



AGENDA ITEM NO.


J2

COUNTY OF HUMBOLDT

For the meeting of: July 24, 2018

Date: June 20, 2018

To: Board of Supervisors

From: John H. Ford, Planning and Building Director 

Subject: Rock Zone Reclassification
Case Number ZR-16-004
Assessor Parcel Number 101-142-002
Ferndale Area

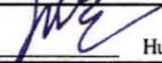
RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. 2607 (Attachment 2) 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 comments;
3. Close the public hearing;
4. Find the project exempt from CEQA pursuant to Section 15264 of the CEQA Guidelines, and that there is no substantial evidence that the project will have a significant effect on the environment;

Prepared by Trevor Estlow, Senior Planner

CAO Approval 

REVIEW:	Auditor _____	County Counsel 	Human Resources _____	Other _____
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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 Bohn Seconded by Supervisor Wilson

Ayes Bass, Fennell, Sundberg, Bohn, Wilson


Nays _____

Abstain _____

Absent _____

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

Dated: 7/24/18

By: 

5. Make the necessary findings as prepared by staff to approve the Zone Reclassification;
6. Adopt Ordinance No. 2607 (Attachment 2) amending Section 311-7 of the Humboldt County Code by reclassifying property in the Ferndale area from Agriculture Exclusive (AE-B-5(160)) to Timberland Production Zone (TPZ);
7. Direct the Clerk of the Board to publish a summary of the zoning change within 15 days of the date of the hearing (Attachment 4); and Map (Attachment B, Exhibit A).
8. Direct the Clerk of the Board to record Certification of Rezoning (Notice of Timberland Production Zone Status) (Attachment 3) 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 2);
9. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
10. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's office, County Planning and Building Department and any other interested party.

SOURCE OF FUNDING:

Applicant fees.

DISCUSSION:

Project Description

The matter for consideration by your Board is a Zone Reclassification (ZR) to reclassify lands currently zoned AE-B-5(160) totaling approximately 300 acres into Timberland Production Zone (TPZ). These lands have historically been managed as timberlands under a Nonindustrial Timber Management Plan (1-12NTMP-004 HUM), however, they were never zoned TPZ.

Summary

The Humboldt County Planning Commission considered the proposal and held a public hearing on the project at their meeting of January 11, 2018. In a 7-0 vote, the Planning Commission recommended the Board make the necessary findings and approve the zone reclassification.

The lands are planned Agriculture Grazing (AG) by the Humboldt County General Plan, and zoned TPZ and AE-B-5(160). All lands proposed to be included in the TPZ zone meet the requirements for inclusion such as being under the same ownership and devoted to and used for growing and harvesting of timber. Furthermore, the overall site class for the additional non-TPZ timberlands is site II and III and capable of growing well in excess of 15 cubic feet of conifer growth per acre (the minimum required). Per the Zoning Consistency Matrix of the Framework Plan, the proposed rezoning to TPZ is consistent with the existing Agriculture Grazing (AG) General Plan designation.

Required Findings

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

Per Section 312-50.3 of the Humboldt County Code Zoning Regulations, *Required Findings for All Amendments*, amendments may be approved only if the following findings are made:

1. The amendment is in the public interest;
2. The amendment is consistent with the County General Plan; and
3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Planning Commission Recommendation: Based on the information contained in the Planning Commission staff report (Attachment 5), the Planning Commission recommended that the required findings be made and the proposed Zone Reclassification be approved. Specifically, the Planning Commission found:

- The Zone Reclassification is in the public interest, and is consistent with a comprehensive view of the General Plan; and
- That the project is exempt from CEQA pursuant to Section 15264 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
- The findings necessary for approval of the project can be made as indicated in the Planning Commission staff report.

Additionally, for land being zoned Timberland Production Zone (TPZ) the following specific findings are required per Section 312-50.8 of the Humboldt County Code Zoning Regulations.

4. A map was prepared showing the legal description of the property to be zoned;
5. The property currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules; or that the owner shall sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practice Rules by the fifth anniversary of the signing of such agreement, said agreement shall provide that if the parcel is subsequently zoned TPZ and fails to meet the stocking standards and Forest Practice Rules within the time period, the Board of Supervisors shall rezone the parcel to another zoning pursuant to Section 51121 of the Government Code;
6. The land to be rezoned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single parcel or a unit of contiguous parcels as defined in Section 51104 of the Government Code, which is eighty (80) acres or one-half of one-quarter section in size or larger;
7. The land shall be timberland as defined by Section 51104(f) of the Government Code; and
8. The existing uses on the parcel must be uses permitted in the Timberland Production Zone.

For these findings, the Planning Commission found as follows:

- **Legal Description.** A map was prepared showing the legal description of the property.

- **Stocking Standards.** The property currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules.
- **Ownership and Minimum Parcel Size.** The area to be rezoned into TPZ consists of one Assessor Parcel Number (APN) owned by the Silva Trust.
- **Timberland.** The land is timberland as defined by Section 51104(f) of the Government Code.
- **Conformance with Use Regulations.** The existing land use is in compliance with the land use standards of the Timberland Production Zone.

Furthermore, the County Forestry Review Committee (FRC) reviewed and recommended approval of the zone reclassification at their March 9, 2017 meeting.

CEQA

A Zone Reclassification is a “project” for the purposes of the California Environmental Quality Act (CEQA). The project can be found statutorily exempt from CEQA pursuant to Section 15264 which states: “*Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec 51119).*”

Staff Recommendation

Planning staff supports the project because the required findings can be made. The Zone Reclassification is in the public interest and the lands to be rezoned meet the definition of timberlands. The amendment, as supported by planning staff, is consistent with Plan policies and with the development capabilities of the property.

Based on the site inspection, a review of Current Planning Division reference sources and comments from all involved referral agencies, Current Planning Staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the project. The Humboldt County Planning Commission concurred at their meeting of January 11, 2018 when they adopted Resolution No. 18-04 (Attachment 6) unanimously recommending approval of the project.

FINANCIAL IMPACT:

The applicant is responsible for all costs associated with the processing of the project. Applicant fees are deposited into Planning and Building Department Current Planning Revenue Account 1100-277-608000. There will be no impact on the General Fund.

This action is consistent with the Board’s Strategic Framework through the Board’s priorities to manage our natural resources and ensure the sustainability of agricultural and timber resources.

OTHER AGENCY INVOLVEMENT:

Current Planning Staff referred the proposed Zone Reclassification to numerous agencies for comments and recommendations. All responding agencies have either recommended approval or conditional approval of the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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

ATTACHMENTS:

Attachment 1: Resolution No. 18-77

Attachment 2: Ordinance No. 2607 Exhibit A (map), Exhibit B (legal description)

Exhibit A: Map

Exhibit B: Legal Description

Attachment 3: Certificate of Rezoning (Notice of Timberland Production Status)

Attachment 4: Post-Adoption Summary of Ordinance

Exhibit A: Map

Attachment 5: Copy of Planning Commission Staff Report for January 18, 2018

Attachment 6: Planning Commission Resolution No. 18-04

ATTACHMENT 1

Resolution No. 18-77

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 24, 2018

RESOLUTION NO. 18-77

RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVE THE ZONE RECLASSIFICATION BY REZONING PROPERTY IN THE FERNDALE AREA FROM AGRICULTURE EXCLUSIVE (AE) TO TIMBERLAND PRODUCTION ZONE (TPZ); CASE NUMBER ZR-16-004 (ROCK); ASSESSOR PARCEL NUMBER: 101-142-002

WHEREAS, Timberland Resource Consultants, on behalf of the owners, submitted an application and evidence in support of approving the Zone Reclassification application; and

WHEREAS, the proposed Zone Reclássification; that is, to rezone lands from Agriculture Exclusive (AE) to Timberland Production Zone (TPZ), may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; and (3) The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

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

WHEREAS, the Planning Division, the lead agency, found the project exempt from environmental review pursuant to Section 15264 the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 of Attachment 4 in the staff report to the Planning Commission includes evidence in support of making all of the required findings for approving the proposed Zone Reclassification application for Case No.: ZR-16-004; and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on January 18, 2018, and

WHEREAS, at their January 18, 2018 meeting, the Planning Commission recommended the Board make the necessary findings and approve the zone reclassification.

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

1. Finds that the project is exempt per Section 15264 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 24, 2018

RESOLUTION NO. 18-77

2. Makes the findings for the zone reclassification as detailed in Attachment 2 of the Planning Commission Staff Report for Case No.: ZR-16-004 based on the submitted evidence; and
3. Approves the Zone Reclassification as recommended by the Planning Commission at their January 18, 2018 meeting for Case No.: ZR-16-004; and
4. Adopts the Ordinance amending Section 311-7 of the Humboldt County Code to rezone property in the Ferndale area from Agriculture Exclusive (AE) to Timberland Production Zone (TPZ) in conformance with the mapping prepared for ZR-16-004 (Rock).

