




AGENDA ITEM NO.
C17

COUNTY OF HUMBOLDT

For the meeting of: July 10, 2018

Date: June 18, 2018

To: Board of Supervisors

From: John H. Ford, Planning and Building Director 

Subject: Miles Garrett General Plan and Zone Reclassification Petition
Case Numbers GPP-17-002, ZRP-17-007, Assessor Parcel Number 522-143-001
Willow Creek Area

RECOMMENDATION(S):

That the Board of Supervisors:

1. Describe the project as part of the consent agenda; and
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; and
3. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

Prepared by _____
Trevor Estlow, Senior Planner

CAO Approval  _____

REVIEW:
Auditor _____ County Counsel WAD 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 Wilson Seconded by Supervisor Fennell

Ayes Bass, Fennell, Bohn, Wilson
 Nays _____
 Abstain _____
 Absent Sundberg

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

Dated: 7/10/18
 By: 

SOURCE OF FUNDING:

Applicant fees.

DISCUSSION:

Petition

The Humboldt County Planning and Building Department has received a petition requesting that the Board accept for processing an applicant-initiated General Plan and Zone Reclassification (Attachment 2). The petition seeks to change the General Plan designation for a single parcel of land known as Assessor Parcel Number (APN) 522-143-001 from Timber (T) to Residential Agriculture with a density of one unit per 40 acres (RA40). The petition also requests to change the zoning classification from Timberland Production Zone (TPZ) to Agriculture General with a combining zone specifying a 40-acre minimum parcel size (AG-B-5(40)) through a ten-year phase-out. The General Plan Amendment and Zone Reclassification will facilitate use of the site for a vineyard expansion as the current owner owns and operates the adjoining 20-acre parcel as a winery.

Summary

The project site is in the Willow Creek area, on both sides of Peach Tree Lane, approximately 1,200 feet southeast of the intersection of Peach Tree Lane and Patterson Road, on the property known as 960 Patterson Road.

The applicant currently owns the vineyard on the adjoining parcel and wishes to expand the vineyard on the subject parcel. Under the current TPZ zoning, the area that can be converted to vineyard is limited to three acres. With the ultimate change in zoning, additional lands can be utilized for vineyards.

If approved, the General Plan Amendment designating the subject parcel as RA would necessitate a Zone Reclassification as the current TPZ zone is not consistent with the RA designation. AG-B-5(40) would allow additional vineyard expansion and would not increase the overall density of the parcel. The Zone Reclassification out of TPZ will follow procedures outlined in Section 51120 of the California Government Code and will require a ten-year phase-out.

Issues

Should the General Plan and Zone Reclassification Petition be accepted, several issues would be more thoroughly analyzed during the General Plan Amendment and Zone Reclassification application review process. Some of these issues include the loss of timberlands, adequate water availability, the uses allowed with the proposed zone and plan change and the compatibility of the surrounding neighborhood. Further analysis of these issues as well as others as they arise will be reviewed as part of the General Plan Amendment and Zone Reclassification process. Environmental review pursuant to the California Environmental Quality Act (CEQA) would be conducted.

Required Findings

Policy G-P8 of the Humboldt County General Plan specifies that a petition for amendment of this Plan may be accepted for processing upon the Board of Supervisors making one or more of the following findings:

- A. Base information or physical conditions have changed; or
- B. Community values and assumptions have changed; or
- C. There is an error in the plan; or
- D. To maintain established uses otherwise consistent with a comprehensive view of the plan; or
- E. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan

The Board must also determine the revision is not appropriate for the next scheduled update.

For approval of Plan Amendments, the Board must make the findings that the proposed revision is in the public interest, and is consistent with the Guiding Principles in Section 1.4 and applicable goals of the Plan.

Section 312-50.5 of Humboldt County Code specifies that petitions for zoning map amendments shall be 1) in the public interest, and 2) consistent with the General Plan.

Staff Recommendation

Planning Division staff believes that findings for the approval of the General Plan Amendment Petition may be made on the basis that community values and assumptions have changed and that the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the Plan. Information provided by the applicant, including a letter from Blair Forestry Consulting (Attachment 3), indicates that the site productivity for timber production is of poor quality. The letter further states that in order to improve the timber production, it would require removing all of the conifer and hardwood species and replanting with an appropriate conifer seedling (Douglas-fir or Ponderosa Pine). The ability to expand the vineyard will provide additional job opportunities in the area and will be compatible with the surrounding parcels as they are host to other vineyards and farming operations.

Planning Division staff believes that the findings for the approval of the Zone Reclassification Petition may be made for the following reasons:

Public Interest

The TPZ Zone that presently applies to the site would only allow a small portion of the subject parcel to be converted to a non-timberland use (i.e. vineyard) and would not be consistent with the proposed change of General Plan Designation to RA.

The applicant states that it is in the public interest to change the designation and zoning to allow the expansion of the winery on the adjacent parcel. Additionally, the applicant states that the change would increase both the property and sales tax revenue for the County as TPZ zoned lands are provided with significant property tax savings. Additionally, with an expansion to the winery, additional jobs could be made available.

Consistent with the General Plan

Section 312-50.6 of Humboldt County Code specifies that petitions for amendment of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan Amendment. This report speaks to the conjoined petitions for both a Zone Reclassification and General Plan amendment.

Table 4-H of the General Plan shows that the RA designation under consideration for the subject parcel is not compatible with the TPZ zone, but is compatible with the AG zone when combining zone density/minimum lot size designators are consistent with General Plan policies and standards. Accordingly, if the General Plan amendment is approved the Zone Reclassification to AG-B-5(40) would be consistent with the General Plan.

The decision to be made at this time is whether or not the Board will accept the proposed application for processing, review and consideration. If accepted for review and consideration, more in-depth analysis will be performed assessing whether the proposed zoning change is both in the public interest and consistent with the General Plan.

