

ATTACHMENT D

Copy of Planning Commission Staff Report for June 6, 2013



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Date: May 14, 2013
To: Humboldt County Planning Commission
From: Kevin Hamblin, Director of Planning and Building Department
Subject: **Briceland Volunteer Fire Department** Lot Line Adjustment, Zone Boundary Adjustment, and General Plan Conformance Review
Case Nos. LLA-11-024, ZBA-13-001, GPC-13-004
APNs 220-251-013, 220-331-010
Briceland Area

The attached staff report has been prepared for your consideration of the Briceland Volunteer Fire Department application at the public hearing on June 6, 2013.

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Please contact Trevor Estlow, Senior Planner, at 268-3740 or via email at testlow@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

To: Humboldt County Planning Commission

From: Kevin Hamblin, Director of Planning and Building

Hearing Date June 6, 2013	Subject Lot Line Adjustment, Zone Boundary Adjustment, and General Plan Conformance Review	Contact Trevor Estlow
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Project: A Lot Line Adjustment between two parcels resulting in two parcels of 0.99 acres and 12.51 acres. A Zone Boundary Adjustment is required to adjust the zone boundary to follow the new parcel line boundary. The larger parcel is developed with Beginnings, an educational and community service organization, and the smaller parcel is vacant. The purpose of the Lot Line Adjustment is to provide additional area for the construction of a fire hall for the Briceland Volunteer Fire Department. Water to the larger parcel is provided by the Briceland Community Services District (CSD). The smaller parcel will be served by a rain catchment system located on APN 220-331-011 until such time Briceland CSD has the capacity to serve the site or an alternate source is developed. Both parcels are or will be served by on-site wastewater treatment systems. A General Plan Conformance Review is required for the ultimate construction of a fire hall.

Parcel	Creation Document	Area Before LLA	Area After LLA
220-251-013	Deed, Wood to County of Humboldt, recorded in Book 2216 of Deeds, page 18, on June 12, 1934.	0.52 acres	0.99 acres
220-331-010	Parcel 1 of Parcel Map No. 1021 filed in Book 9 of Parcel Maps, pages 27-29, on April 6, 1977.	12.98 acres	12.51 acres

Project Location: The project site is located in Humboldt County, in the Briceland area, on the north side of Briceland Thorn Road, just east of the intersection of Briceland Thorn Road and Orchard Road, on the properties known as 6053 and 6155 Briceland Thorn Road.

Present Plan Designations: Rural Community Center (RCC) and Agricultural Lands (AL40). Framework General Plan (FRWK). Density: RCC: one unit per 1-2 ½ acres; AL40: one unit per 40 acres. Slope Stability: Moderate Instability.

Present Zoning: Unclassified (U) and Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)).

Assessor Parcel Numbers: 220-251-013, 220-331-010

Applicant Briceland Volunteer Fire Department PO Box 1249 Redway, CA 95560 (707) 223-0283	Owner(s) same and Beginnings, Inc. PO Box 1090 Redway, CA 95560	Agent A.M. Baird Engineering PO Box 396 Fortuna, CA 95540 (707) 725-5182
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Environmental Review: Project is exempt from environmental review per Sections 15305 and 15061(b)(3) of the CEQA Guidelines.

Major Issues: None.

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

**BRICELAND VOLUNTEER FIRE DEPARTMENT LOT LINE ADJUSTMENT, ZONE BOUNDARY ADJUSTMENT,
AND GENERAL PLAN CONFORMANCE REVIEW**

Case Nos. LLA-11-024, ZBA-13-001, GPC-13-004; APNs 220-251-013, 220-331-010

Recommended 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:

Make all of the required findings, based on evidence in the staff report, and approve the project as described in the Agenda Item Transmittal subject to the recommended conditions.

Executive Summary: The applicant is proposing a Lot Line Adjustment (LLA) between two parcels to result in two parcels of 0.99 acres and 12.51 acres in size. Proposed Parcel 1 is developed with Beginnings, an educational and community service organization, and contains various structures supporting the operation. The smaller parcel is vacant and is proposed to be developed with a fire hall to house equipment for the Briceland Fire Protection District (formerly the Briceland Volunteer Fire Department). The LLA will move the line between the two parcels to allow adequate area for the construction of the fire hall, parking, and adequate leach field areas. The parcel to be developed with the fire hall does not have the ability to connect to the Briceland Community Services District; therefore, the fire hall plans to utilize a rain catchment system located on the Beginnings property until such time as a more dependable water source (i.e., connect to service district, well, etc.) is developed.

The proposed LLA also includes a Zone Boundary Adjustment (ZBA) to align the boundary between the Unclassified (U) zone and the Forestry Recreation with a 40-acre minimum parcel size (FR-B-5-(40)) zone to match the reconfigured Parcels 1 and 2. This type of minor amendment to zone district boundaries is authorized per County Code Section 312-50.4.2 to "make zone district boundaries to be conterminous with parcel boundaries...in conjunction with a lot line adjustment". As recommended, the zone boundary would be shifted northerly to the adjusted lot line following the centerline of an unnamed tributary to Redwood Creek. This stream is intermittent and carries with it a 50 foot setback which all development will adhere to. Additionally, the General Plan designation would remain as Rural Community Center (RCC) as it is diagrammatic and includes all of the lands to be utilized by the Volunteer Fire Department.

The purpose of the Lot Line Adjustment is to provide adequate area for the construction of a fire hall for the Briceland Fire Protection Department. A report on conformance with the general plan is required under California Government Code Section 65402 when a local agency acts to acquire or dispose of real property or intends to construct a new public building or structure. The purpose of the LLA is to acquire additional land for development of the fire station. The General Plan Conformance Review (GPC) addresses both the land acquisition and fire station construction. The statute directing this review is included as Attachment 5 to this staff report.

The Lot Line Adjustment may be found exempt from environmental review pursuant to Class 5, Section 15305 of the CEQA guidelines. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density, including minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcels. The minor change in the zone classification and the General Plan Conformance Review can be found exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA guidelines. Section 15061(b)(3) states, "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on

the environment, the activity is not subject to CEQA." There is no evidence that the minor change to the zone classification or the construction of the fire station building in accordance with all applicable building regulations will have a significant effect on the environment.

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

Alternatives: The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 13-**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Briceland Fire Protection District Lot Line Adjustment. Case Numbers LLA-11-24, ZBA-13-001, GPC-13-004; Assessor Parcel Numbers 220-251-013, 220-331-010

WHEREAS, A.M. Baird Engineering, on behalf of the owners, submitted an application and evidence in support of approving the Lot Line Adjustment (LLA) between two parcels, to make a zone boundary adjustment (ZBA) to adjust the zone boundary between the Unclassified and Forestry Recreation zone coincidental with the proposed property lines and a General Plan Conformance Review (GPC); and

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

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

WHEREAS, the project is categorically exempt per Class 5, Section 15305(a) and Section 15061(b)(3) of the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Briceland Fire Protection District Lot Line Adjustment, Zone Boundary Adjustment and General Plan Conformance review.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission finds the project to be categorically exempt per Class 5, Section 15305(a) and Section 15061(b)(3) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The proposed ZBA is in the public interest; and
3. The proposed ZBA is consistent with the General Plan; and
4. The proposed ZBA will not reduce residential density for any parcel used by HCD in determining compliance with housing element law; and
5. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers: LLA-11-024, ZBA-13-001, GPC-13-004 based on the submitted evidence; and
6. The Planning Commission approves the proposed LLA, ZBA, GPC application as recommended and considered in the Planning Division Staff Report for Case Nos. LLA-11-024, ZBA-13-001, GPC-13-004.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Adopt the necessary findings prepared by Planning Staff; and
3. Approve the Lot Line Adjustment, Zone Boundary Adjustment and General Plan Conformance Review; and
4. Adopt Ordinance No. ____ amending Section 311-7 of the Humboldt County Code by reclassifying property in the Briceland area (ZBA-13-001, Briceland Fire Protection District) so that the zone boundary between U and FR-B-5(40) is coincidental with the proposed property lines; and
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