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

1. The Zone District for the subject property be amended from Agriculture Exclusive (AE) to Timberland Production Zone (TPZ); and
2. Current Planning Division Staff is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
3. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor's Office and any other interested party; and
4. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 24, 2018

RESOLUTION NO. 18-77

Dated: July 24, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors


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

AYES: Supervisors Bohn, Fennell, Bass, Wilson, Sundberg
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 Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

ATTACHMENT 2

**Ordinance No. 2607 Amending Section 311-7 of the Humboldt County Code by Rezoning
Property in the Ferndale Area**

Exhibit A: Map

Exhibit B: Legal Description

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 24, 2018

**AMENDING SECTION 311 -7 OF THE HUMBOLDT COUNTY CODE BY REZONING
PROPERTY IN THE FERNDALE AREA [ZR-16-004 (ROCK)]**

ORDINANCE NO. 2607

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

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying the property described in the Attached Exhibit A as follows: approximately 300 acres of Agriculture Exclusive (AE) into Timberland Production Zone (TPZ).

The area described is also shown on the Humboldt County Zoning Maps [E-32] and on the map attached as Exhibit A.

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 July, 2018 on the following vote, to wit:

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



Ryan Sundberg, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:

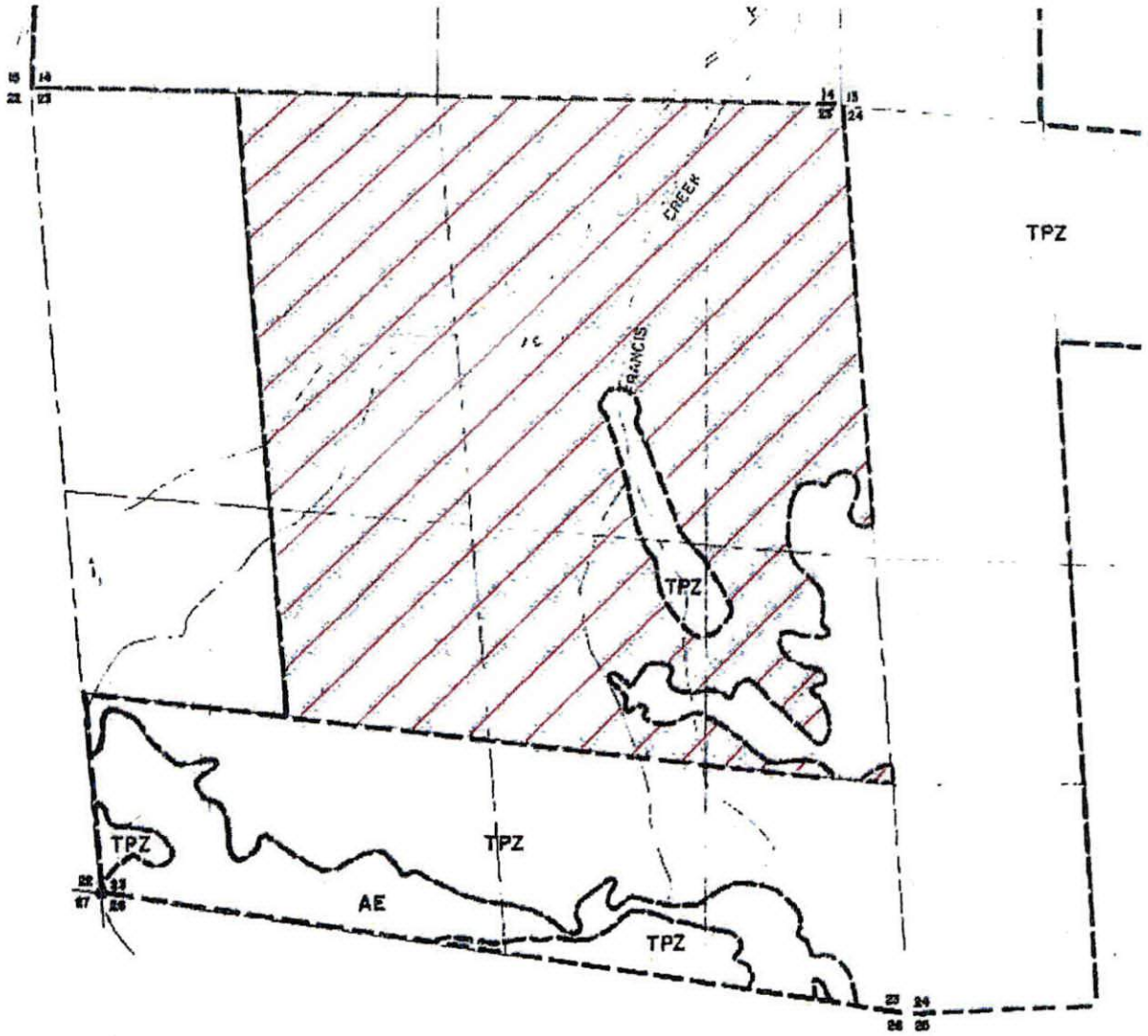
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: _____

Ryan Sharp, Deputy

ATTACHMENT 2, EXHIBIT A

Map



- Area to be rezoned from AE-B-5(160) to ZR

ATTACHMENT 2, EXHIBIT B

Legal Description

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

The Northeast Quarter, the East Half of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the North Half of the Southeast Quarter of Section 23 in Township 2 North, Range 2 West, Humboldt Meridian.

ATTACHMENT 3

**CERTIFICATION OF REZONING (NOTICE OF TIMBERLAND PRODUCTION ZONE
STATUS)**

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 July 24, 2018, the Humboldt County Board of Supervisors, by Ordinance No. 2607, rezoned lands in the Ferndale area, approximately 300 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: July 24, 2018.



Chair of the Board of Supervisors of
the County of Humboldt, State of California.

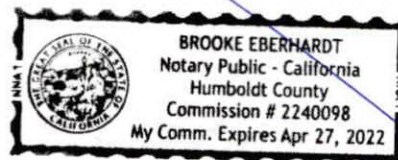
CERTIFICATE OF ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF HUMBOLDT }

On this 25th day of July 20 18, before me, Brooke Eberhardt
Personally appeared Ryan Sundberg
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.



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

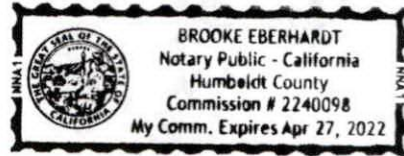
On July 25, 2018 before me, Brooke Eberhardt, notary public
(insert name and title of the officer)

personally appeared Ryan Sundberg
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 paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



ATTACHMENT 4

Post- Adoption Summary of Ordinance

Exhibit A:Map

POST-ADOPTION SUMMARY OF ORDINANCE

(For publication after adoption)

On July 24, 2018, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amends the zoning of property in the Ferndale area known as APN 101-142-002 by rezoning these lands out of Agriculture Exclusive (AE) 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:

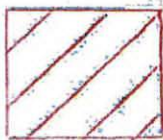
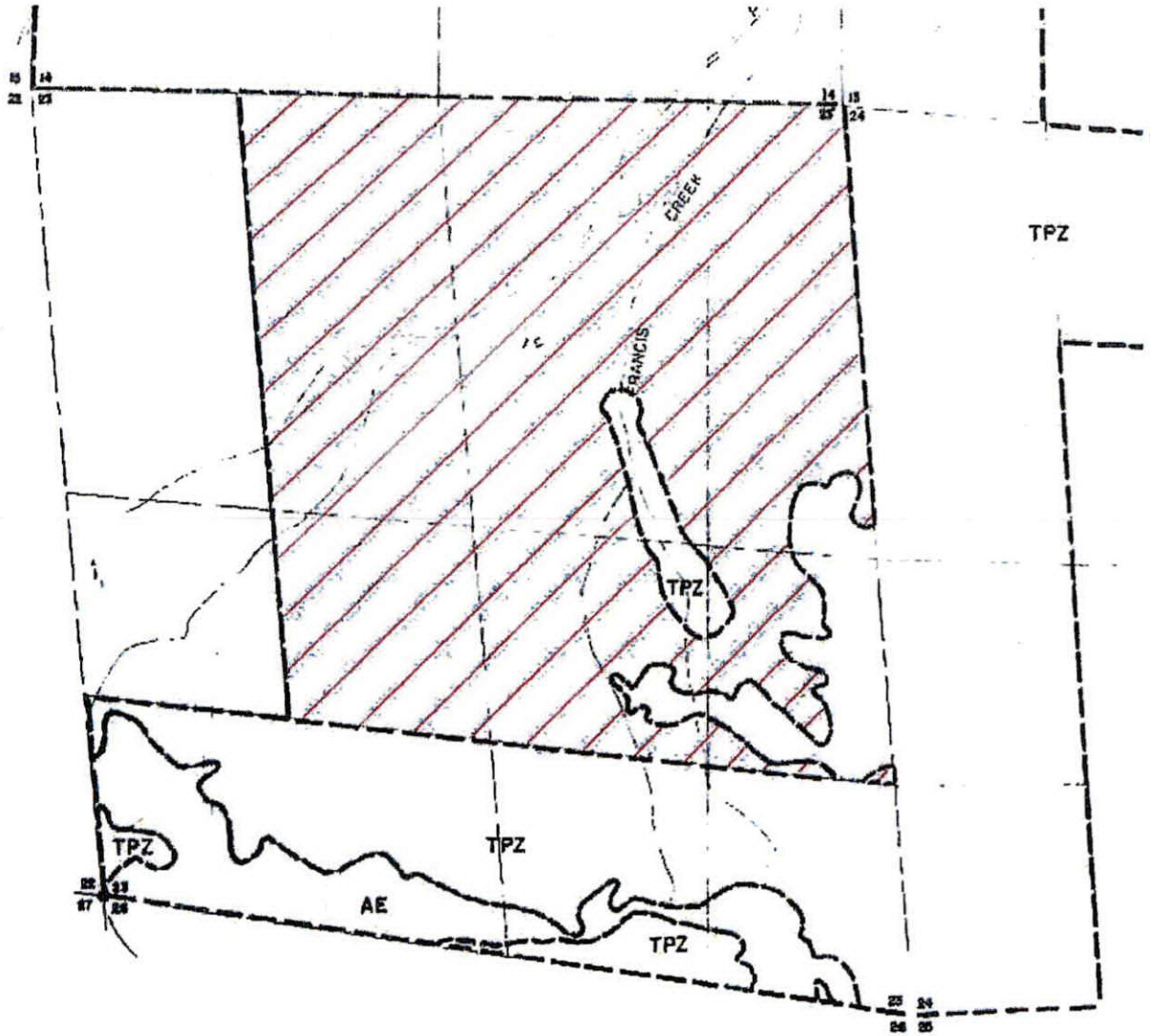
NOES: Supervisors:

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 4, EXHIBIT A

Map



- Area to be rezoned from AE-B-5(160) to ZR

ATTACHMENT 5

Copy of Planning Commission Staff Report for January 18, 2018



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

Hearing Date: January 18, 2018

To: Humboldt County Planning Commission

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

Subject: **Leland Rock Zone Reclassification**
Application Number 11662
Case Number ZR-16-004
Assessor Parcel Number 101-142-002
Ferndale Area

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

AGENDA ITEM TRANSMITTAL

Meeting Date January 11, 2018	Subject Zone Reclassification	Contact Trevor Estlow
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Project Description: A Zone Reclassification to rezone approximately 300 acres of APN 101-142-002 from Agriculture Exclusive with a 160 acre minimum parcel size into Timberland Production Zone (TPZ). A portion of the southeast corner is already zoned TPZ and this action will result in the entire parcel being zoned TPZ. Currently, there is a Nonindustrial Timber Management Plan (1-12NTMP-004-HUM) on the entire property.

Project Location: The project site is located in the Ferndale area, east of Mattole Road, approximately 1.6 air miles south of the City of Ferndale, on property located in Township 2 North, Range 2 West, Section 23, Humboldt Base and Meridian.

Present Plan Land Use Designation: Agricultural Grazing (AG); 2017 General Plan; Density: one to unit per 20 – 160 acres.

Present Zoning: Agriculture Exclusive with a 160 acre minimum parcel size (AE-B-5(160)); Timberland Production Zone (TPZ).

Application Number: 11662

Case Numbers: ZR-16-004

Assessor Parcel Number: 101-142-002-000

Applicant

Leland Rock
56157 Highway 101
Fortuna, CA 95540

Owner

Silva Trust
c/o Gerald Silva
PO Box 245
Ferndale, CA 95536

Agent

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

Environmental Review: Statutorily exempt per Section 15264 of the CEQA Guidelines.

Major Issues: None.

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

ROCK ZONE RECLASSIFICATION
Case Number ZR-16-004
Assessor Parcel Number 101-142-002

Recommended Planning Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find the project exempt from environmental review pursuant to Section 15264 of the CEQA Guidelines, make all of the required findings for approval based on evidence in the staff report and public testimony, and recommend adoption of the Zone Reclassification to the Board of Supervisors for the Rock project, subject to the recommended conditions.

Executive Summary: The applicant requests a Zone Reclassification that would rezone approximately 300 acres of an approximately 400 acre parcel into Timberland Production Zone (TPZ). The lands are currently zoned Agriculture Exclusive with a 160 acre minimum parcel size (AE-B-5(160)).

The site is located in the Ferndale area and accessed from Eugene Street. The Assessor Parcel Number (APN) associated with the rezone is comprised of one legal parcel (patent) identified as Parcel D and portions of Parcel C and Parcel I pursuant to a Determination of Status (DS-14-025). The land proposed to be rezoned was originally zoned AE-B-5(160) in the 1970's. However, as the AE zoned lands meet the definition of timberlands, the applicant wishes to have these lands zoned TPZ to reflect the timberland status.

The lands are planned Agriculture Grazing (AG) by the Humboldt County General Plan, and zoned TPZ and AE. All lands proposed to be included in the TPZ zone meet the requirements for inclusion such as being under the same ownership and devoted to and used for growing and harvesting of timber. Furthermore, the overall site class for the additional non-TPZ timberlands is site II and III and capable of growing well in excess of 15 cubic feet of conifer growth per acre (the minimum required). These lands have historically been managed as timberlands under a Nonindustrial Timber Management Plan (1-12NTMP-004 HUM), however, they were never zoned TPZ. Per the Zoning Consistency Matrix of the Humboldt County General Plan, the proposed rezoning to TPZ is consistent with the existing Agriculture Grazing (AG) General Plan designations.

The rezone is in the public interest and is consistent with General Plan policies. The rezone facilitates the addition of timberlands to adjoining timberlands currently zoned TPZ and increases the amount of timberlands in resource production.

The Forestry Review Committee reviewed the project at their meeting on March 9, 2017 and approved it by a vote of 4-0 with one abstention. In addition, the California Department of Forestry and Fire Protection supports the rezone. 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.

Planning staff believes that the project, as conditioned, has no potential for causing a significant effect on the environment. The project can be found statutorily exempt from CEQA pursuant to Section 15264 which states: "Local agencies are exempt from the requirement to prepare an EIR or

negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec. 51119)." All referral agencies have recommended approval or conditional approval.

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

ALTERNATIVES:

The Planning Commission could elect not to recommend approval of the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning 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 18-**

**Case Number ZR-16-004
Assessor Parcel Number 101-142-002**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Rock Zone Reclassification.

WHEREAS, applicant submitted an application and evidence in support of approving a Zone Reclassification (ZR) to reclassify approximately 300 acres from Agriculture Exclusive (AE) to Timberland Production Zone (TPZ); and

WHEREAS, the proposed ZR may be approved if it can be found that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; 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;

WHEREAS, the immediate rezone may be approved if it can be found to be consistent with the Forest Taxation Reform Act of 1976; and

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

WHEREAS, the project is statutorily exempt per Section 15264 of the California Environmental Quality Act (CEQA); 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 granting the ZR (Case Number ZR-16-004); and

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

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

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

1. The project is exempt per Section 15264 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment;
2. The proposed ZR is in the public interest; and
3. The proposed ZR is consistent with the General Plan; and
4. The amendment does not reduce the residential density for any parcel below that

utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

5. The rezone is consistent with the Forest Taxation Reform Act of 1976; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Department Staff Report for Case Number ZR-16-004 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.
2. Adopt the necessary findings prepared by Planning staff and approve the project as conditioned in the Planning Department Staff Report for Case number ZR-16-004.
3. Approve the rezoning of approximately 300 acres out of AE into TPZ.
4. Direct the Clerk of the Board to record a Notice of Timberland Production Status.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on January 11, 2018.