A petition to accept an application for General Plan Amendment and Zone Reclassification is not a project as defined in Section 21065 of the Public Resources Code and is not subject to the California Environmental Quality Act (CEQA).

FINANCIAL IMPACT:

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

This action is consistent with the Board's Strategic Framework through the Board's core roles of supporting business, workforce development and creation of private-sector jobs.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by County Counsel which did not respond with any concerns with the proposed petition. Should the petition be accepted, responsible and trustee state and local agencies will be involved in the referral process of the Reclassification, 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 reject the petition if it believes the required findings cannot be made. Staff believes the necessary findings may be made, so staff does not recommend further consideration of this alternative.

ATTACHMENTS:

- Attachment 1: Resolution No. 18-68
- Attachment 2: Copy of Petition for Rezoning Petition submitted by the applicant dated September 1, 2017
- Attachment 3: Copy of Letter from Blair Forestry Consulting received September 1, 2017
- Attachment 4: Location Map/Assessor Parcel Map/Zoning Map/Aerial Map

Attachment 1

Resolution No. 18-68

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 10, 2018

RESOLUTION NO. 18-68

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
APPROVING THE GENERAL PLAN AND ZONE RECLASSIFICATION PETITION
APPLICATION FOR FILE NUMBER APN 522-143-001; CASE NUMBER GPP-17-002, ZRP-
17-007**

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;

WHEREAS, Section 3.4 of Humboldt County General Plan specifies that a petition for amendment of this Plan may be accepted for processing upon the Board of Supervisors making one or more of the following findings:

- A. Base information or physical conditions have changed; or
- B. Community values and assumptions have changed; or
- C. There is an error in the plan; or
- D. To maintain established uses otherwise consistent with a comprehensive view of the plan; or
- E. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan

WHEREAS, Planning and Building Department, Planning Division, staff has evidence within planning files in support of finding that the proposed uses of the application maintain established uses and have the potential for public benefit; and

WHEREAS, Section 312-50.6 of Humboldt County Code specifies that petitions for amendment of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan Amendment; and

WHEREAS, the property owner has submitted an application requesting a plan amendment and zone reclassification for property as identified in Project File Number APN 522-143-001; Case No. GPP-17-002, ZRP-17-007; and

WHEREAS, Section 312-50.2 of the Humboldt County Code) allows the Board of Supervisors to initiate, grant, deny, or modify proposed amendments to Zoning Regulations; and

WHEREAS, Section 312-50.4 Humboldt County Code allows a property owner to petition the Board of Supervisors to initiate a zone reclassification; and

WHEREAS, Section 312-50.5.2 Humboldt County Code requires that the petition demonstrate that the change will be in the public interest and consistent with the General Plan; and

WHEREAS, the petition to accept an application for zone reclassification and general plan amendment is not a project as defined in Section 21065 of the Public Resources Code and is not subject to CEQA.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 10, 2018

RESOLUTION NO. 18-68

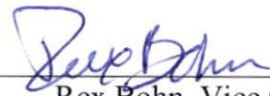
NOW, THEREFORE, BE IT RESOLVED by the Humboldt County Board of Supervisors that the following findings are hereby made:

1. There is factual evidence in support of the petition for general plan amendment and zone reclassification; and
2. The revision is not appropriate for the next scheduled update; and
3. The petition is in the public interest and is consistent with the General 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 Garrett General Plan Amendment and Zone Reclassification petition as recommended by the Planning and Building Department, Case No. GPP-17-002, ZRP-17-007; and

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

Dated: July 10, 2018



Rex Bohn, Vice Chair

Humboldt County Board of Supervisors

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 10, 2018

RESOLUTION NO. 18-68

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

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

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

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



By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

Attachment 2

Copy of Petition for Rezoning Petition submitted by the applicant September 1, 2017

General Plan Amendment Petition Request

Miles Garrett

Peach Tree Lane, Willow Creek

Assessor's Parcel Number 522-143-001

LACO Project No. 8700.00

September 1, 2017

Overview

The project site (Site) comprises Assessor's Parcel Number (APN) 522-143-001, which totals approximately 40 acres of vacant and timbered land. The Site is generally located fronting Peach Tree Lane in Willow Creek, Humboldt County (see Figure 1: Location Map) and is owned by Miles Garrett (Applicant)

The current land use designation of the Site is Timber Production (T) under the Willow Creek Community Plan (WCCP) and is currently zoned as Timberland Production Zone (TPZ) under the Humboldt County Zoning Regulations. The Applicant is proposing a 10-year TPZ rollout and is requesting a general plan amendment and zone reclassification of the Site to amend the Site's current land use and zoning designations to an agricultural use to allow for the expansion of vineyards. Specifically, the Applicant is requesting a general plan designation of Agricultural Rural with a 40-acre minimum lot size (AR(40)) and a zoning designation of Agricultural General with a Special Building Site Combining Zone and minimum lot size of 40-acres (AG-B-7(40)), which are consistent with the current General Plan and zoning designations of adjacent parcels to the north and east, including the Applicant's neighboring property to the southeast, identified as APN 522-143-025 (vineyard and winery). Additionally, a portion of the parcels directly to the south and southwest of the Site are also currently designated for agricultural use (see Figure 2: Current General Plan Designations, and Figure 3: Current Zoning Designations). The requested land use and zoning designations would retain a 40-acre lot size and would not allow for the parcel to be subdivided in the future.