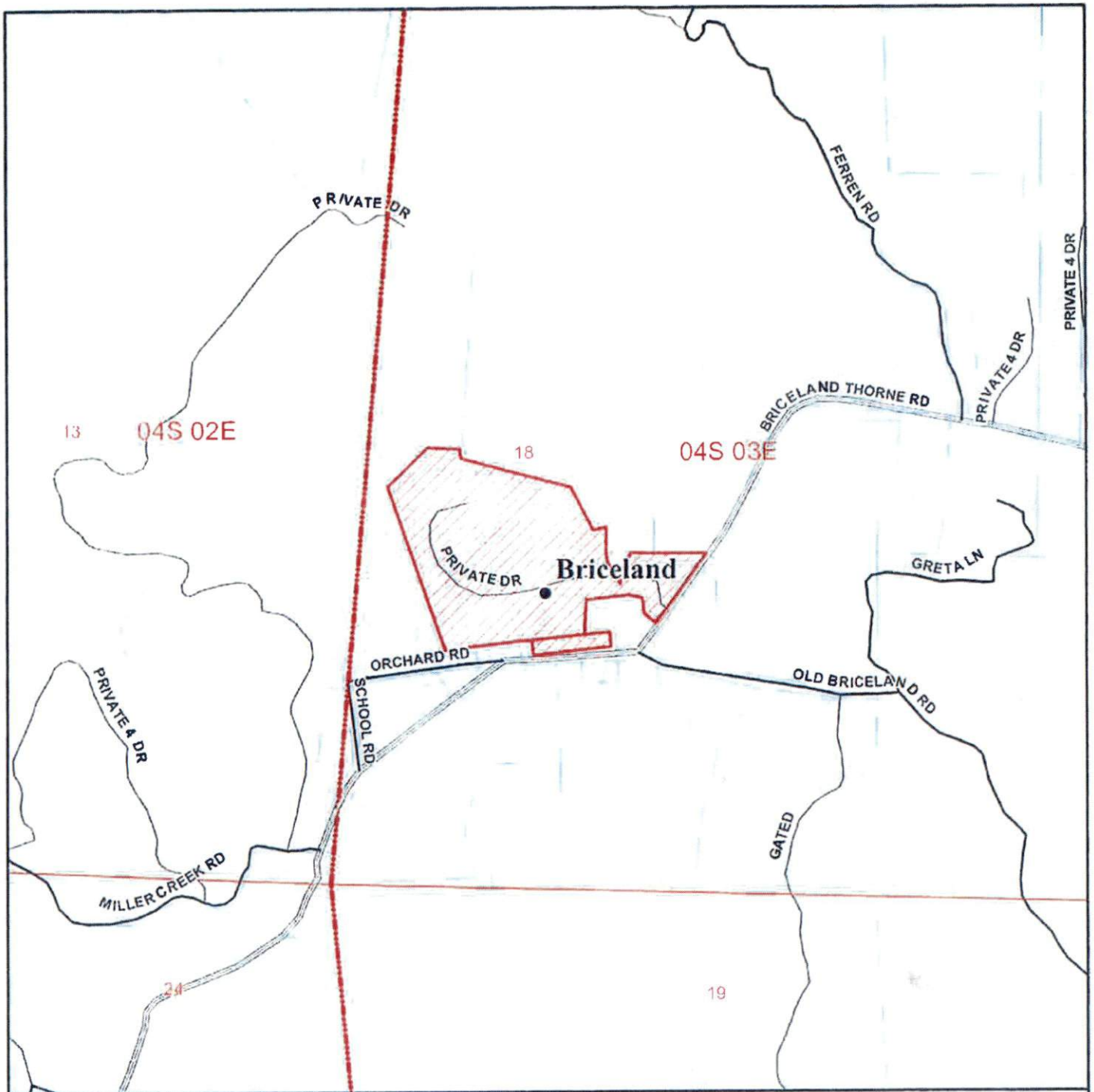
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carries

Linda Disiere, Chair

I, Karynn Merkel, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

Karynn Merkel, Clerk



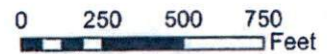
LOCATION MAP

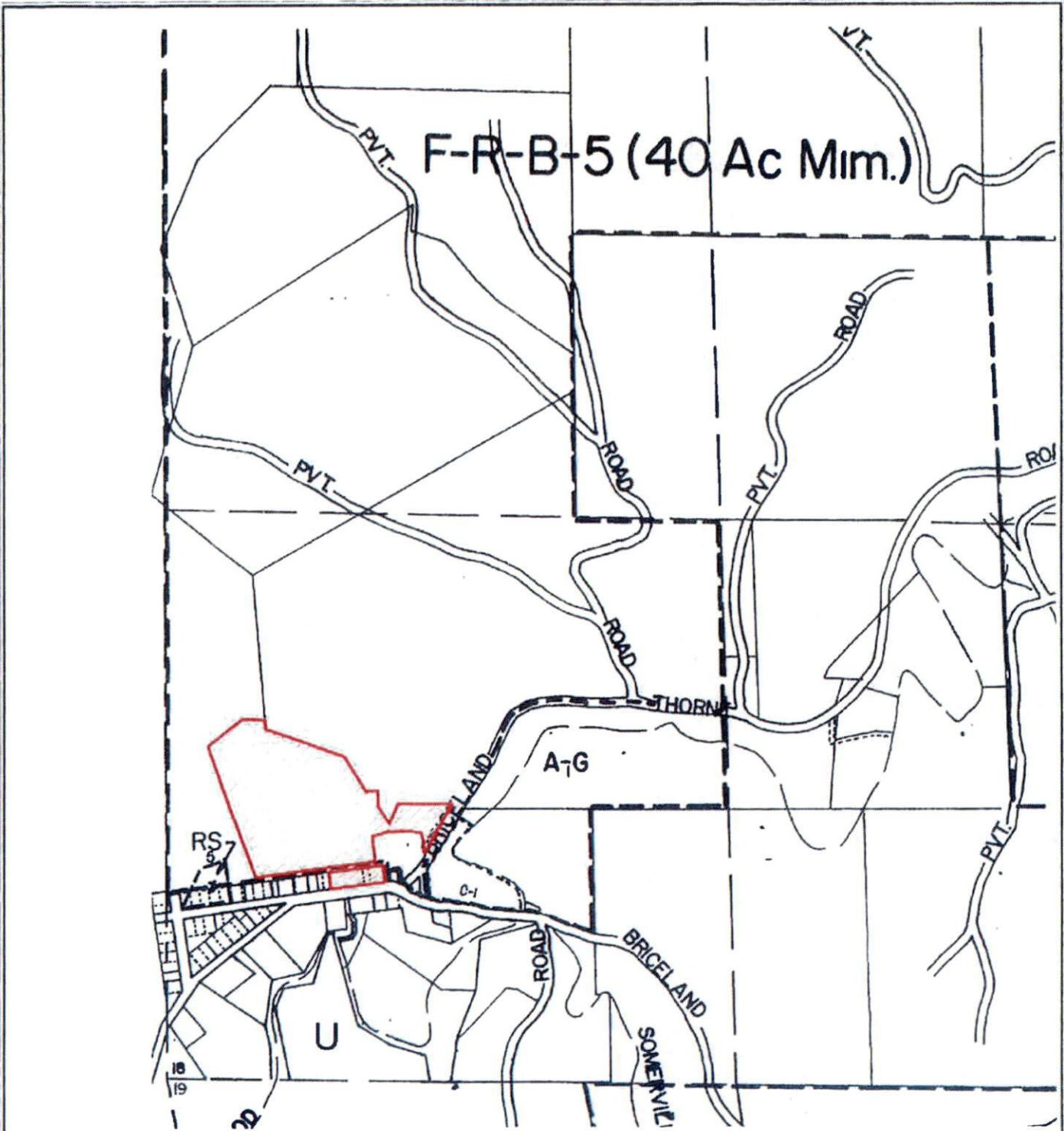
**PROPOSED BRICELAND VOLUNTEER FIRE DEPT.
LOT LINE ADJUSTMENT
BRICELAND AREA
LLA-11-24**

**APNS: 220-251-13 & 220-331-10
T04S R03E S18 HB&M (Briceland)**

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.

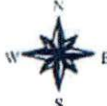




ZONING MAP

PROJECT AREA = 

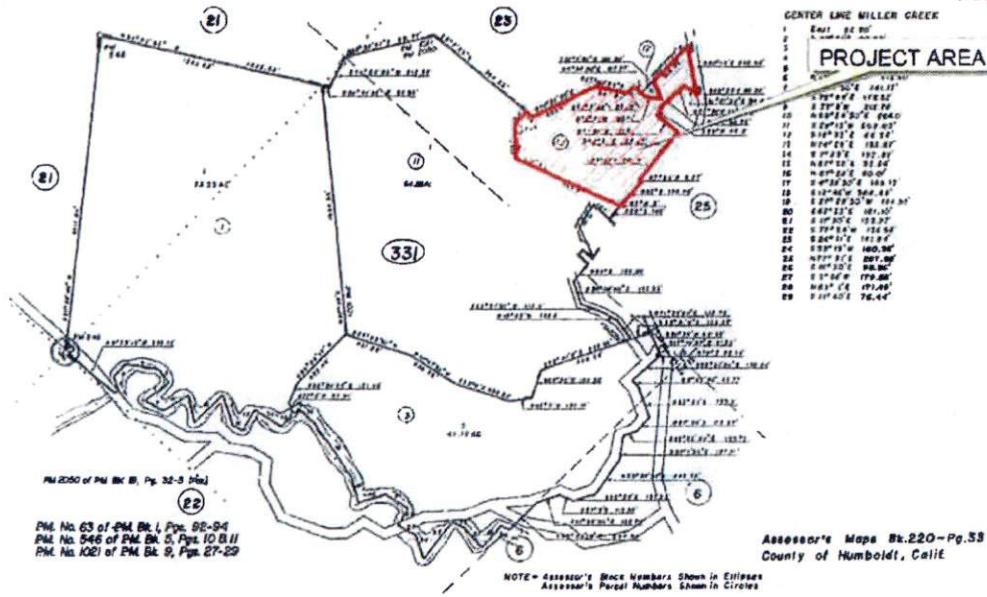
**PROPOSED BRICELAND VOLUNTEER FIRE DEPT.
 LOT LINE ADJUSTMENT
 BRICELAND AREA
 LLA-11-24
 APNS: 220-251-13 & 220-331-10
 T04S R03E S18 HB&M (Briceland)**



