



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street Eureka CA 95501
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: February 21, 2019

To: Humboldt County Planning Commission

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

Subject: **Phillips Zone Reclassification**
Application Number 13935
Case Number ZR-17-011
Assessor Parcel Numbers 217-266-005, 217-066-006, 217-266-010,
217-321-003
26175 Alderpoint Road, Blocksburg area

Table of Contents	Page
Agenda Item Transmittal Form	2
Executive Summary	3
Draft Planning Commission Resolution	5
Maps	
Location Map	7
Zoning Map	8
Assessor Parcel Map	9
Aerial Map	11
Project Proposal Map	12
Attachments	
Attachment 1: Recommended Conditions of Approval	13
Attachment 2: Staff Analysis of Required Findings	15
Attachment 3: Draft Ordinance for Adoption by the Board of Supervisors	20
Attachment 4: Applicant's Evidence Supporting the Findings	23
Attachment 5: Referral Agency Comments	31

Please contact Trevor Estlow, Senior Planner at 268-3740 if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
February 21, 2019	Zone Reclassification	Trevor Estlow

Project Description: A Zone Reclassification to rezone approximately 152.3 acres of the Phillips Ranch from Agriculture Exclusive with a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ). A portion of the property is already zoned TPZ and this action will result in the majority of the lands being zoned TPZ with the grasslands remaining AE-B-5(160). Currently, the lands are utilized for both timber production and grazing activities.

Project Location: The project site is located in the Blocksburg area, along both sides of Alderpoint Road, just southwest of the town of Blocksburg, on the properties known as 26175, 26220 and 26460 Alderpoint Road.

Present Plan Land Use Designation: Agricultural Grazing (AG); 2017 General Plan; Density: one to unit per 20 – 160 acres.

Present Zoning: Agriculture Exclusive with a 160 acre minimum parcel size (AE-B-5(160)); Timberland Production Zone (TPZ).

Application Number: 13935

Case Numbers: ZR-17-011

Assessor Parcel Numbers: 217-266-005, 217-066-006, 217-266-010, 217-321-003

Applicant

Lee Phillips
2967 Arden Way
Santa Rosa, CA 95403

Owner

Same as applicant

Agent

Able Forestry Consultants Inc.
Dan Graybill
1410 Second Street
Eureka, CA 95501

Environmental Review: Statutorily exempt per Section 15264 of the CEQA Guidelines.

Major Issues: None.

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

PHILLIPS ZONE RECLASSIFICATION

Case Number ZR-17-011

Assessor Parcel Number 217-266-005, 217-066-006, 217-266-010, 217-321-003

Recommended Planning Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find the project exempt from environmental review pursuant to Section 15264 of the CEQA Guidelines, make all of the required findings for approval based on evidence in the staff report and public testimony, and recommend adoption of the Zone Reclassification to the Board of Supervisors for the Phillips project, subject to the recommended conditions.

Executive Summary: The applicant requests a Zone Reclassification that would rezone approximately 152.3 acres of the Phillips Ranch from Agriculture Exclusive with a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ). A portion of the property is already zoned TPZ and this action will result in the majority of the lands being zoned TPZ with the grasslands remaining AE-B-5(160).

The site is located in the Blocksburg area, approximately one mile southeast of the town of Blocksburg and accessed from Alderpoint Road. The lands are made up of three intact patents, described in four Assessor Parcel Numbers. The land proposed to be rezoned are currently enrolled in the Williamson Act, however, the contract has been non-renewed and will exit on February 1, 2025. As the AE zoned lands meet the definition of timberlands, the applicant wishes to have these lands zoned TPZ to reflect the timberland status.

The lands are planned Agriculture Grazing (AG) by the Humboldt County General Plan, and zoned TPZ and AE. All lands proposed to be included in the TPZ zone meet the requirements for inclusion such as being under the same ownership and devoted to and used for growing and harvesting of timber. Furthermore, the overall site class for the additional non-TPZ timberlands is site III and capable of growing well in excess of 15 cubic feet of conifer growth per acre (the minimum required). These lands have historically been managed as timberlands, however, they were never zoned TPZ. Per the Zoning Consistency Matrix of the Humboldt County General Plan, the proposed rezoning to TPZ is consistent with the existing Agriculture Grazing (AG) General Plan designations.

The rezone is in the public interest and is consistent with General Plan policies. The rezone facilitates the addition of timberlands to adjoining timberlands currently zoned TPZ and increases the amount of timberlands in resource production.

The Forestry Review Committee reviewed the project at their meeting on April 2, 2018 and approved it by a vote of 4-0 with one abstention. In addition, the California Department of Forestry and Fire Protection supports the rezone. 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.

Planning staff believes that the project, as conditioned, has no potential for causing a significant effect on the environment. The project can be found statutorily exempt from CEQA pursuant to

Section 15264 which states: "*Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec 51119).*" All referral agencies have recommended approval or conditional approval.

Based on the on-site inspection, a review of Planning Department 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 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 19-**

Case Number ZR-17-011

Assessor Parcel Numbers 217-266-005, 217-066-006, 217-266-010, 217-321-003

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Phillips Zone Reclassification.

WHEREAS, the applicant submitted an application and evidence in support of approving a Zone Reclassification (ZR) to reclassify approximately 152 acres from Agriculture Exclusive with a 160 acre minimum parcel size (AE-B-5(160)) to Timberland Production Zone (TPZ); and

WHEREAS, the proposed ZR may be approved if it can be found that: (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;

WHEREAS, the immediate rezone may be approved if it can be found to be consistent with the Forest Taxation Reform Act of 1976; and

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

WHEREAS, the project is statutorily exempt per Section 15264 of the California Environmental Quality Act (CEQA); 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 granting the ZR (Case Number ZR-17-011); 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 Section 15264 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment;
2. The proposed ZR is in the public interest; and
3. The proposed ZR is consistent with the General Plan; and
4. 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

5. The rezone is consistent with the Forest Taxation Reform Act of 1976; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Department Staff Report for Case Number ZR-17-011 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.
2. Adopt the necessary findings prepared by Planning staff and approve the project as conditioned in the Planning Department Staff Report for Case number ZR-17-011.
3. Approve the rezoning of approximately 152 acres out of AE into TPZ.
4. Direct the Clerk of the Board to record a Notice of Timberland Production Status.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