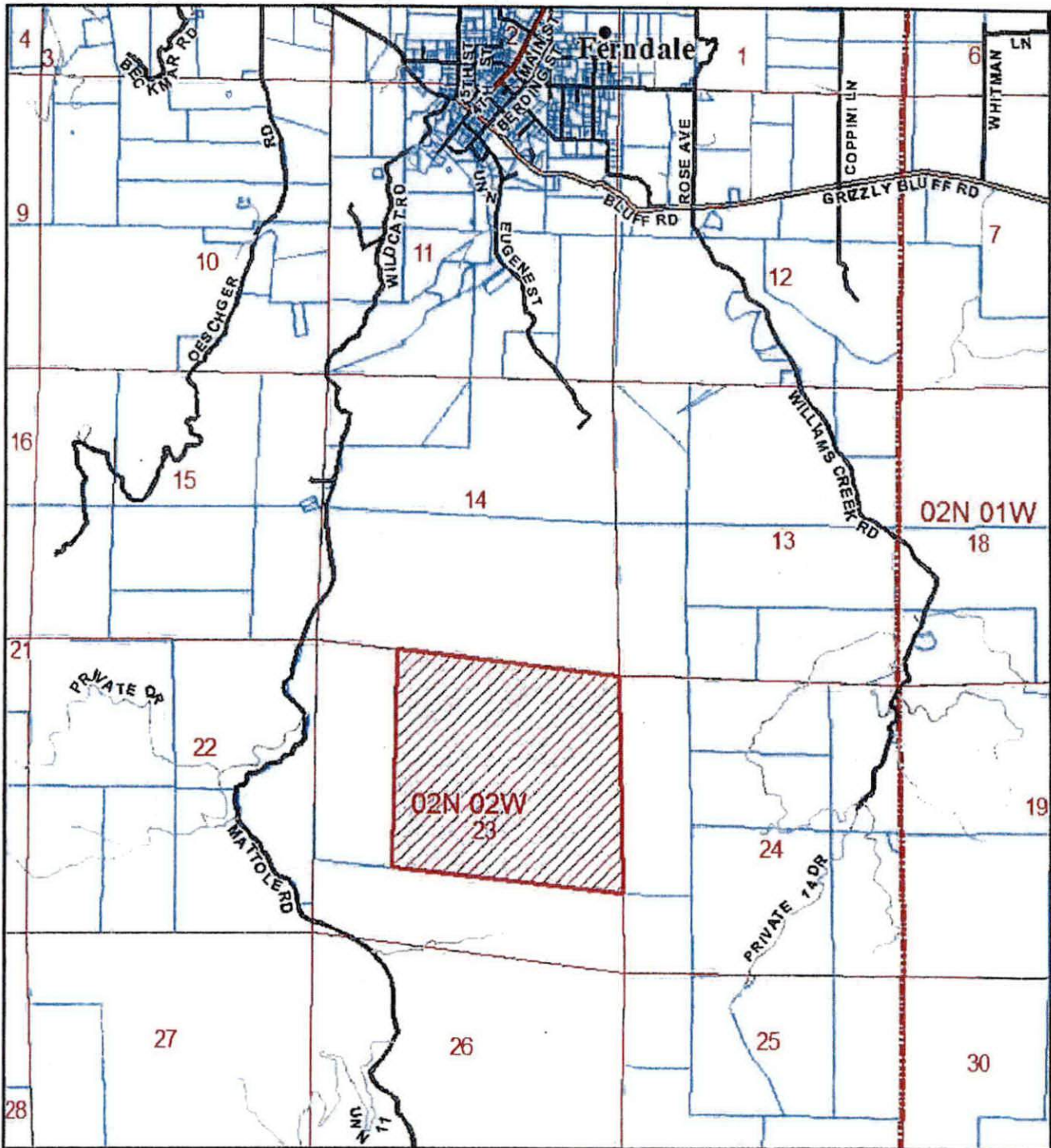
The motion was made by Commissioner _____ and seconded by Commissioner _____ with the following ROLL CALL vote.

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

Robert Morris, Chair

I, John Ford, Secretary 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.

John H. Ford
Director, Planning and Building Department



LOCATION MAP

**PROPOSED LELAND ROCK
ZONE RECLASSIFICATION
FERNDALE AREA
ZR-16-004**

**APN: 101-142-002
T02N R02W S23 HB&M (Ferndale)**

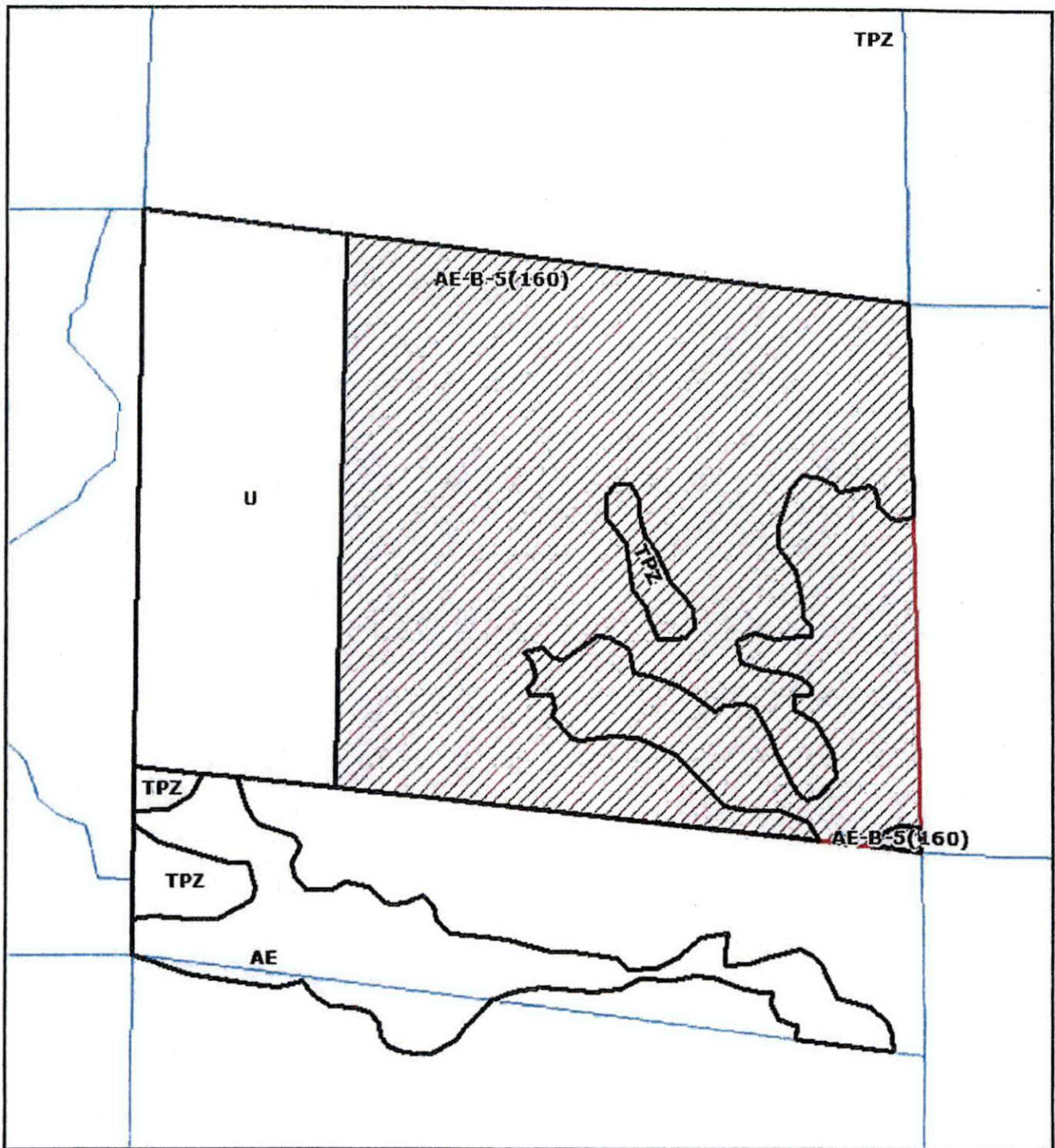
Project Area = 

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



0 1,000 2,000 3,000
Feet






ZONING MAP

**PROPOSED LELAND ROCK
ZONE RECLASSIFICATION
FERNDALE AREA
ZR-16-004**

APN: 101-142-002

T02N R02W S23 HB&M (Ferndale)

