



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

Hearing Date: May 7, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Hooven Trust Zone Reclassification**
Application Number 13716
Record Number: ZR-17-008
Assessor Parcel Number 511-501-002
2361 Elizabeth Road, McKinleyville 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 May 7, 2020	Subject Zone Reclassification	Contact Trevor Estlow
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Project Description: A Zone Reclassification to change the zoning from Timberland Production Zone (TPZ) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)). The change in zoning from TPZ is through a 10-year non-renewal, and the lands will remain TPZ until the completion of the slide-out. The current general plan designation is Residential Agriculture with a density of one unit per five to twenty acres (RA5-20) which was changed as part of the General Plan Update in 2017. The parcel is approximately 20 acres in size and is currently developed with a single-family residence, a second dwelling unit, and accessory structures.

Project Location: The project site is located in the McKinleyville area, on the north side of Elizabeth Road, approximately 3,300 feet northwest of the intersection of Elizabeth Road and Murray Road, on the property known as 2361 Elizabeth Road.

Present Plan Land Use Designation: Residential Agriculture (RA); 2017 General Plan; McKinleyville Community Plan; Density: one unit per 5 – 20 acres.

Present Zoning: Timberland Production Zone (TPZ).

Application Number: 13716

Case Numbers: ZR-17-008

Assessor Parcel Number: 511-501-002

Applicant	Owner	Agent
Arthur T. & Karen M. Hooven Trust Tim Hooven 3445 Central Avenue McKinleyville, CA 95519	Same as applicant	Lenders Construction Services, LLC Jeff Smith PO Box 6218 Eureka, CA 95502

Environmental Review: Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017.

Major Issues: None.

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

HOOVEN ZONE RECLASSIFICATION

Case Number ZR-17-008

Assessor Parcel Number 511-501-002

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:

Move to recommend that the Board of Supervisors adopt the Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017, in accordance with Section 15164 of the State CEQA Guidelines, and find that there is no substantial evidence that the proposed Zone Reclassification will have a significant effect on the environment, and make all of the required findings, based on evidence in the staff report and public testimony, and recommend the Board of Supervisors approve the Hooven Zone Reclassification application.

Executive Summary: The applicant requests a Zone Reclassification that would rezone approximately 20 acres from Timberland Production Zone (TPZ) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)). The change in zoning from TPZ is through a 10-year non-renewal, and the lands will remain TPZ until completion of the slide-out.

The site is located in the McKinleyville area, on the north side of Elizabeth Road, approximately one-half mile from Murray Road. The parcel is developed with a single-family residence, a detached secondary dwelling unit permitted in 2014 (SP-13-057) and other accessory structures. The lands proposed to be rezoned were planned Residential Agriculture with a density of one dwelling unit per 5 – 20 acres (RA5-20) under the 2017 General Plan Update. Previous to the 2017 change, the lands were planned Agriculture Rural with a density of one unit per 10 acres (AR10) under the McKinleyville Community Plan in 2002. The TPZ zone is inconsistent with the current RA General Plan designation. The applicant wishes to have these lands zoned AG-B-5(5) to be consistent with the underlying General Plan designation.

Rezones out of TPZ generally follow one of two paths, an immediate rezone or a 10-year non-renewal. An immediate rezone requires certain findings under California Government Code (§51130 – 51134). Specifically, §51134(b) states that "Immediate rezoning shall be considered if there is no proximate and suitable land which is not zoned as timberland production for the alternate use not permitted within a timberland production zone." Because there are proximate and suitable lands nearby, this requirement cannot be met, and a 10-year non-renewal is the only path to rezone the lands out of TPZ.

The rezone is in the public interest and is consistent with General Plan policies. The rezone corrects an inconsistency with the General Plan designation and more accurately reflects the use of the land.

The Forestry Review Committee reviewed the project at their meeting on September 17, 2018 and while no motion was made, they supported the rezone to be consistent with the General Plan designation. The rezone is consistent with the required findings for the zone reclassification, as well as the findings required under Section 312-50.8.2, *Supplemental Timberland Production Zoning Procedures*, and is consistent with the Forest Taxation Reform Act of 1976.

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 20-**

**Case Number ZR-17-008
Assessor Parcel Number 511-501-002**

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

WHEREAS, the applicant submitted an application and evidence in support of approving a Zone Reclassification (ZR) to reclassify approximately 20 acres from Timberland Production Zone (TPZ) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)); 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 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 subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Department, the lead agency, prepared an Addendum to the Programmatic EIR (PEIR) for the adoption of the County General Plan (SCH# 2007012089) adopted by the County Board of Supervisors on October 23, 2017, where the Board of Supervisors certified the Final PEIR as complete and adequate in that it addresses all environmental effects of the proposed project and fully complies with all of the requirements of CEQA. The project site was included in discussions of the PEIR, as required by Section 15074(b) of the CEQA Guidelines, and finds there is no substantial evidence that the proposed project will have a significant effect on the environment; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zone Reclassification; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 7, 2020.

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

1. There is no substantial evidence that the proposed project will have a significant effect on the environment; and
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-17-008 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 Addendum to the previously approved Environmental Impact Report and make the necessary findings prepared by Planning staff.
3. Approve the Zone Reclassification.
4. Adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying an approximate 20 acres in the McKinleyville area [ZR-17-008, Hooven] from Timberland Production Zone (TPZ) into Agriculture General with a Special Building Site combining zone specifying a 5-acre minimum parcel size (AG-B-5(5)).
5. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