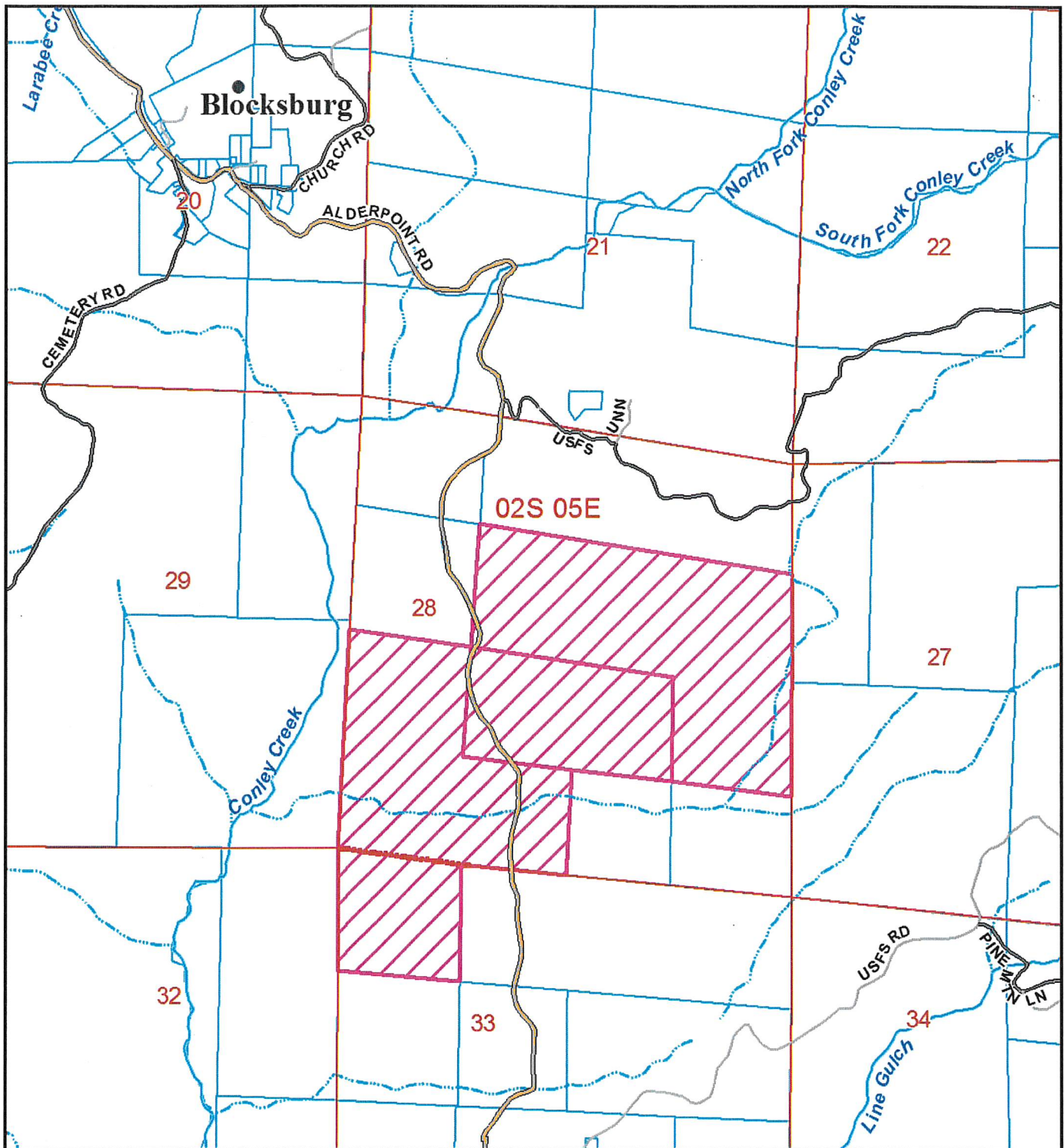
Adopted after review and consideration of all the evidence on February 21, 2019.

The motion was made by Commissioner and seconded by Commissioner
with the following ROLL CALL vote.

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

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.

John H. Ford
Director, Planning and Building Department



LOCATION MAP

PROPOSED PHILLIPS ZONE RECLASSIFICATION BLOCKSBURG AREA

ZR-17-011

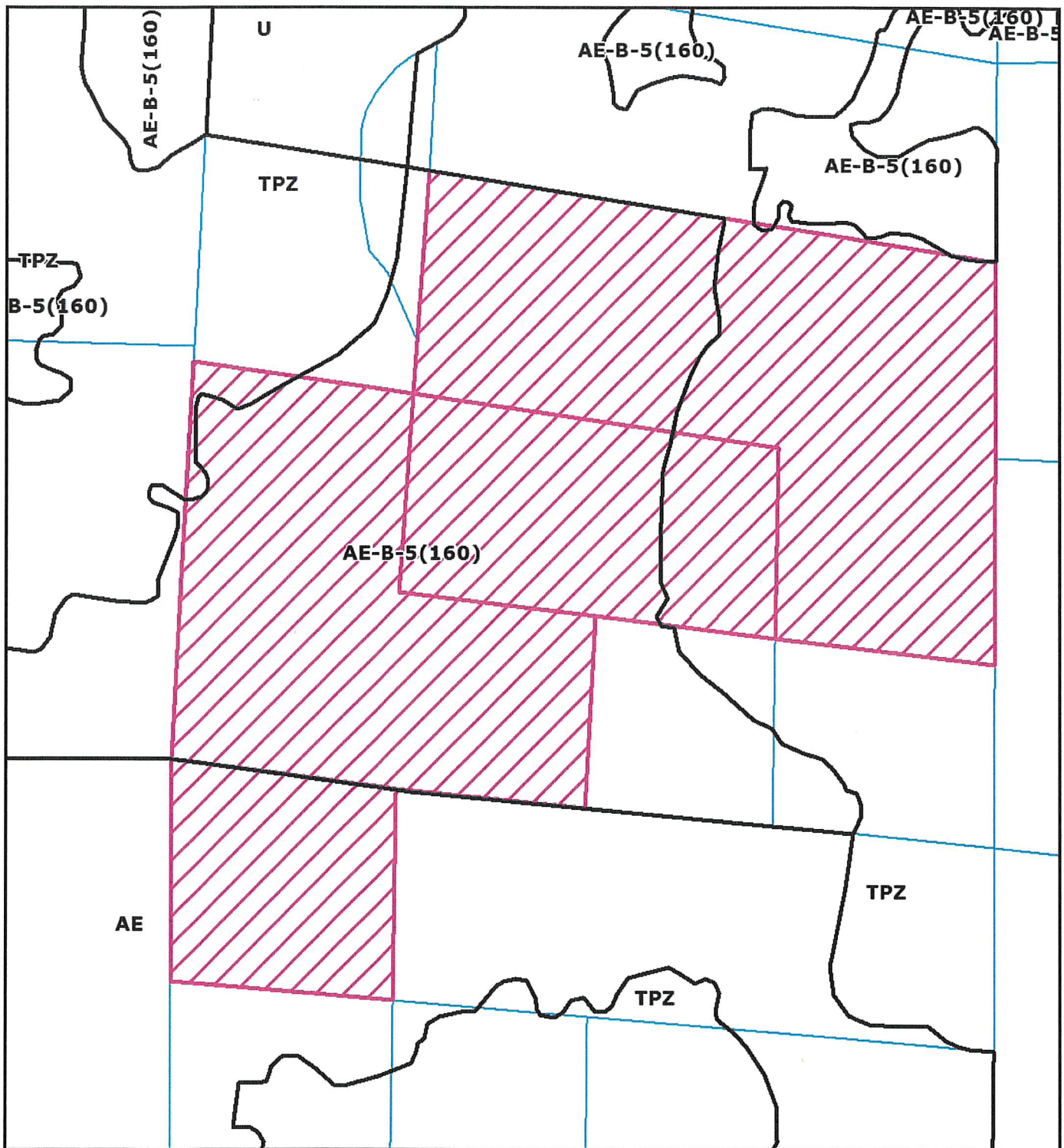
APN: 217-266-005 et seq
T02S R05E S28,33 HB&M
(Blocksburg/Black Lassic)