Project Area = 

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



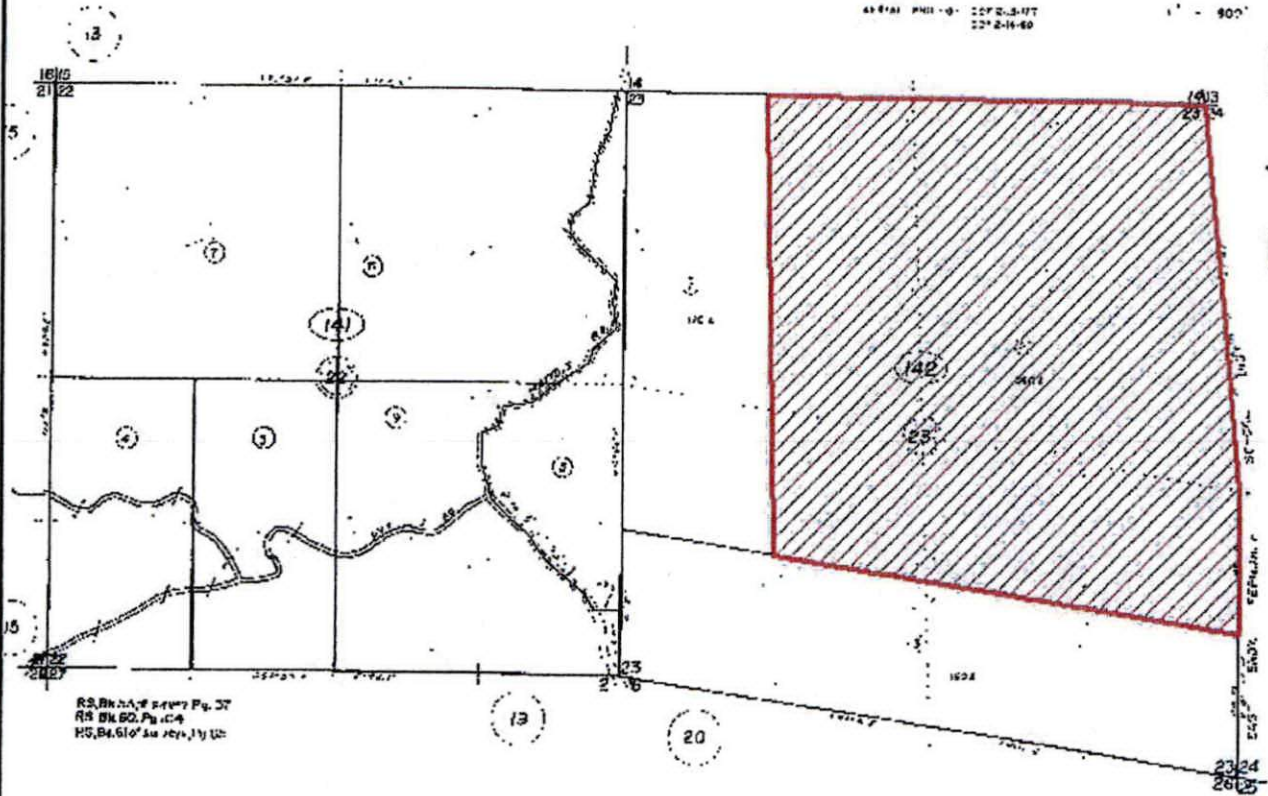
SECS 22 & 23, 2N 2W

101-14

7 CA

SURVEY 7 2
AERIAL PHOTO COPY 2-16-80

1" = 800'



ASSESSOR PARCEL MAP

**PROPOSED LELAND ROCK
ZONE RECLASSIFICATION**

FERNDALE AREA

ZR-16-004

APN: 101-142-002

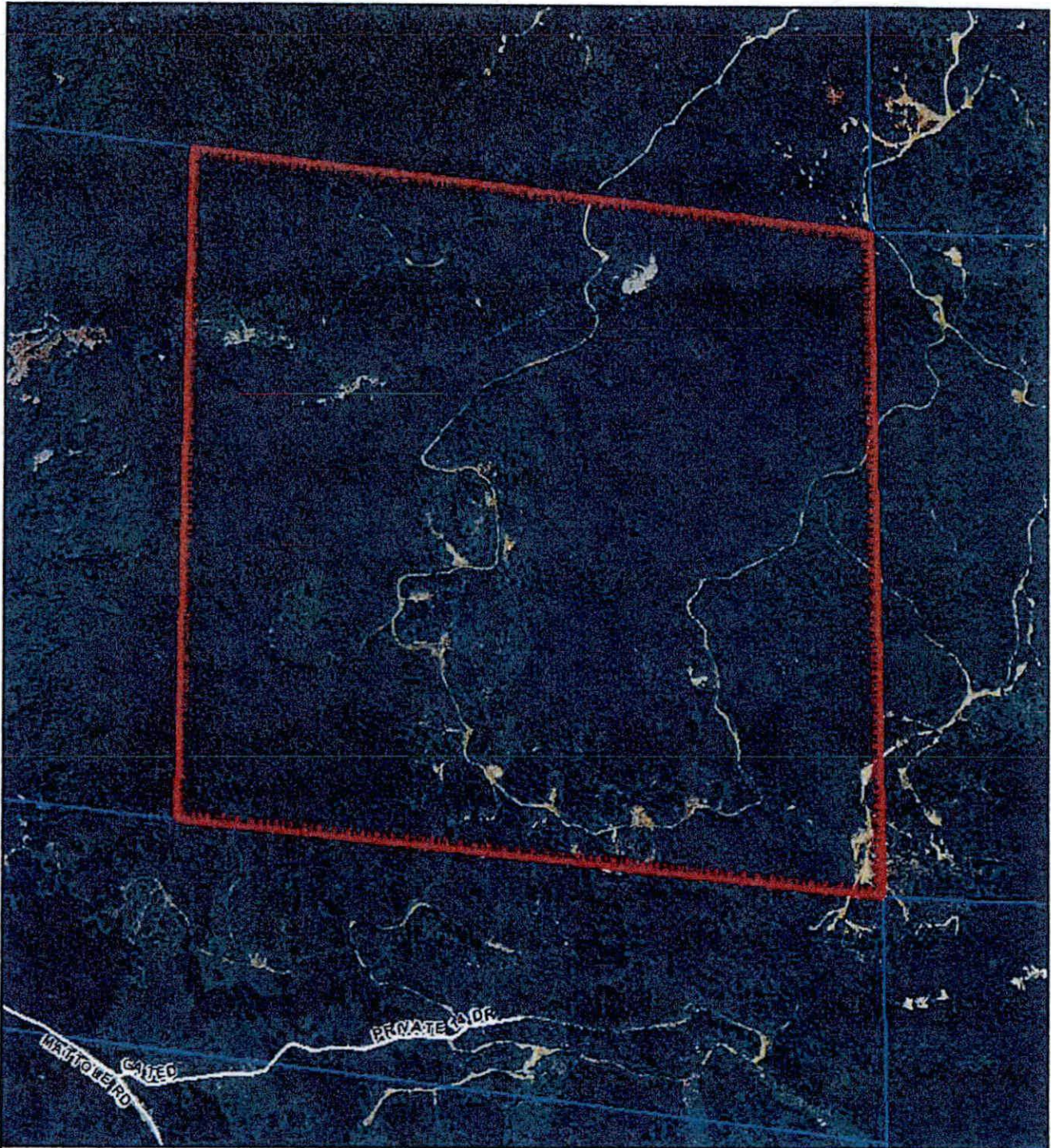
T02N R02W S23 HB&M (Ferndale)

Project Area = 

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



MAP NOT TO SCALE



AERIAL MAP

**PROPOSED LELAND ROCK
ZONE RECLASSIFICATION**

FERNDALE AREA

ZR-16-004

APN: 101-142-002

T02N R02W S23 HB&M (Ferndale)