MAP NOT TO SCALE
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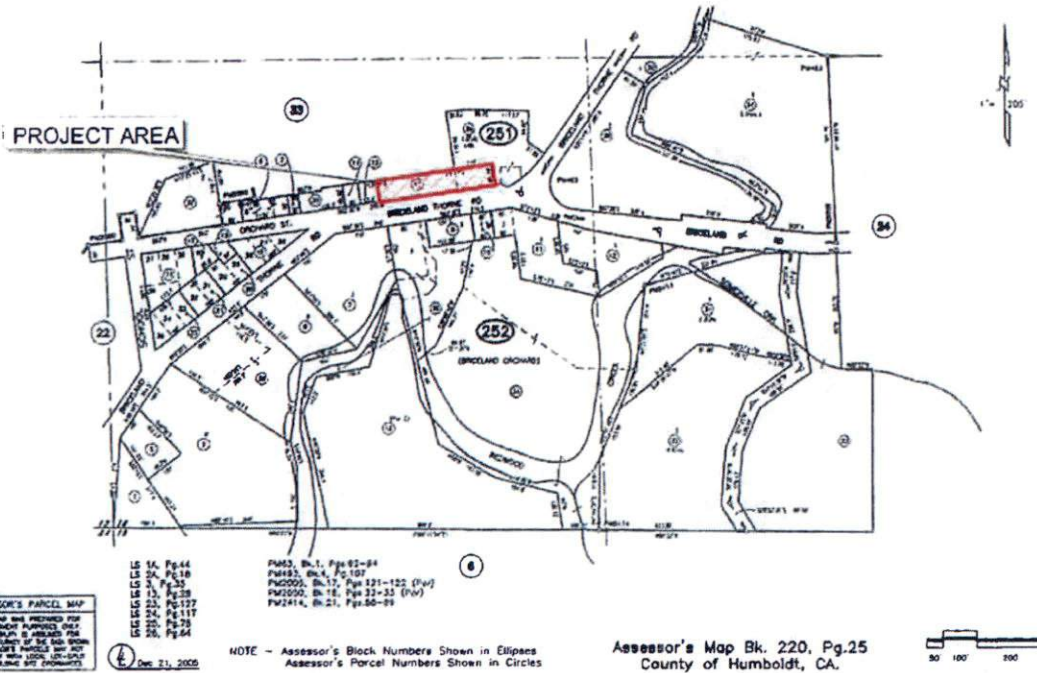
POR. E 1/2 SEC. 13 T4S R2E & POR. SW 1/4 SEC. 18 T4S R3E

220-33



PTN. S 1/2 of SW 1/4, SEC. 18, T4S, R3E

220-25



ASSESSOR PARCEL MAP

PROPOSED BRICELAND VOLUNTEER FIRE DEPT. LOT LINE ADJUSTMENT BRICELAND AREA LLA-11-24

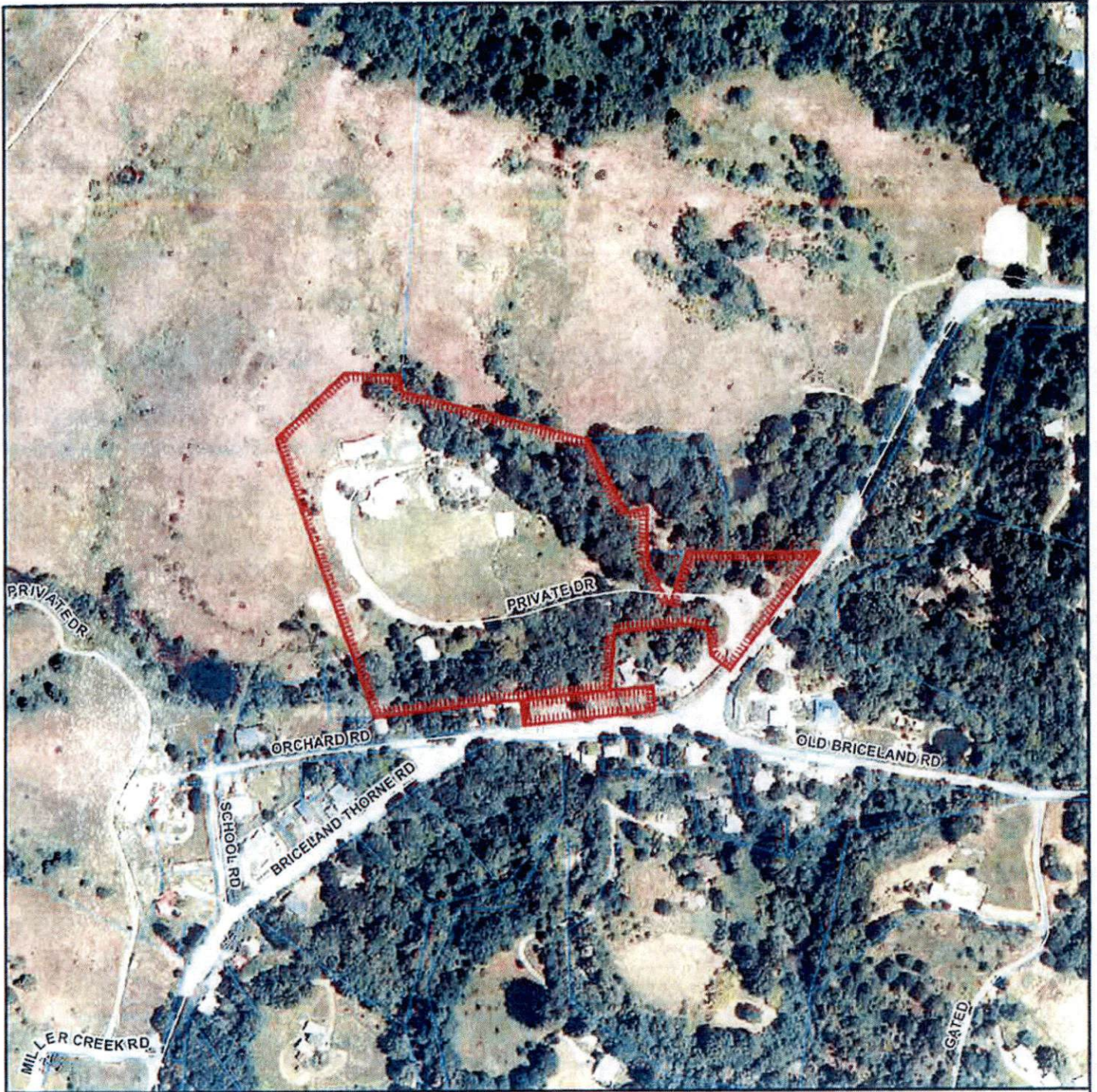
APNS: 220-251-13 & 220-331-10
T04S R03E S18 HB&M (Briceland)

PROJECT AREA =



MAP NOT TO SCALE

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AERIAL MAP

**PROPOSED BRICELAND VOLUNTEER FIRE DEPT.
LOT LINE ADJUSTMENT
BRICELAND AREA
LLA-11-24**

**APNS: 220-251-13 & 220-331-10
T04S R03E S18 HB&M (Briceland)**

Project Area = 

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



ATTACHMENT 1A

CONDITIONS OF APPROVAL - LOT LINE ADJUSTMENT

Approval of the Lot Line Adjustment is conditioned on the following terms and requirements which must be satisfied before completion of the project.

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. (If the submitted title documents are more than 6 months old, updated documents must be submitted.)
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$262.00 per notice plus applicable recordation fees).
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$65.75) as required by the County Assessor shall be paid to the County Planning Department, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition.** Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the

County's issuance of a building permit or other grant of authority to develop the subject properties.

6. A water line easement for the rain-catchment system shall be included in the legal description associated with the Lot Line Adjustment.
7. Applicant shall obtain Board of Supervisors approval for the associated Zone Boundary Adjustment.

Informational Notes

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. This permit, including the Lot Line Adjustment shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.
4. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

ATTACHMENT 1B

CONDITIONS OF APPROVAL - ZONE BOUNDARY ADJUSTMENT

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

Conditions of Approval:

1. The applicant shall submit a legal description of the area to be rezoned from FR-B-5(40) into U for review and approval by the County Land Surveyor. The applicable review fee (currently \$196.00) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Zone Boundary Adjustment being scheduled for a decision by the Board of Supervisors.

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. The submitted evidence can be found in file LLA-11-024/ZBA-13-001/GPC-13-004.

A. Lot Line Adjustment. The following tables provide evidence in support of the required findings for the Lot Line Adjustment.

1. The Lot Line Adjustment application is complete.
2. The project is consistent with the Subdivision Map Act.
3. The project conforms to zoning and building ordinances, and conforms to all applicable standards and requirements of the coastal zoning regulations.
4. The project is consistent with the General Plan.
5. The project, and the conditions under which it may be operated or maintained, will not adversely impact the environment; and the required CEQA findings can be made for any development which is subject to the regulations of CEQA.

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

Application Requirements	Submitted
Completed and Signed Application Form	✓
Copies of Present Owners Deeds	✓
Preliminary Title Report	✓
Copy of the Creation Documents for the parcels	✓
6 Copies of a Lot Line Adjustment Plot Plan	✓
Required County Fees	✓
A Written Statement Explaining the Reasons For the Adjustment (Project Description)	✓

A.2. Consistency with the Subdivision Map Act. The following table identifies the evidence which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code.

Parcels	Creation Document	Legal Status
220-251-013	Deed, Wood to County of Humboldt, recorded in Book 2216 of Deeds, page 18, on June 12, 1934.	Legal parcel
220-331-010	Parcel 1 of Parcel Map No. 1021 filed in Book 9 of Parcel Maps, pages 27-29, on April 6, 1977.	Legal parcel

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

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Unclassified (U) Forestry Recreation (FR)	U: General agriculture and single family residential is principally permitted. FR: General agriculture, single family residential, public and private noncommercial recreational uses and social halls are principally permitted uses. Private institutions are conditionally permitted uses.	The project will adjust the parcel lines between two parcels to closely follow the centerline of an intermittent stream. The Lot Line Adjustment will facilitate the construction of a fire hall for the Briceland Volunteer Fire Department. The development of the fire hall is considered a public use and is permitted in any zone without the necessity of first obtaining a Use Permit (§314-58.1 H.C.C.). It does require a General Plan Conformance review which is part of this permit. The larger parcel is developed with Beginnings, an educational and community service organization. Beginnings obtained a Conditional Use Permit for the current uses back in 1983 (CUP-5-83). The applicant has demonstrated adequate primary and reserve leachfield areas for both parcels. The parcels are both within the Briceland Community Service District for water service, however, the Briceland Fire parcel does not have the ability to connect due to connection limitations. Therefore, the parcel will be served by a rain catchment system until such time a dedicated water source is established (i.e. well, connection to service district).
Development Standards		
Minimum Parcel Size	U: 6,000 square feet FR-B-5(40): 40 acres	The Lot Line Adjustment results in Parcels 1 (U) and 2 (FR-B-5(40)) of approximately 0.99 acres and 12.51 acres respectively. Parcel 1 will remain conforming to the minimum parcel size and Parcel 2 will remain non-conforming. The approximately 20,000 square feet to be adjusted onto the Briceland Fire Parcel is either constrained by a Streamside Management Area setback or on the other side of the stream and inaccessible from the remaining Beginnings parcel.
Minimum Lot Width	U: 50 feet FR: 200 feet	Both parcels comply.