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 0.25
Miles



ZONING MAP

PROPOSED PHILLIPS ZONE RECLASSIFICATION BLOCKSBURG AREA

ZR-17-011

APN: 217-266-005 et seq
T02S R05E S28,33 HB&M
(Blocksburg/Black Lassic)

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 1,000
Feet

Assessor's Map Bk. 217, Pg. 26
County of Humboldt, CA.

SECS 21,28,29,30 & PTN 19 & 20, T2S R5E, HBM

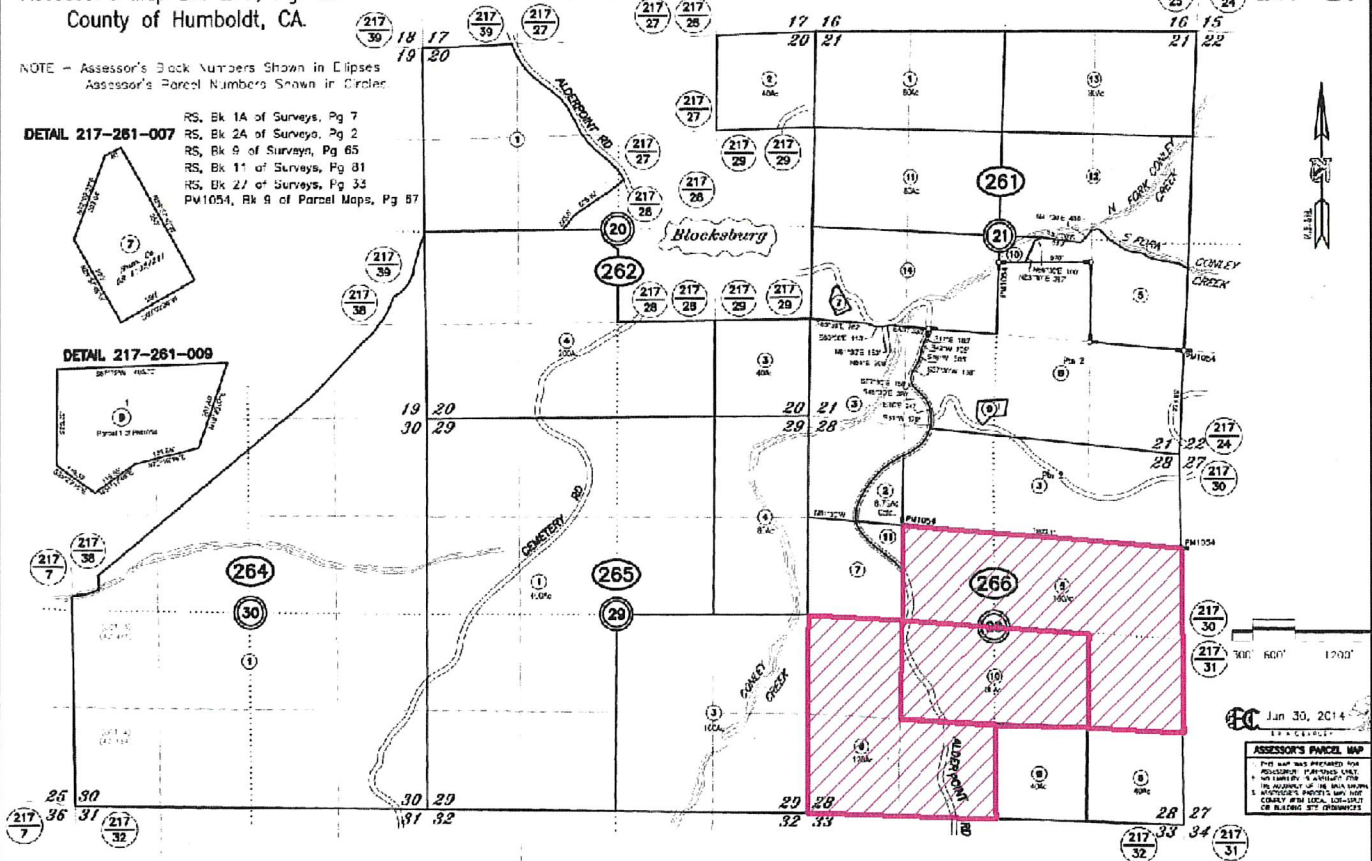
217-26

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

DETAIL 217-261-007

RS, Bk 1A of Surveys, Pg 7
RS, Bk 2A of Surveys, Pg 2
RS, Bk 9 of Surveys, Pg 65
RS, Bk 11 of Surveys, Pg 81
RS, Bk 27 of Surveys, Pg 33
Pv1054, Bk 9 of Parcel Maps, Pg 87

DETAIL 217-261-009



ASSESSOR PARCEL MAP

PROPOSED PHILLIPS ZONE RECLASSIFICATION BLOCKSBURG AREA

ZR-17-011

APN: 217-266-005 et seq
T02S R05E S28,33 HB&M
(Blocksburg/Black Lassic)