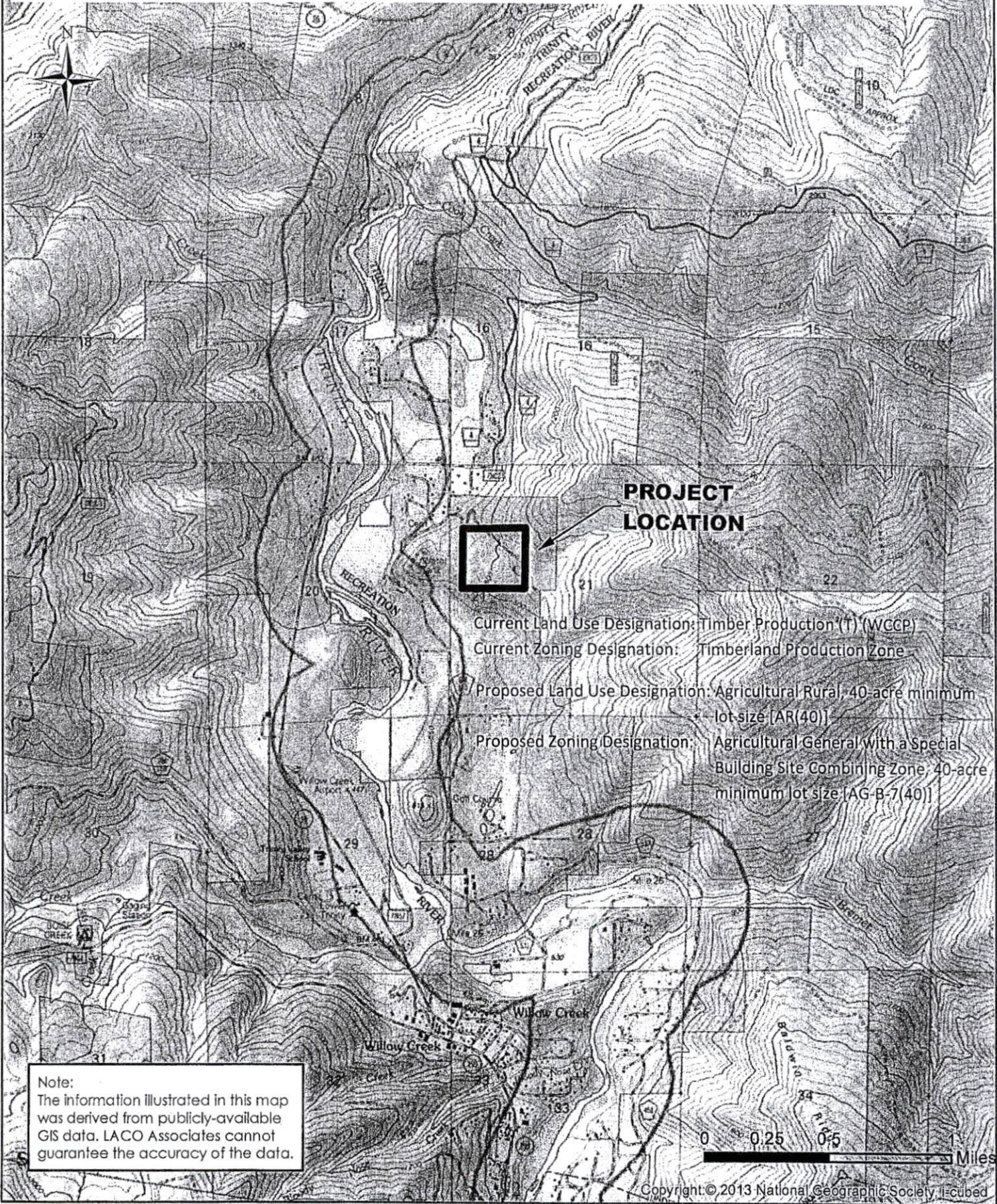
Purpose

The General Plan Amendment is requested for the following reasons:

1. To amend the Site's existing land use and zoning designations to an agricultural use to allow for the expansion of vineyards.
2. The requested land use and zoning designations would better fit the characteristics of the larger neighborhood. The requested general plan designation of AR(40) and zoning designation of AG-B-7(40) are consistent with the current designations of adjacent parcels to the north and east, including the Applicant's adjacent 20-acre vineyard and winery property, identified as APN 522-143-025 [Current General Plan: AR8(WCCP) and Zoning: AG-B-7(5)]. The requested agricultural land use and zoning designations would be more compatible with the current designations and use of adjacent properties.
3. The Site's existing land use and zoning designations of Timberland Production (T) and Timberland Production Zone (TPZ), respectively, designate the Site for timber production and use; however, site productivity for timber production was found to be of low quality by Thomas Blair, a registered professional forester (see Timber Assessment letter), due to sparse conifer regeneration and lack of hardwood growth. While accessory agricultural uses are principally permitted within the TPZ zoning district, the growing and harvesting of timber would have to be the primary use of the Site. Since the property is not currently utilized for and was found to be of poor quality for timber production, the requested agricultural land use and zoning designations would allow for the property to be fully utilized.

PROJECT	MILES GARRETT GPA PETITION	BY	VSD	FIGURE	1
CLIENT	MILES GARRETT	CHECK	MMM	JOB NO.	8700.00
LOCATION	APN 522-143-001	DATE	6/27/2017		
LOCATION MAP					

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of LACO Associates and shall not be reused in whole or part for any other project without LACO Associates express written authorization.



PROJECT LOCATION



Current Land Use Designation: Timber Production (T) (WCCP)
 Current Zoning Designation: Timberland Production Zone
 Proposed Land Use Designation: Agricultural Rural, 40-acre minimum lot size [AR(40)]
 Proposed Zoning Designation: Agricultural-General With a Special Building Site Combining Zone, 40-acre minimum lot size [AG-B-7(40)]

Note:
 The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data.



4. The requested General Plan Amendment and Zone Reclassification is in the public interest and would provide the County with a substantial increase in both property and sales tax revenue.