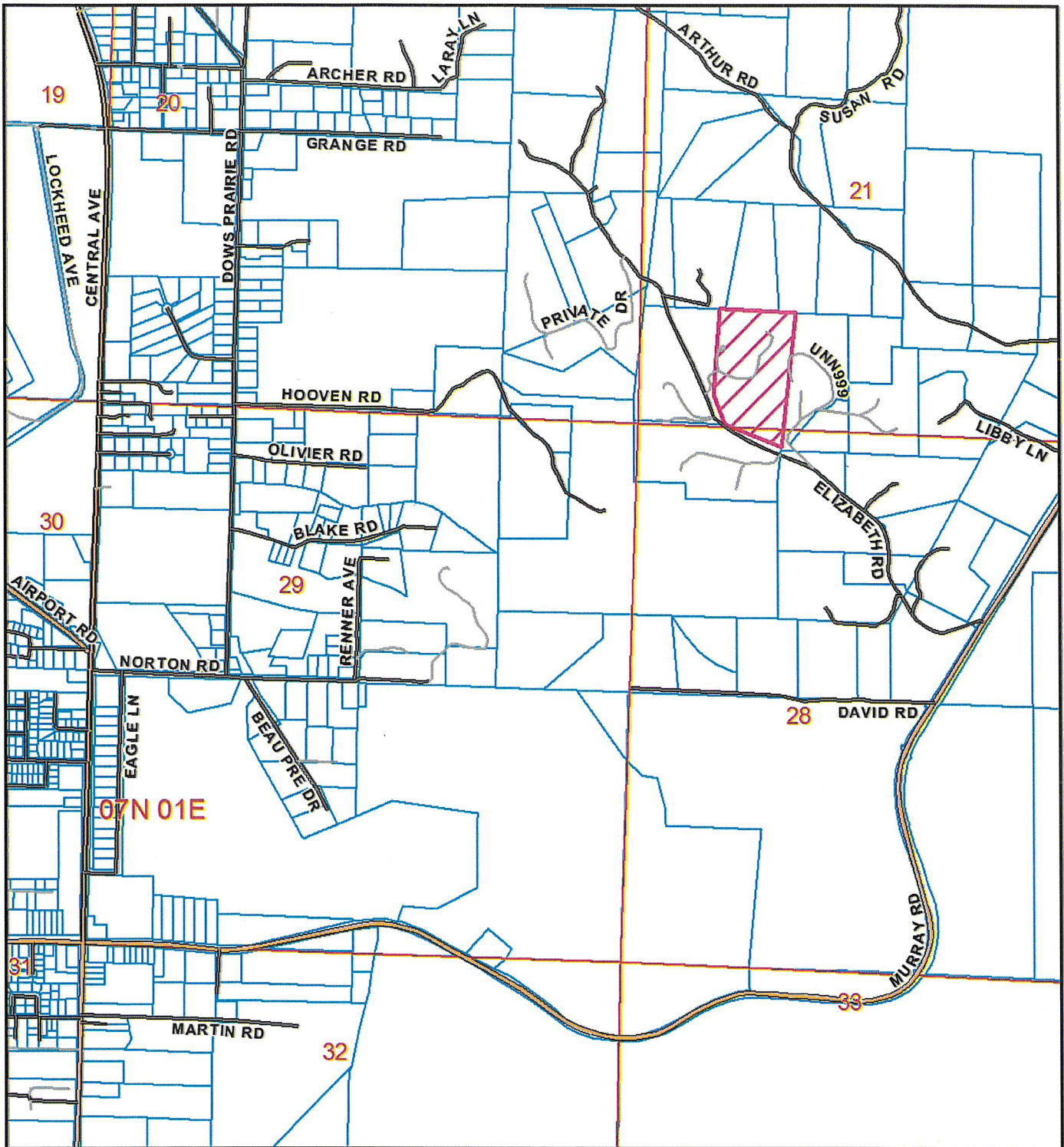
Adopted after review and consideration of all the evidence on May 7, 2020.

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:

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 ARTHUR T. & KAREN M. HOOVEN TRUST
 ZONE RECLASSIFICATION
 MCKINLEYVILLE AREA
 ZR-17-008**