Project Area = 

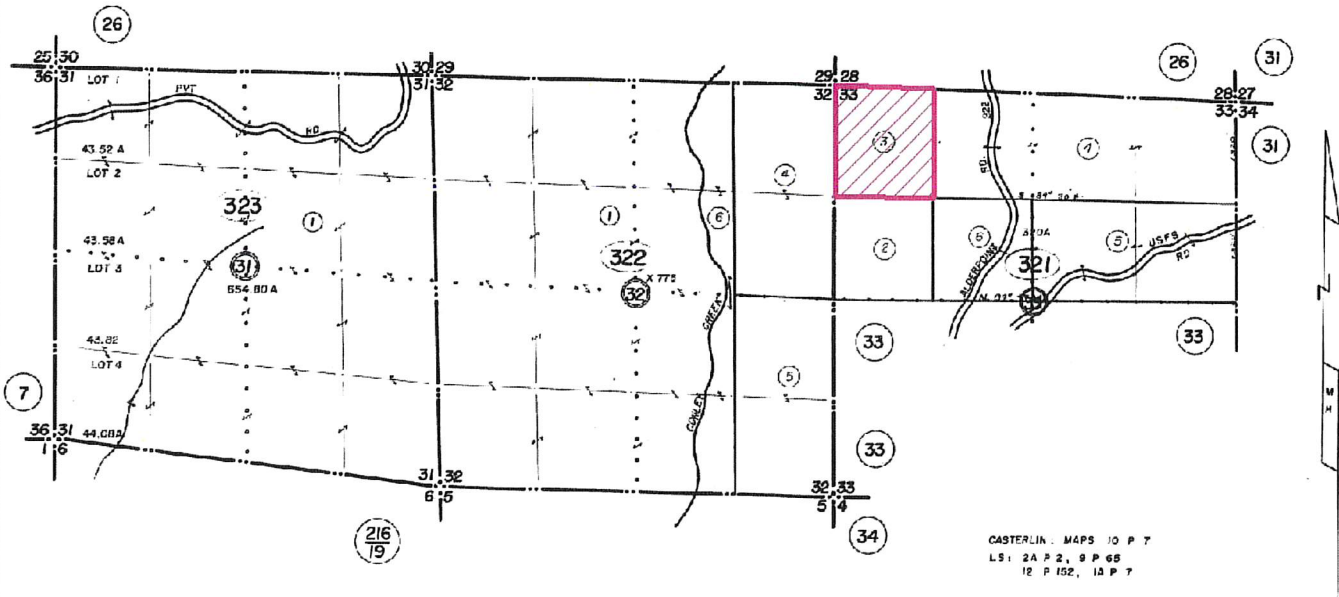
This map is intended for display purposes and
should not be used for precise measurement or
navigation. Data has not been completely checked
for accuracy.



MAP NOT TO SCALE

SECS 31 & 32, N½ 33, 2S 5E

217-32
T.C.A. 156-01
1" = 1200'



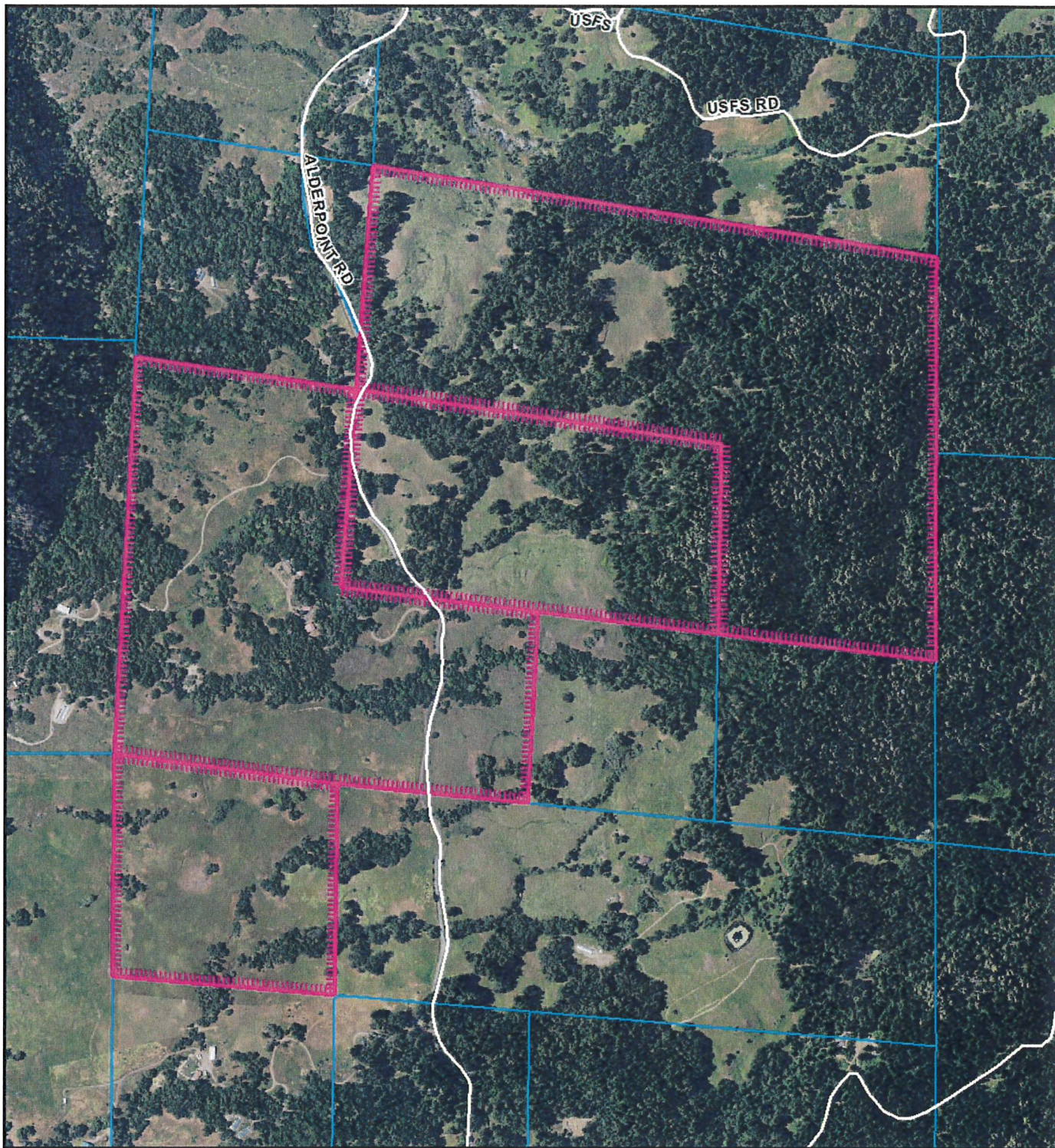
ASSESSOR PARCEL MAP
PROPOSED PHILLIPS
ZONE RECLASSIFICATION
BLOCKSBURG AREA
ZR-17-011

APN: 217-266-005 et seq
T02S R05E S28,33 HB&M
(Blocksburg/Black Lassic)



MAP NOT TO SCALE

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.



AERIAL MAP

PROPOSED PHILLIPS ZONE RECLASSIFICATION BLOCKSBURG AREA

ZR-17-011

APN: 217-266-005 et seq

**T02S R05E S28,33 HB&M
(Blocksburg/Black Lassic)**

Project Area = 

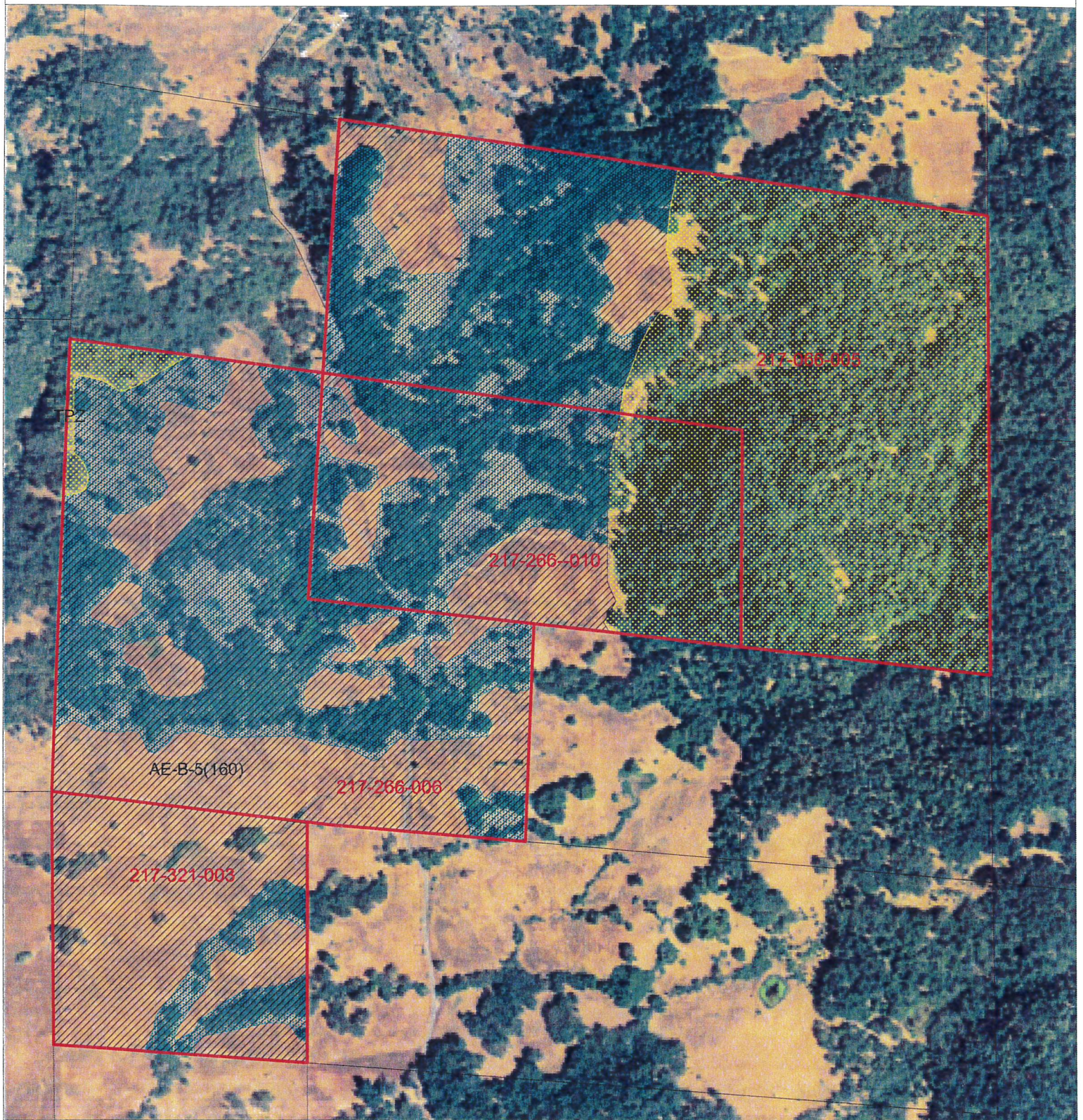
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 500 1,000
Feet

Phillips Property Map

Prtions of Sections 28 and 32 T2s, R5EH. B. &M.



Phillips ownership



Curent AE



Curent TPZ



TPZ to be added



ATTACHMENT 1

CONDITIONS OF APPROVAL

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. The applicant shall submit a legal description of the lands to be re-zoned into TPZ for review and approval by the County Land Surveyor. The applicable review fee (currently \$280.00) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Zone Reclassification being scheduled for a decision by the Board of Supervisors.
2. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Department, payable to "Humboldt County Recorder" 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 Department 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. 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.

Informational Notes:

1. The 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 the Planning Department.
2. If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover). Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials.

The applicant is responsible for compliance with this requirement.

3. 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 Department (445-7541) for further information.

4. 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.

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.

Zone Reclassification

Sections 312-50.3 and 312-50.8 of the Humboldt County Code (H.C.C.) specify the findings that must be made in order to approve a Zone Reclassification. The required findings are as follows:

1. The proposed change is in the public interest;
2. That the proposed change is consistent with the General Plan;
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. A map was prepared showing the legal description of the property to be zoned;
5. The property currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules; or that the owner shall sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practice Rules by the fifth anniversary of the signing of such agreement, said agreement shall provide that if the parcel is subsequently zoned TPZ and fails to meet the stocking standards and Forest Practice Rules within the time period, the Board of Supervisors shall rezone the parcel to another zoning pursuant to Section 51121 of the Government Code;
6. The land to be rezoned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single parcel or a unit of contiguous parcels as defined in Section 51104 of the Government Code, which is eighty (80) acres or one-half of one-quarter section in size or larger;
7. The land shall be timberland as defined by Section 51104(f) of the Government Code; and
8. The existing uses on the parcel must be uses permitted in the Timberland Production Zone.

Finally, 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:

9. 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.

1. Public Interest

The purpose of the Zone Reclassification is to rezone existing timberlands into TPZ consistent with the surrounding, adjacent timberlands. In addition, the project will maintain the property for the growing and harvesting of timber.

The County recently updated its General Plan that established policies and standards for resource production land uses. The Timberland Production Zone (TPZ) is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.

The Zone Reclassification proposes to reclassify an approximate 152 acres of Agriculture Exclusive into TPZ. The TPZ zone 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. The TPZ zone 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:

- (a) 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.*
- (b) 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.*
- (c) A continued and predictable commitment of timberland, and 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:

- (1) 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.*
- (2) Discourage the premature or unnecessary conversion of timberland to urban or other uses.*
- (3) Discourage the expansion of urban services into timberland.*
- (4) 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 of any TPZ lands into timber base is in the public interest.

2. General Plan Consistency

The properties are planned Agriculture Grazing (AG). The project proposes to rezone approximately 152 acres of AE into TPZ. The Zoning Consistency Matrix, Table 4H of the Humboldt County General Plan specifies that the zoning into TPZ is consistent with the AG plan designation.

The Humboldt County General Plan, Section 4.6 (Forestry Resources), 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. Staff believes that the proposed zone reclassification is consistent with the goals and policies of the General Plan.

Additionally, the following table identifies the evidence which supports finding that the proposed development is in conformance with other applicable policies and standards of the Humboldt County General Plan.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	Agriculture Grazing (AG): This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Density range is 20 – 160 acres/unit	The lands proposed to be rezoned are part of a larger holding of Timberlands owned by the Phillips family. It is engaged in management of the existing timberlands.
Land Use Element Chapter 4 Forest Resources Section 4.6	Goals and policies contained in this chapter relate to incentive programs to maintain or increase the economic viability of timber production and the retention of high quality timberlands (FR-P6, FR-P8).	The rezone of AE zoned lands into TPZ is consistent with this policy. The lands proposed for rezone have been managed for timberlands and will continue to be managed as such. Therefore, the project is consistent with this policy.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)	The proposed project is located within Open Space land plan because the project site is planned Agriculture Grazing and is zoned Agriculture Exclusive. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The project does not propose any changes to the current uses of timber production and consistent with the use of Open Space land for management production of resources.

Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)	Several tributaries to Conley Creek flow through the property. Conley Creek flows to Dobbyn Creek and eventually into the Eel River. Existing development is not located within the Streamside Management Area. No development is proposed with the rezone. Future development must comply with the provisions of this section, and future building installations must meet County Building regulations.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)	The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. The NWIC has recommended a cultural resource study, however, as no development is proposed, the project can be viewed as having no likelihood of impacting cultural resources. Nonetheless, the standard inadvertent discovery condition is included among the recommended conditions of approval in the Informational Notes. Furthermore, any future timber harvesting activities will be required to comply with the Forest Practices Act which will require cultural resource review.
Safety Element Chapter 14 Geologic and Seismic	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)	The parcels are located within an area of high slope instability and outside of any Alquist-Priolo Fault Hazard Area. The parcels are currently utilized for timber production.

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.** Resource lands such as these were not utilized by the Department of Housing and Community Development in determining appropriate residential density, therefore, these lands are in compliance with this requirement.

4. **Legal Description.** A map was prepared showing the legal description of the property.

5. **Stocking Standards.** The property currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules.

6. **Ownership and Minimum Parcel Size.** The area to be rezoned into TPZ consists of portions of three legal parcels owned by Lee Phillips.

7. **Timberland.** The land is timberland as defined by Section 51104(f) of the Government Code.

8. **Conformance with Use Regulations.** The existing land use is in compliance with the land use standards of the Timberland Production Zone.

The County Forestry Review Committee (FRC) reviewed and approved the zone reclassification at their April 2, 2018 meeting.

9. **Environmental Impact.** The proposed zone reclassification of property is statutorily exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code.

The Department will file a "Notice of Exemption" with the County Clerk and the Office of Planning and Research at the State Clearinghouse pursuant to Section 753.5(c) of the California Code of Regulations. The \$50.00 document handling fee required by the statute will be paid by the applicant.

ATTACHMENT 3

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on _____, 2019**

ORDINANCE NO. _____

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE BLOCKSBURG AREA
[ZR-17-011 (PHILLIPS)]

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 152 acres of Agriculture Exclusive into Timberland Production Zone (TPZ).

The area described is also shown on the Humboldt County Zoning Maps [V-42] and on the map attached as Exhibit B.

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

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2019, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

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

Exhibit A – Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 28; AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, ALL IN TOWNSHIP 2 SOUTH, RANGE 5 EAST, HUMBOLDT MERIDIAN.

BEING LAND DESCRIBED IN PATENT RECORDED IN BOOK 12, OF PATENTS, PAGE 105, HUMBOLDT COUNTY RECORDS.

PARCEL TWO

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 5 EAST, HUMBOLDT MERIDIAN.

BEING LAND DESCRIBED IN PATENT RECORDED IN BOOK 7, OF PATENTS, PAGE 709, HUMBOLDT COUNTY RECORDS.

PARCEL THREE

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 5 EAST, HUMBOLDT MERIDIAN.

BEING THE LAND DESCRIBED IN PATENT RECORDED IN BOOK 9 OF PATENTS, PAGE 196, HUMBOLDT COUNTY RECORDS.

APN: 217-266-005, 217-266-006, 217-266-010, 217-321-003

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

Attachment 2 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 Department:

- Application Form
- Project Proposal Map
- Current Deed
- TPZ Application Information dated Received November 16, 2017 prepared by Able Forestry Consultants (attached)
- TPZ Inclusion Requirements dated November 5, 2017 prepared by Able Forestry Consultants (attached)

APPLICATION TO REZONE A PORTION OF THE PHILLIPS RANCH – BLOCKSBURG
PROPERTY
TO TIMBER PRODUCTION ZONE

FOR

Lee R. and Kay L. Phillips, Trustees
26175 ALDERPOINT ROAD
BLOCKSBURG, CA



Prepared by
James L. Able Forestry Consultants, Inc.
1410 2nd Street
Eureka, CA 95501



Dan Graybill RPF#2943

Date

1. PROPERTY OWNER

Lee R. and Kay L. Phillips, Trustees of the Phillips Family Revocable Trust UAD 1/15/1993

2. PROJECT PURPOSE AND DESCRIPTION

The project involves a Zone Reclassification pursuant to C.G.C. 51113.5. The project proposes to rezone approximately 152.3 acres of Agriculture Exclusive (AE) to Timber Production Zone (TPZ) within the Phillips Ranch – Blocksburg Property.

All the parcels described in the proposed project have existing (TPZ) zoning within, or are in contiguous ownership, to parcels with existing (TPZ) zoning. Therefore this application for rezoning will allow for an addition of (TPZ) lands to be added to parcels consistent with C.G.C. 51113.5

3. PRESENT ZONING AND PLAN DESIGNATION

The project area has the following zoning designations: Agriculture Exclusive (AE) and Timber Production Zone (TPZ)

4. LEGAL DESCRIPTION

The Phillips Ranch – Blocksburg Property is located approximately 1.5 miles southeast of the town of Blocksburg in portions of Sections 28 and 33, T2S, R5E, H. B. & M. in Humboldt County. The property is located in the Blocksburg and Black Lassic 7.5' USGS Quadrangle.

5. TIMBERSTAND DESCRIPTION

The non-TPZ timberlands located within the Phillips – Blocksburg Property are made up of a mixture of conifer and hardwood species. The conifer component is made up of second growth Douglas-fir, and incidental Ponderosa Pine. The hardwood component is made up of Tan Oak, Madrone, White Oak, Black Oak and Interior Live Oak. The stand ranges in size from seedlings and saplings to larger 30" DBH plus second growth trees. The area to the west of Alderpoint Road is predominately hardwood with scattered larger conifers with conifer seedlings and saplings in the understory. The area to the east of Alderpoint road has a higher component of conifers which range from seedlings to 30" DBH plus mature trees.

The stand meets the definition of "Timberland" per C.G.C. 51113.5, and is easily capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

6. REZONING JUSTIFICATION

California Government Code Section 51113.5. This section allows a property with Timber Production zoned land to petition the County to rezone contiguous land not TPZ to the Timber Production zoning. The only requirements for this type of rezoning are that the parcels must meet the definitions of Government Code Sections 51104 (f), (g) and (h). The county may not place any additional requirements on this petition to rezone the property to Timber Production Zone.

Discussion of California Government Code Section 51113.5: All of the area proposed to be rezoned to Timber Production is contiguous in ownership to the TPZ land contained within the Phillips Ranch – Blocksburg Property. The property in question has historically has been managed for timber production in the past.

The project area meets the definitions of Government Code Section 51104 (f), “Timberland”, “Timberland Production Zone” and “Compatible Use”. This portion of the Property has been managed in the past for timber production, with the latest harvest entry being approximately 15 to 20 years ago. Logging operations have taken place in areas currently zoned AE as demonstrated by existing stumps.

Additional compatible uses historically associated with the property include grazing and ranching activities. The majority of any grazing activity which historically has taken place on the property was undertaken on that portion of the parcel that will remain under the Agriculture General zoning designation. These activities will not significantly detract from the use of the property for the growing and harvesting of timber.

Discussion of Photo and Field Review: The basis of determining the appropriateness of rezoning the Agriculture General zoned area into TPZ was determined by using available aerial photos, soils maps and physical on-site reconnaissance. Aerial photo interpretation indicated the area has been historically vegetated with timber and has been commercially harvested on numerous occasions.

On examination of the AE lands being proposed for re-zoning it is noted that the majority of the area is stocked with conifers in addition to the hardwood component of the stand as describe in the Timber Description above. This area is growing an average of 354 Bd. Ft. per acre per year (70 Cubic feet) well over the 15 cubic feet per acre per year requirement. Currently the entire project area proposed for re-zoning meets the definition of Timberland. The project area is considered 61% stocked by California Department of Forestry (CalFire) stocking standards. With this in mind the site has the potential to grow between 500 Bd. Ft. per acre and 600 Bd. Ft. per acre annually.

As part of the development of the inventory for the property a timber cruise was done on the project area. A variable plot cruise was done using a 40 BAF prism with trees 6” DBH and greater counted. Conifer volumes were determined for trees greater than 12” DBH utilizing log heights with trees 6” DBH to 10” DBH were measured to project ingrowth. A Conifer stocking or regeneration was sampled utilizing a fixed radius 1/300 acre plot per CDF standards with the results as indicated above.

Discussion of Project Area Soils: Soils are a major factor in determining the suitability of ground for timber production. Soils type indicated by the California Cooperative Soil-Vegetation Survey for the project area associated with the areas proposed for re zoning are as follows:

Hugo soil (812) is a deep, slightly acidic, loam/clay loam soil, with good drainage. The parent material is made up of Sandstone and Shale. These soil types are well suited for timber production and are rated from medium to very high for timber production by the Soil Vegetation Maps of California. Much of the area proposed for TPZ is in this soil type and ranged from site II to site III site class. (75% or more by rezone area)

Josephine (815): is a deep, slightly acidic, Loam/ clay loam soil, with good drainage. The parent material is made up of sandstone and shale. These soil types are highly suited for timber production by the Soil Vegetation maps of California. (10% or more by rezone area)

Tyson (849): This soil is loam over gravelly clay loam, with moderate permeability and good drainage. Soil depth is 18 to 36 inches. Erosion hazard is moderate. Timber production of these soils is medium (except in the rock outcrop areas where it is considered questionable). (5% or less by rezone are)

McMahon (839): The Melbourne surface soil has a dark gray surface soil and dark gray subsoil. The texture is clay loam originating a parent material of sandstone. The soil has slow permeability with imperfect drainage. It is unsuited for timber production is and has an erosion hazard rating of slight to moderate (5% or less by rezone are)

Yorkville (752) The Yorkville surface soil is comprised of brown to reddish brown clay loam originating from a parent material metamorphic basic rock. The soil has slow permeability with imperfect drainage it is unsuited for timber production. (5% or less by rezone are)

As indicated above, timber lands as indicated in the project area are considered on average to be Site Class III timberlands. Field measurements indicate that the conifer trees on the property are indicative of Site III classification. Timberlands are considered Site Class III if the height of the dominant and co-dominant trees ranges between 130 and 150 feet tall when they reach 100 years of age. With this potential, this soil type is easily capable of growing an average volume of wood fiber in excess of 15 cubic feet per acre.

Discussion of Average Property Volumes:

The project area has an average of 7,875 board feet, or 1,575 cubic feet, per acre of conifers, predominantly Douglas-Fir. The ages of the trees within the timberland portion of the property range from 1 to 100 plus years old. The average observed conditions, the average age of the stand is 20 to 40 years old.

Based on actual measurements and stand table projections, the project area is currently growing at a rate of 354 board feet, or 70 cubic feet, per acre per year.

7. CONCLUSION

The project area meets all of the requirements detailed in C.G.C. 51113.5 to be rezoned into Timber Production Zone as follows:

- a. The non-TPZ lands contained within the project area are currently forested and are not unlike adjacent TPZ lands. These lands consist of second growth Douglas-fir and hardwood stand with incidental Ponderosa Pine.
 - b. The entire project area meets the definition of Timberland.
 - c. Based on the California Cooperative Soil-Vegetation Survey, the majority of the project area is made up of soils that are described as moderate to high in timber production potential.
 - d. The project area is currently growing well in excess of 15 cubic feet of wood volume per acre annually.
-

JAMES L. ABLE
FORESTRY CONSULTANTS, INC.
1410 Second Street
Eureka, CA 95501
(707) 445-4130



November 5, 2017

Trevor Estlow
Humboldt County Planning
3015 H Street
Eureka, CA 95501

Re: Rezone portions of the Phillips Ranch to Timber Production Zone

Dear Mr. Estlow

This letter is in regards the information required by C.G.C. 51113.5 Additions to Timberland Productions Zoned Lands.

The Timberlands to be added must meet the following Criteria:

- 1) Must be (a) in the same ownership of and (b) Contiguous to TPZ zoned timberlands to which the non-TPZ timberlands are to be added.

Registered Professional Forester Response:

- a) The parcels in question are in the same ownership
 - b) The Non-TPZ zoned Timberlands are Contiguous with land with TPZ zoning.
- 2) Must be (a) devoted to and used for growing and harvesting timber and compatible uses and (b) Capable of growing an average volume of wood fiber of at least 15 cubic feet per acre per year.

Registered Professional Forester Response:

- a) The area of TPZ addition is devoted to both growing and harvesting of timber and compatible uses.
- b) Overall site class for the area to be rezoned to TPZ is site III. This is based on soils and vegetation maps, field verification including identifying and mapping areas of meadow encroachment by saplings and field measurement of sample trees to determine height and age to verify site index. Growth potential for these areas of rezone, as indicated by (Bulletin 210) is well in excess of 15 cubic feet per acre per year. The area is currently producing 70 cubic feet and could produce up to 110 cubic feet per acre per year based on published yield tables.

Conclusion:

The areas of proposed TPZ lands are shown on the attached map and meet the criteria of C.G.C. 51113.5

Portions of the remaining area of Non TPZ will continue to regenerate into conifer forest over time due to continued encroachment. The remaining areas will continue to be used for activities compatible with AE zoning.

Please contact me with any additional questions or comments.

