



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

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Phone: (707) 445-7541 • Fax: (707) 268-3792

Hearing Date: October 5, 2017

To: Humboldt County Planning Commission

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

Subject: **Johannesen** Zone Reclassification, Agricultural Preserve partial  
dis-establishment and partial cancellation, and Lot Line Adjustment  
Application Number 12319  
Case Numbers ZR-16-005, AGPN 17-001, LLA-16-034  
Assessor Parcel Numbers 216-133-001, 216-141-006, 216-144-003, 223-013-003,  
223-013-004  
Garberville area

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

## AGENDA ITEM TRANSMITTAL

<b>Hearing Date</b> October 5, 2017	<b>Subject</b> Zone Reclassification, Agricultural Preserve partial cancellation and dis-establishment, and Lot Line Adjustment	<b>Contact</b> Cliff Johnson
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**Project:** An application to rezone approximately 230 acres of Agriculture Exclusive with a Building Site combining zone specifying a minimum parcel size of 160 acres (AE-B-5(160)) to Timberland Production Zone (TPZ). The application includes the dis-establishment and immediate cancellation of an approximately 320 acre portion of an existing Class B agricultural preserve (Tooby Ranch). A lot line adjustment is also proposed between 2 parcels, resulting in two parcels of 160 acres in size.

**Project Location:** The project is located in Humboldt County, in the Garberville area, on both sides of Pratt Mountain Road, approximately 1.82 miles north from the intersection of Alderpoint Road and Pratt Mountain Road, on the property known as 1500 Pratt Mountain Road and the property known to be in the southeast quarter of Section 11, the southwest quarter of Section 12, the northwest quarter of Section 13 and the northeast quarter of Section 14 of Township 04 South, Range 04 East.

**Present Plan Designations:** Agriculture/Grazing (AG), Framework Plan (FRWK), Density: 160 acres to 20 acres per dwelling unit. Slope Stability: moderate instability (2).

**Present Zoning:** Timberland production zone (TPZ); Agriculture Exclusive with a minimum building site area of 160 acres (AE-B-5(160)).

**Application Number:** 12319

**Case Numbers:** ZR-16-005, AGPN-17-001, LLA-16-034

**Assessor Parcel Numbers:** 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004

<b>Applicant</b> Seth and Norman Johannesen PO Box 24 Whitethorn, CA 95589	<b>Owner</b> Norman and Deborah Johannesen PO Box 24 Whitethorn, CA 95589	<b>Agent</b> LACO Associates Attn: Deidre Clem 21 W 4 <sup>th</sup> Street Eureka, CA 95501
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**Environmental Review:** Rezone into TPZ, and Williamson Act cancellation is exempt per Section 15264 of CEQA and Section 51119 of the California Government Code. Lot line adjustment is exempt per Section 15061(b)(3) of the CEQA Guidelines.

**Major Issues:** None.

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

**JOHANNESSEN ZONE RECLASSIFICATION, AGRICULTURAL PRESERVE PARTIAL DIS-ESTABLISHMENT AND CANCELLATION, AND LOT LINE ADJUSTMENT**

Case Numbers ZR-16-005, AGPN-17-001, LLA-16-034

**Recommended Commission Action:**

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

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

**Executive Summary:** The matter before the Commission is the approval of a rezone of approximately 230 acres of Agriculture Exclusive with a Building Site combining zone specifying a minimum parcel size of 160 acres (AE-B5(160)) to Timberland Production Zone (TPZ). The rezone facilitates the immediate cancellation of a portion of an existing agricultural preserve for lands currently and proposed to be zoned TPZ. A lot line adjustment is proposed between two parcels, resulting in parcels of 160 acres each.

The site is located in the Garberville area, approximately 1.82 miles north from the intersection of Alderpoint Road and Pratt Mountain Road. Historically, the property has been utilized for both cattle grazing and timber production, and recently has mostly been utilized for timber production.

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

**Zone Reclassification:** The rezone proposes to reclassify approximately 230 acres of property zoned AE-B-5(160) into TPZ. Based on review of aerial photography and review of literature and timber assessments prepared for the property, planning staff concludes that the lands proposed for rezoning meet the inclusion requirements into TPZ per Government Code Section 51113.5. The timber type is similar to adjacent lands and will meet the minimum conifer stocking levels and site class designation for inclusion.

The rezone is in the public interest and is consistent with General Plan policies and the existing general plan designation. The rezone facilitates the addition of timberlands to adjoining timberlands currently zoned TPZ and increases the amount of timberlands in resource production. The rezone is consistent with the required findings for the zone reclassification, as well as the findings required under Section 312-50.8, *Supplemental Timberland Production Zoning Procedures*, and is consistent with the Forest Taxation Reform Act of 1976. The Forestry Review Committee reviewed and recommended approval of the proposed rezone at their meeting on March 9, 2017.

**Williamson Act Cancellation:** The rezone is proposed within the 10,500 acre Tooby Ranch Class B Agricultural Preserve No. 77-30. The properties are subject to the Land Conservation Contract recorded February 25, 1977 and non-renewed on June 2, 2016. The lands remain subject to the Land Conservation Contract until the termination date of February 1, 2026. The portion of land under this contract that is the subject of this application is 320 acres. The lands proposed for

rezoning and Williamson Act cancellation do not comply with the annual production standards of the guidelines as most of the preserve is being managed as timberland rather than for livestock grazing. The reclassification to TPZ will allow for the concurrent cancellation of the Williamson Act Contract per Section 51282.5 of the California Government Code in lieu of the 9 year non-renewal of the Land Conservation Contract for the 320 acre Johannesen portion of the preserve.

**Lot Line Adjustment:** The LLA is proposed between two parcels of 160 acres each and the total acreage of each resultant parcel will not change. The lot line adjustment will move the property boundary from an east to west boundary to a north-south boundary line. These parcels are referred to on the applicant's lot line adjustment map as parcels A and B.

Pursuant to Section 325.5-6 of the Humboldt County Code, a lot line adjustment shall be approved or conditionally approved when the following findings can be met:

- a) The application is found to be complete.
- b) Either the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations or a Conditional Certificate of Subdivision Compliance has been issued for recordation prior to or concurrent with the lot line adjustment.
- c) The proposal neither causes non-conformance nor increases the severity of pre-existing nonconformities with zoning and building ordinances.
- d) Additionally, pursuant to SB 497 (Sher) the lot line adjustment is in conformance with the adopted General Plan.

The application for the lot line adjustment was complete as of January 21, 2017. A review of the parcel history concluded that these two parcels are individual patent parcels that have not been altered and are therefore in compliance with the Subdivision Map Act and local subdivision regulations. The proposal will not cause or increase any non-conformity and the adjustment is in conformance with the adopted general plan (Framework Plan).

**Staff Recommendation:** All referral agencies have recommended approval or conditional approval. The Planning Division believes that the project, as designed and conditioned, has no potential for causing a significant adverse effect on the environment. The rezone into TPZ is exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code. The lot line adjustment is exempt per Section 15061(b)(3) of the CEQA Guidelines.

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

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 17-**

**Case Numbers ZR-16-005, LLA-16-034, AGPN-17-001  
Assessor Parcel Numbers 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Johannesen Zone Reclassification, Dis-establishment of a portion of the Tooby Ranch Agricultural Preserve, and Lot Line Adjustment.**

**WHEREAS**, LACO Associates, on behalf of Norman and Deborah Johannesen, submitted an application and evidence in support of approving: (1) the zone Reclassification (ZR) to reclassify an approximate 230 acres from AE-B-5(160) into Timberland Production Zone (TPZ); (2) dis-establishment of a portion of an existing Class B agricultural preserve and immediate cancelation of the land conservation contract pursuant to Section 51282.5 of the California Government Code; and 3) a Lot Line Adjustment (LLA) between two parcels to result in two parcels of 160 acres each; and

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

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

**WHEREAS**, the project is exempt from environmental review per Sections 15061(b)(3), 15317 and 15264 of CEQA and Section 51119 of the California Government Code; and

**WHEREAS**, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the project (Case Numbers ZR-16-005, LLA-16-034, AGPN-17-001); and

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

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

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

1. The project is exempt per Sections 15061(b)(3) and 15264 of CEQA and Section 51119 of the California Government Code, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The ZR is in the public interest; and

3. The ZR is consistent with the General Plan; and
4. The ZR does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
5. The rezone is consistent with Section 51113.5 of the California Government Code; the land is timberland as defined by Section 51104(f) of the Government Code; and the land is in compliance with the land use standards of the Timberland Production Zone; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Division Staff Report for Case Numbers ZR-16-005, based on the submitted evidence.

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

1. Hold a public hearing in the manner prescribed by law; and
2. Adopt the necessary findings prepared by Planning staff; and
3. Approve the Zone Reclassification; and adopt Ordinance No. \_\_\_\_\_ amending Section 311-7 of the Humboldt County Code by reclassifying an approximate 230 acres in the Garberville area currently zoned AE-B-5(160) into TPZ; and
4. Approve the dis-establishment of the proposed portion of the existing Class B agricultural preserve and immediately cancel the land conservation contract pursuant to Section 51282.5 of the Government Code as to the lands zoned TPZ; and adopt Resolution No. \_\_\_\_ Disestablishing the portion of the Tooby Ranch Agricultural Preserve; and
5. Conditionally approve the Lot Line Adjustment; and
6. Direct the Clerk of the Board to record a Certification of Rezoning (Notice of Timberland Production Zone Status) on the parcels pursuant to Sections 51117 and 51141 of the California Government Code (C.G.C.), after attaching a copy of the fully executed Ordinance; and
7. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
9. Direct the Clerk of the Board to give notice of the decision to the applicant, the owners, the Assessor's Office, the Department of Conservation and any other interested party.

This motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

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

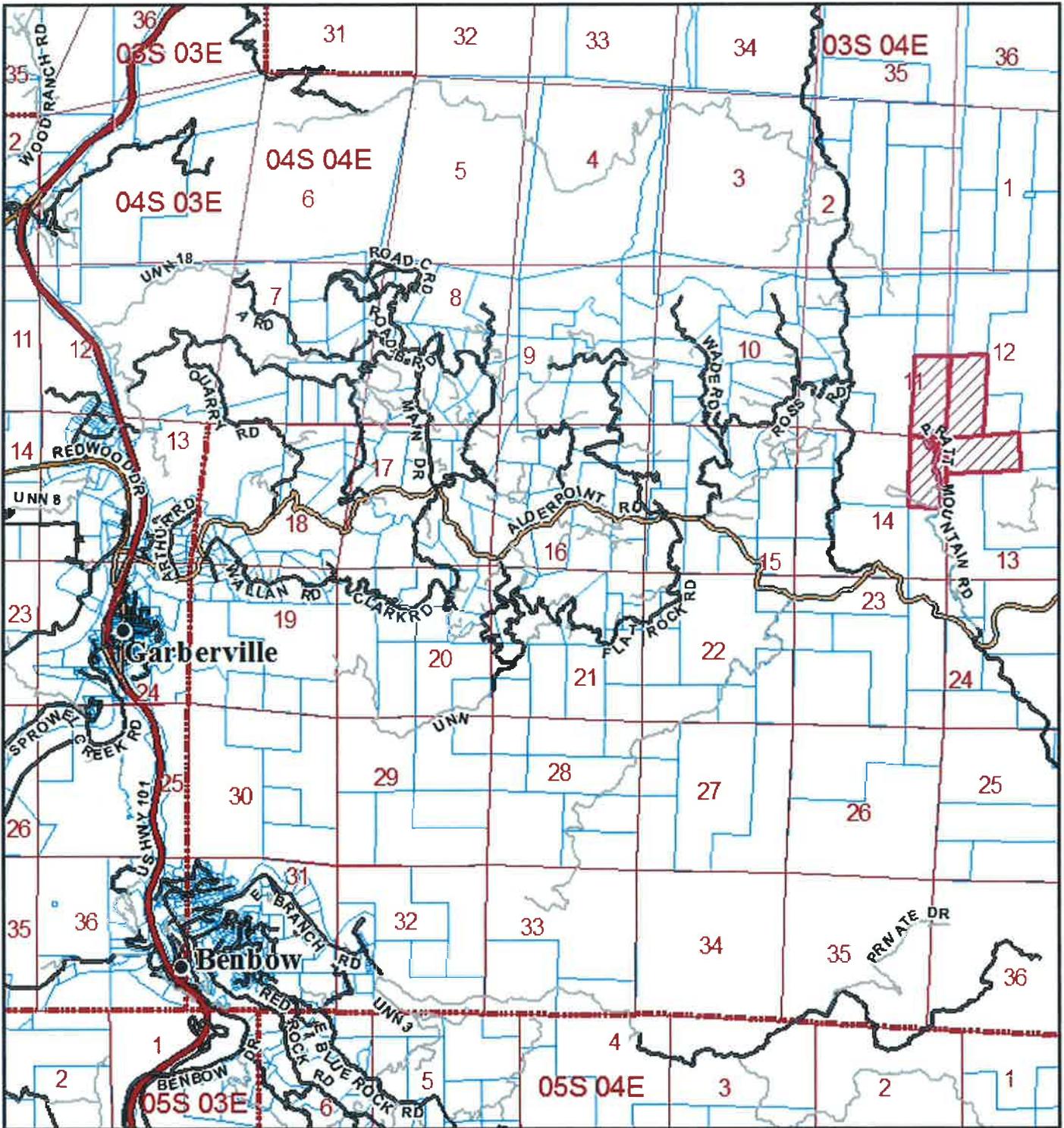
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Robert Morris, Chair

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

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John Ford  
Director, Planning and Building Department

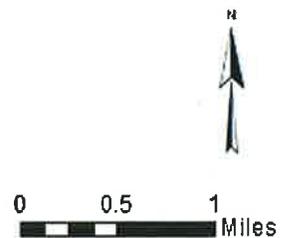


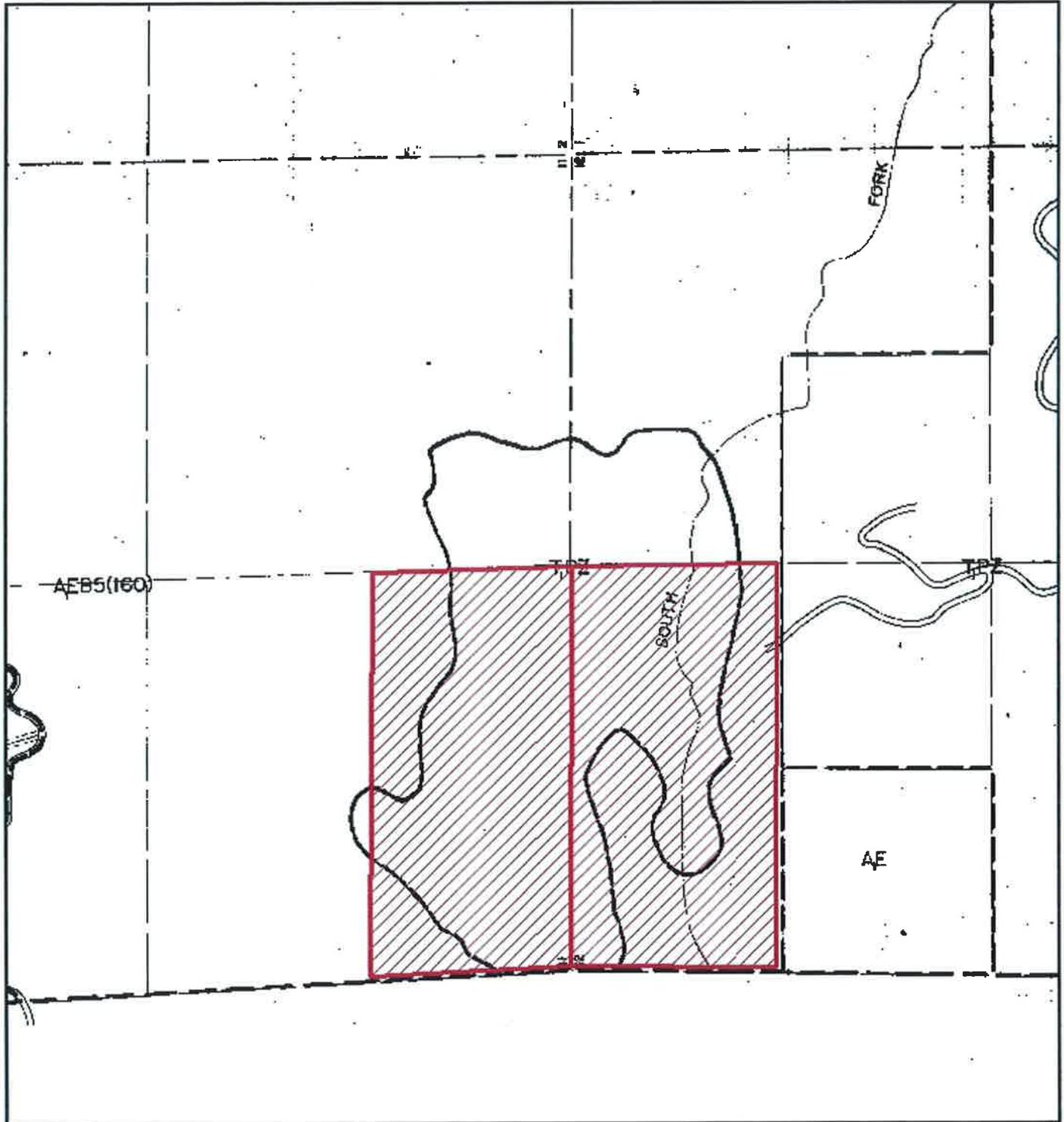
**LOCATION MAP**

**PROPOSED JOHANNESSEN  
 ZONE RECLASSIFICATION &  
 LOT LINE ADJUSTMENT  
 GARBERVILLE AREA  
 ZR-16-005/LLA-16-034  
 APN: 216-133-001 et seq  
 T04S R04E S11-14 HB&M  
 (Fort Seward, Harris)**

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.





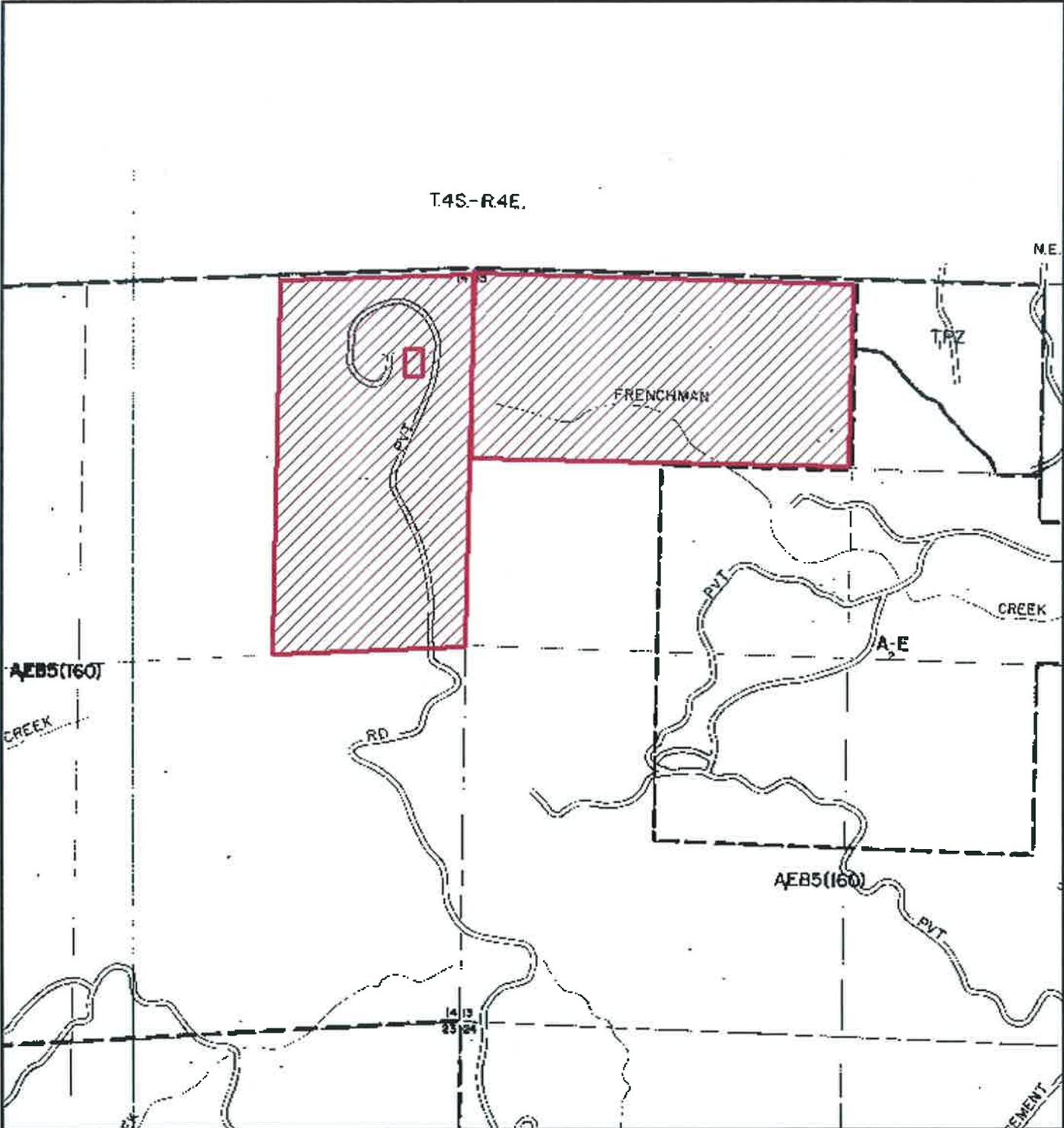
**ZONING MAP (t-46)**  
**PROPOSED JOHANNESEN**  
**ZONE RECLASSIFICATION &**  
**LOT LINE ADJUSTMENT**  
**GARBERVILLE AREA**  
**ZR-16-005/LLA-16-034**  
**APN: 216-133-001 et seq**  
**T04S R04E S11-14 HB&M**  
**(Fort Seward, Harris)**

Project Area = 

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**MAP NOT TO SCALE**



T4S-R4E.

M.E.

FRENCHMAN

T.P.Z.

CREEK

AEB5(160)

CREEK

RD

A-E

AEB5(160)

14 13  
23 24

EMENT

**ZONING MAP (t-47)**

**PROPOSED JOHANNESSEN  
ZONE RECLASSIFICATION &  
LOT LINE ADJUSTMENT  
GARBerville AREA  
ZR-16-005/LLA-16-034  
APN: 216-133-001 et seq  
T04S R04E S11-14 HB&M  
(Fort Seward, Harris)**

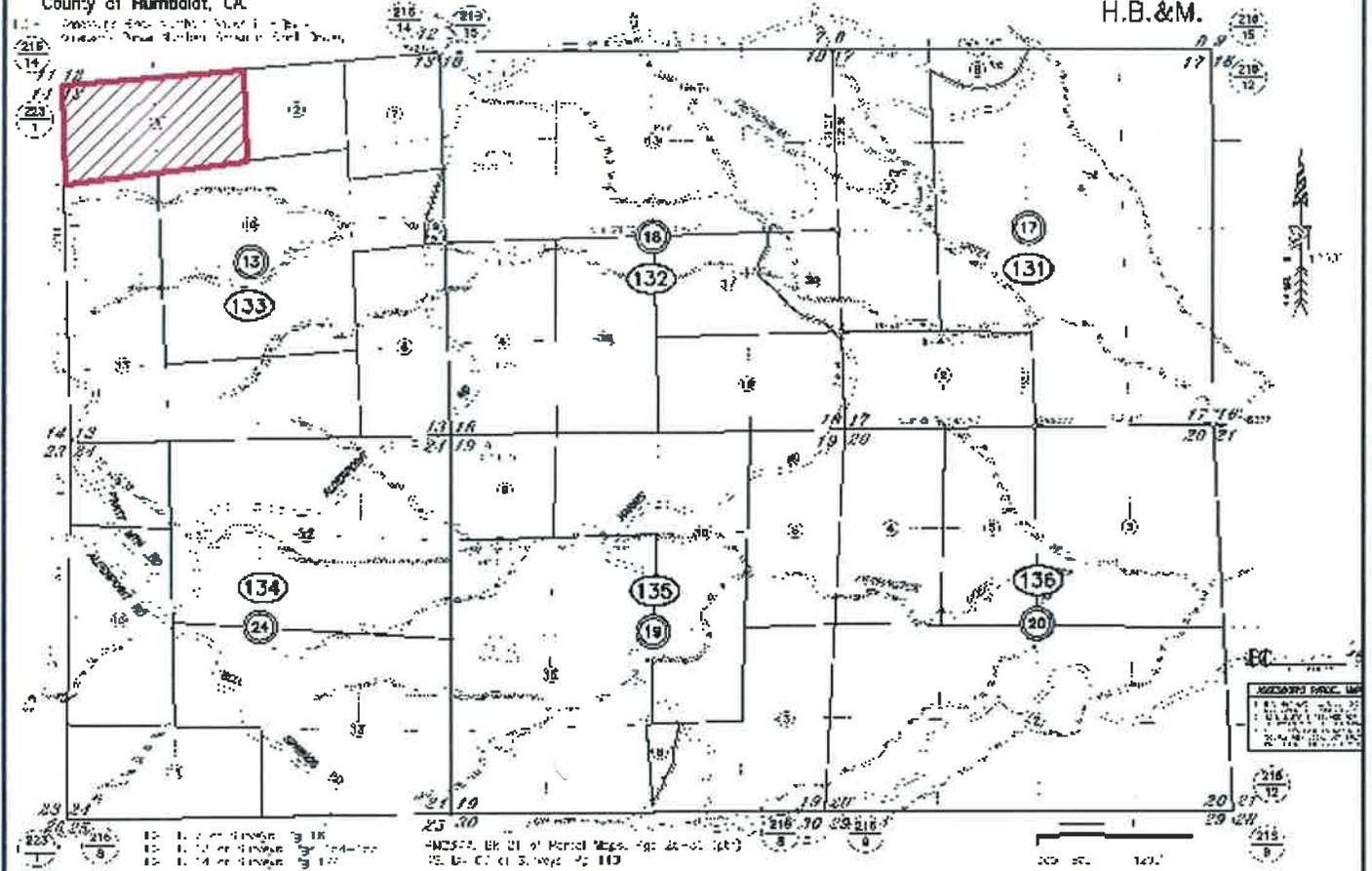
**Project Area =** 

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**MAP NOT TO SCALE**

Assessor's Map Bk. 216, Pg. 13 SECS 13 & 24, T4S R4E & SECS 17,18,19 & 20, T4S R5E, 216-13  
 County of Humboldt, CA H.B.&M.



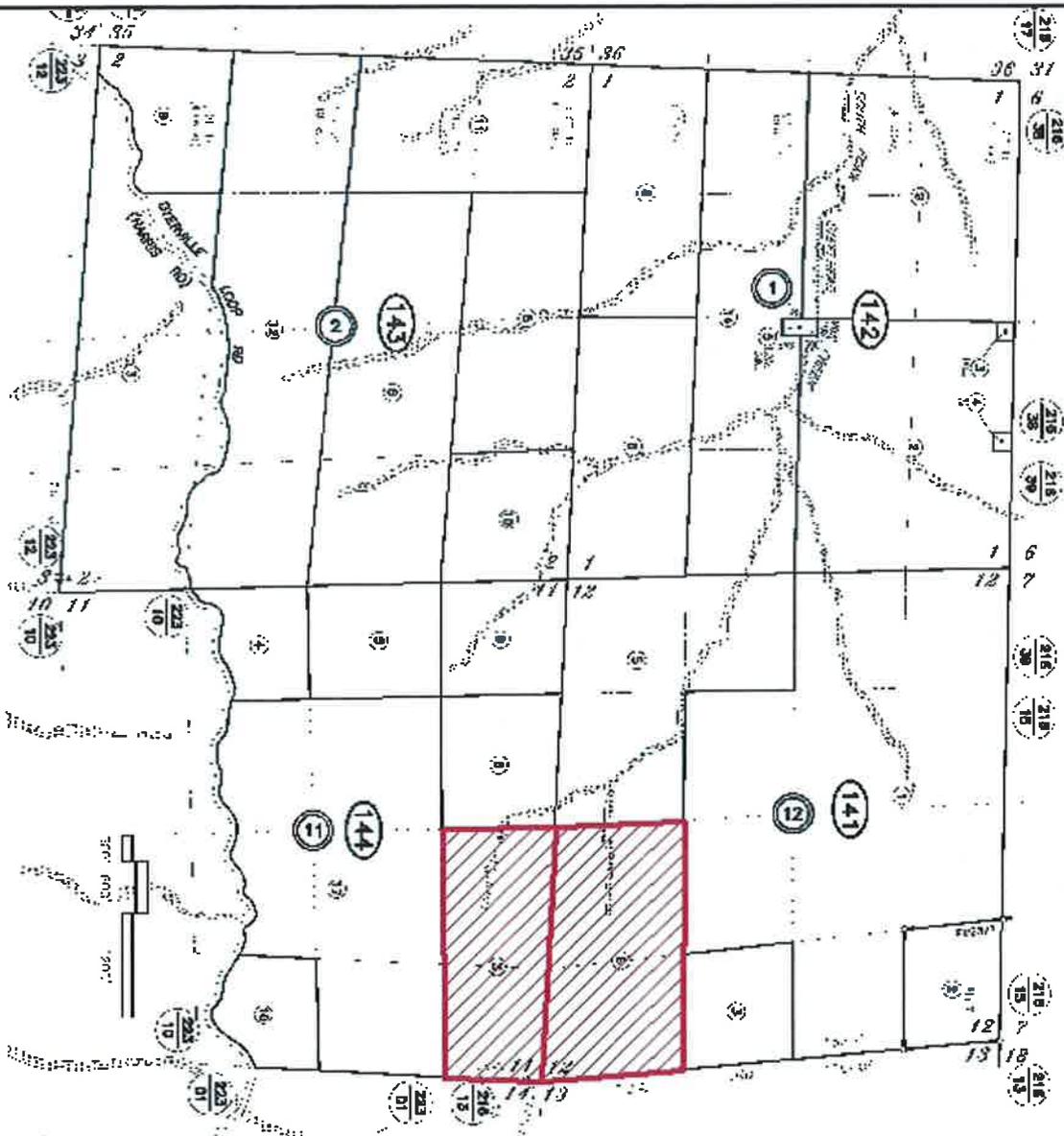
**ASSESSOR PARCEL MAP  
 PROPOSED JOHANNESSEN  
 ZONE RECLASSIFICATION &  
 LOT LINE ADJUSTMENT  
 GARBERVILLE AREA  
 ZR-16-005/LLA-16-034  
 APN: 216-133-001 et seq  
 T04S R04E S11-14 HB&M  
 (Fort Seward, Harris)**

**Project Area =** 

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**MAP NOT TO SCALE**



28. E.A. 4<sup>th</sup> Survey, 29-28  
 29. E.A. 5<sup>th</sup> Survey, 28-12-12  
 30. E.A. 6<sup>th</sup> Survey, 29-19-12  
 31. 2377, 2412 of these maps, 29-  
 32. 3K 23 of S.L. 29-19-12

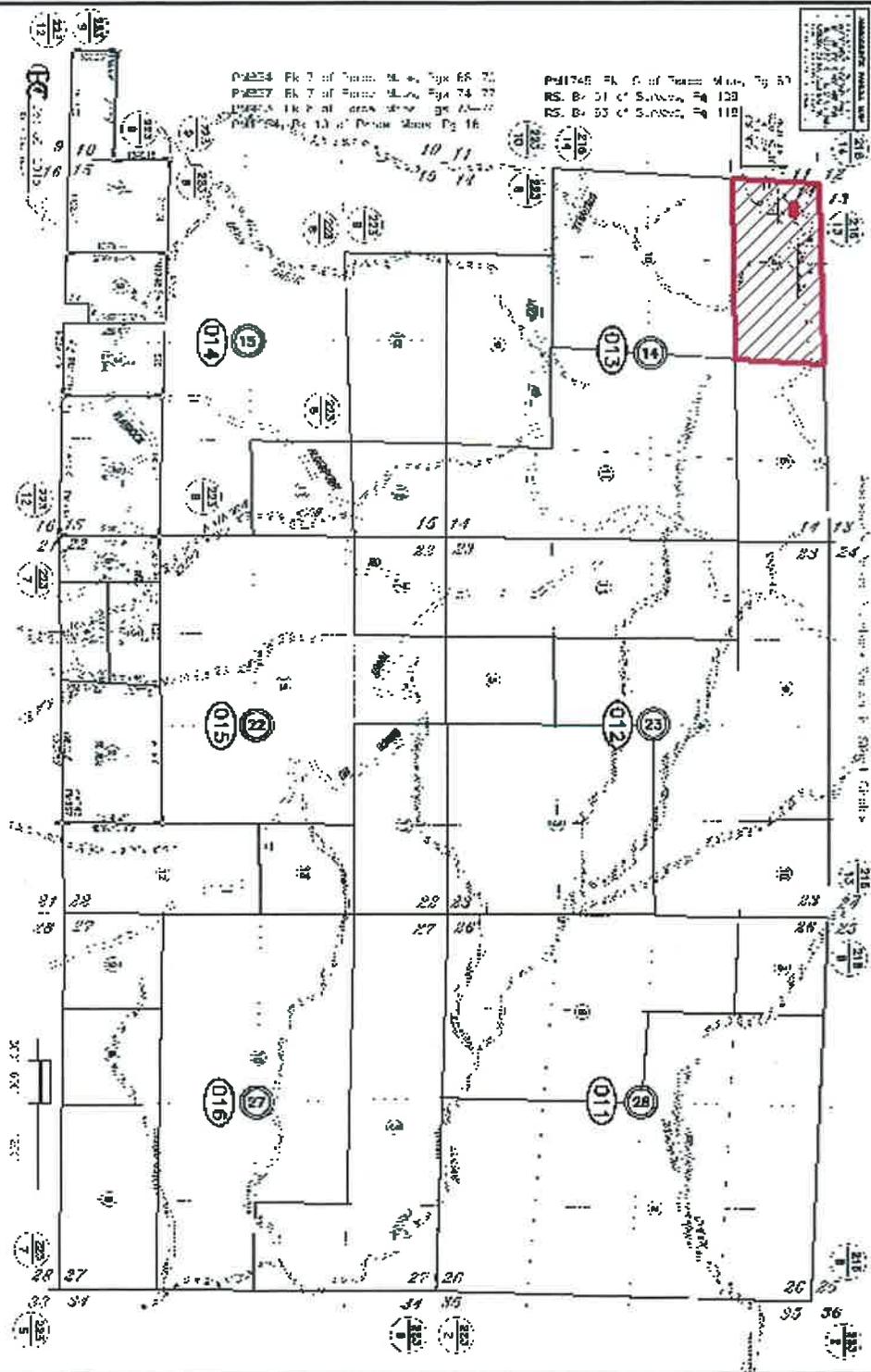
Assessor's Parcel Map  
 Humboldt, CA  
 2017

**ASSESSOR PARCEL MAP**  
**PROPOSED JOHANNESSEN**  
**ZONE RECLASSIFICATION &**  
**LOT LINE ADJUSTMENT**  
**GARBERVILLE AREA**  
**ZR-16-005/LLA-16-034**  
**APN: 216-133-001 et seq**  
**T04S R04E S11-14 HB&M**  
**(Fort Seward, Harris)**

Project Area = 

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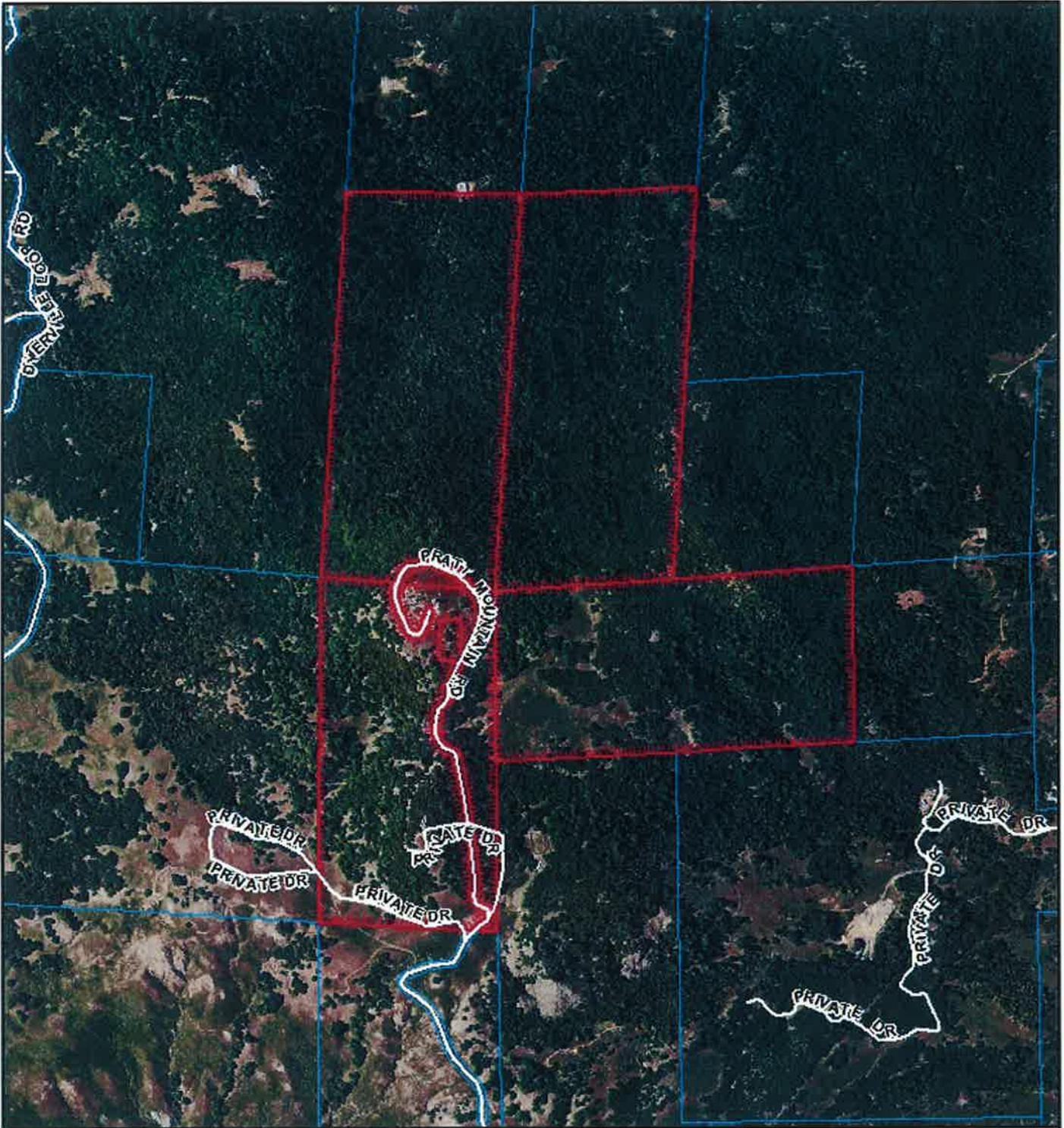
**ASSESSOR PARCEL MAP**  
**PROPOSED JOHANNESEN**  
**ZONE RECLASSIFICATION &**  
**LOT LINE ADJUSTMENT**  
**GARBERVILLE AREA**  
**ZR-16-005/LLA-16-034**  
**APN: 216-133-001 et seq**  
**T04S R04E S11-14 HB&M**  
**(Fort Seward, Harris)**

Project Area = 

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MAP NOT TO SCALE



**AERIAL MAP**

**PROPOSED JOHANNESSEN  
 ZONE RECLASSIFICATION &  
 LOT LINE ADJUSTMENT  
 GARBERVILLE AREA  
 ZR-16-005/LLA-16-034  
 APN: 216-133-001 et seq  
 T04S R04E S11-14 HB&M  
 (Fort Seward, Harris)**

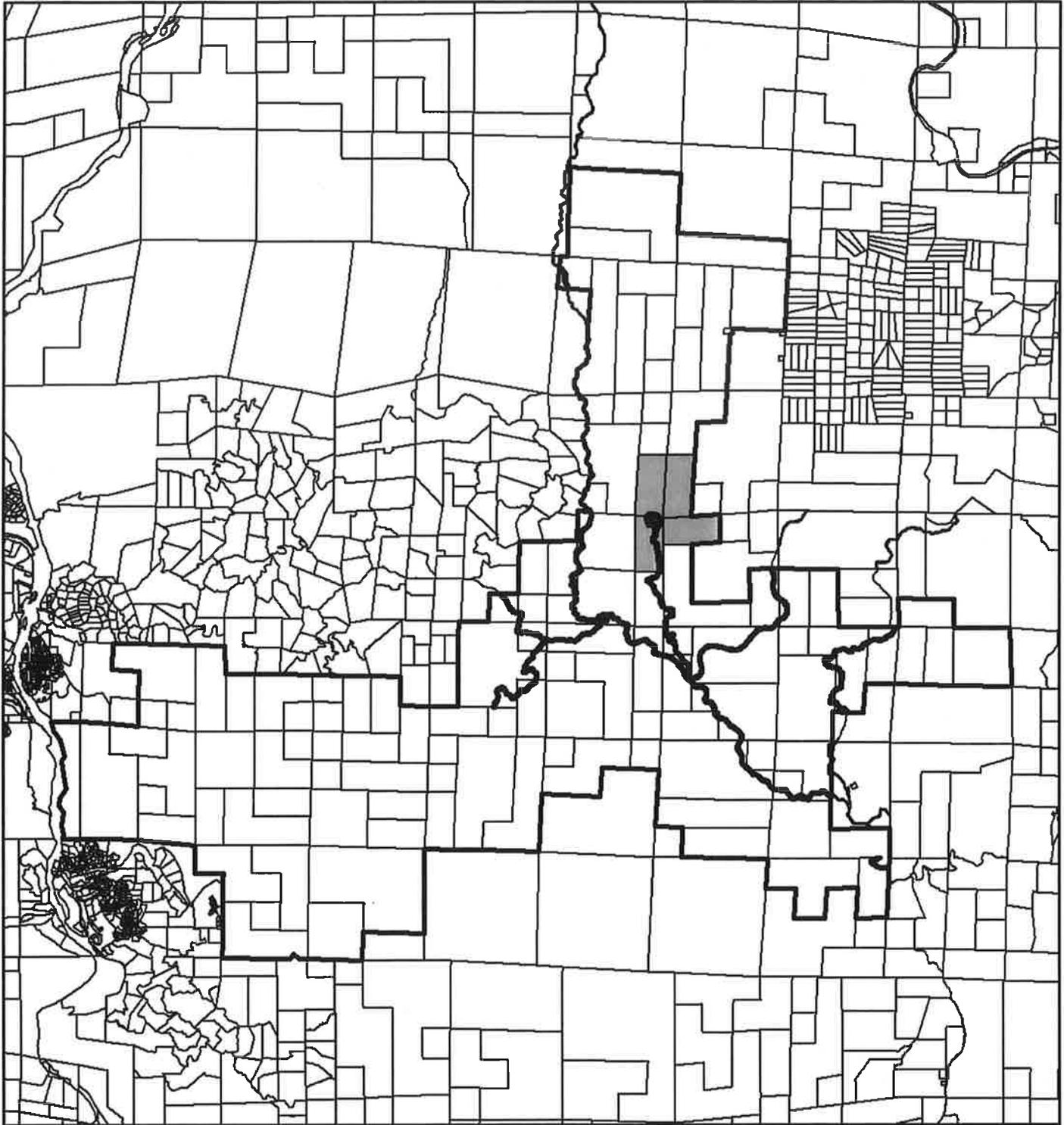
**Project Area =** 

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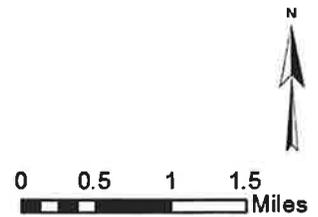






### Tooby Ranch Area to be Disestablished

-  Tooby Ranch Boundary
-  Area to be Disestablished



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 1

### CONDITIONS OF APPROVAL - LOT LINE ADJUSTMENT

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

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning 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. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
  - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel (enclosed in the final approval packet).
  - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$100 per notice, \$211 per legal description plus applicable recordation and notary 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 Planning Division and the Public Works Department.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$74.00 per parcel) as required by the County Assessor shall be paid to Planning Division, 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.
5. Final approval and adoption of the rezone to TPZ (ZR-16-005) and disestablishment of the portion of the Class B agricultural preserve by the Board of Supervisors for Case Nos. ZR-16-005, AGPN-17-001.
6. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notices to satisfy this condition.** Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate

demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

7. This applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the project shall be paid to the Humboldt County Planning Department, 3015 H Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

### **Informational Notes**

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by Planning Division for review as a package at least one week before the desired date for recordation. Post application assistance by the Planner on Duty or by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is no charge for the first post project approval meeting. Please contact Planning Division at (707) 445-7541 for copies of all required forms and written instructions.
4. The January 1, 2004 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts that describe that document are available from Planning Division.
5. Compliance with the Fire Safe regulations (Humboldt County Ordinance No.1952), development standards and parking requirements specified in Humboldt County Code must be demonstrated at the time of application for the Building Permit. Conformance with these standards has not been reviewed as part of this Lot Line Adjustment.
6. 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) is 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.

7. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, as applicable.
8. Lands classified as Timberland Production Zone (TPZ) are enforceably restricted under the California State Constitution and are subject to applicable provisions of the California Government Code and California Revenue and Taxation Codes. These provisions of law affect the manner in which the subject real property may be used and conveyed. A Joint Timber Management Plan (JTMP) will be required in certain situations. Please contact the Humboldt County Assessor (445-7276) or Planning Division (445-7541) for further information.
9. Development must be consistent with the Streamside Management Area Ordinance and Section 3420 of the Framework Plan, *Sensitive and Critical Habitats*.
10. Agricultural and timber lands are identified in the Government Code as a class of open-space land [Section 65560(b)(2)]. Government Code Section 65567 prohibits the issuance of a building permit if the proposed construction is inconsistent with the local open-space plan.
11. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
12. The County's Building Division has indicated that there are multiple greenhouse structures with associated grading on parcels involved in the lot line adjustment that did not receive the required permits. Under State law, buildings constructed or converted without having secured the necessary permits and final inspections or certificates of occupancy must be disclosed at the time of sale or transfer of the property. The Department recommends that the property owners remedy this condition by obtaining the required permits and inspections at the earliest opportunity.
13. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

## CONDITIONS OF APPROVAL - ZONE RECLASSIFICATION

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

1. **Prior to hearing**, the applicant shall submit a check to the Planning Division, payable to Humboldt County in the amount of \$50. This check is to cover the County Clerk's costs for filing the Notice of Exemption pursuant to Section 15067 of the CEQA Guidelines.
3. The property owner(s) shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.
4. Notices of Lot Line Adjustment shall be executed and submitted to the Planning Department. The notices must be approved by the County Land Surveyor prior to the Zone Reclassification being scheduled for a decision by the Board of Supervisors.
5. The Assessor's office requires that any grazing acres to be reclassified as TPZ acres are to be shown by site class, with a map showing the site designation of all quality classes within the entire project. This documentation shall be prepared under the direction of a Registered Professional Forester and submitted to the Assessor's office for their acceptance.

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

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

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

5.
  - a. The project either is categorically or statutorily exempt; or
  - b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
  - c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

#### Staff Analysis

**A.1. Public Interest.** The rezone proposes to reclassify approximately 230 acres from AE-B-5(160) into TPZ. The rezone facilitates an immediate cancellation of a land conservation contract, and allows for the property to be classified more consistently with the actual use and conditions of the land. The evidence submitted - including timberland analyses submitted by Blair Forestry Consulting - demonstrates that the findings for inclusion into TPZ can be made, and that the parcels can be managed for timber production. The FRC recommends project approval.

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

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

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

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

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

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

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

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

Zoning lands into TPZ is consistent with the goals and policies of the General Plan which protects timberlands for the growing and harvesting of timber.

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

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

**A.4. Consistency with California Government Code Sections 51113.5 and 51104.** Per information and timber reports submitted by Blair Forestry Consulting, the project is consistent with the requirements for inclusion into TPZ. The areas to be rezoned into TPZ can meet the minimum conifer stocking levels and site class designation to be included in TPZ. The soils series is Hugo (812) which is identified as having moderate to very high suitability for timber production. The existing land use is in compliance with the land use standards of the TPZ.

The FRC reviewed and recommended project approval at their March 9, 2017 meeting.

**B. Lot Line Adjustment**

**B.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	✓

**B.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.

Parcel	Creation Document/Legal Status
APN 216-144-013, 216-141-008	The 160 acre parcel was created by a government patent issued to Edwin Jenks (Certificate No. 10521) and has not been altered from this configuration. The parcel is a legal parcel.
APN 223-013-003, 223-013-004	The 160 acre parcel was created by a government patent issued to Lorena Jenks (Homestead Certificate No. 1881) and has not been altered from this configuration. The parcel is a 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.

**B.3./C.2/C.3 Conformance with Zoning and Building Ordinances.** The following tables identify the evidence which supports the finding that the lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances. **Note:** These tables are based off of the proposed zoning. A recommended condition of approval to the proposed lot line adjustment is that the rezone to TPZ must be approved and adopted prior to completion of the lot line adjustment.

§313-7.1 AE §314-7.4 TPZ	Summary of Applicable Requirement	Evidence for Resultant Parcels
Permitted Use	TPZ: Growing and harvesting of timber and accessory uses compatible thereto.	All of the proposed parcels are currently utilized for timber production and the applicant has submitted timber harvest information demonstrating that the proposed parcel configurations will continue to be suitable for timber production and harvesting. Accessory uses, including single-family residential uses, may be allowed provided they do not significantly detract from the use of the property for, or inhibit, growing or harvesting of timber. Given that no residential development is proposed and the primary use of the parcels is for timber production, no site development information has been submitted.
Min. Parcel Size	TPZ: 160 acres or 40 acres if C.G.C. §51119.5 are met; or, smaller parcels allowed to be created pursuant to Section 314-7.4.1.4 where the original parcel is a mixed zone parcel	The resultant parcels will both be 160 acres in size.
Min lot width and lot coverage	None	n/a
Yard Setbacks	Thirty (30) feet* (Front, Side, Rear) *all parcels in SRA	Future permitted development shall comply

**B.4./C.1 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 Plan (FRWK).

<b>Plan Section(s)</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence which Supports Making the General Plan Conformance Finding</b>
Land Use: Agriculture Grazing (FRWK)	Primary and compatible uses shall be limited to the production of food, fiber, plants, timber, timber agriculturally related uses, and agriculture related recreational uses.	All of the lands proposed for rezone into TPZ are within the AG designation under the Framework Plan (FRWK). These lands are identified as having very high quality soil for timber production, and are currently being utilized for timber production and harvesting. All of the parcels proposed for rezone and lot line adjustment are currently utilized for growing timber and the applicant has presented information demonstrating how the parcels can continue to be utilized for timber production and harvesting.
Hazards: §3100 (FWRK)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	All of the parcels are located within an area of high geologic instability. The parcels are both within a moderate to high fire hazard area and within the state responsibility area for fire protection. No new development is proposed as a result of this lot line adjustment as this adjustment is specifically for resource management purposes. Future development of all parcels will be required to comply with the provisions of this County's Fire Safe Ordinance and demonstrate compliance with all building code requirements.
Archaeological and Paleontological Resources §3500 (FWRK)	New development shall protect cultural, archaeological and paleontological resources.	No new development is proposed. A records search identified the presence of cultural resources on the site, and the applicant submitted a cultural resources study that identified the resources and demonstrated that the lot line adjustment would not impact these resources. The lot line adjustment is specifically for resource management purposes.

Resource Protection §3400 (FRWK)	To protect designated sensitive and critical resource habitats.	The parcels include some streamside management areas. No development is proposed as part of this application. All of the resultant parcels are large enough to avoid these areas during any future development activity.
Visual Resource Protection	New development shall conserve and protect scenic and visual qualities of coastal areas.	The project site is not in a designated scenic area.

**C4. Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Finding	Summary of Applicable Requirement	Evidence
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	<p>The Department finds that the proposed project will not be detrimental to the public health, safety and welfare. All reviewing referral agencies have approved or conditionally approved the reconfiguration of the resource parcels. A records search identified the presence of cultural resources on the site, and the applicant submitted a cultural resources study that identified the resources and demonstrated that the lot line adjustment would not impact these resources. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project will not cause significant environmental damage.</p> <p>Because the project consolidates resource lands into logical management units and no development is proposed, staff supports the finding that the project will not impact the public's health, safety and welfare, nor will it be injurious to properties or improvements in the vicinity.</p>

**A.5/B.5 Environmental Impact.** Planning staff believes that the project, as designed and conditioned, will not result in a significant adverse effect on the environment and is exempt from environmental review pursuant to the California Environmental Quality Act. The rezone into TPZ is exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code. The LLA does not result in a change in land use or density, and is intended to consolidate resource management units and is therefore exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

#### **D. Agricultural Preserve-Williamson Act Findings**

The California Land Conservation Act of 1965, also known as the Williamson Act, provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves and to both execute and cancel land conservation contracts. The Williamson Act further provides findings that must be made if contracted lands are to be involved in a lot line adjustment. The Williamson Act may be found commencing with Section 51200 of the Government Code. The subject lands were established as an approximately 10,500 acre Class B agricultural preserve by Resolution No. 77-30. The Land Conservation Contract was recorded February 25, 1977 and was non-renewed on June 2, 2016. The lands remain subject to the Land Conservation Contract until the termination date of February 1, 2026. The current proposal is for a dis-establishment of a portion of the existing Class B preserve and an immediate cancellation of the portion of the land conservation contract pertaining to the subject properties.

#### **Cancellation of Land Conservation Contracts**

Section 51282.5 of the Government Code provides that:

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

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

### **ATTACHMENT 3**

#### **APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS**

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

- Application form
- Purpose statement
- Project Proposal Map
- Present owners' deeds and creation documents
- Preliminary title reports
- Petition to Rezone the Johannesen property to Timber Production Zone dated December 22, 2016, prepared by Blair Forestry

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 GARBERVILLE AREA (ZR-16-005, JOHANNESSEN)

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

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 230 acres in the Garberville area from Agriculture Exclusive with a Building Site combining zone requiring a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ), as described in the attached Exhibit A.

The area described is also shown on the Humboldt County Zoning Map [T-46, T-47] and on the map attached as Exhibit A.

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

\_\_\_\_\_  
Chair, Humboldt County Board of Supervisors

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

(SEAL)

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

\_\_\_\_\_  
Kathy Hayes

**ATTACHMENT 5**

**REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
California Department of Conservation			
County Assessor's office	✓	Approval	On file
County Building Division	✓	Approval	On file
Forestry Review Committee	✓	Approval per November March 9, 2017 meeting	On file
Bear River Band	✓	Approval	On file
Humboldt County Farm Bureau			
Humboldt County Cattlemen's Association			
County Environmental Health	✓	Approval	On file
County Counsel			
County Public Works, Land use Division	✓	Approval	On file
North West Information Center	✓	Recommend cultural resources study	On file
California Fish and Wildlife			