Minimum Yard Setbacks within SRA	30 feet from all property lines	The development on the Beginnings parcel complies with this requirement. Any proposed development on the Briceland Fire parcel will require compliance with this requirement or an approved exception request granted by Calfire.
Maximum Lot Coverage	U: 35% FR: none specified	U: Proposed: ±6% FR: less than 1%

A.4. The proposed development must be consistent with the General Plan. The following table identifies the evidence, which supports finding that the proposed development is in conformance with all applicable policies and standards of the Framework General Plan (FRWK) and pursuant to the provisions of SB 497 (Sher) effective January 1, 2002.

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence which Supports Making the General Plan Conformance Finding
Land Use	Rural Community Center Agriculture Lands	<p>The Lot Line Adjustment will facilitate the construction of a fire hall for the Briceland Volunteer Fire Department. The project will adjust the parcel lines between two parcels to closely follow the centerline of an intermittent stream.</p> <p>The larger parcel is developed with Beginnings, an educational and community service organization. Beginnings obtained a Conditional Use Permit for the current uses back in 1983 (CUP-5-83). The parcels are both within the Briceland Community Service District for water service, however, the Briceland Fire parcel does not have the ability to connect due to connection limitations. Therefore, the parcel will be served by a rain catchment system until such time a dedicated water source is established (i.e. well, connection to service district).</p>
Hazards	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	The site is in an area of moderate slope instability and a moderate wildlife fire rating. A soils report was prepared which was reviewed and approved by the Building Division. The site is located outside any mapped floodplain.

Cultural Resources	New development shall protect cultural, archaeological and paleontological resources.	The project was referred to both the North Coastal Information Center and the Bear River Band of the Rohnerville Rancheria. They both responded with a recommended approval of the project with no further study. Nonetheless, a standard informational note has been included in the Conditions of Approval should archaeological resources be found.
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Sensitive and Critical Habitats	New development shall protect designated sensitive and critical resource habitats.	An unnamed tributary to Redwood Creek flows along the proposed northerly property line. This is an intermittent stream and requires a 50 foot setback for all development. As shown on the plot plan, all proposed development is over 50 feet from the stream transition line, consistent with the requirements of the Streamside Management Area Ordinance. No other sensitive species were identified on site.
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A.5. and A.6. Public Health, Safety, & Welfare and Environmental Impact.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1	The proposed development will not adversely impact the environment, and will not be detrimental to the public health, safety or welfare and will not be materially injurious to properties or improvements in the vicinity.	All reviewing referral agencies have approved or conditionally approved the proposed project. The project will not result in changes in land use or density, and will not create a new parcel.
§15305(a) & 15061(b)(3) CEQA	Categorically exempt from State environmental review.	Based on the above discussion, project is categorically exempt from State environmental review per Sections 15305(a) and 15061(b)(3).

B. Zone Boundary Adjustment. Section 312-50.3 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to grant approval of a Zone Boundary Adjustment (ZBA). The required findings needed to approve the ZBA are as follows.

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

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

- 4.a. The project either is categorically or statutorily exempt; or
- b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
- c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

B.1. Public Interest. The LLA involves a Zone Boundary Adjustment (ZBA) between lands zoned Unclassified (U) and Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)). The zone boundary is proposed to be coincidental with the proposed property lines to avoid a mixed-zone condition. The FR-B-5(40) zoned parcel is substandard to the minimum 40 acre parcel size with a lot size of approximately 13 acres. The parcel is not of sufficient size to be utilized for any large scale agricultural development and is used by Beginnings, an educational and community service organization. The loss of approximately 20,000 square feet to conform to the proposed property line will not affect the agricultural capabilities of either site. The 20,000 square foot area is either constrained by a Streamside Management Area setback or on the other side of the stream and inaccessible from the remaining Beginnings parcel. Planning staff believes that the ZBA is in the public interest in that it supports the construction of a fire hall that will provide a public service to the community, is minor in nature, and does not affect the overall use of the site.

B.2. General Plan Consistency. The properties are planned Rural Community Center (RCC) and Agriculture Lands (AL) by the Framework General Plan. The RCC designation is considered diagrammatic and does not have an exact boundary. Therefore, the expansion of the Unclassified zone is within a RCC plan designation and consistent with the General Plan. The Forestry Recreation zoned lands will retain the AL plan designation. The ZBA is consistent with General Plan policies and standards as noted in the above discussion (A.4). The adjustment supports the LLA which allows the construction of a fire hall.

The Briceland Fire Protection District (FPD) is a voter approved Special District with a service area of 28,172 acres or approximately 44 square miles. The estimated population of the Briceland FPD is 603 residents and 373 total housing units (2000 Census). The service area is designated primarily (88%) agricultural lands and timberlands under the General Plan. Vacant and improved timber and grazing land are the most predominant land use activity at 54 percent of land within the proposed district boundary. Improved rural residential is the next largest category of land use activity at 33 percent.

The Briceland FPD is an active member of the fire service in Humboldt County. The Briceland FPD is a participant in the countywide fire protection mutual aid agreement, is a member of the Humboldt County dispatch cooperative, and has an active role in the Southern Humboldt Technical Rescue Team. The Briceland FPD provides the full range of fire protection services, including emergency medical services (in general, approximately 80 percent of fire department

calls for service are emergency medical), auto extrication, technical rescue (high and low angle and swift water rescue), and general public assistance responses.

The Briceland FPD operates from two fire stations, one located approximately 1.7 miles east of Briceland and the second located along Crooked Prairie Road that is northwest of Briceland and accessed from Ettersburg Road. The Briceland fire station, which has been used by the department since 1978, serves primarily as a garage for apparatus because it is not owned by the Briceland FPD and the terms of the lease prohibit the department from using the station for training or administrative purposes.

The proposed new fire station will provide a District-owned facility that is more centrally located within the service area. The facility is considered a public use and is consistent with Section 4710 of the Framework Plan (FP) which is "To assure adequate fire protection for new development." The location in Briceland is supportive of this goal and also the Plan policies by being sited and designed to serve existing and expected future needs [FP Section 4920.2] and being accessible to the community [FP Section 4920.3].

B.3. Residential densities not reduced below that used by HCD in determining consistency with Housing Element Law. Neither parcel is zoned residential and therefore were not included in the land inventory used by the Department of Housing and Community Development to determine consistency of the County's Housing Element with state law. The sole purpose of the zone boundary adjustment is to align the zone boundary with the adjusted parcel lines to eliminate a mixed-zone condition.

B.4. Environmental Impact. Project impact on agricultural resources and land use is considered to be less than significant. The Planning Division believes that the ZBA and the General Plan Conformance Review have no potential for causing a significant effect on the environment, and that it can be seen with certainty that there is no possibility that the rezone or conformance finding would have a significant effect on the environment, and is statutorily exempt per Section 15061(b)(3) of CEQA.

C. General Plan Conformance Review. A report on conformance with the general plan is required under California Government Code Section 65402 when a local agency acts to acquire or dispose of real property or intends to construct a new public building or structure. The project's conformance with the General Plan is discussed in Sections A.3 and B.2 above.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 3 includes a listing of all written evidence that has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division unless otherwise noted.

1. Application Form
2. Plot Plan/Tentative Map Checklist
3. Detailed Plot Plan (attached)
4. Present Owners' Deeds
5. Preliminary Title Reports
6. Creation documents
7. R-2 Soils Report
8. Septic Disposal Design
9. Municipal Services Review – Briceland Fire Protection District (Excerpts)

Briceland
Fire Protection District
Municipal Service Review



Adopted November 2011



HUMBOLDT
Local Agency Formation Commission

Prepared for Formation of the
Briceland Fire Protection District

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INTRODUCTION

Approximately 34 percent of the registered voters protected by the Briceland Volunteer Fire Department (VFD) petitioned Humboldt LAFCo for a governmental reorganization to form the Briceland Fire Protection District (FPD) pursuant to the Fire Protection District Law of 1987 (California Health and Safety Code §13800-13970) and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.)

In the Petition, the reasons cited in support of the reorganizations are:

- (1) Establish a fire protection district to support the continued operation of the Briceland VFD;
- (2) Establish formal boundaries that clearly define the service responsibilities of each fire department for the benefit of fire service providers, land use authorities, the public, and other service providers; and
- (3) Establish ongoing revenue sources that can support the delivery of fire protection services into the future.

A boundary reorganization application has been filed by the Briceland VFD, a 501(c)3 nonprofit corporation governed by a seven member board of directors. The Humboldt County Local Agency Formation Commission (LAFCo) reviews proposals for the formation of new local governmental agencies and changes of organization for all local agencies within Humboldt County. The Municipal Service Review (MSR) was prepared to document the service capabilities for the proposed FPD.