Thank you,

A handwritten signature in black ink, appearing to read "Dan Graybill". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dan Graybill RPF# 2943

Staff Forester

James L. Able Forestry Consultants Inc.

(707) 445-4130

ATTACHMENT 5

Referral Agency Comments and Recommendation

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

Referral Agency	Response	Recommendation	Location
County Building Inspection Division	✓	Approval	On file
County Public Works, Land Use Division	✓	No Comment	On file
County Division of Environmental Health			
CA. Dept. of Forestry and Fire Protection	✓	Standard Comments	On file
County Assessor's office	✓	Approval	On file
Northwest Information Center	✓	Comments	On file
Bear River Band of the Rohnerville Rancheria			
Forestry Review Committee	✓	Approval per April 2, 2018 meeting	Attached

Minutes

April 2, 2018 Meeting

I. Attendance

FRC Members Present: Gary Rynearson, Kurt McCray, Jim Able, Mark Andre, Chris Carroll, Yana Valachovic

FRC Members Absent: Ben Hawk, Charles Ciancio

Staff Present: Trevor Estlow, Planning and Building Department

The Committee welcomed guests: Chris Stumpf, Eric Taft, Dan Graybill, Stephen Hohman

II. Public Appearances: None.

III. Approval of Minutes from the March 9, 2017, September 21, 2017 and October 9, 2017 meeting.

On a motion by Gary Rynearson, seconded by Jim Able, the minutes of the March 9, 2017, September 21, 2017 and October 9, 2017 meetings were approved by a vote of 6-0.

IV. New Business (in order of items heard):

1. **Faraon Zone Reclassification.** Case Number: ZR-17-010; Assessor Parcel Numbers 223-042-002, 223-043-003, 223-042-001; Benbow area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a zone reclassification of approximately 155 acres of Agriculture Exclusive with a special building site combining zone of 160 acres (AE-B-5(160)) to Timber Production Zone (TPZ). The properties consist of two separate legal parcels of approximately 160 acres in size. Because the properties each consist of four quarter-quarter sections, they are considered to be 160 acres each under the county's Subdivision Ordinance. The zone reclassification is intended to facilitate a lot line adjustment between the two properties.

At this time, the Chair opened the meeting to public comments. Stephen Hohman presented details on the encroaching timber into the grasslands. The committee had questions regarding the lack of a stocking plan and whether it met the stocking standards currently. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Gary Rynearson, seconded by Jim Able, the Faraon project was approved by a vote of 4-2 (Yes votes: Gary Rynearson, Jim Able, Yana Valachovic and Kurt McCray) and requires the applicant to sign an agreement with the Board of Supervisors to meet stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement pursuant to Section 314-7.1.2.3.

2. **Cathey Lot Line Adjustment and Joint Timber Management Plan** Case Numbers: LLA-17-015, JTMP-17-006; Assessor Parcel Number 211-382-028; Miranda area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Lot Line Adjustment between two parcels to result in two parcels of 34 acres and 68 acres in size. The westerly parcel is developed with a residence, accessory structures and an on-site wastewater treatment system. The easterly parcel is vacant. The purpose of the Lot Line Adjustment is to facilitate the distribution of property from the estate of Richard Cathey. The goal is to adjust existing property lines to result in one parcel (proposed Parcel A) that is suitable primarily for residential and agricultural purposes (AE zoned land). The other parcel (proposed Parcel B) is primarily for timber production. A Joint Timber Management Plan is also required.

At this time, the Chair opened the meeting to public comments. Eric Taft provided details on the access to the parcels. The committee had questions regarding access to proposed Parcel B. It was recommended that a contingent easement be required to assure access to both parcels should either of the parcels change ownership. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Chris Carroll, seconded by Yana Valachovic, the Cathey project was conditionally approved by a vote of 5-0 (Jim Able abstained). The condition requires a contingent easement to be recorded concurrently with the Lot Line Adjustment and JTMP.

At 5:55 p.m., Mark Andre left the meeting.

3. Boyle Forests, LP Lot Line Adjustment and Joint Timber Management Plan Case
Numbers: LLA-17-023, JTMP-17-008, Assessor Parcel Numbers: 215-151-002, 215-151-006, 215-162-005, 215-162-020; Whitethorn area.

Trevor Estlow provided the staff report and staff recommendations. The involves a Lot Line Adjustment (LLA) three parcels of approximately 40 acres, 85 acres and 202 acres resulting in three parcels of 93 acres, 62 acres and 172 acres, respectively. The purpose of the Lot Line Adjustment is to provide additional timberland to the Gienger parcel (215-151-002). The Gienger parcel is developed with a residence and commercial cannabis activities. The Boyle Forests properties are vacant and utilized for timber production. A Joint Timber Management Plan is also required.

At this time, the Chair opened the meeting to public comments. The committee had questions regarding the shape of the resultant parcels and access to those parcels. Chris Stumpf provided details on the shape and access issues. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Gary Rynearson, seconded by Jim Able, the Boyle Forests project was approved by a vote of 4-0 (Chris Carroll abstained).

4. Phillips Zone Reclassification Case Numbers: ZR-17-011; Assessor Parcel Numbers: 217-266-005 et seq.; Blocksburg area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Zone Reclassification of portions of the Phillips Ranch from Agriculture Exclusive with a 160 acre minimum parcel size into Timberland Production Zone (TPZ). The eastern portion of the ranch is heavily timbered and zoned TPZ, however, the remaining portion is mostly zoned AE-B-5(160). The area to be rezoned has been managed in the past for timber production, with the latest harvest entry being approximately 15 to 20 years ago.

At this time, the Chair opened the meeting to public comments. Dan Graybill discussed the rezone of just the timberlands, leaving the grasslands AE. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Gary Rynearson, seconded by Yana Valachovic, the Phillips project was approved by a vote of 4-0 (Jim Able abstained).

5. Viltrakis Lot Line Adjustment and Zone Boundary Adjustment Case Numbers: LLA-17-027, ZBA-17-002; Assessor Parcel Numbers: 206-091-046, 206-081-001; Carlotta area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Lot Line Adjustment (LLA) between two parcels of approximately 5 acres and 656 acres resulting in two parcels of approximately 6.2 acres and 654.8 acres. The smaller parcel is developed with a residence and accessory structures and the larger parcel is vacant and utilized for timber production. The purpose of the LLA is to add a flat open area not utilized for timber production to the smaller parcel. A Zone Boundary Adjustment is also required to move the zone boundary to the new property line.

At this time, the Chair opened the meeting to public comments. The committee requested that an RPF provide a letter describing the land to be rezoned as not suitable as timberland. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Chris Carroll, seconded by Jim Able, the Viltrakis project was conditionally approved by a vote of 4-0 (Gary Rynearson abstained). The condition requires the submittal of a letter prepared by an RPF declaring that the land to be rezoned does not meet the definition of timberland.

V. Future Agenda Items

No discussion

VII. Adjournment

The meeting was adjourned at 6:45 p.m.