Project Area = 

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




0 1,000 Feet


APN 101-142-002 Zone Reclassification Map

 APN 101-142-002

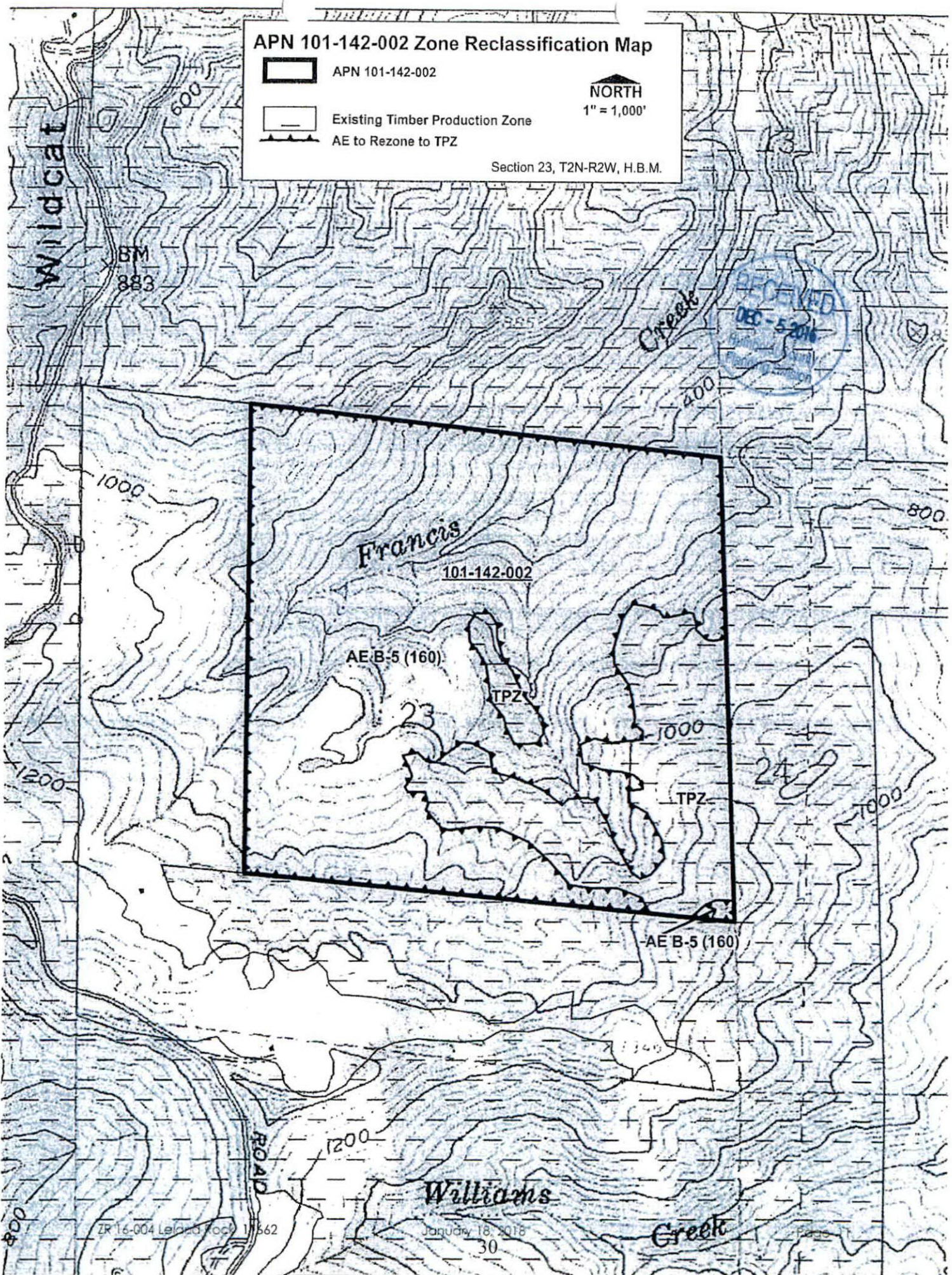
 Existing Timber Production Zone

 AE to Rezone to TPZ

NORTH

1" = 1,000'

Section 23, T2N-R2W, H.B.M.



ATTACHMENT 1

CONDITIONS OF APPROVAL

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 lands to be re-zoned into TPZ for review and approval by the County Land Surveyor. The applicable review fee (currently \$271.00) must accompany the 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. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Department, payable to "Humboldt County Recorder" 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 Department 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.

Informational Notes:

1. The document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts that describe that document are available from the Planning Department.
2. If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover). Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials.

The applicant is responsible for compliance with this requirement.

3. Lands classified as Timberland Production Zone (TPZ) are enforceably restricted under the California State Constitution and are subject to applicable provisions of the California Government Code and California Revenue and Taxation Codes. These provisions of law affect the manner in which the subject real property may be used and conveyed. A Joint Timber Management Plan (JTMP) will be required in certain situations. Please contact the Humboldt County Assessor (445-7276) or Planning Department (445-7541) for further information.
4. Agricultural and timber lands are identified in the Government Code as a class of open-space land [Section 65560(b)(2)]. Government Code Section 65567 prohibits the issuance of a building permit if the proposed construction is inconsistent with the local open-space plan.

5. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.

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.

Zone Reclassification

Sections 312-50.3 and 312-50.8 of the Humboldt County Code (H.C.C.) specify the findings that must be made in order to approve a Zone Reclassification. The required findings are as follows:

1. The proposed change is in the public interest;
2. That the proposed change is consistent with the General Plan;
3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law;
4. A map was prepared showing the legal description of the property to be zoned;
5. The property currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules; or that the owner shall sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practice Rules by the fifth anniversary of the signing of such agreement, said agreement shall provide that if the parcel is subsequently zoned TPZ and fails to meet the stocking standards and Forest Practice Rules within the time period, the Board of Supervisors shall rezone the parcel to another zoning pursuant to Section 51121 of the Government Code;
6. The land to be rezoned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single parcel or a unit of contiguous parcels as defined in Section 51104 of the Government Code, which is eighty (80) acres or one-half of one-quarter section in size or larger;
7. The land shall be timberland as defined by Section 51104(f) of the Government Code; and
8. The existing uses on the parcel must be uses permitted in the Timberland Production Zone.

Finally, 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:

9. 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.

1. Public Interest

The purpose of the Zone Reclassification is to rezone existing timberlands into TPZ consistent with the surrounding, adjacent timberlands. In addition, the project will maintain the property for the growing and harvesting of timber.

The County recently updated its General Plan that established policies and standards for resource production land uses. The Timberland Production Zone (TPZ) is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.

The Zone Reclassification proposes to reclassify an approximate 300 acres of Agriculture Exclusive into TPZ. The TPZ zone 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. The 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:

- (a) 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.*
- (b) 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.*
- (c) A continued and predictable commitment of timberland, and 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:

- (1) 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.*
- (2) Discourage the premature or unnecessary conversion of timberland to urban or other uses.*
- (3) Discourage the expansion of urban services into timberland.*
- (4) 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 of any TPZ lands into timber base is in the public interest.

2. General Plan Consistency

The properties are planned Agriculture Grazing (AG). The project proposes to rezone approximately 300 acres of AE into TPZ. The Zoning Consistency Matrix, Table 4H of the Humboldt County General Plan specifies that the zoning into TPZ is consistent with the AG plan designation.

The Humboldt County General Plan, Section 4.6 (Forestry Resources), 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. Staff believes that the proposed zone reclassification is consistent with the goals and policies of the General Plan.

Additionally, the following table identifies the evidence which supports finding that the proposed development is in conformance with other applicable policies and standards of the Humboldt County General Plan.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	Agriculture Grazing (AG): This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Density range is 20 – 160 acres/unit	The lands proposed to be rezoned are part of a larger holding of Timberlands owned by the Silva family. It is engaged in management of the existing timberlands.
Land Use Element Chapter 4 Forest Resources Section 4.6	Goals and policies contained in this chapter relate to incentive programs to maintain or increase the economic viability of timber production and the retention of high quality timberlands (FR-P6, FR-P8).	The rezone of AE zoned lands into TPZ is consistent with this policy. The lands proposed for rezone are managed for timberlands under a Nonindustrial Timber Management Plan and will continue to be managed as such. Therefore, the project is consistent with this policy.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)	The proposed project is located within Open Space land plan because the project site is planned Agriculture Grazing and is zoned Agriculture Exclusive. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The project does not propose any changes to the current uses of timber production and consistent with the use of Open Space land for management production of resources.

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p>	<p>Francis Creek as well as several tributaries run through the property. Existing development is not located within the Streamside Management Area. No development is proposed with the rezone. Future development must comply with the provisions of this section, and future building installations must meet County Building regulations.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. The NWIC has recommended a cultural resource study, however, further review by the local Tribal Historic Preservation Officer (THPO) of the Wiyot Tribe, determined that a study was not required provided the applicant follow standard inadvertent discovery procedures and Forest Practice Rules associated with the NTMP.</p>
<p>Safety Element Chapter 14</p> <p>Geologic and Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p>	<p>The parcels are located within an area of high slope instability and outside of any Alquist-Priolo Fault Hazard Area. The parcels are currently utilized for timber production.</p>

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.** Resource lands such as these were not utilized by the Department of Housing and Community Development in determining appropriate residential density, therefore, these lands are in compliance with this requirement.

4. **Legal Description.** A map was prepared showing the legal description of the property.

5. **Stocking Standards.** The property currently meets the timber stocking standards as set forth in

Section 4561 of the Public Resources Code and the Forest Practice Rules.

6. **Ownership and Minimum Parcel Size.** The area to be rezoned into TPZ consists of one legal parcel and portions of other legal parcels owned by Joseph and Irene Silva.

7. **Timberland.** The land is timberland as defined by Section 51104(f) of the Government Code.

8. **Conformance with Use Regulations.** The existing land use is in compliance with the land use standards of the Timberland Production Zone.

The County Forestry Review Committee (FRC) reviewed and approved the zone reclassification at their March 9, 2017 meeting.

9. **Environmental Impact.** The proposed zone reclassification of property is statutorily exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code.

The Department will file a "Notice of Exemption" with the County Clerk and the Office of Planning and Research at the State Clearinghouse pursuant to Section 753.5(c) of the California Code of Regulations. The \$50.00 document handling fee required by the statute will be paid by the applicant.

ATTACHMENT 3

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on _____, 2018

ORDINANCE NO. _____

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE FERNDALE AREA
[ZR-16-004 (ROCK)]

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

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying the property described in the Attached Exhibit A as follows: approximately 300 acres of Agriculture Exclusive into Timberland Production Zone (TPZ).

The area described is also shown on the Humboldt County Zoning Maps [E-32] and on the map attached as Exhibit A.

