.



**Exhibit B
Existing and Proposed
Timberland Production Zone**

 Area to be Rezoned to TPZ
 County Boundary

For greater detail see Humboldt County Zoning Maps S49, T49, S50, T50 and U50 available at the Humboldt County Department of Planning and Building



ATTACHMENT 7

DEPARTMENT OF CONSERVATION COMMENTS ON PETITION FOR PARTIAL CANCELLATION



State of California • Natural Resources Agency
Department of Conservation
Division of Land Resource Protection
801 K Street • MS 14-15
Sacramento, CA 95814
(916) 324-0850 • FAX (916) 327-3430

MAR 03 2016

Edmund G. Brown Jr., Governor
John M. Lowrie, Assistant Director

March 1, 2016

VIA EMAIL: CJOHNSON@CO.HUMBOLDT.CA.US

Mr. Cliff Johnson, Senior Planner
3015 H Street
Eureka, CA 95501

Dear Mr. Johnson:

SCHMOOK RANCH – TIMBER PRODUCTION ZONE PARTIAL CANCELLATION OF CONTRACT NO. 75-5

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation Act. The Department has reviewed the Timber Production Zone (TPZ) cancellation petition submitted by Humboldt County (County) and offers the following comments.

PROJECT DESCRIPTION

The proposed partial cancellation is for removal of 3,077 acres of contracted land from a 6,500 acre contracted area of the Schmoock Ranch in Humboldt County. The Schmoock Ranch Agricultural Preserve was entered into the Williamson Act program in 1975. At that time it was a mixture of timberland and grazing areas. Over the subsequent years, natural regeneration of conifers has resulted in former grazing land within the preserve returning to timberland. The landowner is proposing to rezone portions of the property to a TPZ.

The contracted area is out of the Survey Area for the 2012 Important Farmland Map, produced by the Farmland Mapping and Monitoring Program.¹ However, the 2014/2015 Land Conservation Act Map for the County, produced by the Land Conservation Act Program, indicates that the area proposed for partial cancellation is designated Nonprime Agricultural Land under the Williamson Act.²

REQUIRED CANCELLATION FINDINGS FOR TPZ LANDS

The County is required to document justification for the cancellation through a set of findings outlined in Government Code Section 51282. Based on the petition, the project is being processed under the Public Interest findings.

¹ Department of Conservation - California Important Farmland Finder.

<http://maps.conservation.ca.gov/ciff/ciff.html>

² Department of Conservation. Land Conservation Act Maps. Humboldt County Williamson Act FY 2014-2015 Sheet 2 of 2 (south). ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Humboldt_s_14_15_WA.pdf

Mr. Cliff Johnson
March 1, 2016
Page 3

The Department concurs that there is no proximate noncontracted land which is both available and suitable for the use to which the proposed land be put.

CANCELLATION CONCLUSIONS

Thank you for the opportunity to provide comments on the proposed partial cancellation. Please provide our office with a copy of the public notice for the tentative cancellation ten working days before the hearing, and a copy of the *recorded* tentative cancellation resolution within 30 days after approval of the tentative cancellation, pursuant to Government Code section 51284.

Within 30 days of the landowner, satisfying the conditions and contingencies required in a Tentative Cancellation Resolution, the Board will record a Certificate of Cancellation. A copy of the recorded Certificate of Cancellation is required to be sent to the Department of Conservation. If you have any questions concerning our comments, please contact Meri Meraz, Associate Environmental Planner at (916) 445-9411 or at mmeraz@conservation.ca.gov.

Sincerely,



Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit