



AGENDA ITEM NO.

L-1

COUNTY OF HUMBOLDT

Meeting Date: September 1, 2015

To: Board of Supervisors

From: Kevin R. Hamblin, Director of Planning and Building

Subject: **Steven Childs** Zone Reclassification and Agricultural Preserve partial dis-establishment and cancellation,
Case Numbers ZR-14-003, AGPN-14-007
Assessor Parcel Numbers 210-174-004, 210-174-005, 217-211-004, 217-211-009
Blocksburg area

RW
FOR KEVIN HAMBLIN

RECOMMENDATIONS:

That the Board of Supervisors:

1. Introduce Ordinance No. 2535 by title and waive further reading;
2. Open the public hearing, receive and consider the staff report, the Planning Commission's findings and accept public comment;
3. Make the necessary findings as prepared by staff to approve the Zone Reclassification, and the dis-establishment and partial cancellation of a portion of the Tooby and Prior Agricultural Preserve;
4. Adopt Ordinance No. 2535 amending Section 311-7 of the Humboldt County Code by reclassifying property in the Blocksburg area within APNs 210-174-004, 210-174-005, 217-211-004, 217-211-009 currently zoned Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)) to Timber Production Zone (TPZ) (Attachment A);

Prepared by _____
Cliff Johnson, Senior Planner

CAO Approval _____

Amy N. Den

REVIEW:

Auditor _____ County Counsel NPD 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

Seconded by Supervisor

Ayes

Nays

Abstain

Absent

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

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

Sundberg
Lavelle
Sundberg, Lavelle, Fennell, Bohn
Bass
September 1, 2015
Kathy Hayes

5. Direct the Clerk of the Board to publish a summary of the zoning changes within 15 days of the date of the hearing (Attachment B);
6. Adopt Resolution No. 1591 dis-establishing a portion of the existing Tooby and Prior Agricultural Preserve (AGP # 77-18) (Attachment C);
7. Direct the Clerk of the Board to record a Certification of Rezoning (Notice of Timberland Production Zone Status) (Attachment D) 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 (Attachment A);
8. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
9. Direct the Clerk of the Board to record copies of the Ordinance;
10. Direct the Clerk of the board to give notice of the decision to the applicant, the Assessor's office, County Counsel, the Planning Division, the California Office of Land Conservation and any other interested party; and
11. Close the public hearing.

SOURCE OF FUNDING: Planning and Building Department's Planning and Engineering Services Revenue Account Number 1100-277-608000. Applicant is responsible for all costs related to processing this application.

DISCUSSION:

An application has been made by Steven Childs to rezone approximately 206 acres of Agriculture Exclusive with a Building Site combining zone specifying a minimum parcel size of 160 acres [AE-B5(160)] to Timber 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.

Zone Reclassification

The proposed rezone will reclassify approximately 206 acres of property zoned Agriculture Exclusive into TPZ. Based on site visits, review of aerial photography and review of literature and timber assessments prepared for the property, planning staff conclude 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 meets 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 November 12, 2014.

The rezone is proposed within the 7,000 acre Tooby and Prior Class B Agricultural Preserve No. 77-18. The properties are subject to the Land Conservation Contract recorded February 1, 1977. The portion that is the subject of this application is approximately 550 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 subject 550 acre portion of the preserve.

Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve a Zone Reclassification. These findings 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 of the required findings:

A.1. Public Interest. The rezone proposes to reclassify approximately 206 acres from Agriculture Exclusive and Agriculture Exclusive specifying a minimum parcel size of 160 acres, 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 Hohman and Associates 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 Hohman and Associates, 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), Hoover (822), McMahon (839), and Tyson (849). Hugo, Hoover and Tyson soil series are all identified as having moderate to very high suitability for timber production. The McMahon soil series is identified as being unsuitable for timber production. The McMahon soil series is mapped as only occurring in the southern portion of APN 217-211-009, and makes up roughly 1/4 of the 206 acres proposed for rezoning into TPZ. The vast majority of the parcel that contains the McMahon series, APN 217-211-009, is made up of moderate to high suitability for timber production and the entire parcel is more than capable of meeting the acreage annual growth requirements of C.G.C. Section 51104 (average annual volume of wood fiber of at least 15 cubic feet per acre). The existing land use is in compliance with the land use standards of the TPZ.

The FRC reviewed and recommended project approval at their November 12, 2014 meeting.

A.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.

Based on the above information the Planning Commission recommended that the required findings be made. This information is more specifically identified in Planning Commission Staff Report and Resolution 15-10 attached as Attachment 4.

FINANCIAL IMPACT: The change in zoning to TPZ, if adopted, will place the subject property into a tax restricted classification, resulting in an overall reduction in the property tax assessment for the valuation of the land during the period that the property remains in TPZ (10-year minimum term). The reduction will be adjusted annually by the County Assessor in the manner prescribed in the California Revenue and Taxation Code for subsequent years. Additionally, the applicant has paid for all costs incurred in processing the ZR application.

OTHER AGENCY INVOLVEMENT: The project was circulated to various State and local agencies for comments and recommendations. County Counsel and the Assessor have both been directly involved in the processing of the application. Both the Forestry Review Committee and the Planning Commission recommend approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Your Board may choose not to approve the project. Staff does not recommend this alternative. Staff believes that satisfactory evidence has been provided in the project record to support making the required findings.

ATTACHMENTS:

The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

Attachment 1	Ordinance No. <u>2535</u> and Certification of Rezoning Exhibit A (legal description), Exhibit B (map)
Attachment 2	Summary of Ordinance, Map to be published (Exhibit A)

Attachment 3	Resolution Dis-establishing a portion of the Tooby and Prior Class "B" Preserve
Attachment 4	Planning Commission Resolution and Staff Report
Attachment 5	Certificate of Rezoning (Notice of Timberland Production Status)

ATTACHMENT 1

Ordinance No. 2535
Exhibit A (legal description), Exhibit B (map)

Conformed copy

Recording Requested by:

HUMBOLDT COUNTY BOARD OF
SUPERVISORS
County Courthouse
825 Fifth Street, Room 111
Eureka, California 95501

Clerk: LH Total: \$0.00
Sep 30, 2015 at 16:37:03

Return To:

HUMBOLDT COUNTY PLANNING
DEPARTMENT
3015 H Street
Eureka, CA 95501

(Exempt from fees per Gov't C. §27383)

**ORDINANCE NO. 2535 AMENDING SECTION 311-7 OF THE HUMBOLDT
COUNTY CODE BY REZONING PROPERTY IN THE BLOCKSBURG
AREA [ZR-14-003 (CHILDS)]**

Pursuant to Board of Supervisors' Action of September 1, 2015

(Exempt from recording fees pursuant to GCS 27383)

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

Certified copy of portion of proceedings, Meeting on September 1, 2015

ORDINANCE NO. 2535

**AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE
BLOCKSBURG AREA [ZR-14-003 (Childs)]**

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying the property described in the Attached Exhibit A as follows: approximately 206 acres of Agriculture Exclusive with a combining zone specifying a minimum parcel size of 160 acres [AE-B5(160)] into Timberland Production Zone (TPZ).

The area described is also shown on the Humboldt County Zoning Map [V-39] and on the map attached as Exhibit A.

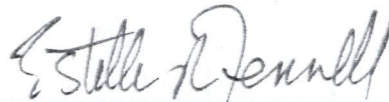
SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED, AND ADOPTED this 1 day of September 2015 on the following vote, to wit:

AYES: Supervisors: Sundberg, Lovelace, Fennell, Bohn

NOES: Supervisors:

ABSENT: Supervisors: Bass

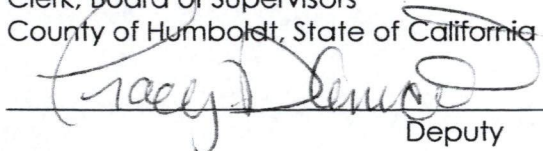


Estelle Fennell, Chair
Board of Supervisors
County of Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes
Clerk, Board of Supervisors
County of Humboldt, State of California



Deputy

The within instrument is a full, true
and correct copy of the original on
file in this office.

ATTEST:

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

By 

PROPERTY DESCRIPTION

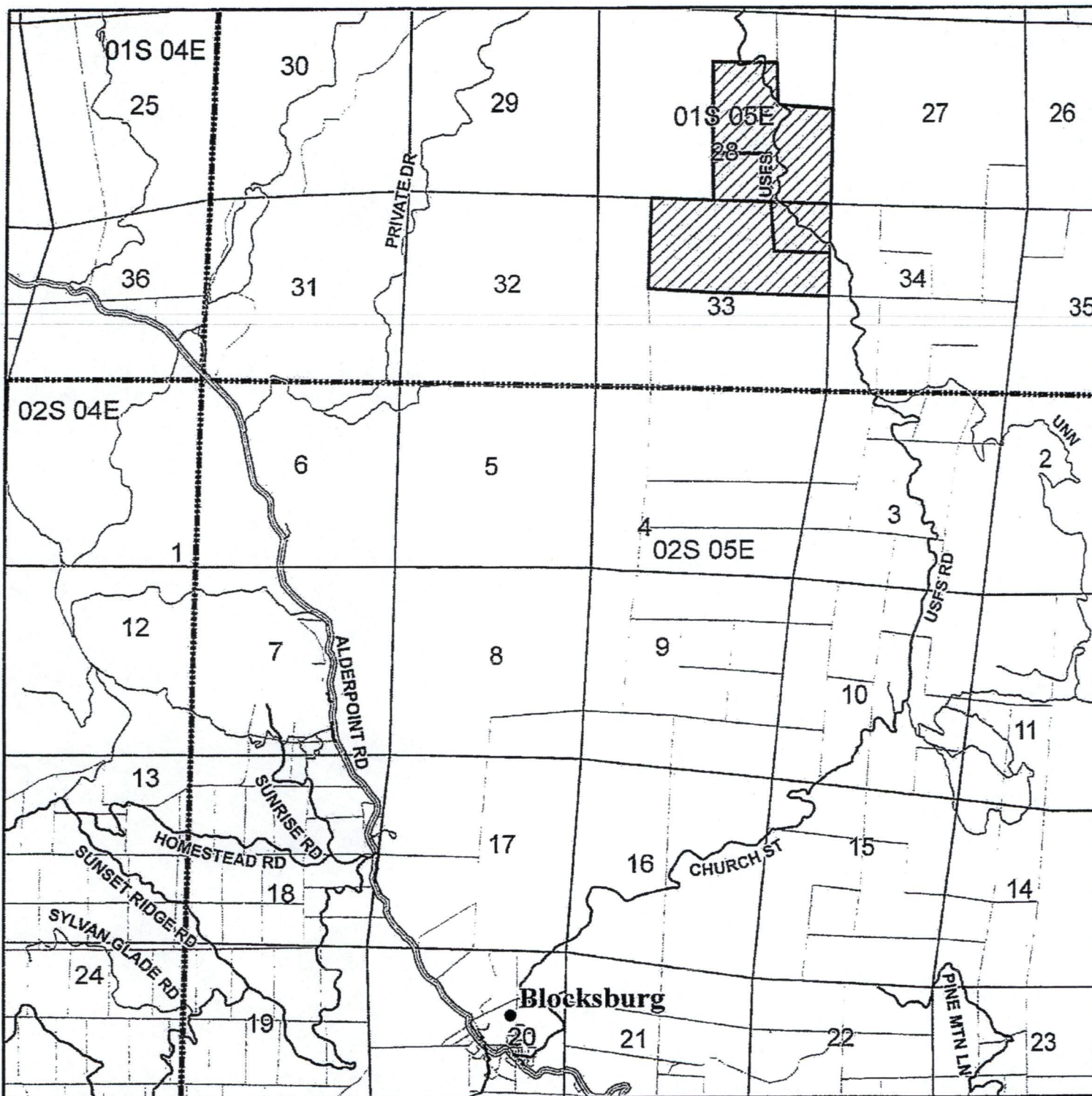
All that real property situated in the County of Humboldt, State of California described as follows:

The Southwest Quarter of the Northeast Quarter, the North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 28, Township 1 South, Range 5 East, Humboldt Meridian.

The Northeast Quarter of the Northeast Quarter of Section 33, Township 1 South, Range 5 East, Humboldt Meridian.

The Southwest Quarter of the Southeast Quarter of Section 28 and the Northwest Quarter of the Northeast Quarter, and the South Half of the Northeast Quarter of Section 33, Township 1 South, Range 5 East, Humboldt Meridian.

The East Half of the Northwest Quarter of Section 33, Township 1 South, Range 5 East, Humboldt Meridian.

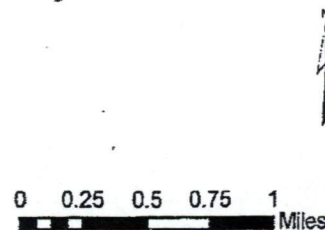


**LOCATION MAP
PROPOSED CHILDS**

Project Area = 

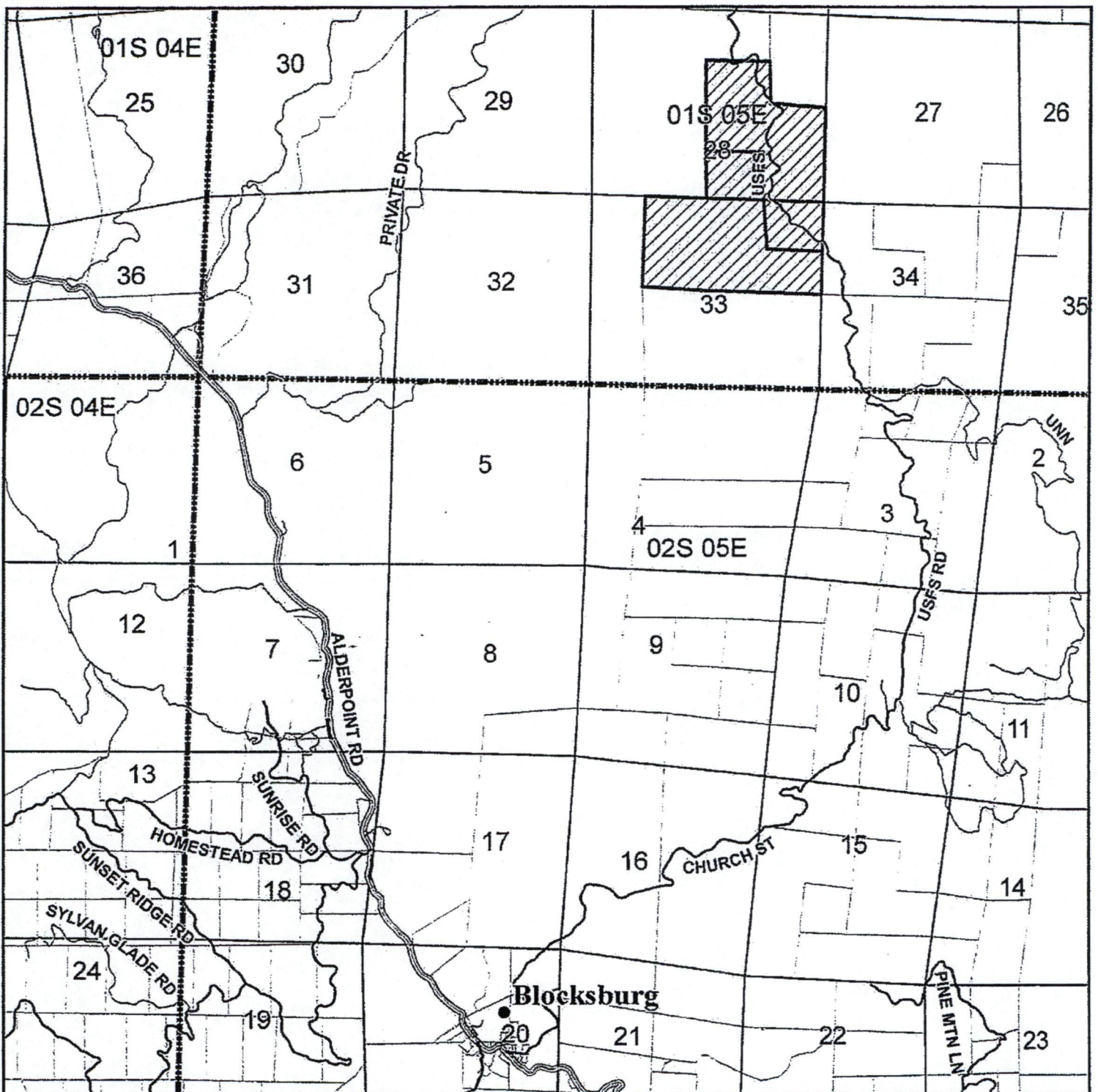
**ZONE RECLASSIFICATION
BLOCKSBURG AREA
AGPN-14-007/ZR-14-003
APN: 210-174-004 et seq
T01S R05E S28,33 HB&M (Black Lassic)**

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 2

Summary of Ordinance, Map to be published (Exhibit A)



LOCATION MAP

PROPOSED CHILDS

Project Area = 

ZONE RECLASSIFICATION

BLOCKSBURG AREA

AGPN-14-007/ZR-14-003

APN: 210-174-004 et seq

T01S R05E S28,33 HB&M (Black Lassic)

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.

ZR 14-003 Childs 9439

September 1, 2015

0 0.25 0.5 0.75 1 Miles

Page 13

ATTACHMENT 3

Resolution No. _____

Dis-establishing a portion of the Tooby and Prior Agricultural Preserve

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on September 1, 2015

RESOLUTION NO. 15-91

Dis-establishing a portion of the Tooby and Prior Agricultural Preserve and Cancellation of the associated portion of the Land Conservation Contract (Resolution 77-18)

WHEREAS, the County of Humboldt has been requested to dis-establish an agricultural preserve for the lands described below and illustrated on the attached map; and

WHEREAS, the County of Humboldt is authorized to establish and dis-establish agricultural preserves and to cancel Land Conservation Contracts pursuant to the California Land Conservation Act of 1965 (hereafter the "Act") and the County's Resolution Establishing Guidelines for Agricultural Preserves (hereafter the "Guidelines"); and

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Board of Supervisors reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for dis-establishing a portion of the Tooby and Prior Agricultural Preserve and cancelling the associated portion of the existing Land Conservation Contract (Preserve No. 77-18, recorded in Book 1397, Page 166 of Official Records); and

WHEREAS, the project is statutorily exempt per Section 15264 of the California Environmental Quality Act (CEQA); and

WHEREAS, the Humboldt County Planning Commission has considered and recommended approval for the dis-establishment of a portion of the Tooby and Prior Agricultural Preserve, and has made the findings required to support such approval pursuant to the Act and Guidelines; and

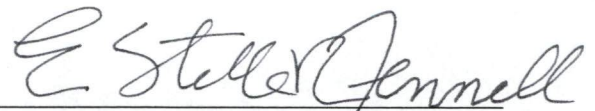
WHEREAS, the Board of Supervisors held a public hearing on this matter to receive other evidence and testimony;

WHEREAS, the dis-establishment and cancellation shall become effective immediately for the property currently owned by Steven Childs upon rezoning of timberlands into Timberland Production Zone (TPZ).

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The following findings are hereby made with respect to the dis-establishment of said portion of the Tooby and Prior agricultural preserve and cancellation of the associated portion of the Land Conservation Contract:
 - A. the dis-establishment of this portion of the Tooby and Prior Agricultural Preserve and cancellation of the associated Land Conservation Contract is consistent with the Humboldt General Plan; and
 - B. the requirements of the California Environmental Act have been met; and
 - C. the requirements of the Williamson Act (Government Code Section 51200 et seq) have been met.
2. The dis-establishment of a portion of the Tooby and Prior Agricultural Preserve and cancellation of the associated portion of the Land Conservation Contract (Preserve No. 77-18) shall become effective immediately upon the rezoning of timberlands into TPZ.

BE IT FURTHER RESOLVED that the hereinafter-described real property located in the County of Humboldt is hereby dis-established as a Class B Agricultural Preserve within the meaning of and pursuant to the California Land Conservation Act of 1965, the associated portion of the Land Conservation Contract (Preserve No. 77-18, recorded in Book 1397, Page 166 of Official Records) is hereby cancelled, and a certified copy of this resolution and the attached map of the lands being dis-established and cancelled shall be filed in the office of the County Recorder by the Clerk of the Board of Supervisors.



ESTELLE FENNELL, Chair

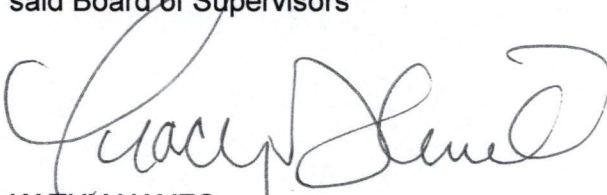
Adopted on motion by Supervisor Sundberg, seconded by Supervisor Lovelace and the following vote:

AYES: Supervisors—Sundberg, Lovelace, Fennell, Bohn
NOES: Supervisors--
ABSENT: Supervisors--Bass
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



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

PROPERTY DESCRIPTION

All that real property situated in the County of Humboldt, State of California described as follows:

The Southwest Quarter of the Northeast Quarter, the North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 28, Township 1 South, Range 5 East, Humboldt Meridian.

The Northeast Quarter of the Northeast Quarter of Section 33, Township 1 South, Range 5 East, Humboldt Meridian.

The Southwest Quarter of the Southeast Quarter of Section 28 and the Northwest Quarter of the Northeast Quarter, and the South Half of the Northeast Quarter of Section 33, Township 1 South, Range 5 East, Humboldt Meridian.

The East Half of the Northwest Quarter of Section 33, Township 1 South, Range 5 East, Humboldt Meridian.

