



AGENDA ITEM NO.  
**L-1**

# COUNTY OF HUMBOLDT

For the meeting of November 14, 2014

Date: October 20, 2014

To: Board of Supervisors

From: Kevin R. Hamblin, Director, Planning and Building Department *KRH*

Subject: Fred M. van Eck Forest Foundation General Plan Amendment Petition  
 Application Number 9052, Case Number GPP 14-003  
 Assessor Parcel Numbers 512-171-009, 512-181-038, 512-181-039,  
 516-011-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019, 516-011-020  
 Fieldbrook Area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing and receive the staff report and public comment.
2. Accept the petition by approving the attached resolution (Attachment 1) based on the findings in the staff report and testimony received about the project.
3. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office and any other interested party.

Prepared by *Trevor Estlow*  
Trevor Estlow, Senior Planner

CAO Approval *Amy Nwan*

REVIEW:  
 Auditor \_\_\_\_\_ County Counsel *DS* Human Resources \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
 \_\_\_\_\_ Consent  
 \_\_\_\_\_ Departmental  
 Public Hearing  
 \_\_\_\_\_ Other \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:  
 Board Order No. \_\_\_\_\_  
 Meeting of: \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**  
 Upon motion of Supervisor *Sundberg*  
 Seconded by Supervisor *Bass*  
 Ayes *Sundberg, Labadie, John, Bass, Fennell*  
 Nays \_\_\_\_\_  
 Abstain \_\_\_\_\_  
 Absent \_\_\_\_\_

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

Dated: *November 14, 2014*  
 By: *Kathy Hayes*  
 Kathy Hayes, Clerk of the Board

## SOURCE OF FUNDING:

Applicant fees deposited into Planning and Building Department Current Planning Revenue Account 1100-277-608000 is the source of funding. The applicant is responsible for all costs associated with the processing of the project.

## DISCUSSION:

### ***Petition***

The Humboldt County Planning Division received a petition requesting that the Board accept for processing an applicant-initiated General Plan Amendment (Attachment 2). The petition seeks to change the designation of approximately 148 acres of lands currently planned either Recreation, Residential Estates, Agriculture Exclusive, Dispersed Houses or Agricultural Rural to Timberland (T) in the Fieldbrook area. The project area is comprised of nine assessor parcel numbers that are contiguous to other timberlands owned by the van Eck Foundation. The subject property has been in continuous timber management since it was initially harvested between 1910 and 1915.

The proposed Amendment will facilitate a Zone Reclassification into Timberland Production Zone (TPZ) which reflects the current and historic use of the property.

### ***Summary***

**Project Location:** The project site is located in the Fieldbrook area, on the east and west sides of Fieldbrook Road, on the properties located in Section 36, Township 7 North, Range 1 East and Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian.

**Basis of Petition:** Community values and assumptions have changed and the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

The applicant believes that community values and assumptions have changed. The existing parcels are planned and zoned for a variety of rural residential and agricultural uses. The Northern Humboldt General Plan identified this area as rural residential. However, the subject parcels were, and continue to be, managed for timber production. The properties are bordered by other timberlands owned by the van Eck Trust that are zoned TPZ and planned for Timber Production. The plan change requested by the applicant more closely reflects the actual uses on the ground and is consistent with the restrictions placed on the property by a conservation easement held by the Pacific Forest Trust. The conservation easement allows for the current applicants to manage the forest and to harvest timber consistent with the terms set forth in the Calfire approved Nonindustrial Timber Management Plan (1-96NTMP-012-HUM).

The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan. The current land use designations do not support rezoning into TPZ. The proposed changes to the general plan designations allows the owner to apply for an application to rezone the property into TPZ. The site is made up of second and third growth mixed conifer forest dominated by Coast redwood with substantial components of associated species including Douglas-fir, Sitka spruce, Grand fir and Western hemlock. The stand meets the definition of "Timberland" per California Government Code Section 51104 (f), (g) and is capable of growing an average volume of wood fiber of at least 15 cubic feet per acre.

Staff believes that the findings can be made on the basis of the submitted evidence.



## **Issues**

Should the General Plan Petition be accepted, several issues will be more thoroughly analyzed during the General Plan Amendment application review process. Some of these issues include analyzing the potential loss of rural residential uses and demonstrating that the parcels meet the requirements for inclusion into TPZ. Further analysis of these issues as well as others as they arise will be reviewed as part of the General Plan Amendment process.

## **Required Findings**

### Review Criteria

Pursuant to Section 1452 of the Framework Plan, Volume I, Plan Amendments may only be initiated by the Board of Supervisors based on a recommendation, by Resolution, of the Planning Commission or requested by members of the public. Section 1452.2 of the Framework Plan establishes findings that must be made, any **one** of which shall be grounds for considering a plan amendment. Specifically, the findings are:

1. Base information or physical conditions have changed; or
2. Community values and assumptions have changed; or
3. There is an error in the plan; or
4. The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

The Board also has the discretion of accepting for consideration any proposed plan amendment even though none of the findings of Section 1452.2 may be able to be made for the specific request. Amendments accepted for consideration are processed as staff resources permit consistent with the Planning Division's budget allocation and work program.

The decision to be made at this time is whether or not the Board will accept the proposed Amendment for processing, review and consideration. If accepted for review and consideration, final approval of the proposed Amendment will be dependent upon additional data that shows the request is both "in the public interest" and "consistent with a comprehensive view of the General Plan."

## **Staff Recommendation**

Planning Division staff believes that a finding may be made based on the fact that community values and assumptions have changed and the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan. Board acceptance of the petition would allow for the necessary in-depth staff analysis of project impacts. As noted above, accepting the petition is only the first step in processing, reviewing and considering this request. Should the Board find "community values and assumptions have changed" or "the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan," staff recommends the Board accept the petition by adopting the attached resolution and directing Planning Division staff to process the application with land use designations and zones as proposed therein.

## **FINANCIAL IMPACT:**

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved in the processing of the application. This payment is typical for all individually-initiated plan amendment and zone reclassification applications.

OTHER AGENCY INVOLVEMENT:

The project was not referred to other agencies at this stage in the review process. Should the petition be accepted, responsible and trustee state and local agencies will be involved in the referral process of the Amendment, including Native American Consultation pursuant to SB 18, and as part of the environmental review for the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could find that none of the grounds for considering a plan amendment can be made and reject the petition. Alternatively, the Board, under its own discretion, may accept the proposed plan Amendment even though none of the findings of Section 1452.2 may be made for the specific request.

ATTACHMENTS:

- Attachment 1      Resolution No. 14-95
- Attachment 2      Copy of Petition for General Plan Amendment: Request dated Received June 14, 2013
- Attachment 3      Maps – Location Map/Assessor Parcel Map/Zoning Map/Existing and Proposed Land Use Designations



**Attachment 1**

Resolution No. 14-95

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of November 14, 2014

RESOLUTION NO. 14-95

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT APPROVING THE PLAN AMENDMENT APPLICATION FOR ASSESSOR PARCEL NUMBERS 512-171-009, 512-1510-038, 512-181-039, 516-01-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019, 516-011-020; CASE NUMBER GPP-14-003**

**WHEREAS**, Section 65358 of the State Government Code allows the Board of Supervisors to amend the General Plan up to four times in any calendar year; and

**WHEREAS**, Section 1452.2 of the Humboldt County Framework Plan establishes that, if any one of the following findings are made, a requested plan amendment "shall be considered" by the Board of Supervisors:

1. Base information or physical conditions have changed; or
2. Community values and assumptions have changed; or
3. There is an error in the plan; or
4. The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

**WHEREAS**, the property owner has submitted an application requesting a plan amendment for property as identified in Project APNs 512-171-009 *et seq.*; Case No. GPP-14-003; and

**WHEREAS**, Planning and Building Department, Planning Division, staff has evidence within planning files in support of finding that community values and assumptions have changed and the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.


**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt County Board of Supervisors that the following findings are hereby made:

1. There is factual evidence in support of the proposed application: community values and assumptions have changed and the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

**BE IT FURTHER RESOLVED** that based on the above findings, the findings in the staff report, evidence in the file for the project, and public testimony received on the project, the Board of Supervisors accepts the Fred M. van Eck General Plan Petition, File Number APNs 512-171-009 *et seq.*, Case Number GPP-14-003.

**BE IT FURTHER RESOLVED** that the Clerk of the Board is directed to provide notice of this decision to all interested parties.

Dated: November 14, 2014

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

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of November 14, 2014

RESOLUTION NO. 14-95

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

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

STATE OF CALIFORNIA )  
County of Humboldt )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

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



By TRACY DAMICO  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California



**Attachment 2**

**Petition for General Plan Amendment**

**Petition to Amend the General Plan Designations for Portions of the van Eck California Forest  
in Fieldbrook, California**

**for**

**The Fred M. van Eck Forest Foundation  
1001 A O'Reilly Avenue  
San Francisco, CA 94129**



**Prepared by  
Bill Wilkinson, Senior Forester  
Pacific Forest Trust  
P.O. Box 702  
Arcata, CA 95518**

A handwritten signature in blue ink, appearing to read "William H. Wilkinson".

**William H. Wilkinson, RPF #2463**

4-9-14  
Date

1. PROPERTY OWNER

The Fred M. van Eck Forest Foundation  
1001 A O'Reilly Avenue  
San Francisco, CA 94129

2. PROJECT PURPOSE AND DESCRIPTION

The project involves a petition to amend the General Plan designations of nine parcels owned by the Fred M. van Eck Forest Foundation (included within four larger managed forest tracts owned by the Foundation) from their current zoning designations, as shown below, under the Northern Humboldt General Plan.

3. PRESENT ZONING AND PLAN DESIGNATION

The nine subject parcels currently have a mix of zoning classifications, as shown below:

<b><u>Parcel Number</u></b>	<b><u>Zoning Classification</u></b>
512-171-009	Agriculture General with a 2.5-acre minimum parcel size
512-181-038	AG-B-5(5) T; Rec: Agriculture General with a 5-acre minimum parcel size, Timber, Recreation
512-181-039	AG-B-5(5) T; Rec, Res Est: Agriculture General with a 5-acre minimum parcel size, Timber, Recreation, Residential Estate
516-011-006	AE/Disp.Hs: Agriculture Exclusive/Dispersed Houses
516-011-010	FR-B-5(20)/Disp.Hs: Forestry Recreation with a 20-acre minimum parcel size/Dispersed Houses
516-011-014	FR-B-5(20)/Disp.Hs: Forestry Recreation with a 20-acre minimum parcel size/Dispersed Houses
516-011-015	FR-B-5(20)/Disp.Hs: Forestry Recreation with a 20-acre minimum parcel size/Dispersed Houses
516-011-019	AG-B-5(10) AR10 – Agriculture General with a 10-acre minimum parcel size, Agriculture Rural 10
516-011-020	AG-B-5(10) AR10 – Agriculture General with a 10-acre minimum parcel size, Agriculture Rural 10



#### 4. Legal Description

The project area is located in Fieldbrook Valley on both the west side of Fieldbrook Road (and included in the van Eck Fieldbrook tract) and on the east side of Fieldbrook Road (and included in the van Eck Squaw Creek tract). The tracts with a first number designation of 512 are located in Section 36, Township 7 North, Range 1 East. The tracts with the designation 516 are located in Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian. All the subject properties are located on the Arcata North 7.5" USGS Quadrangle.

#### 5. Timberland Description

The non-TPZ timberlands located within the project area are made up of a second and third growth North Coast mixed conifer forest ecosystem dominated by coast redwood (*Sequoia Sempervirens*) with substantial components of associated species including Douglas-fir (*Pseudotsuga menziesii*); Sitka spruce (*Picea sitchensis*); grand fir (*Abies grandis*); and western hemlock. There is also a substantial component in some areas of the exotic species Monterey pine (*Pinus radiata*) which was introduced in the 1960s and 70s. Hardwoods include red alder (*Alnus rubra*), big leaf maple (*Acer macrophyllum*) and tanoak (*Lithocarpus densiflorus*). Species composition for the project area is approximately 96.5% conifer and 3.5% percent hardwood. The stands range in size from seedlings and saplings resulting from harvesting activities in 2008 to 40" DBH and over second growth trees.

The timber stands within the subject parcels meet the definition of "Timberland" per C.G.C. 51104 (f), (g), and are easily capable of growing wood fiber of at least 15 cubic feet per acre annually.

#### 6. General Plan Amendment Justification

The project area meets the definitions of Government Code Section 51104(f), "Timberland", "Timberland Production Zone" and "Compatible Use".

The van Eck California Forest is comprised of 2,171 acres that are located in four tracts, three in or near Fieldbrook Valley and one in Moonstone. The Squaw Creek tract at 761 acres is the largest of the four and the Fieldbrook tract at 319 acres is the smallest. The two other tracts include Lindsay Creek, which runs from the top of Fieldbrook Grade on its western side to Lindsay Creek at its eastern border, and the Moonstone tract which lies 15 miles to the north, between the Moonstone Heights subdivision on the west and Green Diamond timberlands on the north, east and south. The project area contains a Grant Deed of Conservation Easement between the van Eck Foundation and the Pacific Forest Trust that was signed on May 22, 2001 and recorded in Humboldt County on May 31, 2001. This is a Working Forest Conservation Easement which requires the owners to continue to manage the forest and harvest timber in accordance with all applicable state and federal forestry laws and is consistent with the terms set forth in the CALFIRE-approved NTMP 1-96NTMP-012 HUM. The Conservation Easement prohibits subdivision of the property in that applicants shall maintain all legal parcels that are part of the property and all interests therein under common ownership, as though the property were a single legal parcel

owned by a single owner. Primary goals of the easement are to protect the land from development and deforestation and to move stand structure toward late seral structural conditions, while maintaining commercial timber use and productivity. The proceeds from timber management on the forest are legally required to be conferred to Purdue University, where they are used to support forestry programs and scholarships.

There is evidence that all four van Eck tracts have been in continuous timber management since they were initially harvested between 1910-15, with the exception that portions of the Lindsay Creek tract were converted into pastureland between 1915-20; however records indicate that this status was only maintained for 10 years, and a second timber harvest was conducted in 1960. Mr. Fred van Eck acquired these forested properties in the late 20<sup>th</sup> century with the intention of dedicating them to sustainable timber management.

Pacific Forest Trust holds the conservation easement and is the current manager of the forest for the van Eck Foundation. The primary management goal of the easement is described as

*“to restore and maintain through time the late seral to mature, complex native coastal redwood ecosystem”*

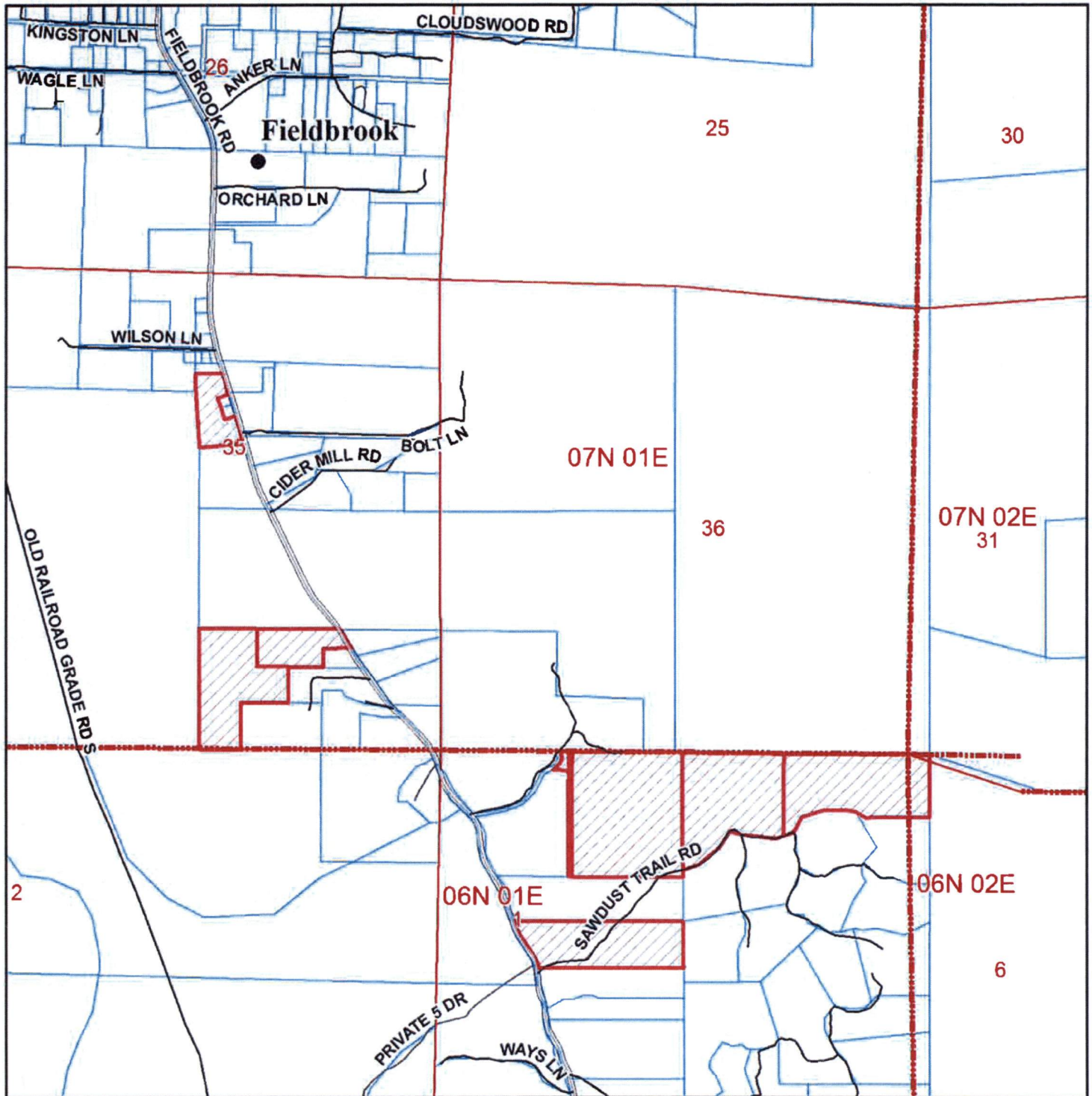
In 2007 PFT prepared a 10-year Forest Management Plan (FMP) for the van Eck California Forest. The FMP describes several types of silvicultural treatments that may be prescribed on the property. All these treatments are aimed at restoring the native ecosystem and are managed almost solely aimed at under single tree selection silviculture, with creation of group selection openings up to 2.5 acres being used as needed to restore areas of non-native species to native species. The petition to change the General Plan designation of the subject parcels to Timber (T) will maintain established uses (timber production) otherwise consistent with a comprehensive view of the plan. Of the 26 parcels that make up 2,171 acres of the van Eck forest, 17 are already classified (T). The nine parcels that are being petitioned are all located in Fieldbrook Valley near Fieldbrook Road, in an area already highly developed and subdivided for dispersed residential use, with agricultural use playing a declining but still significant role. At the time these parcels were zoned it's likely that the planners expected residential use and agriculture to continue to be the most likely roles for them to play in the suite of county land uses. However, their acquisition by Mr. van Eck and the van Eck foundation, the filing of the conservation easement and the establishment of the NTMP, all of which govern land uses on these as well as the surrounding van Eck TPZ parcels, provide a strong indication that they will continue to be managed for timber into the foreseeable future.

## **Attachment 3**

### **Maps**

- Location Map
- Assessor Parcel Map
- Zoning Map
- Land Use Designations – Existing and Proposed





**LOCATION MAP**

**PROPOSED FRED M. van ECK FOREST FOUNDATION  
 GENERAL PLAN PETITION  
 FIELDBROOK AREA  
 GPP-14-003  
 512-171-009 et seq  
 T06N R01E S01 HB&M (Arcata North)**

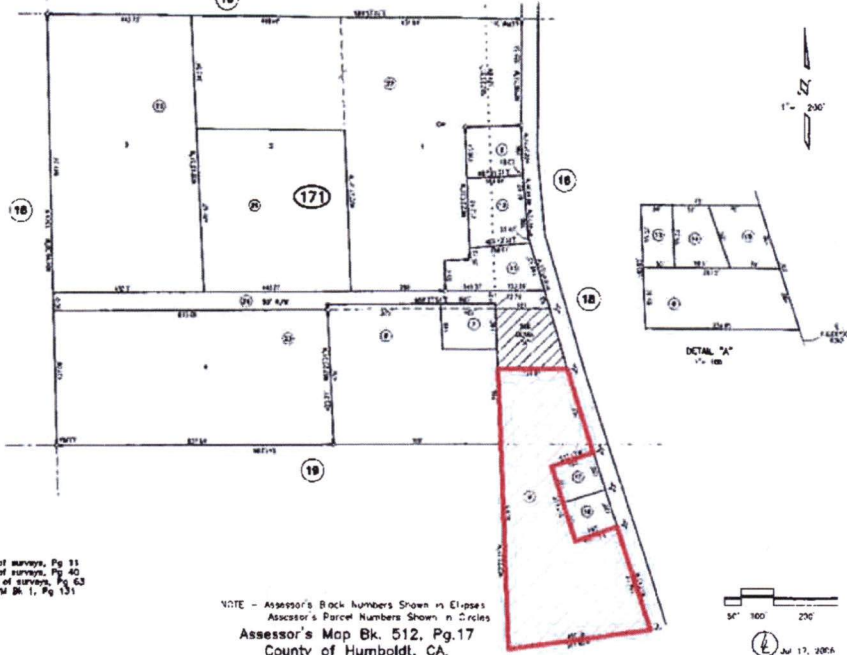
**Project Area =** 

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



PTN SEC 35 T7N, R1E H.B.& M.

512-17

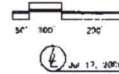


**ASSESSOR'S PARCEL MAP**

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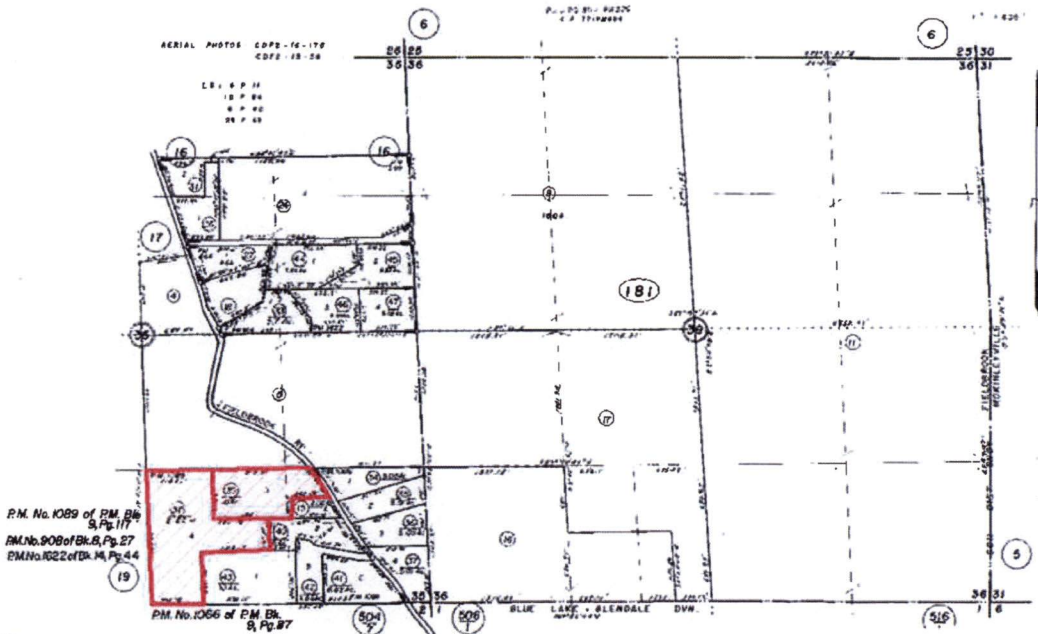
LS, Bl. 4 of survey, Pg. 31  
 LS, Bl. 5 of survey, Pg. 40  
 LS, Bl. 23 of survey, Pg. 63  
 PM77 of PM Bl. 1, Pg. 131

NOTE - Assessor's Block Numbers Shown in Circles  
 Assessor's Parcel Numbers Shown in Squares  
 Assessor's Map Bk. 512, Pg. 17  
 County of Humboldt, CA.



SEC 36 & PTN E 1/2 SEC 35 7N 1E

512-18



P.M. No. 1089 of P.M. Bl. 8, Pg. 117  
 P.M. No. 908 of Bl. 8, Pg. 27  
 P.M. No. 1022 of Bl. 4, Pg. 44  
 P.M. No. 1066 of P.M. Bl. 8, Pg. 87

**ASSESSOR PARCEL MAP**  
 1 of 2

**PROPOSED FRED M. van ECK FOREST FOUNDATION  
 GENERAL PLAN PETITION  
 FIELDBROOK AREA  
 GPP-14-003  
 512-171-009 et seq  
 T06N R01E S01 HB&M (Arcata North)**

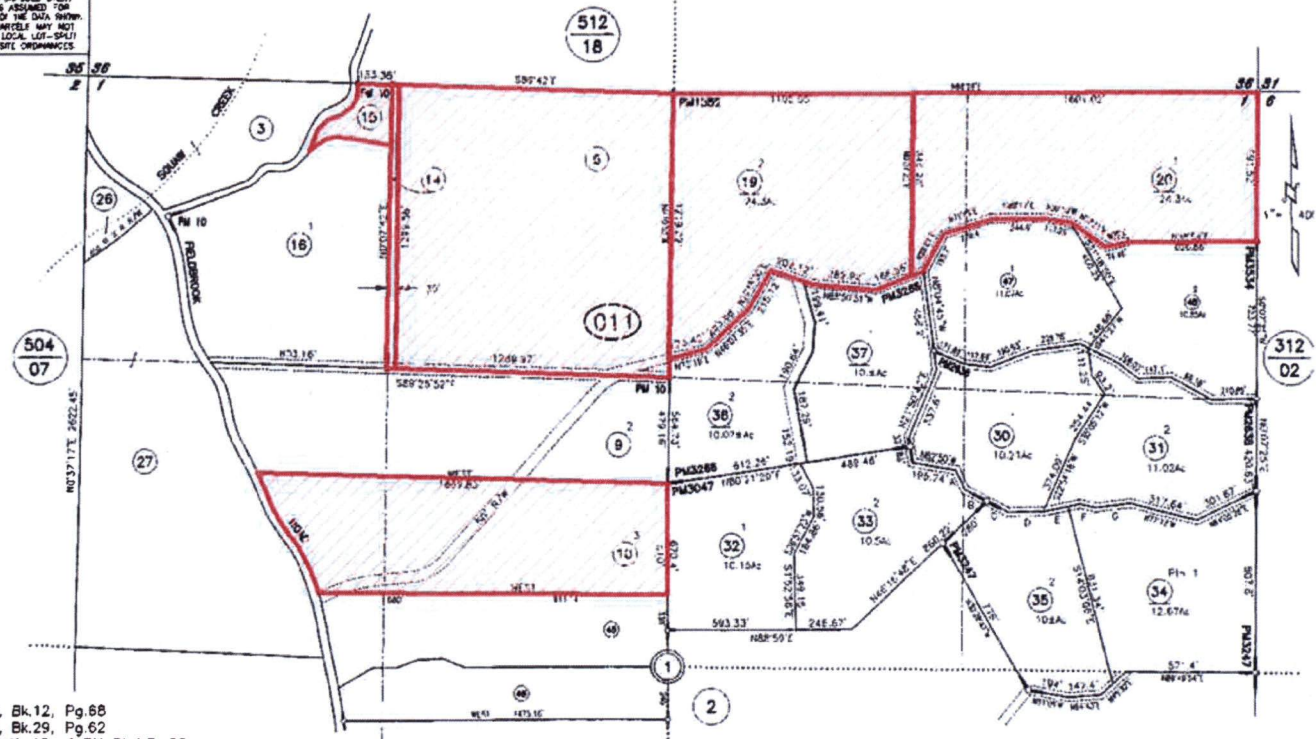
PROJECT SITE =



**ASSESSOR'S PARCEL MAP**  
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 COMPLY WITH LOCAL LOT-SPLIT  
 OR BUILDING SITE ORDINANCES.

PTN SEC 1 T6N R1E H.B.& M.

516-01



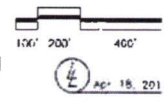
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 RS, Bk.29, Pg.62  
 PM No.10 of PM Bk 1, Pg.22  
 PM1552 of PM Bk 13, Pgs.103-105  
 PM2638 of PM Bk.23, Pg.144  
 PM3047 of PM Bk.28, Pg.45  
 PM3247, Bk.30, Pgs.119-121  
 RS, Bk.60, Pg.80  
 PM3268, Bk.31, Pgs.17-18  
 RS, Bk 67 of surveys, Pg 82

PM3534 of PM Bk 34, Pgs 148-149

A N25°29'49"W 89.88'  
 B N65°09'22"W 118'  
 C N65°09'22"W 117.98'  
 D N89°49'22"E 141.86'  
 E N78°17'27"E 172.47'  
 F N78°32'45"W 77.5'  
 G N82°01'25"W 81.35'

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

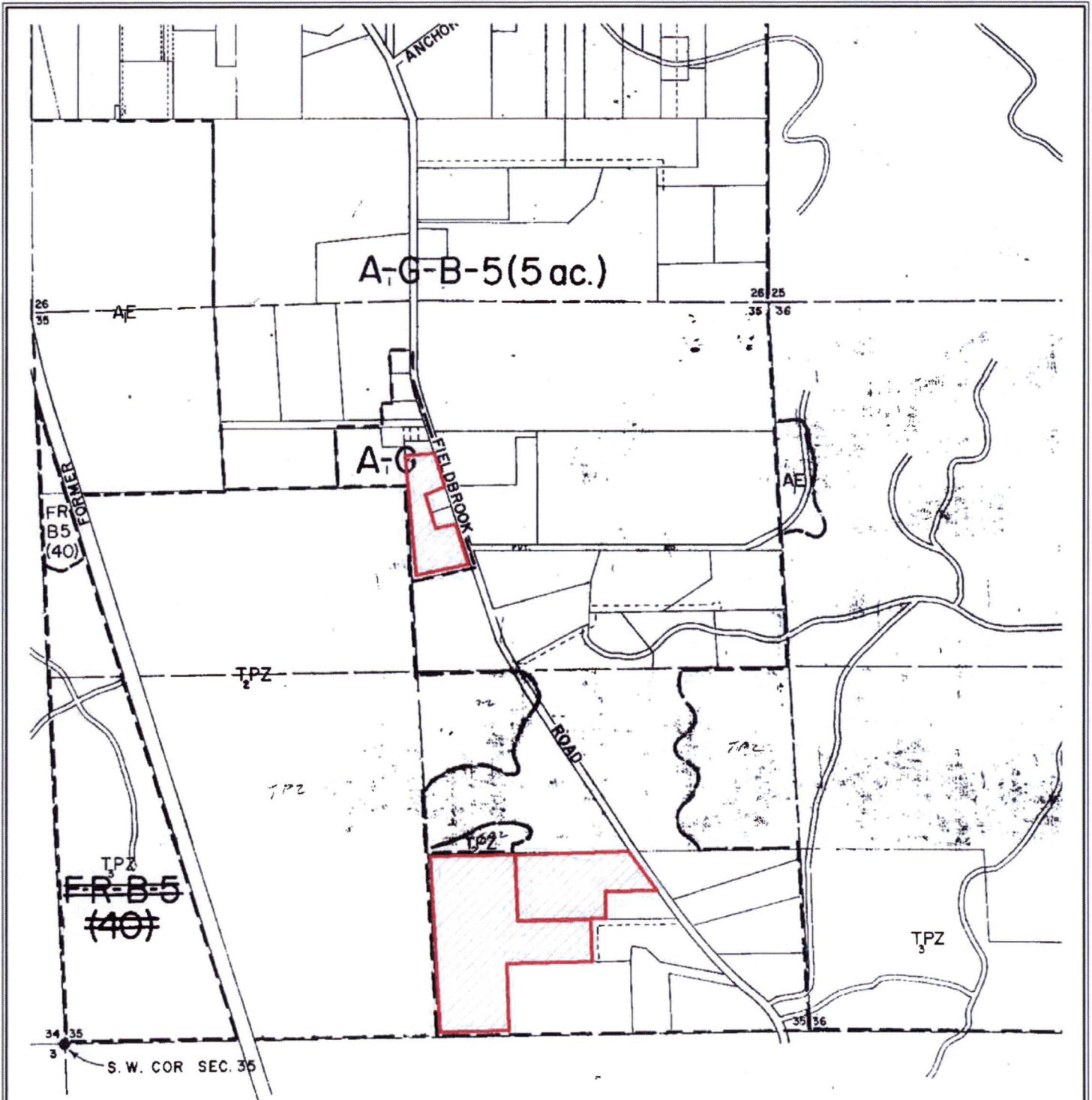
Assessor's Map Bk.516, Pg.01  
 County of Humboldt, CA.



**ASSESSOR PARCEL MAP**  
 2 of 2

**PROPOSED FRED M. van ECK FOREST FOUNDATION  
 GENERAL PLAN PETITION  
 FIELDBROOK AREA  
 GPP-14-003  
 512-171-009 et seq  
 T06N R01E S01 HB&M (Arcata North)**

PROJECT SITE =



PROJECT AREA = 

**ZONING MAP**  
1 of 2

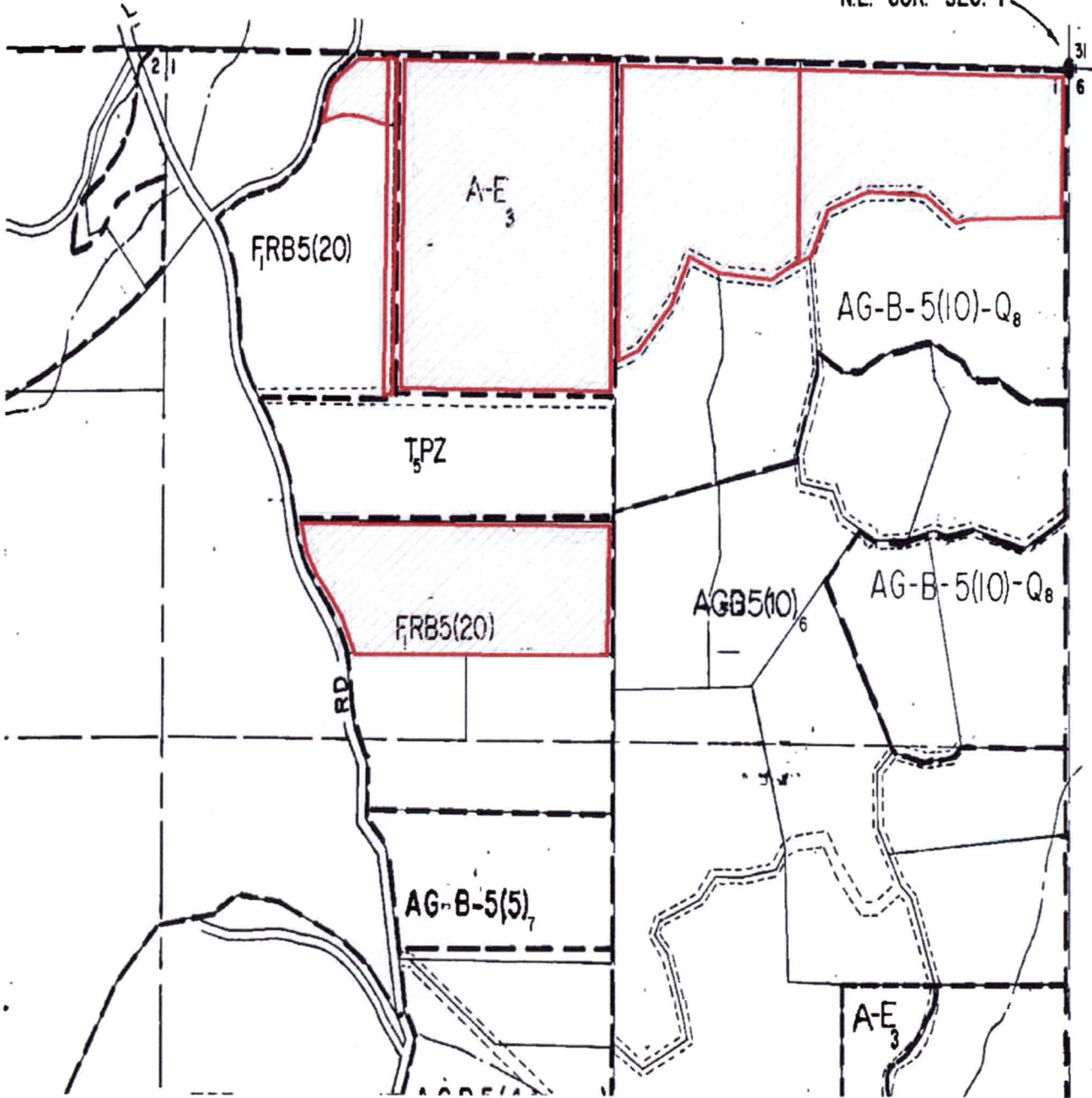
**PROPOSED FRED M. van ECK FOREST FOUNDATION  
GENERAL PLAN PETITION  
FIELDBROOK AREA  
GPP-14-003  
512-171-009 et seq  
T06N R01E S01 HB&M (Arcata North)**





T.6N.-R.1E.