General Plan Amendment Petition Justification

Pursuant to Section 1452.2 of the Humboldt County Framework Plan, any one of the following established findings shall be grounds for the consideration of a General Plan Amendment:

1. Base information or physical conditions have changed;
2. Community values and assumptions have changed;
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 proposed General Plan Petition addresses Humboldt County General Plan Amendment Finding Nos. 2 and 4. The community values in the area are shifting from large logging operations to other uses, such as agricultural, residential, commercial, and the conservation of natural resources. Much of the land surrounding the Willow Creek area to the west and east is federally-owned land which is protected. As previously discussed, though the property is currently designated for timberland production, it is not currently utilized as such. Primary and compatible uses for the current land use and zoning designations of the Site are no longer the highest and best use of the property due to the current condition of the property and its low-quality timber stock. Thomas Blair, a registered professional forester (2607), assessed the current condition of the stand; he found that conifer regeneration in the subject parcel was sparse and total conifer basal area is estimated to be at or below 50 square feet per acre with hardwood basal area being estimated at only 100 square feet per acre. Timber production appears to be of poor quality.

With this application, the Applicant is petitioning the Board of Supervisors to approve an application to change the Site's current land use designation of T to AR(40). In addition to the plan change, a zone reclassification from TPZ to AG-B-7(40) is proposed. The requested land use and zoning designations would be compatible with adjacent properties, which are currently utilized for agricultural and residential uses. Additionally, the proposed modifications would allow for a higher and better use of the property that is not currently utilized for timber production, as the Site's current timber stock is of low-quality and is not suitable or desirable for use as lumber. Furthermore, the proposed modifications would be in the public interest and would provide the County with a substantial increase in property and sales tax revenue.

Though the parcel is not included in the County's General Plan Update (GPU) process, neighboring properties are included, and are proposed to be amended to Residential Agriculture (RA) and Agricultural Exclusive (AE) (see Figure 4: Land Use Designations under the General Plan Update (GPU)). These land use designations proposed under the GPU would be more consistent and allow for uses similar to what is principally permitted under the requested land use and zoning designations proposed by the Applicant, compared to what is currently allowed at the Site.

Attachment 3

Copy of Letter from Blair Forestry Consulting received September 1, 2017



Providing Professional Forestry Services

PO Box 2517
McKinleyville, CA 95519

CELL 707.834.2990
EMAIL blairforestry@gmail.com

Peach Tree Ln. LLC
Attn: Miles Garrett
1667 H. St.
Arcata, CA 95521

Re: Timber Assessment of Peach Tree Ln. Parcel (APN 522-143-001)

Mr. Garrett,

You have asked for a timber assessment of your parcel located off Peach Tree Ln. near Willow Creek, California. The subject parcel is approximately 39.51 acres in size and is located in the SW1/4 of the NW1/4 of Section 21, Township 7-North, Range 5-East, HB&M. The parcel is zoned Timber Production Zone (TPZ).

The subject parcel has a generally westerly aspect with slopes ranging from 10% to 60% with an average slope of less than 10%. The elevation ranges from approximately 600 to 900 feet. The primary soil associated with the subject parcel is 232 Skalan-Hugo (Six Rivers National Forest Order 3 Soil Survey).

Recent harvesting appears to have occurred within the past 20 to 30 years. Douglas-fir stumps are present throughout the stand. It does not appear hardwoods were harvested during the last timber operation. There appears to have been a wildfire within the recent past (20-30 years) as the large decadent Douglas-fir exhibit fire scars.

The existing timber stand would be described as a primarily hardwood forest with a light component of decadent Douglas-fir (100 yrs+). Tanoak is the dominant hardwood species with a lesser amount of Pacific Madrone. The hardwood species appear to be much younger than the decadent Douglas-fir with an estimated age of 30 to 50 years of age. Douglas-fir is the dominant conifer species with a very light component of Ponderosa Pine. Conifer regeneration in the subject parcel is sparse. Total conifer basal area is estimated to be at or below 50 square feet per acre. Total hardwood basal area is estimated at approximately 100 square feet acre. Natural rock outcrops are found with the subject parcel.

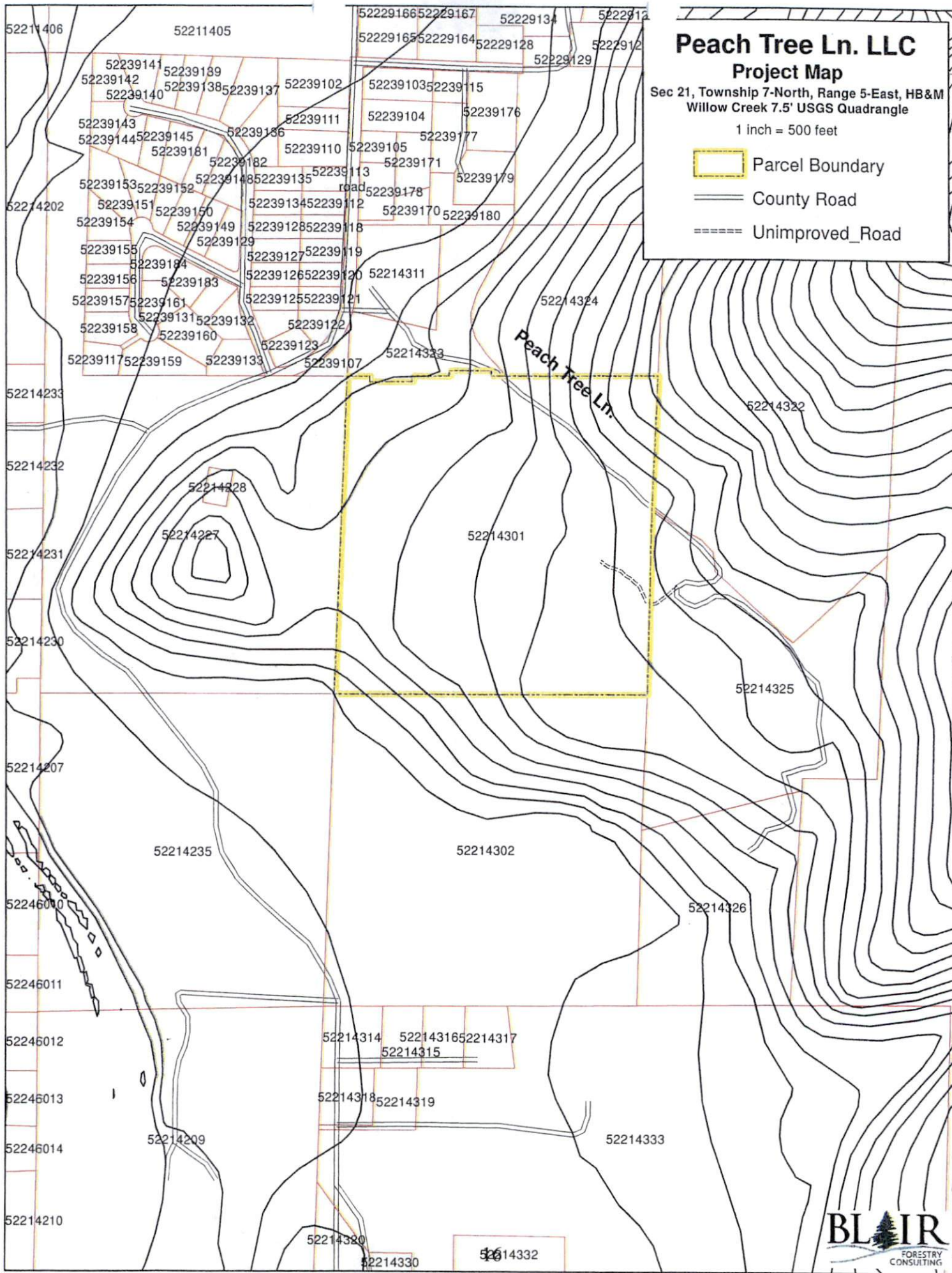
Site productivity for timber production from my onsite evaluation appears to be of poor quality. Estimated grow rates for conifers would be in the 1 to 2 percent per year range based on local knowledge. The only silvicultural prescription, under the California Forest Practice Rules, that would be available to utilize on the site would be Rehabilitation of Understocked Stands, which would intel removing all of the conifer and hardwood species and replanting with an appropriate conifer seedling (Douglas-fir or Ponderosa Pine).

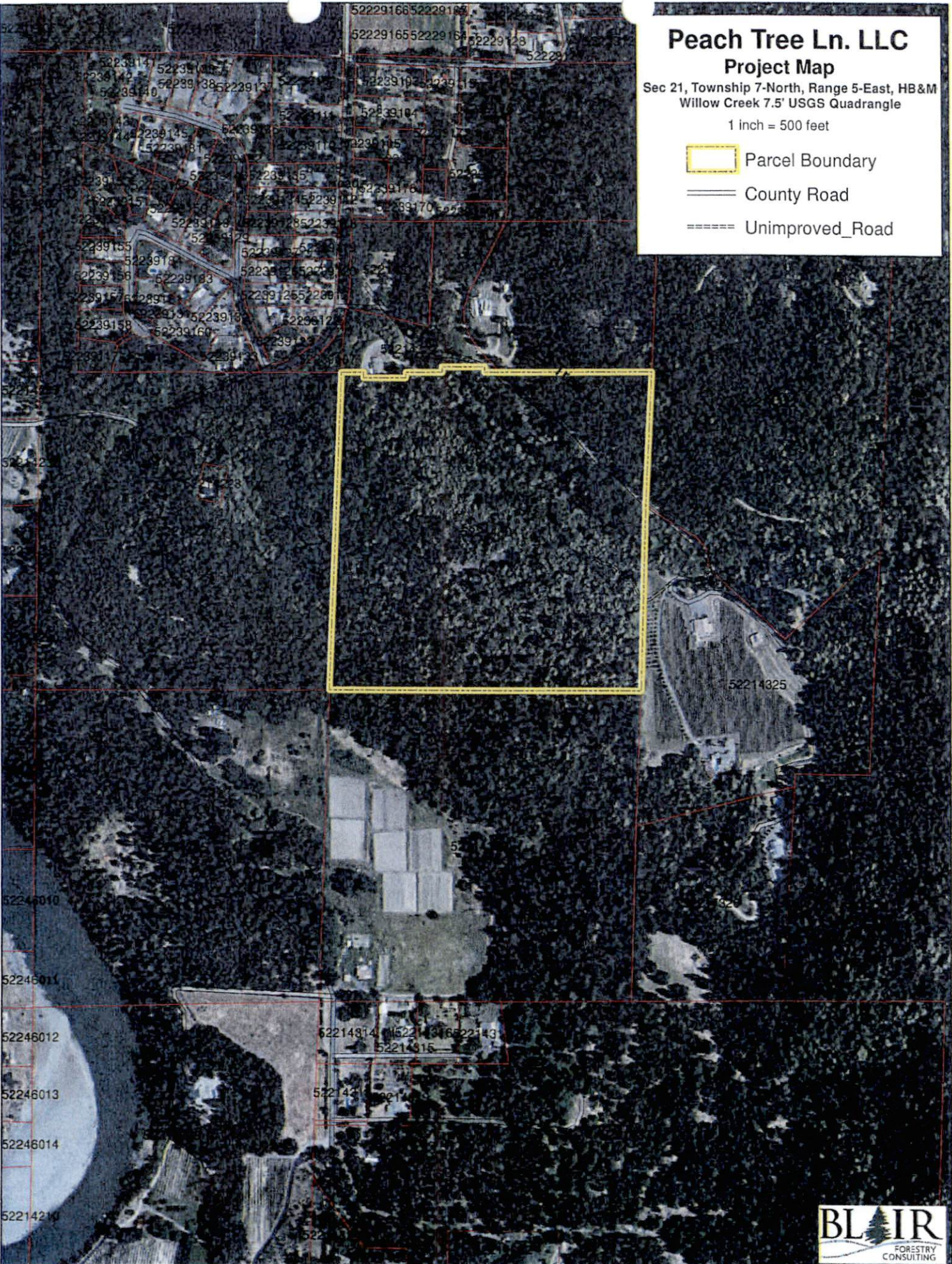
If you have any questions please feel free to contact me.