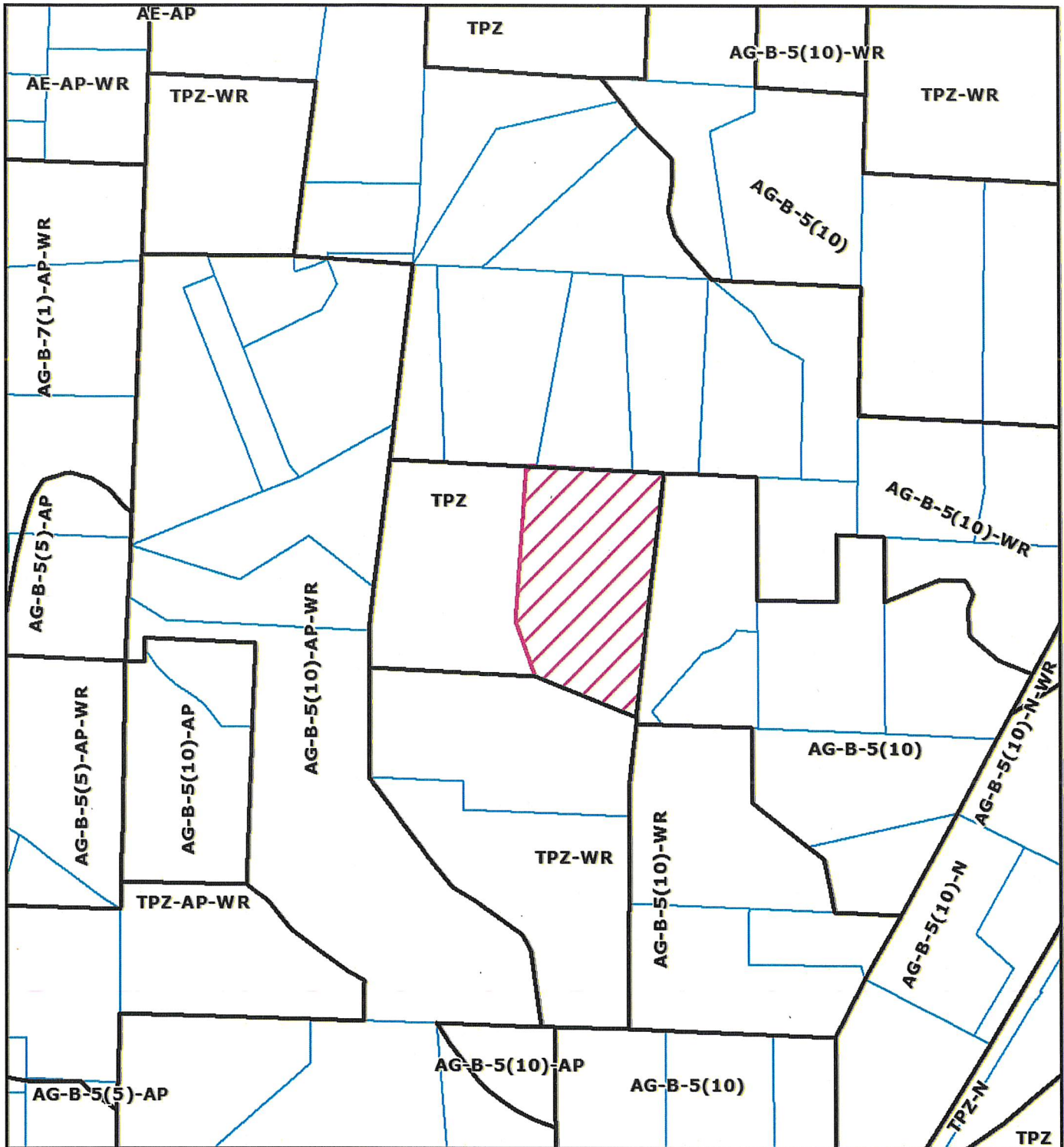
APN: 511-501-002

T07N R01E S21,28 HB&M (Arcata North)

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.






ZONING MAP

**PROPOSED ARTHUR T. & KAREN M. HOOVEN TRUST
 ZONE RECLASSIFICATION
 MCKINLEYVILLE AREA
 ZR-17-008**

APN: 511-501-002

T07N R01E S21,28 HB&M (Arcata North)

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.

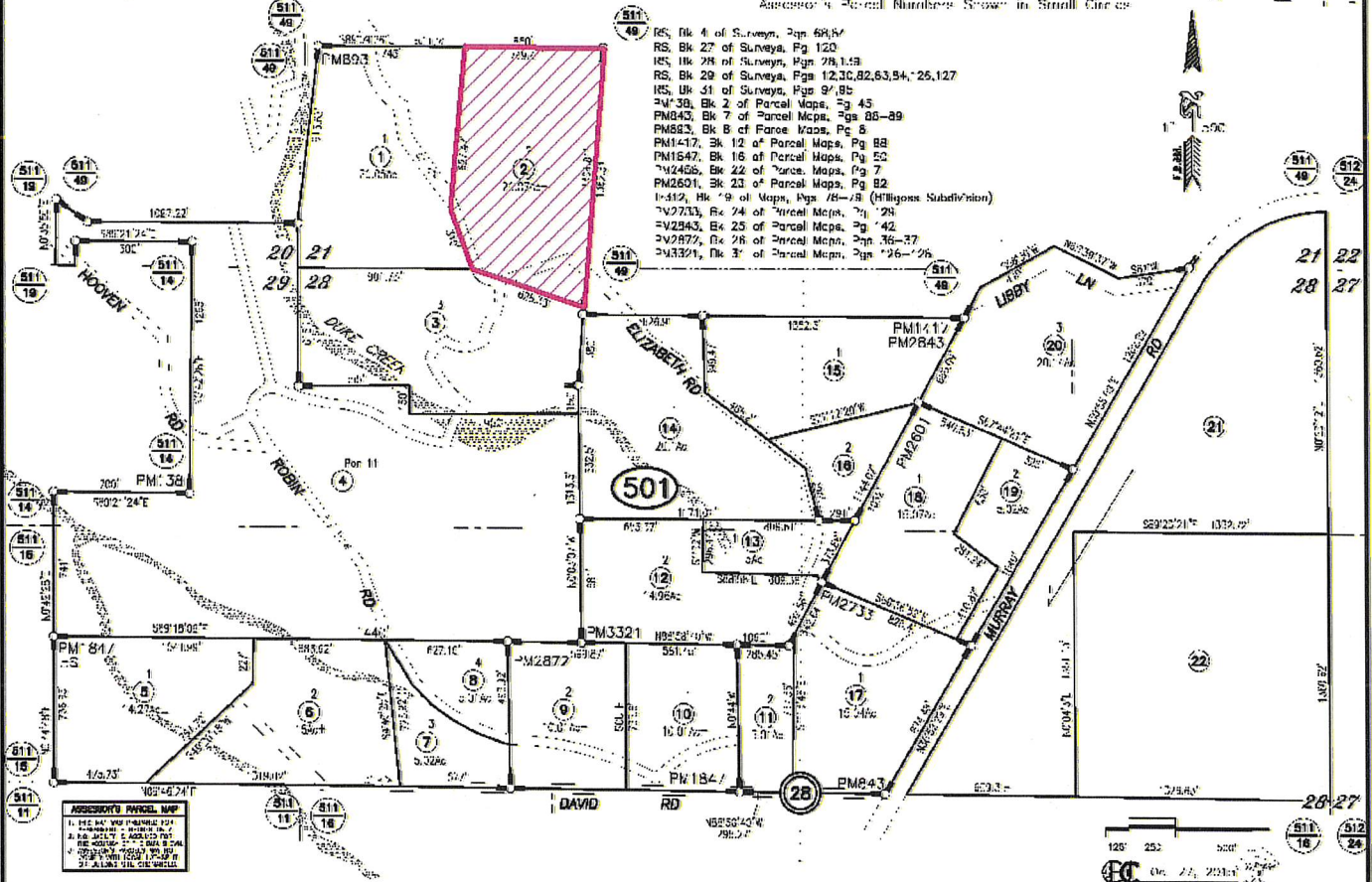


Assessor's Map Bk. 511, Pg. 50
County of Humboldt, CA.