NE. COR. SEC. 1



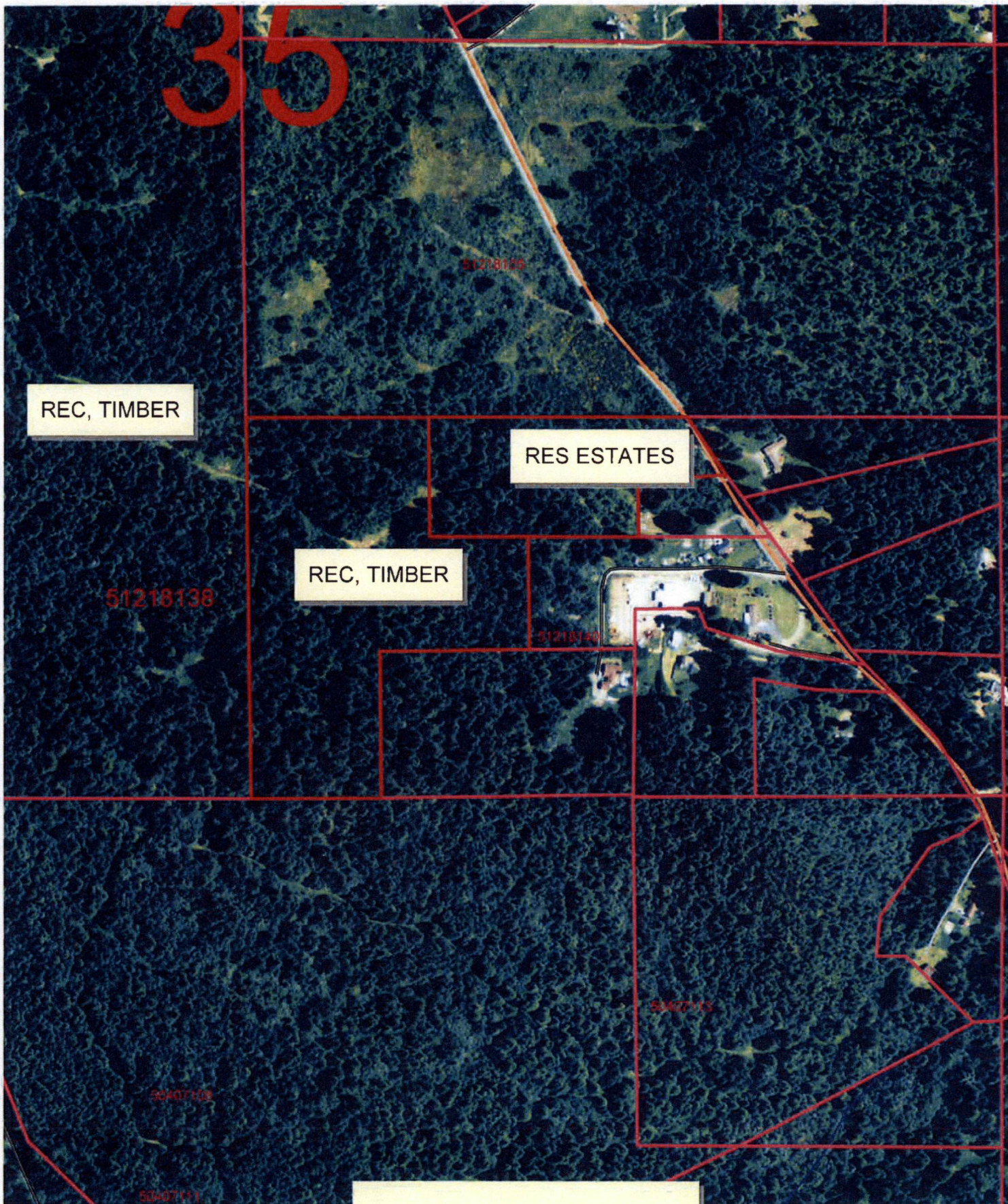
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**ZONING MAP**  
2 of 2

**PROPOSED FRED M. van ECK FOREST FOUNDATION  
 GENERAL PLAN PETITION  
 FIELDBROOK AREA  
 GPP-14-003  
 512-171-009 et seq  
 T06N R01E S01 HB&M (Arcata North)**







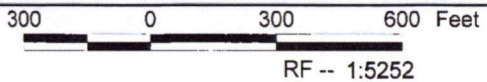
REC, TIMBER

RES ESTATES

REC, TIMBER

EXISTING LAND USE 1 OF 2

# POD GIS Map



Map Disclaimer:  
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 Humboldt County Forest Foundation

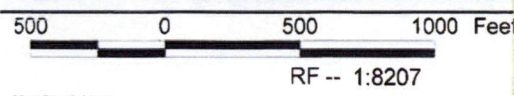
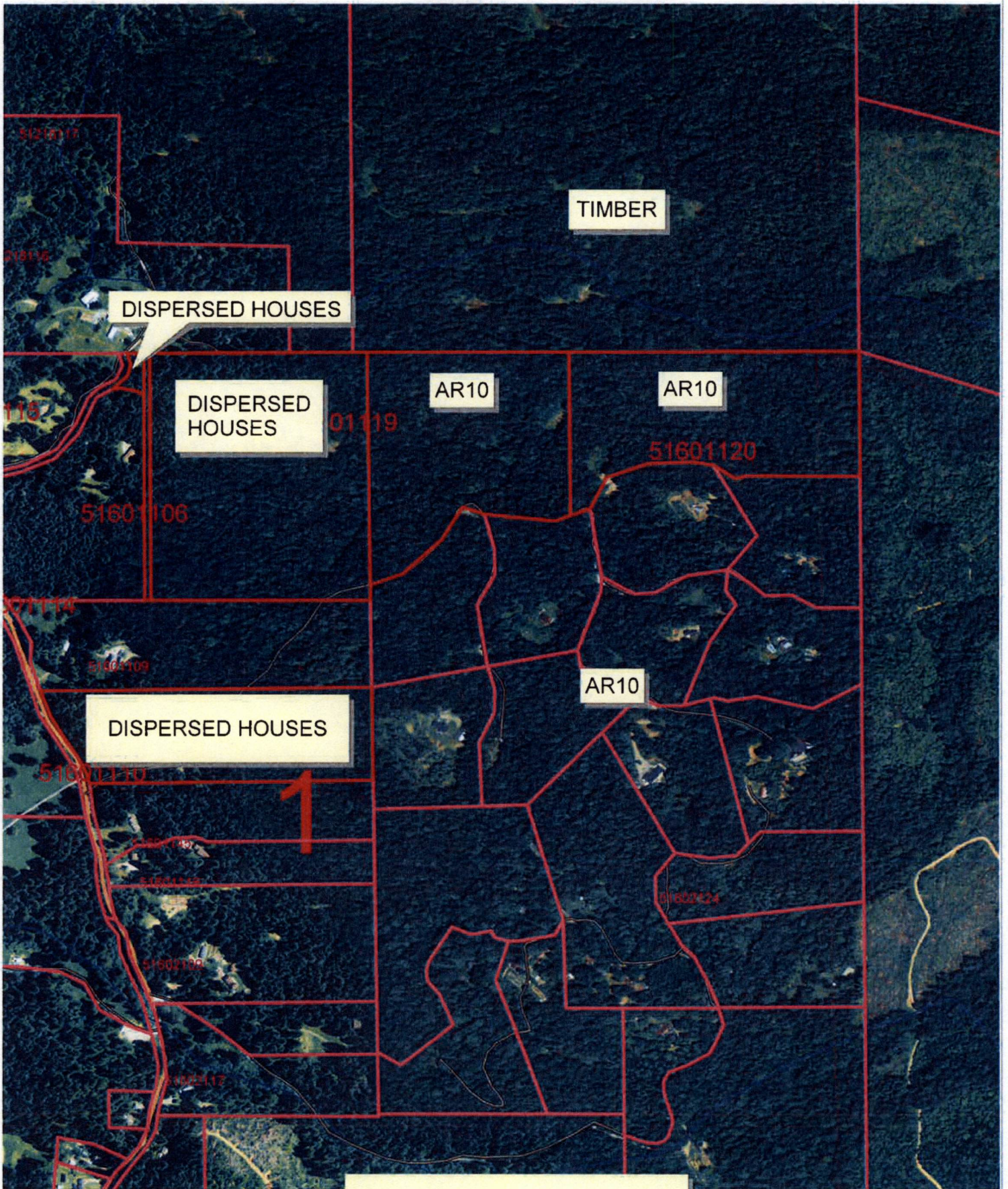