Regards,



Thomas Blair, Registered Professional Forester 2607
BLAIR FORESTRY CONSULTING





Peach Tree Ln. LLC

Project Map

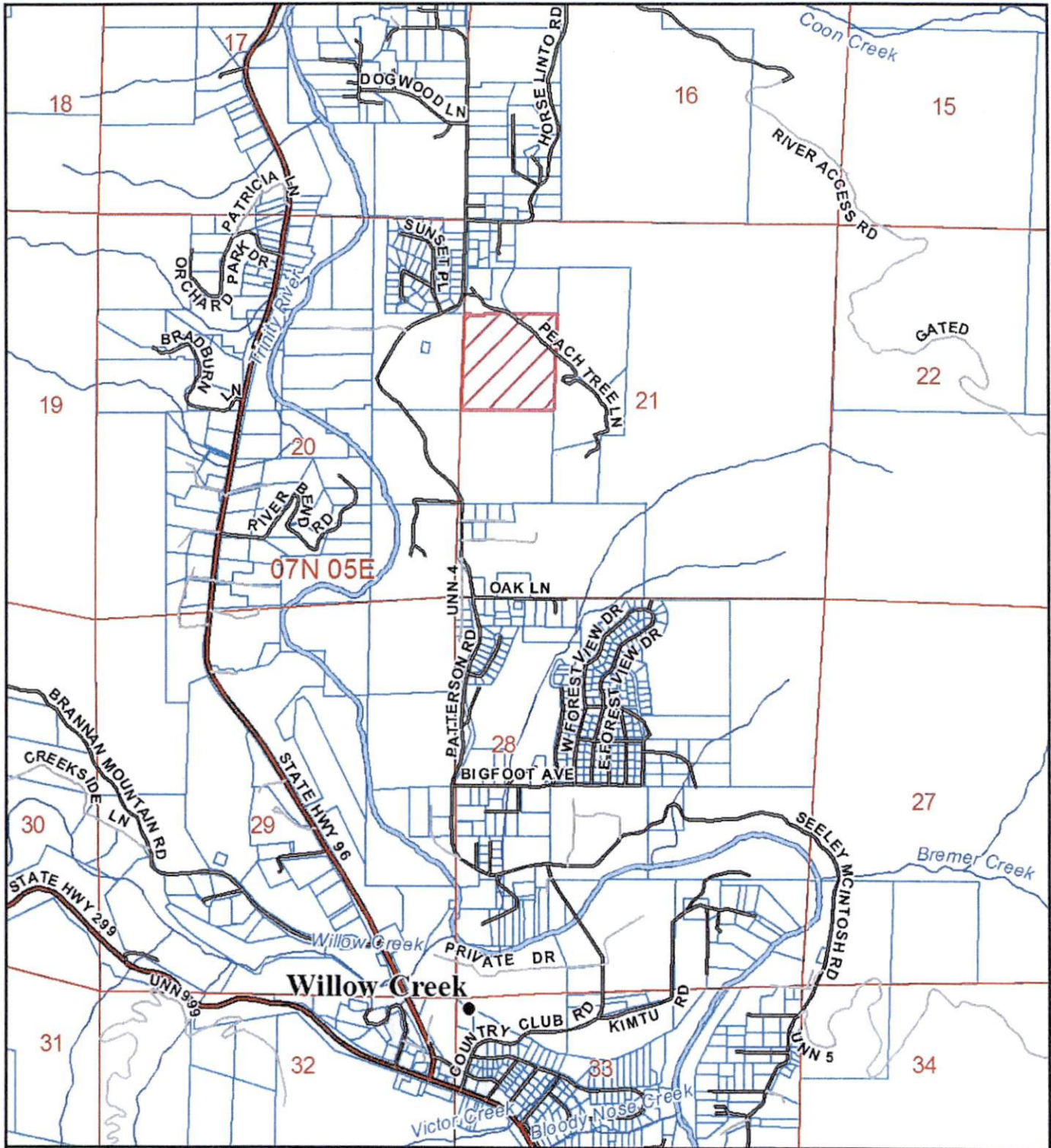
Sec 21, Township 7-North, Range 5-East, HB&M
Willow Creek 7.5' USGS Quadrangle

1 inch = 500 feet

-  Parcel Boundary
-  County Road
-  Unimproved_Road

Attachment 4

Location Map/Assessor Parcel Map/Zoning Map/Aerial Map



LOCATION MAP

**PROPOSED GARRETT
GENERAL PLAN PETITION &
ZONE RECLASSIFICATION PETITION
WILLOW CREEK AREA
GPP-17-002/ZRP-17-007**

**APN: 522-143-001
T07N R05E S21 HB&M (Willow Creek)**

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.