LOCAL AGENCY FORMATION COMMISSION AUTHORITY

Latent Powers, Enabling Legislation and Empowered Services

The fundamental role of the Local Agency Formation Commission (LAFCo) is to implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act) consistent with local conditions and circumstances. The major goals of LAFCo as established by the Act are to:

- Encourage orderly growth and development;
- Discourage urban sprawl;
- Preserve open-space and prime agricultural lands by guiding minimizing resource loss;
- Exercise its authority to ensure that affected populations receive efficient services;
- Promote logical formation and boundary modifications that direct the burdens and benefits of additional growth to those local agencies that are best suited to provide services;
- Make studies and obtain and furnish information which will contribute to the logical and reasonable development of local agencies to provide for present and future needs;
- Establish priorities by assessing and balancing community service needs with financial resources available to secure and provide community services and to encourage government structures that reflect local circumstances, conditions and financial resources; and
- Determine whether new or existing agencies can feasibly provide needed services in a more efficient or accountable manner and, where deemed necessary.

Governmental Reorganization

Under State law, LAFCo's role in reviewing a governmental reorganization is to consider the need for a new agency to provide a service, the effects on the services in other areas if the reorganization were to occur, the efficiency of the existing and proposed services, and the accountability of the agency to the people receiving the services. The Local Government Reorganization Act outlines the Legislative priorities for the formation and boundary reorganization of local governmental agencies. Government Code §56001 concludes:

"The Legislature also finds that, whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multipurpose agency, responsibility should be given to the agency or agencies that can best provide government services."

Municipal Service Review

Pursuant to Government Code §56430(c), LAFCo shall conduct a service review when considering an action to establish a new district. The Municipal Service Review (MSR) serves to determine how services will be provided to the community upon district formation. It identifies current service providers, level of service, and transfer of service issues.

In addition, the MSR evaluates the establishment of Spheres of Influence (SOI). A SOI is defined as a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCo. SOI's may be coterminous with district boundaries. Together, the SOI and MSR document the district's ability to serve existing and future residents.

The MSR provides LAFCo with a tool to study existing and future public service conditions comprehensively and to evaluate organizational options for accommodating growth, preventing urban sprawl, and ensuring that critical services are provided efficiently. The MSR includes a written statement of determinations with respect to the following:

- (1) Growth and population projections for the affected area.
- (2) Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
- (3) Financial ability of agencies to provide services.
- (4) Status of, and opportunities for, shared facilities.
- (5) Accountability for community service needs, including governmental structure and operational efficiencies.
- (6) Any other matter related to effective or efficient service delivery, as required by commission policy.

AGENCY PROFILE

Background

The Briceland district formation area is located in southwestern Humboldt County, west of Redway along the Briceland-Thorne Road. The Briceland VFD, formerly known as the Beginnings VFD, has been serving the Briceland area since 1976 and provides fire suppression, rescue, and emergency medical services to the community.

The Briceland VFD does not have access to traditional revenue sources for fire protection services including property tax, special tax, or special assessment revenue because it is not a special district. The Briceland VFD currently supports its operations exclusively from fund raising, donations, and fees for providing emergency services by contract to CAL FIRE and other organizations.

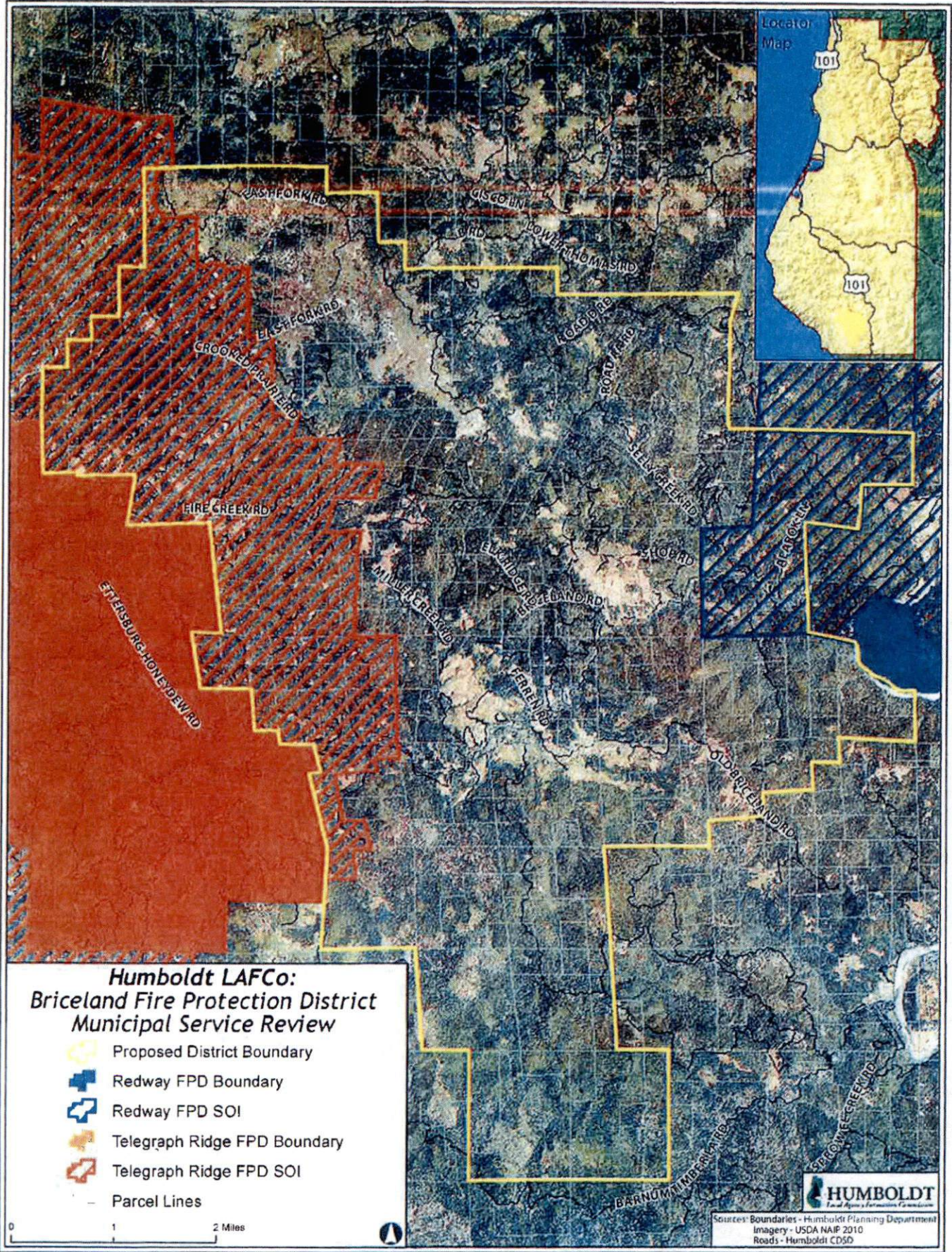
The formation of the Briceland Fire Protection District (FPD) is being proposed in order to establish a dependable long-term structure and source of revenue from which the Briceland VFD can rely upon into the future. The delivery of fire protection services would not change as a result of the district formation. The Briceland VFD would continue to provide volunteer staffing for fire protection services on behalf of the Briceland FPD. The establishment of new district boundaries would clearly define service responsibilities for the benefit of neighboring fire service providers, land use authorities, the public and other service providers.

The Briceland FPD would seek approval of a special tax from the registered voters within the proposed district boundaries. Special tax revenue would be used to maintain current services and allow the Briceland VFD to improve the level of fire protection and emergency response services in the future. The Briceland VFD would continue to carry out fund raising activities within the community and in most instances manage funds separate from the Briceland FPD.

District Boundary

The Briceland FPD boundaries would coincide with the response area into which the Briceland VFD currently provides fire protection and emergency response services. The proposed district boundary and Sphere of Influence (SOI) would be coterminous. The district would cover approximately 44 square miles (28,172 acres) in area and contain the unincorporated town of Briceland and the surrounding rural residential areas. From the Briceland town-site, the proposed boundary extends:

- West approximately three miles along Briceland-Thorne Road to where the proposed Briceland FPD boundary meets the existing Telegraph Ridge boundary;
- North along various roads approximately nine miles to the Mattole Canyon Creek drainage;
- East approximately 4.2 miles along Briceland-Thorne Road to Humboldt Redwoods State Park, which is the proposed new western boundary of the Redway FPD;
- South along Old Briceland Road approximately 4.9 miles to a cattle crossing that has traditionally been used as a response area boundary for Garberville FPD and the Briceland VFD and is the proposed new western boundary for the Garberville FPD; and south along Old Somerville Creek Road and Barnum Timber road approximately 6 miles to the West Fork Sprowel Creek drainage.



A portion of the eastern boundary would contain an area that is currently within the Redway Fire Protection District SOI. In addition, a portion of the western boundary would contain an area that is currently within the Telegraph Ridge Fire Protection District SOI. However, the proposed Briceland FPD boundaries were defined in close consultation with the Redway and Telegraph Ridge FPDs, and the proposed Briceland boundaries are consistent with the proposed Redway and Telegraph Ridge FPD annexation areas. Therefore, the proposed FPD boundary will be conditioned on LAFCo approval of the Telegraph Ridge and Redway FPD annexation areas, so that there would be no SOI boundary/overlap with the Briceland FPD.

The Briceland Community Service District (CSD) provides drinking water to a service area of approximately 70 acres of the proposed district formation area. The proposed district formation does not include development plans that would result in additional demand for water service from the Briceland CSD. The services of the Briceland CSD and funding for these services would not be affected by the proposed district formation.

The proposed Briceland FPD would also be within the boundaries of the Southern Humboldt Community Hospital District. These health care services and funding of the Southern Humboldt Community Hospital District would not be affected by the proposed district formation.