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

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2018, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

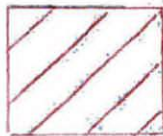
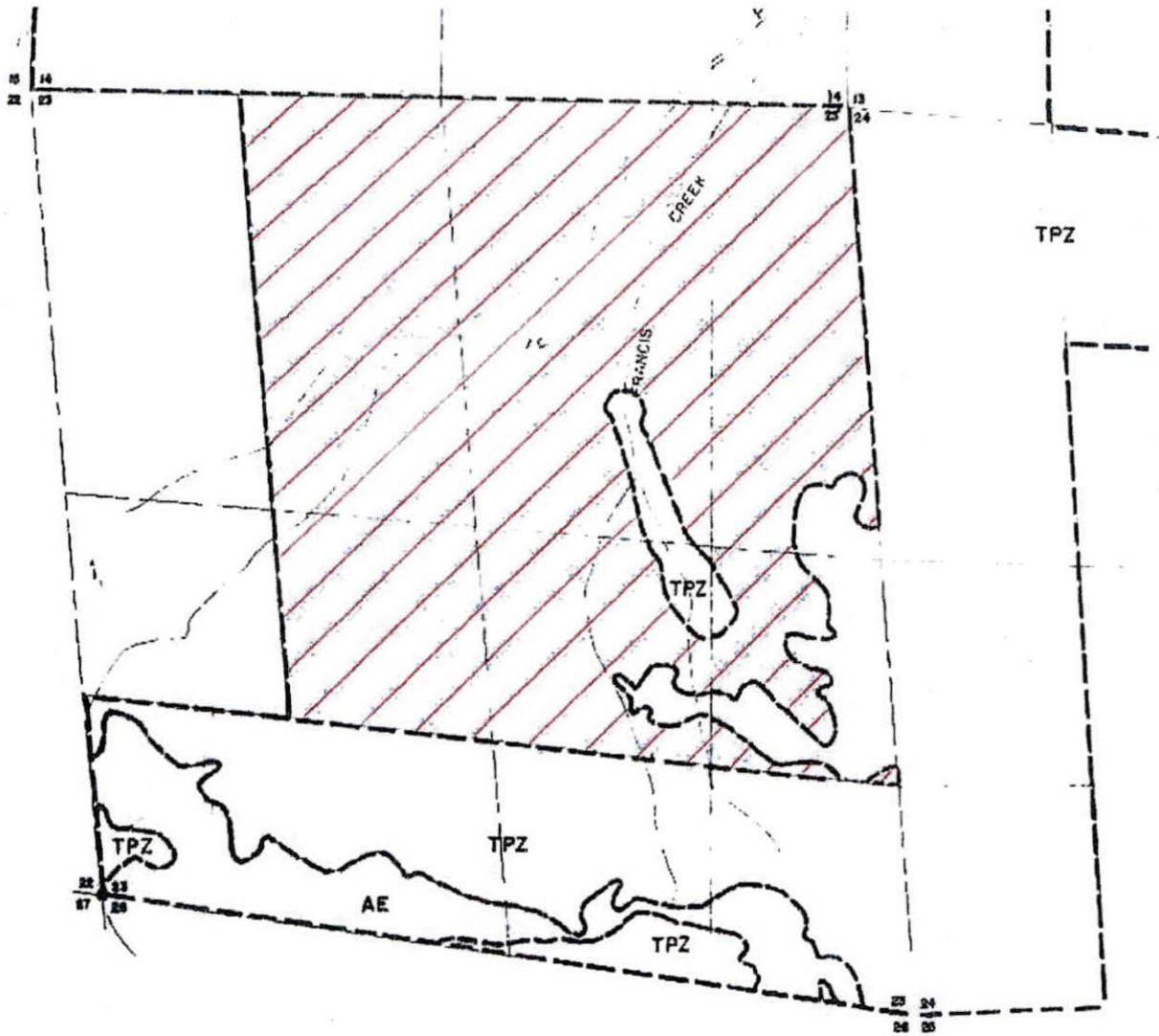
ABSENT: Supervisors:

Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

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

Exhibit A



- Area to be rezoned from AE-B-5(160) to ZR

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

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

- Application Form
- Plot Plan/Tentative Map Checklist
- Project Proposal Map
- Current Deed
- TPZ inclusion report dated November 21, 2016 prepared by Timberland Resource Consultants (attached)
- PRC 4561 letter dated September 9, 2017 prepared by Timberland Resource Consultants (attached)
- Nonindustrial Timber Management Plan (1-12NTMP-004-HUM)



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

November 21, 2016

Trevor Estlow
Humboldt County Planning
3015 H Street
Eureka, CA 95501



Dear Mr. Estlow:

SUBJECT: REZONE PORTION OF APN 101-142-002 TO TIMBER PRODUCTION ZONE

This letter is in regards to the information required by C.G.C. 51113.5 - Additions to Timberland Production Zoned Lands. Timberland to be added must meet the following criteria:

1. Must be (a) in the same ownership of and (b) Contiguous to TPZ zoned timberlands to which the non-TPZ timberlands are to be added.
 - (a) The parcel in question is in the same ownership.
 - (b) The Non-TPZ zoned timberlands are contiguous with the TPZ zoned lands.

2. Must be (a) "devoted to, and used for, growing and harvesting timber and compatible uses and (b) "Capable of growing an average volume of wood fiber of at least 15 cubic feet per acre".
 - (a) The Non-TPZ zoned timberlands are devoted to both growing and harvesting of timber. There is currently no development other than timber infrastructure and no grazing. The entire parcel, including the Non-TPZ zoned portion, is part of an approved non-industrial timber management plan (1-12NTMP-004 HUM).
 - (b) Overall site class for the additional non-TPZ zoned timberlands is Timber Site Class III. This is based on soils and vegetation maps and field verifications. Based on projected growth for this parcel as stated in the NTMP, wood fiber growth potential for the non-TPZ zoned timberlands exceeds 15 cubic feet per acre and ranges up to 91 cubic feet per acre.

In conclusion, areas proposed to be reclassified from AG to TPZ are shown on the attached Reclassification Map and meet the criteria of CGC 51113.5. If you have any questions regarding this analysis, please feel free to contact me anytime.

Sincerely,

A handwritten signature in blue ink that reads "Chris Carroll".

Chris Carroll, RPF #2628



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

September 9, 2017

Trevor Estlow, Senior Planner
Humboldt County Planning
3015 H Street
Eureka, CA 95501

Dear Mr. Estlow:

SUBJECT: Leland Rock Rezone, Application #11662, Case #ZR-16-004

This letter serves as a clarification that the area to be rezoned meets the minimum stocking standards per PRC 4561. If you have any questions please feel free to contact me.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

ATTACHMENT 5

Referral Agency Comments and Recommendation

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

Referral Agency	Response	Recommendation	Location
County Building Inspection Division	✓	Approval	On file
County Public Works, Land Use Division	✓	Comments	On file
County Division of Environmental Health			
CA. Dept. of Forestry and Fire Protection	✓	Approval	On file
County Assessor's office	✓	Conditional Approval	Attached
Northwest Information Center	✓	Comments	On file
Wiyot Tribe	✓	Conditional Approval	Attached
Bear River Band of the Rohnerville Rancheria			
Forestry Review Committee	✓	Approval per March 9, 2018 meeting	Attached



HUMBOLDT COUNTY
 PLANNING AND BUILDING DEPARTMENT
 CURRENT PLANNING DIVISION
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

RECEIVED
 DEC 19 2016
 POSTED
 DEF 19 2016
 ASST
 ASSESSOR'S OFFICE
 EUREKA

12/12/2016

PROJECT REFERRAL TO: Assessor's Office

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Assessor's Office, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Wiyot Tribe

Applicant Name Leland Rock **Key Parcel Number** 101-142-002-000

Application (APPS#) 11662 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** ZR16-004

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than 12/27/2016 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: Need timber type maps prior to approval of the Board of Supervisors

DATE: 12/12/16

PRINT NAME: Audrey Hanks

From: \ Tom
To: Estlow, Trevor; Planning Clerk
Cc: erikacooper@brb-nsp.gov
Subject: Rock Zone Reclassification (APPS #11662)
Date: Wednesday, January 04, 2017 9:44:40 AM

Dear Trevor,

Thank you for the notification of the Rock Zone Reclassification. Just so I am clear, since this is a zone reclassification, is it subject to SB 18? Also, will future notifications of timber development come from CalFire?

Portions of the proposed area may be sensitive for cultural resources, and I recommend that the parcel be conditioned with inadvertent discovery language for all future development.

Thank you,
Tom

Dr. Thomas Torma

Lhatsik Wadaqoumilh (Cultural Director)
Wiyot Tribe
1000 Wiyot Drive
Loleta, CA 95551
tel. 707.733.5055 ext. 107
cel. 406.850.2220
fax 707.733.5601
<http://wiyot.us/cultural>

This communication, including any attachments, may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying, or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Hu' (thank you).