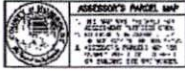


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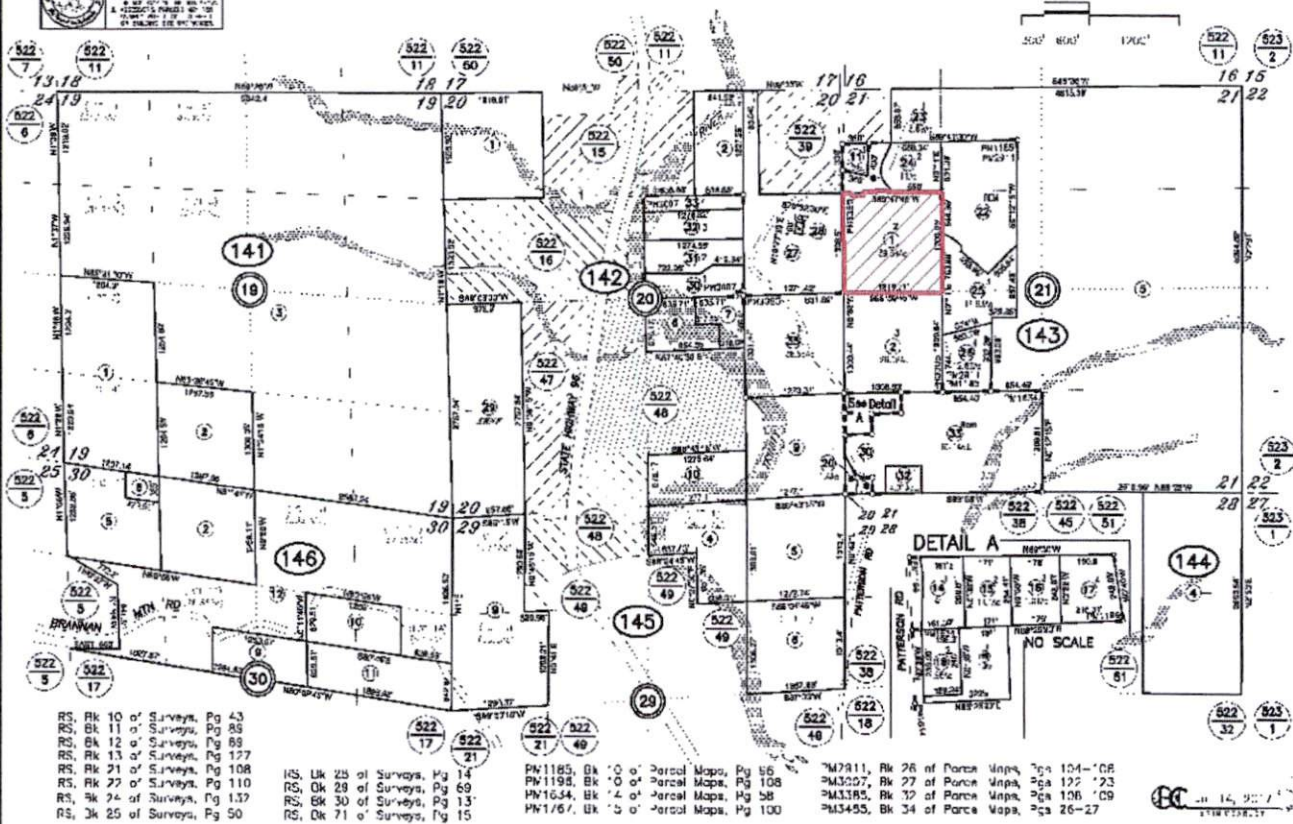
Assessor's Map Bk. 522, Pg. 14
 County of Humboldt, CA.

SEC 19 & PTN SECS 20, 21, 28, 29 & 30, T7N R5E, HB&M

522-14



NO - Assessor's Block Numbers Shown in Boxes
 Assessor's Parcel Numbers Shown in Small Circles



ASSESSOR PARCEL MAP

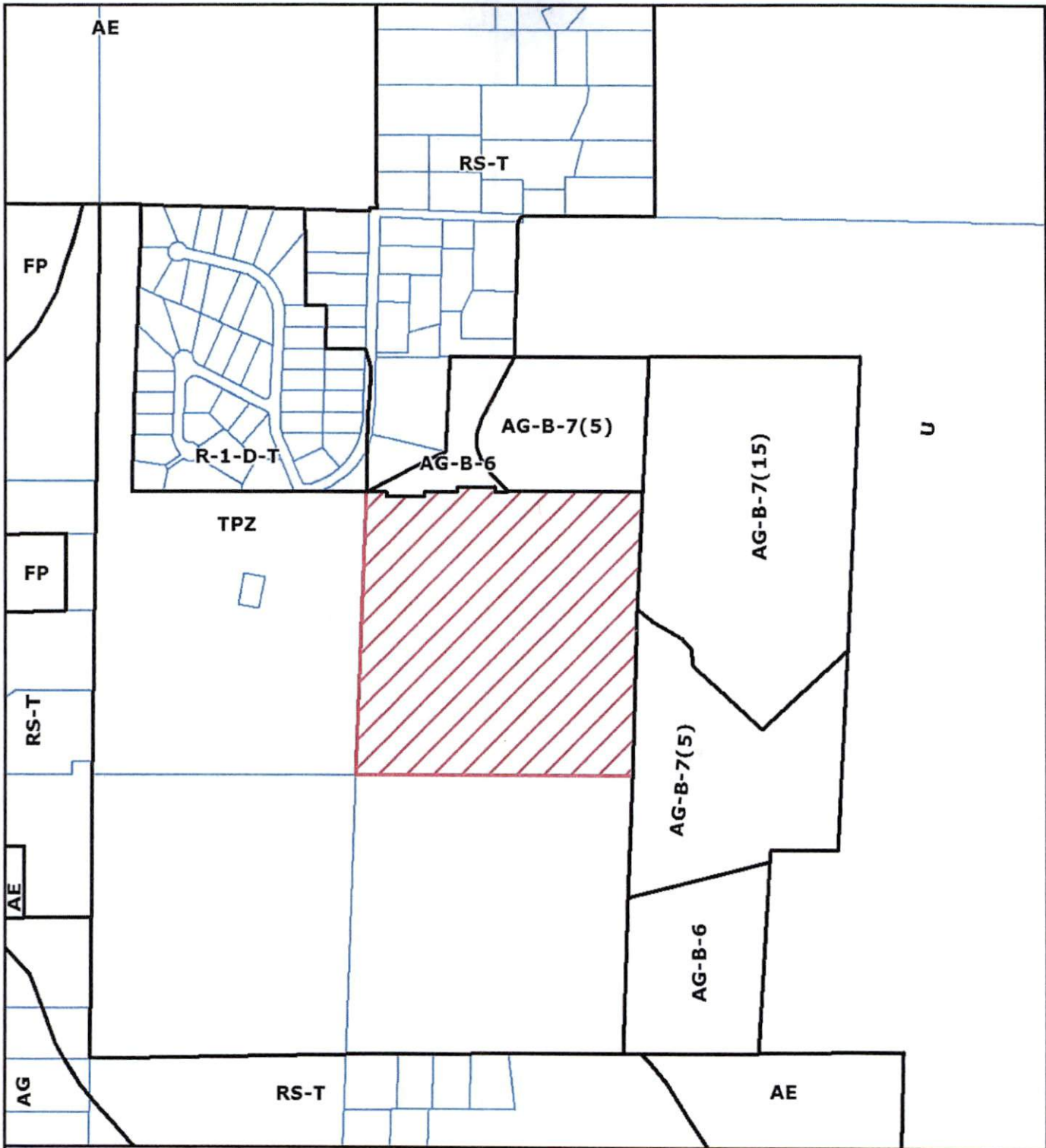
**PROPOSED GARRETT
 GENERAL PLAN PETITION &
 ZONE RECLASSIFICATION PETITION
 WILLOW CREEK AREA
 GPP-17-002/ZRP-17-007**