Humboldt County provides general government, law enforcement, public health, emergency management, and road and drainage maintenance services to the proposed district formation area. These services and funding for these services would not be affected by the proposed district formation.

Growth and Population

Based on the 2000 Census, the estimated population of the proposed Briceland FPD is 603 residents and 373 total housing units. The average density of Census Blocks that intersect the proposed distinct boundaries is 0.02 persons per acre and the average density of housing units is 0.01 housing units per acre. Per capita assessed valuation is approximately \$88,328 per person.

The proposed Briceland FPD boundaries include the Briceland Rural Community Center (defined pursuant to the Humboldt County Framework General Plan) and the surrounding rural residential areas. The Briceland Rural Community Center has very little development potential due partially to limited water availability.

New residential development within the district boundaries is expected to occur over time at current rates, which range from 0.25 to 1.0 percent per year. Significant levels of growth during the next ten years are not likely to occur.

Existing and Planned Uses

Land uses within the proposed Briceland FPD boundaries are subject to the Humboldt County Framework General Plan (Framework Plan), Volume I, and Zoning Regulations (Humboldt County Code Title III, Division I). A small portion of the project area is within and subject to the land use policies the Garberville-Redway-Alderpoint-Benbow Community Plan, adopted June 30, 1987, in addition to the Framework Plan and Zoning Regulations.

The following describes the land within the proposed Briceland FPD boundaries and display information according to land use type (based on Assessor's Use Code data), Zoning Classification, and General Plan Designation.

Land Use Activity. Given the spread-out nature of development in rural Humboldt County, vacant and improved timber and grazing land are the most predominant land use activity at 54 percent of land within the proposed district boundary. Improved rural residential is the next largest category of land use activity at 33 percent.

Table 1. Land Use Type

<i>Land Use Type</i>	<i>Parcels</i>	<i>Acres</i>	<i>% of Total</i>
Commercial	2	0.7	0.0%
Improved Agriculture	1	238.7	0.8%
Vacant Agriculture	20	1,411.7	5.0%
Improved Residential < 5 acres	29	40.5	0.1%
Vacant Residential < 5 acres	14	25.8	0.1%
Improved Residential 5 - 100 acres	202	9,226.1	32.7%
Vacant Residential 5 - 100 acres	71	2,619.1	9.3%
Improved Timber Production	42	2,955.5	10.5%
Vacant Timber Production	104	10,606.2	37.6%
Mobile Home	7	125.8	0.4%
Public or Exempt	10	860.5	3.0%
Roads or Other	9	119.3	0.4%
Total	511	28,229.9	100.0%

Source: Humboldt County Community Development Services Geographic Information System.

General Plan. The General Plan designates approximately two thirds of the proposed district as Agriculture Lands (remote, steep and high natural hazards areas appropriate for marginal timber, grazing, mining and quarrying, recreational areas, watershed and wildlife areas, occasional rural residences), Agriculture Grazing (non-prime lands that are used or contribute to agriculture production) or Agricultural Rural (outside of Urban/Rural Community Centers areas, few public services required. About 31 percent is designated as Timber Production (land that is primarily suitable for the growing, harvesting and production of timber).

Table 2. General Plan Land Use Designations

<i>Land Use Designation</i>	<i>Acres</i>	<i>% of Total</i>
Agriculture Grazing	2,387.9	8.4%
Agricultural Lands	16,106.6	57.0%
Agricultural Rural	584.0	2.1%
Public	197.9	0.7%
Rural Community Center	148.3	0.5%
Timber Production	8,855.6	31.3%
Total	28,280.4	100.0%

Source: Humboldt County Community Development Services Geographic Information System.

Zoning. Approximately 36 percent of the land within the proposed district boundaries is zoned Timberland Production Zone (intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber); approximately 24 percent is zoned Unclassified (areas that have not been sufficiently studied to justify precise zoning classifications); approximately 19 percent is zoned Agriculture Exclusive (applied to fertile areas in which agriculture is and should be the desirable predominant use); and approximately 22 percent of land is zoned Forestry Recreation (forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use).

Table 3. Zoning Classifications

<i>Zone Classification</i>	<i>Acres</i>	<i>% of Total</i>
Agriculture Exclusive	5,237.1	18.6%
Agriculture General	20.5	0.1%
Community Commercial	3.3	0.0%
Forestry Recreation	6,127.0	21.7%
Timberland Production Zone	10,117.3	35.7%
Unclassified	6,775.3	23.9%
Total	28,280.4	100.0%

Source: Humboldt County Community Development Services Geographic Information System.

INFRASTRUCTURE AND SERVICES

As described above, the formation of the Briceland FPD would not change the delivery of fire protection services to the community but does have potential to establish more reliable funding for those services. Potential revenues that may be available to the new district would be used to maintain current service levels and allow the Briceland VFD to improve the level of fire protection and emergency medical services in the future. The Briceland VFD would continue to provide volunteer staffing for fire protection services on behalf of the Briceland FPD.

Service Demand and Service Levels

The Briceland VFD is an active member of the fire service in Humboldt County. The Briceland VFD is a participant in the countywide fire protection mutual aid agreement, is a member of the Humboldt County dispatch cooperative, and has an active role in the Southern Humboldt Technical Rescue Team.

The Briceland VFD provides the full range of fire protection services, including emergency medical services (in general, approximately 80 percent of fire department calls for service are emergency medical), auto extrication, technical rescue (high and low angle and swift water rescue), and general public assistance responses.

The Briceland VFD responded to approximately 83 calls for service in 2009, of which approximately 35 calls, or 42 percent, were fires of various types and 27 calls, or 33 percent, were medical related. The disproportionate number of fire related calls in comparison to medical calls

may indicate a high number of mutual aid calls to areas outside the response area and requests by the state to “cover” CAL FIRE stations, while state engine crews are out of the area.

Table 4. Calls for Service (2008-2009)

<i>Call Type</i>	<i>2008</i>		<i>2009</i>	
	<i>Calls</i>	<i>%</i>	<i>Calls</i>	<i>%</i>
Structure Fire	5	6%	4	5%
Vegetation Fire	21	26%	20	24%
Other Fires	12	14%	11	13%
Medical	24	29%	27	32%
Vehicle Accident	12	14%	13	16%
Public Assist	5	6%	5	6%
Hazardous Condition	4	5%	3	4%
Total Calls	83	100%	83	100%

Source: CAL FIRE-Fortuna Interagency Command Center, Humboldt County Fire Services Annual Reports

Personnel

The Briceland VFD has 20 active and four reserve volunteer firefighters and is assisted by four auxiliary personnel who are non-firefighters. Briceland VFD firefighters have extensive training, as indicated in the following table.

Table 5. Personnel and Training

<i>Personnel</i>	<i>Number</i>
Reserve	4
Volunteer	20
Total	24
<i>Training Qualification</i>	<i>Number*</i>
Fire Fighter I or above	7
Wildland (CICCS)	5
First Responder (Medical)	7
EMT	2
Paramedic	0
HazMat First Responder Ops.	2
Rope Rescue	6
Swift Water Rescue	7
Fire Investigation & Prevention	1

* Members trained in each area

Emergency Medical Services

The Briceland VFD currently has one paramedic and one in training. Two of Briceland VFDs EMTs currently are trained in the use of Esophageal Tracheal Airway Device (ETAD), which is an advanced airway device that facilitates the ventilation of unconscious patients.

The North Coast Emergency Medical Services Agency (North Coast EMS) establishes certifications, the scope of practice, and procedures for departments and members of fire

departments responding to medical emergencies. North Coast EMS has Memorandums of Understanding (MOUs) with First Responder Basic Life Support (BLS) and First Responder Advanced Life Support (ALS) departments. Most local fire organizations have personnel that are certified at the BLS level. The Briceland FPD is currently a BLS service provider but has signed a contract with North Coast EMS to become an ALS provider.

The Briceland area is a long distance from both ambulance service providers and hospital emergency departments. Having a fire department that is an ALS service provider will increase the likelihood that local residents will survive serious medical incidents. ALS providers may perform invasive and non-invasive medical procedures that are in addition to the services that can be provided by BLS providers. It will cost approximately \$2,000 per year for the Briceland VFD to purchase medications and supplies as well as maintain its ALS certification.

Current Infrastructure and Facilities

The Briceland VFD operates from two fire stations, one located approximately 1.7 miles east of Briceland in the center of the proposed district and the second located along Crooked Prairie Road that is northwest of Briceland and accessed from Ettersburg Road. The Briceland fire station, which has been used by the department since 1978, serves primarily as a garage for apparatus because it is not owned by the Briceland VFD and the terms of the lease prohibit the department from using the station for training or administrative purposes.

Station Lease Agreement. Upon district formation, the long-term lease agreement with property owners of the fire station sites would be retained by Briceland VFD due to the desires of landowners and their long-term relationship with Briceland VFD. After the formation of the fire protection district, the Briceland VFD would enter into a right of use agreement with the Briceland FPD that transfers utilities costs to the district. Costs associated with operation and maintenance of fire stations would be retained by Briceland VFD.

Equipment and Apparatus Transfer. All equipment and some of the apparatus belonging to the VFD will be transferred to the district. Any apparatus that is not transferred will be leased to the district for \$1 per year, with all expenses and liability to be borne by the district. The following table describes the apparatus utilized by the Briceland VFD and indicates where they are stationed.