PTN SECS 20, 21, 28 & 29, T7N R1E, HBM

511-50

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



ASSASSOR'S PARCEL MAP
1. THE MAP WAS DRAWN BY
2. THE MAP IS A COPY OF THE
3. THE MAP IS A COPY OF THE
4. THE MAP IS A COPY OF THE

ASSESSOR PARCEL MAP

**PROPOSED ARTHUR T. & KAREN M. HOOVEN TRUST
ZONE RECLASSIFICATION
MCKINLEYVILLE AREA**

ZR-17-008

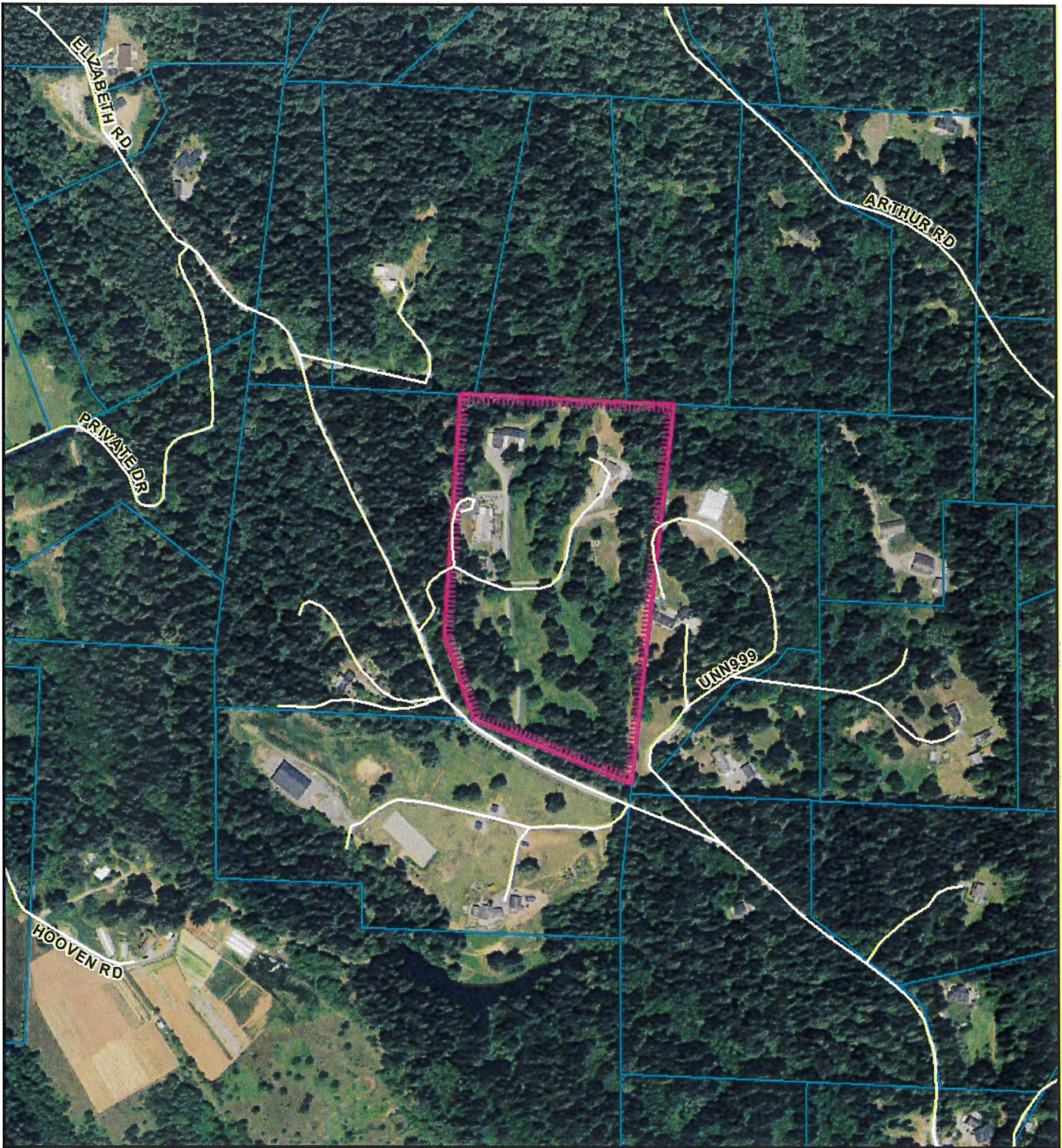
APN: 511-501-002

T07N R01E S21,28 HB&M (Arcata North)

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 ARTHUR T. & KAREN M. HOOVEN TRUST
 ZONE RECLASSIFICATION
 MCKINLEYVILLE AREA
 ZR-17-008**