DRAFT Minutes

March 9, 2017 Meeting

I. Attendance

FRC Members Present: Charles Ciancio, Gary Rynearson, Ben Hawk, Bill Kleiner, Kurt McCray

FRC Members Absent: Jim Able, Yana Valachovic, Mark Andre, Chris Carroll

Staff Present: Trevor Estlow, Planning and Building Department, Cliff Johnson, Planning and Building Department, Michelle Nielsen

The Committee welcomed guests: Alex Powell and Chris Stumpf

II. Public Appearances: None.

III. Approval of Minutes from the December 17, 2015 and March 29, 2016 Meeting.

Approval of minutes was deferred to the next meeting.

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

1. **Green Diamond Resource Company Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management plan Application (9906)** Case Numbers: LLA-16-022, ZBA-16-005, JTMP-16-004; Assessor Parcel Numbers: 303-012-005, 303-012-015, and 303-012-019; Eureka area.

Michelle Nielsen provided the staff report and staff recommendations. The project involves a Lot Line Adjustment (LLA) between three parcels that are 109.2 acres, 192.7 acres, and 318.8 acres in size. The LLA will result in three parcels that will be 100.3 acres (Parcel 1), 379 acres (Parcel 2), and 141.3 acres (Parcel 3) in size. After the LLA, Parcels 2 and 3 will be entirely TPZ, while Parcel 1 will have approximately 35.9 acres of land zoned Agricultural General with a five-acre minimum parcel size (AG-B-5(5)) and 64.4 acres of TPZ. Also a Zone Boundary Adjustment to adjust the zone boundary between Agricultural General with a five-acre minimum parcel size (AG-B-5(5)) and Timber Production Zone (TPZ) such that it follows the centerline of unnamed creek, which will result in approximately 0.90 acres of land used historically and currently as timberland being zoned TPZ.

At this time, the Chair opened the meeting to public comments. The committee had questions regarding the purpose of the LLA. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Ben Hawk, seconded by Bill Kleiner, the Green Diamond project was approved by a vote of 4-0 (Gary Rynearson abstained).

2. **Johanessen Rezone and Lot Line Adjustment Application (12319)** Case Numbers: ZR-16-005, LLA-16-034; Assessor Parcel Numbers: 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004; Garberville area.

Cliff Johnson provided the staff report and staff recommendations. The project involves a Zone Reclassification of 240 acres of land from Agricultural Exclusive specifying a minimum parcel size of 160 acres into Timber Production Zone (TPZ), along with a Lot Line Adjustment between two parcels of 160 acres in size to result in a different lot configuration but the parcel sizes will remain 160 acres each. A partial agricultural preserve dis-establishment and immediate cancellation of a portion of a Williamson Act contract is also proposed.

At this time, the Chair opened the meeting to public comments. The committee had questions regarding stocking and stand type. The committee also recommended that the stand tables be revised to clearly demonstrate that the area to be rezoned meets the minimum stocking standards per PRC 4561. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Ben Hawk, seconded by Bill Kleiner, the Johanssen project was conditionally approved by a vote of 5-0. The condition requires the forester to submit revised stand tables to the satisfaction of the Chair.

3. Jackson Lot Line Adjustment and Joint Timber Management Plan Case Number: LLA-16-032, JTMP-17-001; Assessor Parcel Number: 312-043-016; Blue Lake Area.

Cliff Johnson provided the staff report and staff recommendations. The project involves a lot line adjustment to result in one parcel of approximately 159.5 acres and one parcel of approximately 40.5 acres, and a Joint Timber Management Plan.

At this time, the Chair opened the meeting to public comments. The committee discussed the access and recommended that the JTMP be amended to include adequate access easements prior to any sale or transfer. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Bill Kleiner, seconded by Kurt McCray, the Jackson project was conditionally approved by a vote of 5-0. The condition requires JTMP be amended to include adequate access easements prior to sale or transfer.

4. Leland Rock Zone Reclassification Application (11662) Case Number: ZR-16-004; Assessor Parcel Number: 101-142-002; Ferndale area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Zone Reclassification on a portion of APN 101-142-002 from Agriculture Exclusive with a 160 acre minimum parcel size into Timberland Production Zone (TPZ). A portion of the southeast corner is already zoned TPZ and this action will result in the entire parcel being zoned TPZ. Currently, there is a Nonindustrial Timber Management Plan (1-12NTMP-004-HUM) on the entire property.

At this time, the Chair opened the meeting to public comments. The committee recommended that the RPF provide a letter clarifying that the area to be rezoned meets the minimum stocking standards per PRC 4561. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Bill Kleiner, seconded by Ben Hawk, the Rock project was conditionally approved by a vote of 5-0. The condition requires the forester to provide a letter

clarifying that the area to be rezoned meets the minimum stocking standards per PRC 4561 to the satisfaction of the Chair.

- 5. Boyle Forests, LP Lot Line Adjustment and Joint Timber Management Plan – Upper Pollack Creek Application (13453)** Case Numbers: LLA-17-002, JTMP-17-002; Assessor Parcel Numbers: 215-141-002, 215-144-003, 215-144-003; Briceland area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Joint Timber Management Plan (JTMP) on approximately 402 acres that is comprised of seven legal parcels with recorded Certificates of Subdivision Compliance on them. Also included is a Lot Line Adjustment (LLA) between four parcels of 106 acres, 38 acres, 66 acres and 27 acres resulting in four parcels of 74 acres, 39 acres, 57 acres and 67 acres, respectively.

At this time, the Chair opened the meeting to public comments. The committee discussed the access and recommended that the JTMP be amended to include adequate access easements prior to any sale or transfer. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Bill Kleiner, seconded by Ben Hawk, the Boyle Forests project was conditionally approved by a vote of 5-0. The condition requires JTMP be amended to include adequate access easements prior to sale or transfer.

- 6. Boyle Forests, LP Lot Line Adjustment and Joint Timber Management Plan – Eagle's Nest Application (13454)** Case Numbers: LLA-17-003, JTMP-17-003; Assessor Parcel Numbers: 215-142-004, 215-143-001, 215-144-003; Briceland area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Joint Timber Management Plan (JTMP) on approximately 849 acres that is comprised of four legal parcels with recorded Certificates of Subdivision Compliance on them. Also included is a Lot Line Adjustment (LLA) between the four parcels of 260 acres, 454 acres, 126 acres and 9 acres resulting in four parcels of 259 acres, 454 acres, 69 acres and 67 acres, respectively.

At this time, the Chair opened the meeting to public comments. The committee discussed the access to all adjusted parcels and recommended that the JTMP be amended to include adequate access easements for ingress, egress and timber management prior to any sale or transfer. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Bill Kleiner, seconded by Ben Hawk, the Boyle Forests project was conditionally approved by a vote of 5-0. The condition requires JTMP be amended to include adequate access easements prior to sale or transfer.

V. Future Agenda Items

No discussion

III. Adjournment

The meeting was adjourned at 7:00 p.m.

ATTACHMENT 6

Planning Commission Resolution No. 18-04

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-04**

**Case Number ZR-16-004
Assessor Parcel Number 101-142-002**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Rock Zone Reclassification.

WHEREAS, applicant submitted an application and evidence in support of approving a Zone Reclassification (ZR) to reclassify approximately 300 acres from Agriculture Exclusive (AE) to Timberland Production Zone (TPZ); and

WHEREAS, the proposed ZR may be approved if it can be found that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; 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;

WHEREAS, the immediate rezone may be approved if it can be found to be consistent with the Forest Taxation Reform Act of 1976; and

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

WHEREAS, the project is statutorily exempt per Section 15264 of the California Environmental Quality Act (CEQA); 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 granting the ZR (Case Number ZR-16-004); and

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

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

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

1. The project is exempt per Section 15264 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment;
2. The proposed ZR is in the public interest; and
3. The proposed ZR is consistent with the General Plan; and
4. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
5. The rezone is consistent with the Forest Taxation Reform Act of 1976; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Department Staff Report for Case Number ZR-16-004 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.
2. Adopt the necessary findings prepared by Planning staff and approve the project as conditioned in the Planning Department Staff Report for Case number ZR-16-004.
3. Approve the rezoning of approximately 300 acres out of AE into TPZ.
4. Direct the Clerk of the Board to record a Notice of Timberland Production Status.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

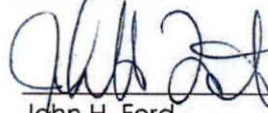
Adopted after review and consideration of all the evidence on January 18, 2018.

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

AYES: Commissioners Mitchell, Levy, McKenny, Morris, Edmonds, Shepherd and Bongio

DECISION: Motion carries 7/0.

I, John Ford, Secretary 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.



John H. Ford
Director, Planning and Building Department