Table 6. Facilities and Apparatus

Station	Address	Apparatus (seats)	Year	Type	Pump (GPM)	Tank (Gal)
1	4440 Briceland-Thorne Road	E-5411 (4)	1989	I	1250	750
		E-5436 (5)	1994	III	1000	500
		A-5446 (3)	1992	IV	500	200
		A-5447 (2)	1967	IV	150	75
		C-5400 (3)	1992			
2	3989 Crooked Prairie Road	E-5432 (5)	1971	III	500	500
		WT-5466 (2)	1968	II	500	1200

Note: The VFD would transfer ownership of A-5447, E-5432, and WT-5466 to the FPD, whereas the remaining apparatus would be leased to the FPD. Additionally, both stations would be leased to the FPD.

The Incident Command System (ICS) fire engine typing, the ISO Property Protection Classification System, and the National Fire Protection Association (NFPA) establish standards for the fire engine capabilities and the water and equipment compliment that is to be carried on board. The Humboldt County Fire Chief's Association recently implemented a county-wide fire engine numbering system that indicates the fire department (first two digits), fire engine type (third digit), and fire department apparatus number (fourth digit). For instance, the ICS engine typing system specifies the volume of water and the number of passenger seats for each engine type; the ISO system specifies the type and quantity of hose, appliances, and equipment that must be carried on structure firefighting engines, and the NFPA specifies engine characteristics, including hoses, nozzles, ladders, equipment, and appliances in even greater detail.

Maintenance Schedule

The proposed Briceland FPD would not be required to make improvements to maintain the current level of service. The Briceland FPD would continue to recruit new volunteers to join the department and become firefighters. The Briceland VFD has an equipment replacement plan, but equipment needs regularly exceed available funds. The Briceland VFD regularly pursues grant funding to address equipment and training needs. As a result, equipment and apparatus is acquired as funds are available.

FINANCING

Current Revenues and Expenditures

The Briceland FPD is being formed as a means to establish a dependable long-term source of revenue to support the Briceland VFD into the future. The Briceland VFD currently supports its fire protection operations through fund raising, donations and fees for providing stations coverage services to CAL FIRE.

Current Briceland VFD expenses are approximately \$73,000 per year and revenues are approximately \$89,000 per year. The unpredictability of contract fire coverage has demonstrated with revenues can range from less than \$2,000 in a slow season to over \$100,000 in a single lightning series. Likewise annual grant funding has ranged from \$0 to \$100,000. The one consistent source of revenue has always been community support, which from 2008 to 2010 averaged approximately \$18,000 per year.

Table 7. Briceland VFD Average Revenue and Expenditures

<i>Type</i>	<i>3-Year Average</i>
Revenue	-
Community Donations	\$18,088.91
Grant Funding	\$14,096.31
Program Service Fees	\$56,746.68
Interest Income	\$256.64
Other/Miscellaneous Income	\$154.93
<i>Total Revenue</i>	<i>\$89,343.47</i>

ATTACHMENT 4

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE BRICELAND AREA (ZBA-13-001, BRICELAND FIRE PROTECTION DISTRICT)

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

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by adjusting the zone boundary between Unclassified and Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40) coincidental with the proposed property lines. The area described is also shown on the Humboldt County zoning map O-47 and on the map attached as Exhibit B.

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

Chair, Humboldt County Board of Supervisors

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2013, on the following vote, to wit:

AYES: Supervisors:

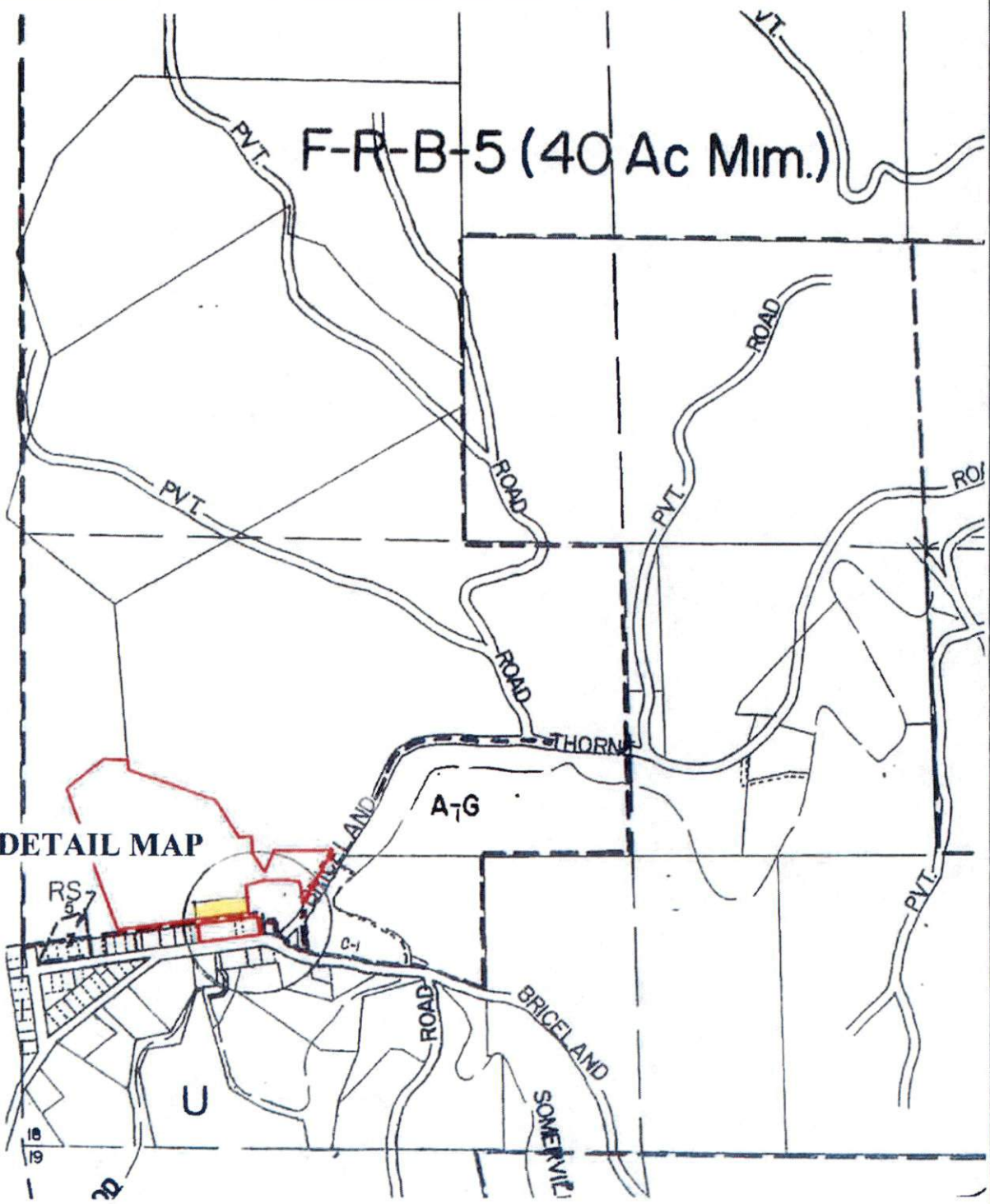
NOES: Supervisors:

ABSENT: Supervisors:

(SEAL)

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

Kathy Hayes



SEE DETAIL MAP

ZONING MAP

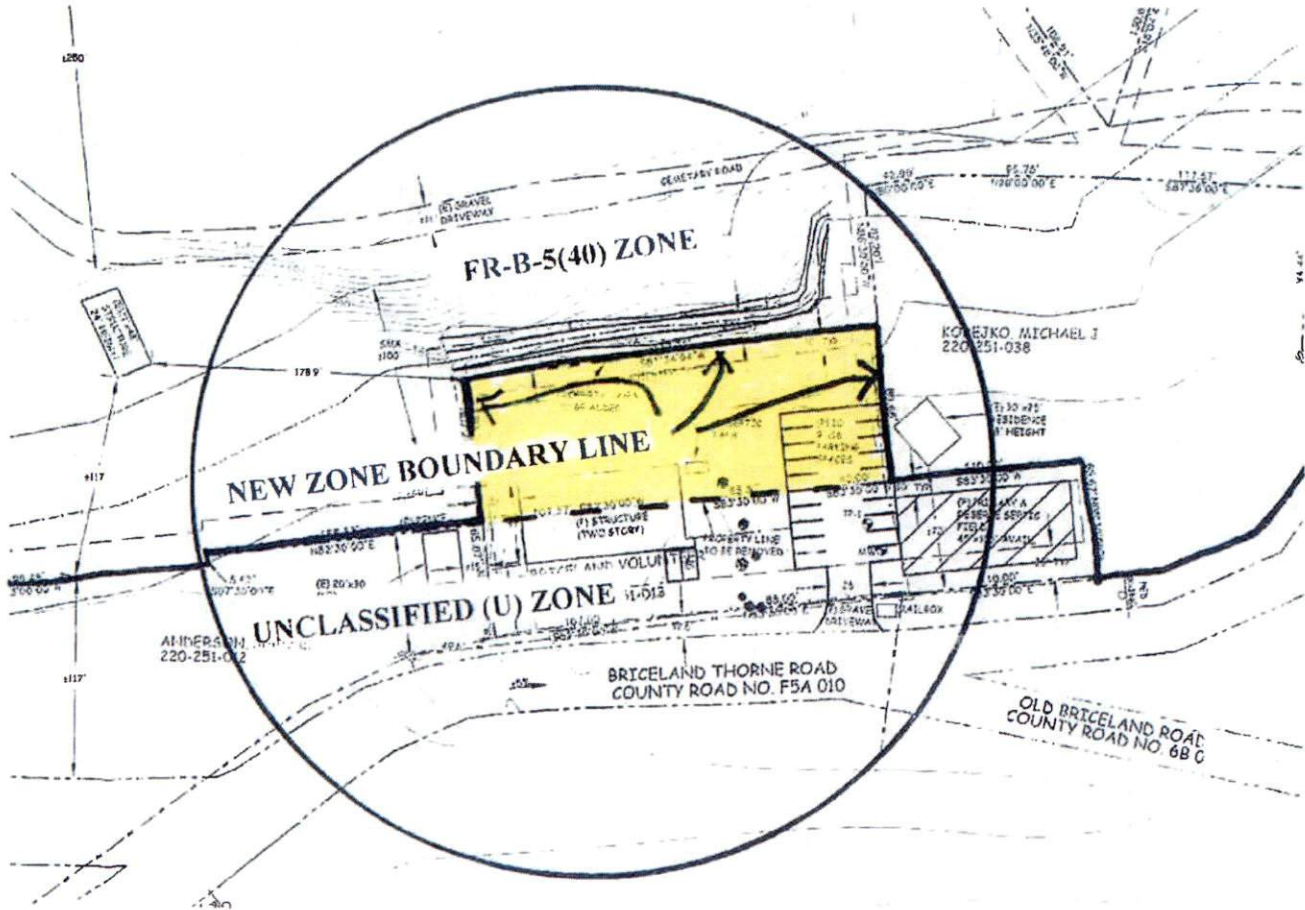
 AREA AFFECTED BY ZONE BOUNDARY ADJUSTMENT