APN: 511-501-002

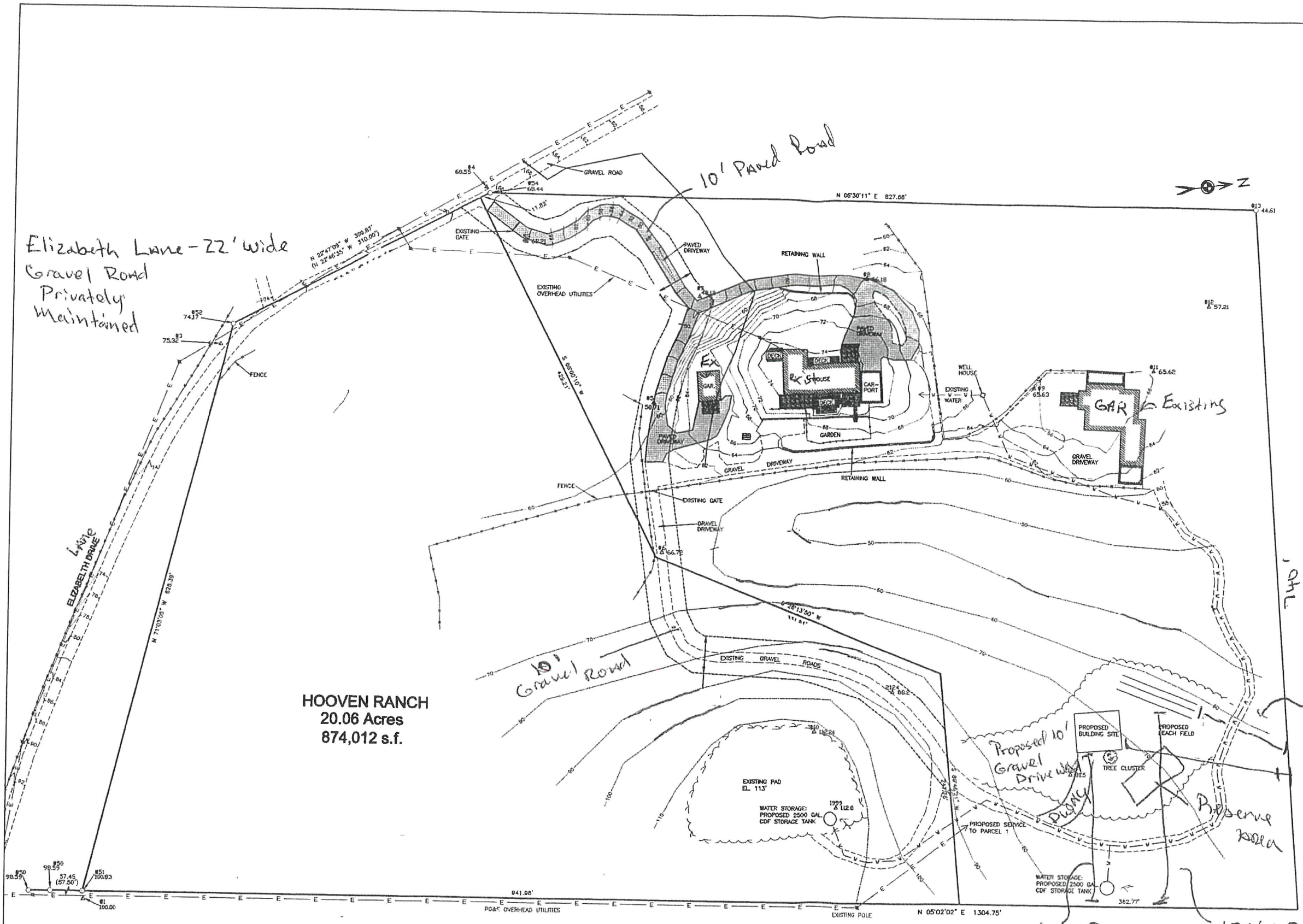
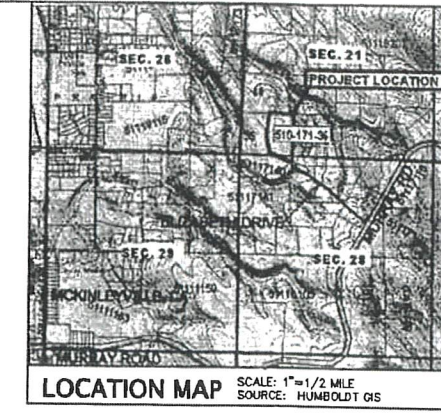
T07N R01E S21,28 HB&M (Arcata North)

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.

0 250
 Feet



HOOVEN RANCH
20.06 Acres
874,012 s.f.

LEGEND

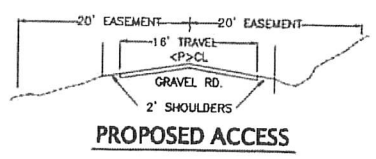
- IRON PIPE MONUMENT OF RECORD
- △ SPIKE OR NAIL CONTROL POINT, WITH ELEVATION SHOWN.

NOTES

1. ALL EASEMENTS SHOWN HEREON WILL APPEAR ON THE PARCEL MAP.
2. WATER SOURCE FOR THE PROPOSED PARCELS WILL BE ONSITE WELL.
3. SEWER FOR THE PROPOSED PARCELS WILL BE ONSITE SEPTIC TANK AND LEACH FIELD.
4. TOPOGRAPHIC DATA IS FROM SURVEYS CONDUCTED IN 2012 AND 2013 THE CONTOUR INTERVAL IS 1 FOOT. ELEVATIONS ARE ASSUMED OFF OF POINT NUMBER ONE, EL. 100.00'.

REFERENCE MAPS & DEEDS.

1. BOOK 8 OF PARCEL MAPS PAGE 8.
2. BOOK 29 OF SURVEYS PAGE 84.
3. ... (SEE TITLE REPORT)



SITE PLAN: Scale 1" = 50' WTS
0' 50' 100' 150'

SURVEYOR ED SCHILLINGER 233 K STREET EUREKA, CA 95501 707-442-4046	OWNER ART HOOVEN 3445 CENTRAL AVENUE MCKINLEYVILLE, CA 95519 707-839-1291	SITE ADDRESS 2361 ELIZABETH ROAD MCKINLEYVILLE, CA 95519 707-839-1291
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—Preliminary Review 7-19-2013—
Plot Plan

#511-171-36
In the Unincorporated Area of the County of Humboldt
Within the SW/4 Sec. 21, T7N, R1E, H.M.
EDWARD SCHILLINGER
ENGINEERING AND SURVEYING

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 \$289.00) 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 Determination 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.
4. The applicant shall enter into a Conveyance and Agreement of development rights with the County of Humboldt for any ground disturbing activities on the subject parcel. Release from the Conveyance and Agreement may be pursued upon the completion of a Cultural Resource Study and the implementation of any mitigation measures identified in the study. A copy of the Conveyance and Agreement form will be provided by the Planning Division. Legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$424.00)

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.

ATTACHMENT 2

Staff Analysis of the Evidence Supporting the Required Findings

Zone Reclassification Required Findings: 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. The required findings are as follows:

1. The proposed change is in the public interest; and
2. That the proposed change is consistent with the General Plan; and
3. The proposed 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 unless the following written findings are made supported by substantial evidence:
 - a. The reduction is consistent with the adopted general plan, including the housing element, and
 - b. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and
 - c. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

In addition, of the California Environmental Quality Act (CEQA) apply:

4. CEQA requires that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA
 - a) That the project is either categorically or statutorily exempt; or
 - b) That 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) That an environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of significance, or the required findings in Section 15091 of the CEQA Guidelines are made.