**APN: 522-143-001
 T07N R05E S21 HB&M (Willow Creek)**

Project Area =

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


MAP NOT TO SCALE



ZONING MAP

**PROPOSED GARRETT
GENERAL PLAN PETITION &
ZONE RECLASSIFICATION PETITION
WILLOW CREEK AREA
GPP-17-002/ZRP-17-007**

**APN: 522-143-001
T07N R05E S21 HB&M (Willow Creek)**

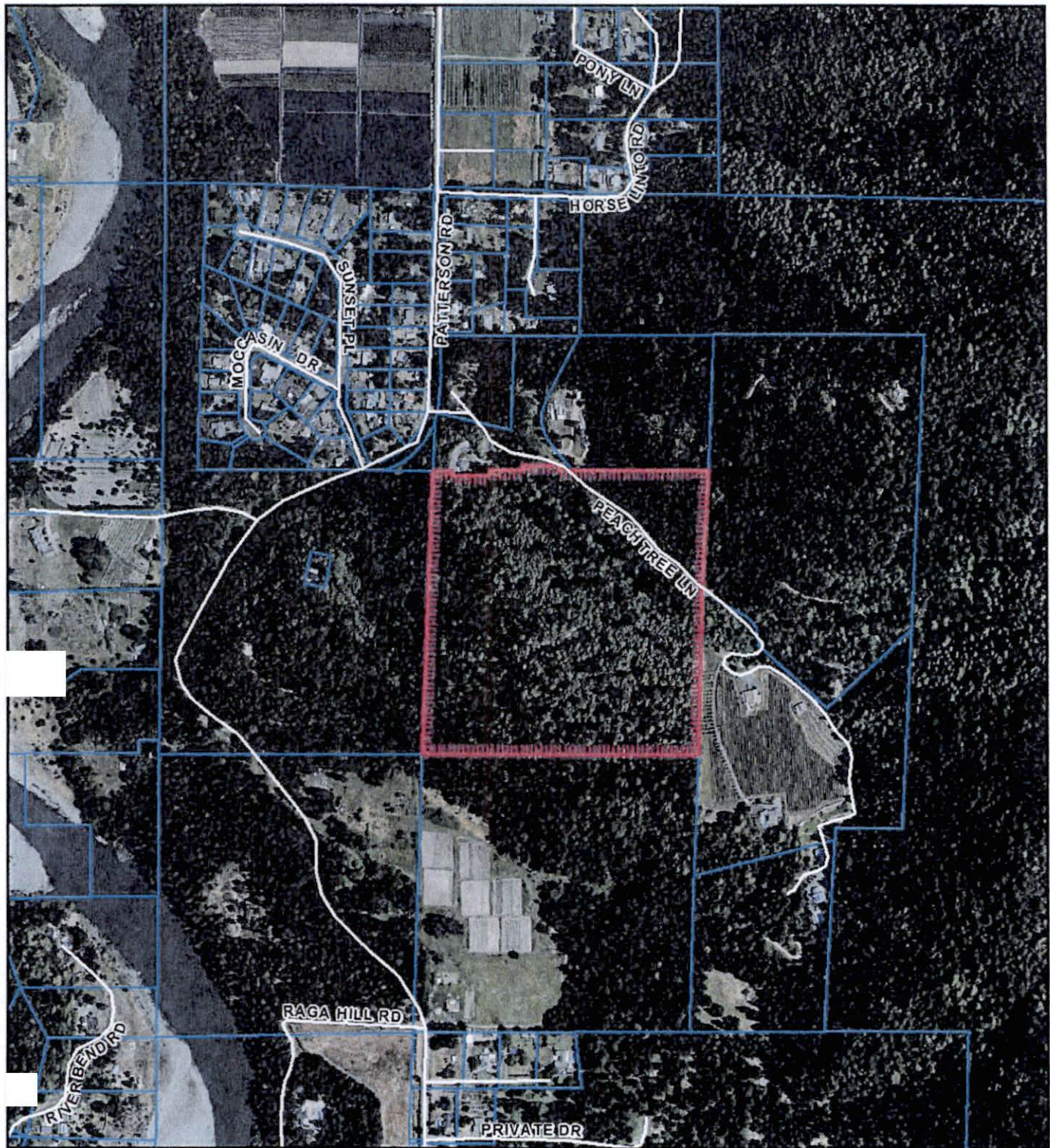
Project Area = 

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



0 500
Feet





AERIAL MAP

**PROPOSED GARRETT
GENERAL PLAN PETITION &
ZONE RECLASSIFICATION PETITION
WILLOW CREEK AREA
GPP-17-002/ZRP-17-007
APN: 522-143-001
T07N R05E S21 HB&M (Willow Creek)**

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.



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Feet