**PROPOSED BRICELAND VOLUNTEER FIRE DEPT.
 LOT LINE ADJUSTMENT
 BRICELAND AREA
 LLA-11-24
 APNS: 220-251-13 & 220-331-10
 T04S R03E S18 HB&M (Briceland)**

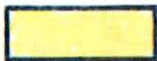


MAP NOT TO SCALE
 Page 33

ZONING DETAIL MAP



**ZONE BOUNDARY ADJUSTMENT
TO ALIGN FR-B5 (40) AND UNCLASSIFIED ZONES**



AREA AFFECTED BY ZONE BOUNDARY ADJUSTMENT

ATTACHMENT 5

GOVERNMENT CODE SECTION 65402

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonment for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonment for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency. Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

ATTACHMENT 6

REFERRAL AGENCY COMMENTS

Referral Agency	Recommendation	Location
County Building Inspection Division	Approval	On file
Department of Public Works, Land Use Division	No comment	On file
Division of Environmental Health	Approval	On file
Briceland CSD	Comments – no service connection available	Attached
Calfire	Approval	On file
Ca. Dept of Fish and Game	No comment	
Briceland Fire Protection District	Comments	Attached
North Coastal Information Center	Approval	On file
Bear River Band of the Rohnerville Rancheria	Approval	On file

April 5, 2012

Briceland CSD Board of Directors
P.O. Box 2013
Redway, CA. 95560

APR 2012

To Whom it May Concern:

The lot line adjustments proposed by the Briceland Volunteer Fire Crew has been submitted to this district for comment.

We have noted at the top of the map a circular structure on Beginnings Inc. property from which a water easement is drawn leading eventually to a water service connection at the proposed fire station. This circular structure is a water storage tank fed through a district meter for the sole purpose of supplying Beginnings Inc. with water. Beginnings Inc. can in no manner supply any other entity with district water, nor suggest that such an arrangement is possible.

Sincerely,



Al Karl
President Briceland CSD

BRICELAND VOLUNTEER FIRE DEPARTMENT

4438 Briceland-Thorn Rd P.O. Box 1249

Briceland-Redway, CA 95560

(707) 923-7204 office (707) 223-0822 chief cell

bricelandfire.org



April 23, 2012

Humboldt County Community Development Services Department
Planning Division
3015 H Street
Eureka, CA 95501

Re: Briceland Volunteer Fire Department Application, Lot Line Adjustment
Project #5941 –Parcel 220-251-013-000- Submitted November 17, 2011
To: Kirk Girard, Steve Werner, Trevor Estlow, and Steven Santos

Dear Planners:

Once again, the Briceland Volunteer Fire Department (BVFD) needs to address some misinformation generated by the Briceland Community Services District (BCSD). Humboldt County Planning will most likely be receiving a letter detailing a recommendation that the BCSD wants to make against BVFD's application for a Lot Line Adjustment.

As rumor has it, and believed by a few BCSD board members: BVFD as a part the plan for a new fire station in Briceland will be hooking up a water line to the Beginnings metered water for their fire department use. This is far from the truth. The BVFD plan for water is to hook up a line to the "Old" Beginnings water tank that has not been in use for several years. This tank is located on the hill far above the metered tank. The Beginnings "Old" tank is "stand alone", not supplied by metered water or any other water resource of the BCSD. The water line hook up described in the Lot Line Adjustment is from the "Old" Beginnings tank and solely for the purpose of water supply to the proposed fire station. Actions were taken at the BCSD meeting, April 10, 2012, to generate a letter to the county planners recommending a denial of BVFD's Lot Line Adjustment, based on this misinformation.

There are many improprieties throughout this issue. The BCSD board has known of our intentions and most of all, Mr. Neufeld (the former BCSD President) who was present at the meeting. I'm dismayed that Mr. Neufeld did not speak-up at the BCSD meeting, knowing our intentions, and having recent correspondence with Beginnings about this very issue.

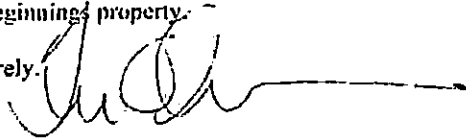
The BVFD is well aware that the BCSD has a moratorium on any new water hook ups. BVFD asked for a water hook up and was denied. BVFD has taken it upon themselves to generate their own water supply with a catchment system, and an "at-entry" filtration system for the proposed station.

There have been many public statements, newspaper articles and radio interviews submitted and voiced of our plans. One letter in particular, was a response to a neighbor in opposition to our fire station. It was sent to: Humboldt County Community Development, Planning Division; cc: Humboldt County Building Department, Supervisor Clif Clendenen, and the BCSD dated: August 31, 2010. This letter stated: "We believe we gained a source of water, and not from the BCSD system, that will help provide water. We also plan to acquire a 100,000 gal storage and catchment system. The station site could have an "at entrance" water purification system for potable water, although this is not the preferred option"; "Briceland Fire is committed to avoiding using any potable water for fire or utility needs when at all possible".

Why didn't Ms. Shapiro of the BCSD, who brought this item forward, contact the Fire Chief, or any of his agents, let alone contacting Beginnings Inc. in this matter? Did she or the BCSD not take into consideration the aforementioned letter sent to them? Is this not misuse of public office to vilify another public service agency without going through proper channels or protocols? Would it have been more appropriate to have a full board to review the issue at hand, or to invite a representative of Briceland Fire to attend their meeting? It is unfortunate that BCSD board member Genairo Gray, a volunteer firefighter on the BVFD, wasn't present to support and explain the fire departments plan. I'm in question why the press made it a front-page issue, without inquiring with the Briceland Fire Department. I'm don't believe this was an agenized item, for a vote, to send a letter suggesting that they deny BVFD's Lot Line Adjustment.

The set the record straight, BVFD will not be using unauthorized metered water supplied by BCSD from the Beginnings property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Olsen', with a long horizontal line extending to the right.

Tim Olsen, Chief BVFD

cc: Briceland Community Services District
Humboldt County Supervisor, Clif Clendenen
A.M. Baird Engineering and Surveying

ATTACHMENT E

Planning Commission Resolution No. 13-14

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 13-14**

**Case Numbers LLA-11-24, ZBA-13-001, GPC-13-004
Assessor Parcel Numbers 220-251-013, 220-331-010**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Briceland Volunteer Fire Department Lot Line Adjustment.

WHEREAS, Briceland Volunteer Fire Department submitted an application and evidence in support of approving the Lot Line Adjustment (LLA) between two parcels, to make a zone boundary adjustment (ZBA) to adjust the zone boundary between the Unclassified and Forestry Recreation zone coincidental with the proposed property lines and a General Plan Conformance Review (GPC); and

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

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

WHEREAS, the project is categorically exempt per Class 5, Section 15305(a) and Section 15061 (b)(3) of the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Briceland Fire Protection District Lot Line Adjustment, Zone Boundary Adjustment and General Plan Conformance review.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission finds the project to be categorically exempt per Class 5, Section 15305(a) and Section 15061 (b)(3) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The proposed ZBA is in the public interest; and
3. The proposed ZBA is consistent with the General Plan; and
4. The proposed ZBA will not reduce residential density for any parcel used by HCD in determining compliance with housing element law; and
5. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers: LLA-11-024, ZBA-13-001, GPC-13-004 based on the submitted evidence; and

6. The Planning Commission approves the proposed LLA, ZBA, GPC application as recommended and considered in the Planning Division Staff Report for Case Nos. LLA-11-024, ZBA-13-001, GPC-13-004.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Adopt the necessary findings prepared by Planning Staff; and
3. Approve the Lot Line Adjustment, Zone Boundary Adjustment and General Plan Conformance Review; and
4. Adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying property in the Briceland area (ZBA-13-001, Briceland Fire Protection District) so that the zone boundary between U and FR-B-5(40) is coincidental with the proposed property lines; and
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

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

AYES: Commissioners: Morris, Disiere, Edmonds, Masten, Bongio, Ulansey

NOES: Commissioners:

ABSTAIN: Commissioners:

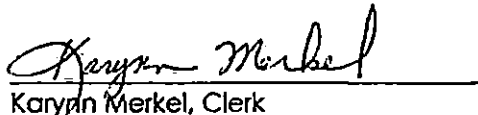
ABSENT: Commissioners: Faust

DECISION: Motion carries 6/0.



Linda Disiere, Chair

I, Karynn Merkel, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.



Karynn Merkel, Clerk