1. **Public Interest:** The following table identifies the evidence which supports finding that the proposed zone reclassification is in the public interest.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§312-50 of Humboldt County Code	The proposed zone reclassification is in the public interest	<p>The purpose of the Zone Reclassification is to rezone a parcel that was planned Agriculture Rural under the McKinleyville Community Plan in 2002, and subsequently planned Residential Agriculture in the 2017 General Plan Update. The parcel has remained under the Timberland Production Zone (TPZ) status the entire time.</p> <p>The Zone Reclassification proposes to reclassify approximately 20 acres of TPZ lands to be consistent with the underlying General Plan designation (RA5-20). The Agriculture General (AG) zone will provide the applicant the ability to apply for a subdivision once the 10-year non-renewal is complete. This will require separate environmental review at the time of application.</p> <p>The existing TPZ zone is inconsistent with the current RA plan designation and the zone change will make the zoning consistent with the land use designation. This project is in the public interest because it facilitates uses allowed under the General Plan designation and corrects an inconsistency in the zoning.</p>

2. General Plan Consistency

The property is planned Residential Agriculture (RA). The project proposes to rezone the approximately 20-acre parcel into Agriculture General with a five-acre minimum parcel size (AG-B-5(5)). The Zoning Consistency Matrix, Table 4H of the Humboldt County General Plan specifies that the zoning into AG is consistent with the underlying RA plan designation. 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.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. RA5-20 is a rural residential designation for lands with slopes generally less than 30% and served by good road access.</p>	<p>The lands proposed to be rezoned from TPZ to AG were changed from Timber (T) to Agriculture Rural (AR) with the 2002 McKinleyville Community Plan and again to Residential Agriculture (RA) with the 2017 General Plan Update. The AG zoning will make the parcel consistent with the underlying General Plan designation and facilitate the application of a subdivision once the 10-year non-renewal is complete.</p>
<p>Land Use Chapter 4</p> <p>Urban Lands Section 4.3</p>	<p>Goals and policies contained in this Chapter relate to adequate water and wastewater services.</p>	<p>The proposed zone reclassification will facilitate the ability for the property owner to submit an application for subdivision once the 10-year non-renewal is complete. The site is served with on-site water and wastewater services.</p>
<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>A Special Permit for a secondary dwelling unit was approved in 2014. At that time, no designated sensitive or critical resource habitats were identified on the project site. The project does not include any ground disturbance, therefore, no impacts to biological resources are anticipated.</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>Pursuant to AB52, the project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. The NWIC has recommended a cultural resource study, however, further consultation was conducted with the Blue Lake Rancheria and the Wiyot Tribe. Although, cultural resource sites have been found in similar settings in the nearby area, the project itself does not involve any ground disturbing activities. In correspondence with both the Blue Lake Rancheria and the Wiyot Tribe, it was recommended that no ground disturbing activities take place until the property is surveyed for archaeological sites by a locally experienced professional. Therefore, a Conveyance and Agreement has been required that will convey the ability to conduct any ground disturbing activities until such time the site is surveyed for archaeological resources and any identified mitigation measures are completed. This has been included in the Conditions of Approval.</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 parcel is located in an area of low slope instability and outside of any Alquist-Priolo Fault Hazard Area.</p> <p>There are no flood hazards associated with the parcel.</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.

The parcel was not included in the residential land inventory for the most recent Housing Element. The parcel is currently developed with two residences and the project does not change the overall density. Therefore, the project complies with Housing Element law.

4. Environmental Review.

As lead agency, the Department prepared an Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017. The property subject to the Zone Reclassification was evaluated as part of the change in land use designation to Residential Agriculture (RA) and the proposed rezoning implements this General Plan change. This Addendum is included as Attachment 5 of this staff report. Based on the information in the application and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the proposed project will have a potential adverse effect either individually or cumulatively, on the environment.

ATTACHMENT 3

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on _____, 2020

ORDINANCE NO. _____

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE MCKINLEYVILLE AREA
[ZR-17-008 (HOOVEN)]

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, through a ten-year non-renewal, the property described in the attached Exhibit A as follows: approximately 20 acres of Timberland Production Zone (TPZ) into Agriculture General with a Special Building Site combining zone that specifies a 5-acre minimum parcel size (AG-B-5(5)).

The area described is also shown on the Humboldt County Zoning Map – McKinleyville Community Plan 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 _____ day of _____, 2020, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

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

(SEAL)

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

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

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

- Application Form
- Plot Plan/Tentative Map Checklist
- Project Proposal Map
- Current Deed
- Applicant's evidence of the required findings dated July 10, 2018 (attached)



Trevor Estlow
Current Planning Division
Planning and Building Department
County of Humboldt
3015 H Street, Eureka, CA 95501

July 10, 2018

Sent Via: Email

RE: APN: 511-501-002
APPS No: 13716
Applicant: Arthur T. & Karen M. Hooven Trust



Dear Trevor:

In the interest of moving this project forward, we offer the following information in support of the required finding that the project is in the public interest and that it is appropriate to re-zone the parcel from TPZ to AG-B5(5). Furthermore, please allow us to clarify that an immediate zone-reclassification would be preferred over a 10 year slide out, and we believe that it is the public's interest to do so as there is no beneficial purpose to the public served by a 10-year delay. In fact, it would only serve to deny the County the increase in tax base that would be achieved by an immediate re-zone, with no off-setting benefit.

The recent general Plan Update has re-designated the parcel from AR10 to RA5-20, which is defined in the General Plan as a "residential" land use designation. The project of re-zoning the property to AG-B5(5) is consistent with the standards and policies of the General Plan land use designation RA5-20 and the General Plan's Zoning Consistency Matrix.

The subject parcel 511-501-002 is one of only two contiguous parcels zoned TPZ (511-501-002 & 511-501-001). These two parcels are essentially an island of zoning type surrounded by parcels with other zonings, mostly AG-B5. To the south is a parcel zoned TPZ-WR (AN 511-501-003) that contains no significant timber except in the restricted streamside management area, making that parcel impossible to use for the purposes of growing timber for commercial purposes, and it is the residentially-used cleared area of that parcel that abuts the subject parcel (APN 511-501-002). Harvesting timber in close proximity to that residential neighbor is not possible without adversely impacting that neighbor. Similarly, residential uses border the subject parcel to the east, and it would certainly be unneighborly to log near that adjacency as well.

Given that harvesting timber for commercial purposes is incompatible with the actual land-uses and built environment on adjacent lands, the parcel cannot be truly "devoted to and used for growing and harvesting timber." Therefore, the parcel does not meet the definition of "timberland" per

Ph: (707) 440-9098 - Jeff@LendersConstructionServices.com
P.O. Box 6218, Eureka, CA 95502

Government Code Section 51104 and timber production cannot be sustained as the primary use. As such, the General Plan supports rezoning of this parcel (FR-P11, E).