November 14, 2014

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Humboldt County  
 Planning and Building





EXISTING LAND USE 2 OF 2

# POD GIS Map

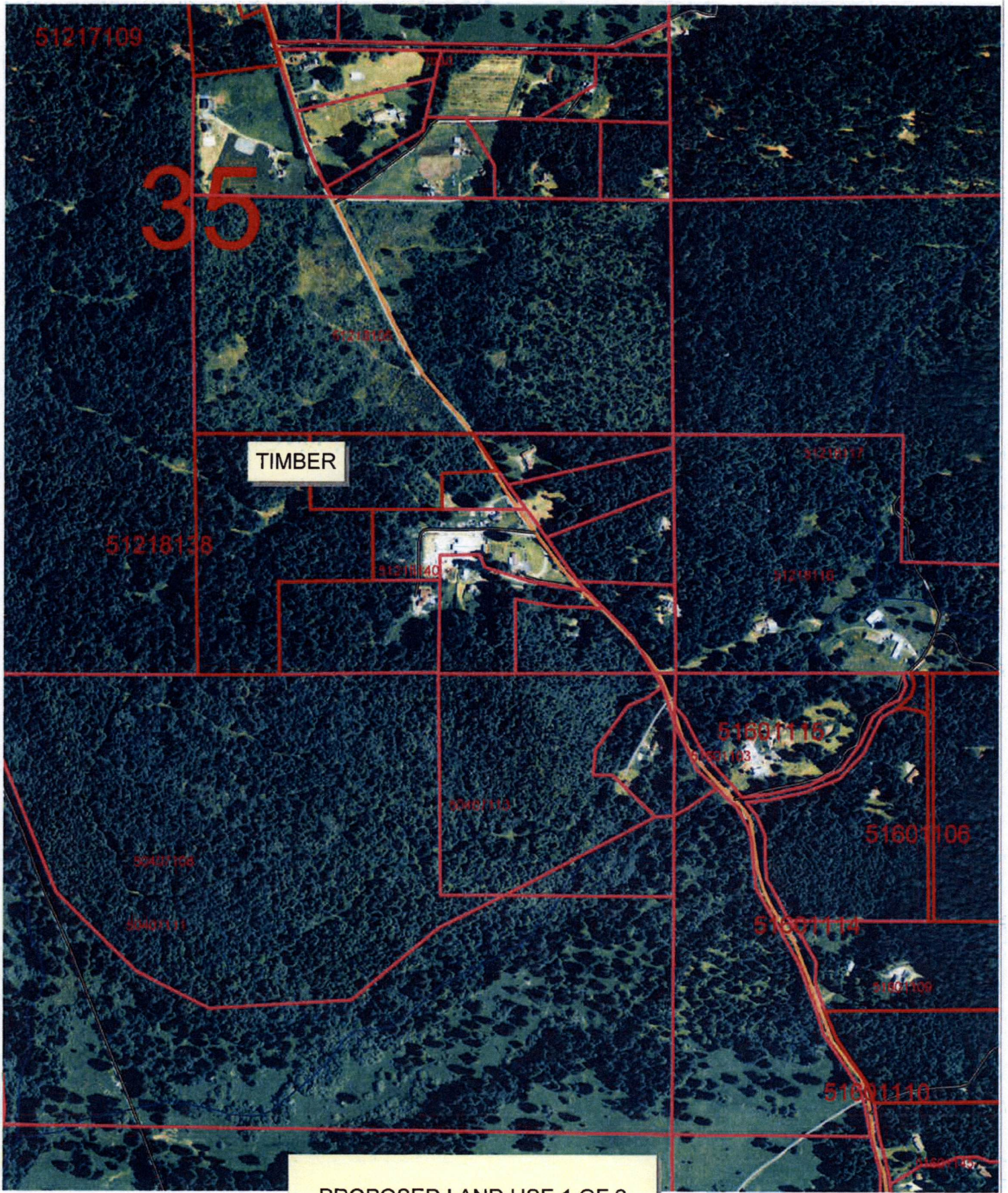
Map Disclaimer:  
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November 14, 2014  
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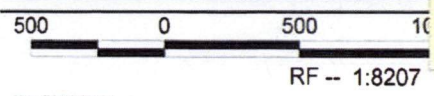
Humboldt County  
 Planning and Building





TIMBER

35



PROPOSED LAND USE 1 OF 2

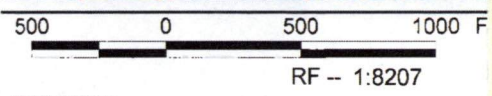
Map Disclaimer:  
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 Humboldt Forest Foundation



November 14, 2014  
 Printed 15:09 Fri Aug 15 2014 on PLBL99

POD GIS Map  
 Humboldt County  
 Planning and Building





PROPOSED LAND USE 2 OF 2

# POD GIS Map

Humboldt County  
Planning and Building

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Forest Foundation



November 14, 2014

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