The project can be conditioned to be consistent with Government Code Section 51133 as it applies to the immediate rezone of Timberland Production zoned lands:

Granting the immediate rezoning of this property is not inconsistent with the purposes of the TPZ zoning as found in California Constitution Article XIII Section 3(j) and Government Code Sections 51101, 51102 and 51103. Specifically, the area subject to rezoning borders incompatible uses and environmentally sensitive habitat area related to off-site creeks that is not suited for timber harvesting. The zone-reclassification would not contribute to erosion of the timberland base or diminish forest resource productivity for Humboldt County or any other nearby TPZ properties;

The rezoning and conversion serves the public's interest in that it cannot produce commercial timber at a rate and volume to allow for it to meet any fair share of the tax burden under a yield tax;

The rezoning and conversion serves the public's interest in that the area was designated AR10 for low density residential and agricultural use in the County's General Plan for decades, and has recently been re-designated RA5-20 by the County's Board of Supervisors which is a residential land-use designation with higher allowable density. Making property available for housing as designated in its General Plan is important to the County and necessary to meet its Regional Housing Needs Allocation (RHNA) required by the State;

The conversion will not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open space use of other land zoned as timberland preserve situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed. Most of the lands with ½ mile radius, and further in some directions, have been re-designated RA5-20 just like the subject parcel. In fact, the subject parcel sits approximately at the center of that residentially re-designated area. The parcel (APN 511-501-001) directly to the west of the subject parcel is the only other parcel adjacent to the subject parcel that is zoned TPZ. Since the western side of the subject parcel which borders the eastern side of APN 511-501-001 is already developed as a residential use, re-zoning of the subject parcel will not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open space use of that parcel.

Lastly, the soils, slopes, and watershed conditions of the effected property are suitable for the uses proposed if the conversion were approved.

With the foregoing in mind, it would be appropriate that a Negative Declaration be prepared pursuant to the California Environmental Quality Act which the Commission would consider in reviewing and making its decision pursuant to the re-zone. The negative declaration is supported by the fact that the EIR for the General Plan Update has already considered the appropriateness of AG zoning vis-à-vis the RA land use designation as evidenced in the adopted Zoning Consistency Matrix.

Thank you for this opportunity to share our thoughts on this matter. Please let me know if you have any questions.

Sincerely,



Jeff Smith
Applicant's Agent
Lenders Construction Services, LLC

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ATTACHMENT 5

**CEQA ADDENDUM TO THE
PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT**

**The General Plan Update Program Environmental Impact Report (EIR)
(State Clearinghouse # 2007012089), October 23, 2017**

APN 511-501-002, 2361 Elizabeth Road, McKinleyville, Humboldt County

**Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501**

February 2020

Background

Project Description and Project History - The project involves a Zone Reclassification (ZR) to change the zoning of APN 511-501-002 from Timberland Production Zone (TPZ) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)) in order to implement the General Plan land use designation of Residential Agriculture (RA). The change in zoning from TPZ is through a 10-year non-renewal, and the lands will remain TPZ until completion of the slide-out. The RA land use designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. RA5-20 is a rural residential designation for lands with slopes generally less than 30% and served by good road access.

Within the General Plan EIR it is noted that:

"Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this RDEIR."

Furthermore, CEQA statute (§21083.3(b)) allows that if a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report.

The project description involves a zone reclassification from Timberland Production Zone (TPZ) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)) to be consistent with General Plan designation of RA. The Zoning Consistency Matrix contained in Table 4-H of the adopted EIR shows that the proposed zoning is consistent with the compatible zones within the Residential Agriculture land use designation. Conversely, the existing zoning of TPZ is not listed as a compatible zoning district and is only used as a holding zone until it is rezoned to planned uses.

The parcel is currently developed with a single-family residence and detached secondary dwelling unit constructed in 2014. The parcel is served with on-site water and wastewater services.

The land use patterns in the area transition from smaller rural residential parcels to the west where water service is available to the larger rural residential parcels with on-site water and wastewater services. Surrounding parcels also have Rural Agriculture as the primary plan designation. The subject parcel is one of three contiguous parcels zoned TPZ but planned RA.

The General Plan Environmental Impact Report (EIR) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the General Plan update which included adoption of land use designations.

As no uses are currently planned on the parcel, the ultimate change to Agriculture General will allow the property owners to apply for a subdivision once the 10-year non-renewal is complete. Additionally, the parcel was created by a subdivision in 1976 (PM 893) just prior to the implementation of TPZ.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section

15162 calling for a subsequent EIR or Mitigated Negative Declaration (MND) have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR or MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous EIR or MND; B) significant effect previously examined will be substantially more severe than shown in the previous EIR or MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

Aesthetics: The project does not include any physical development and will not contribute any visual impacts.

Agriculture and Forestry Resources: The underlying TPZ zone will ultimately change, however, the change will not affect known resources.

Air Quality: As the project only covers a change in zoning, no air quality impacts will occur.

Biological Resources: No ground disturbing activities are associated with the project, therefore, there will be no impacts to biological resources.

Cultural Resources: Consistent with the recommendation of the local Tribal Historic Preservation Officers (THPOs), any future ground disturbing activities (either ministerial or discretionary) will require the preparation of a cultural resource study and implementation of any measures identified in the study.

Energy: No physical development is proposed resulting in no change to net energy use.

Geology and Soils: No development is proposed. Any future development will require adequate geologic review.

Greenhouse Gas Emissions: Because the project results in no new development, greenhouse gas emissions will not be affected.

Hazards and Hazardous Materials: The project will have no effect on hazardous materials.

Hydrology and Water Quality: The project will not change the current hydrology of the site or affect water quality.

Land Use and Planning: The project will correct an incompatible zone classification and make it consistent with the underlying General Plan designation.

Mineral Resources: No activities are associated with the proposed rezone, resulting in no impacts to mineral resources.

Noise: As no physical activities are associated with the project, there will be no noise impacts.

Population and Housing: The project will change the zone such that it is consistent with the underlying General Plan designation. A subdivision may be proposed after the 10-year non-renewal of TPZ, however, that would require separate discretionary review.

Public Services: The project will have no effect on public services.

Recreation: The project results in no changes to the physical improvements on the property and will not affect recreational opportunities.

Transportation: The site is currently developed with two residences and the zone change will not affect transportation.

Tribal Cultural Resources: As mentioned above in **Cultural Resources**, consistent with the recommendation of the local Tribal Historic Preservation Officers (THPOs), any future ground disturbing activities (either ministerial or discretionary) will require the preparation of a cultural resource study and implementation of any measures identified in the study.

Utilities and Service Systems: The project will not have an effect on utilities and/or service systems.

Wildfire: Although the project is in the State Responsibility Area (SRA) and within a high fire hazard severity zone, the zone change will not increase any fire risk.

Mandatory Findings of Significance: The zone change will not affect the environment and does not result in cumulative impacts.

No changes are proposed for the original EIR recommended mitigations.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will change the zoning at the site from TPZ to AG which is consistent and compatible with the land use designations of RA. The land use designation of RA for this site was evaluated within the adopted EIR. The requested zone reclassification implements the General Plan land use designations and does not constitute a substantial change, is minor in nature, and does not require additional mitigation measures not included in the original EIR.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified EIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

ATTACHMENT 6

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	✓	No Comment	On file
County Division of Environmental Health			
CA. Dept. of Forestry and Fire Protection	✓	No Comment	On file
County Assessor's office	✓	Conditional Approval	On file
Arcata Fire Protection District	✓	Approval	
Northwest Information Center	✓	Comments	On file
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file
Blue Lake Rancheria	✓	Conditional Approval	On file
Wiyot Tribe	✓	Conditional Approval	On file
Forestry Review Committee	✓	Comments per September 17, 2018 meeting	Attached

Minutes

September 17, 2018 Meeting

I. Attendance

FRC Members Present: Kurt McCray, Jim Able, Mark Andre, Yana Valachovic

FRC Members Absent: Ben Hawk, Chris Carroll, Gary Rynearson

Staff Present: Trevor Estlow, Planning and Building Department

The Committee welcomed guests: Eric Taft, Sally and Richard French, Jeff Smith, Tim Hooven, Art Hooven, David Hooven, Ron Pelletier, Alex Moore

II. Public Appearances: None.

III. Approval of Minutes from the April 2, 2018.

On a motion by Yana Valachovic, seconded by Jim Able, the minutes of the April 2, 2018 meeting were approved by a vote of 4-0.

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

1. **Hooven Zone Reclassification.** Case Number: ZR-17-008; Assessor Parcel Number 511-501-002; McKinleyville area.

Trevor Estlow provided the staff report and staff recommendations. The project involves zone reclassification to change the zoning from Timberland Production Zone (TPZ) to Agriculture General with a five acre minimum parcel size (AG-B-5(5)) through a ten-year phase out.

At this time, the Chair opened the meeting to public comments. Art Hooven described the history of the property. There were questions regarding previous conversion permits, economic viability of small timberlands, and the ability for a landowner to slide out of TPZ. Various avenues and pathways moving forward were offered to the landowner. No motion was made.

3. **Casanova Lot Line Adjustment and Joint Timber Management Plan** Case Number: LLA-18-002, JTMP-18-001, Assessor Parcel Numbers: 102-151-001, 102-092-004; Bear River area.

Trevor Estlow provided the staff report and staff recommendations. The project involves Lot Line Adjustment (LLA) between two parcels resulting in two parcels of approximately 160 acres and 320 acres. The LLA will exchange approximately 18.8 acres between the two parcels. The purpose of the LLA is to adjust property lines so that portions of the lands will be more accessible by the property owners so that the land can be better managed and utilized. A Joint Timber Management Plan is also required.

At this time, the Chair opened the meeting to public comments. There was a brief discussion of the proposal. It was recommended that an access easement be recorded as described on the plot plan. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Kurt McCray, seconded by Yana Valachovic, the Casanova project was conditionally approved by a vote of 3-0 (Jim Able abstained). The condition requires that the access easement be recorded concurrently with the Lot Line Adjustment and JTMP.

4. Zarcufsky Joint Timber Management Plan Case Number: JTMP-18-002; Assessor Parcel Number: 313-146-004; Maple Creek area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Joint Timber Management Plan to facilitate the conveyance of a parcel within a larger Assessor Parcel Number.

At this time, the Chair opened the meeting to public comments. Kurt McCray disclosed that there was an enforcement action on the property in 2009-2010, however, the current owner did not own the property at the time. It was recommended that an access easement be recorded as described in the JTMP. 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 Able, the Zarcufsky project was conditionally approved by a vote of 4-0. The condition requires an access easement to be recorded concurrently with the JTMP.

5. French Lot Line Adjustment, Joint Timber Management Plan and Zone Boundary Adjustment Case Numbers: LLA-18-011, JTMP-18-001, ZBA-18-003; Assessor Parcel Numbers: 108-063-002 et seq.; Ettersburg area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Lot Line Adjustment (LLA) between four parcels resulting in four parcel of approximately 83 acres, 107 acres, 77 acres and 2,227 acres. A Zone Boundary Adjustment (ZBA) is also included to rezone APN 108-063-002 Timberland Production Zone (TPZ) concurrently with the LLA. The purpose of the LLA is for estate planning and to provide better management units. A Joint Timber Management Plan is also required.

At this time, the Chair opened the meeting to public comments. Sally French described the history of the project. Jim Able discussed the access for timber management purposes. It was recommended that the Timber Management Plan Road Use Agreement be recorded. 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 Able, the French project was conditionally approved by a vote of 4-0. The condition requires the Timber Management Plan Road Use Agreement be recorded concurrently with the Lot Line Adjustment and JTMP.

2. Nunnemaker Zone Reclassification Case Number: ZR-17-012; Assessor Parcel Numbers 217-084-009, 217-084-010, 217-084-011, 217-164-004; Eel Rock area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Zone Reclassification of approximately 160 acres from Agriculture Exclusive (AE) into Timberland Production Zone (TPZ). Currently, the lands are utilized for timber production.

At this time, the Chair opened the meeting to public comments. The committee discussed their familiarity with the site. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Yana Valachovic, seconded by Kurt McCray, the Nunnemaker project was approved by a vote of 4-0.

V. Future Agenda Items

No discussion

VII. Adjournment

The meeting was adjourned at 7:10 p.m.