



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

L-3

Hearing Date: December 15, 2015

To: Board of Supervisors

From: Kevin R. Hamblin, Director, Planning and Building Department *(SW)*

Subject: Fred M. Van Eck Forest Foundation General Plan Amendment and Zone
Reclassification
Application Number 9587
Case Numbers GPA-15-001, ZR-15-001
Assessor Parcel Numbers 512-171-009, 512-181-038, 512-181-039,
516-011-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019,
516-011-020
Fieldbrook Area

RECOMMENDATIONS

That the Board of Supervisors:

1. Introduce Ordinance No. 2542 (Attachment B) by title and waive further reading.
2. Open the public hearing and receive the staff report and public comment.
3. Close the public hearing and deliberate.

Prepared by

Steve Werner

Trevor Estlow, Senior Planner

CAO Approval

Amy Rosen

REVIEW:

Auditor

County Counsel

NAAD

Personnel

Risk Manager

Other

TYPE OF ITEM:

☐ Consent
☐ Departmental
☒ Public Hearing
☐ Other

PREVIOUS ACTION/REFERRAL:

Board Order No. L-1

Meeting of: November 14, 2014

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor
Seconded by Supervisor

Ayes
Nays
Abstain
Absent

SEE ACTION SUMMARY

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

Dated:

4. Make the necessary findings to approve the General Plan Amendment and adopt Resolution No. 15-134 (Attachment A), approving the amendment of the Humboldt County General Plan land use map, by amending property in the Fieldbrook area (GPA-15-001, Van Eck Forest Foundation) from their various general plan designations to Timberland (T) accepting either the Planning Commission Recommendation or the Applicant's Preferred Alternative.
5. Make the necessary findings for approving the proposed Zone Reclassification and adopt Ordinance No. 2542 (Attachment B) amending Section 311-7 of the Humboldt County Code by reclassifying property in the Fieldbrook area from Agriculture General (AG), Agriculture General with a combining zone specifying a 5-acre minimum parcel size (AG-B-5(5)), Agriculture General with a combining zone specifying a 10-acre minimum parcel size (AG-B-5(10)), Agriculture Exclusive (AE) and Forestry Recreation with a combining zone specifying a 20-acre minimum parcel size (FR-B-5(20)) into Timberland Production Zone (TPZ) accepting either the Planning Commission Recommendation or the Applicant's Preferred Alternative.
6. Direct the Clerk of the Board to record a Certification of Rezoning (Notice of Timberland Production Zone Status) (Attachment C) 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 B).
7. Direct the Clerk of the Board to give notice of the decision to the applicant/owner, the County Assessor's Office and any other interested party, and to publish the Post-Adoption Summary of the Ordinance (Attachment D) within 15 days after adoption by the Board, and direct Planning and Building Department – Planning Division to file a Notice of Exemption pursuant to California Environmental Quality Act (CEQA).
8. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after adoption of the ordinance by the Board, along with the names of those Supervisors voting for and against the ordinance (Attachment B) and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance.
9. Direct the Clerk of the Board to record in the action summary of the Board meeting that the ordinance has been duly published and posted and to give notice of the decision to the applicant, the County Assessor's Office and any other interested party.

SOURCE OF FUNDING: 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.

DISCUSSION: The project before your Board is a General Plan Amendment from various general plan designations to T, and an associated Zone Reclassification from Agriculture General (AG), Agriculture General with a combining zone specifying a 5-acre minimum parcel size (AG-B-5(5)), Agriculture General with a combining zone specifying a 10-acre minimum parcel size (AG-B-5(10)), Agriculture Exclusive (AE) and Forestry Recreation with a combining zone specifying a 20-acre minimum parcel size (FR-B-5(20)) into TPZ. The amendment proposal affects approximately 142 acres in the Fieldbrook area, on both sides of Fieldbrook Road and adjacent to other lands owned by the Van Eck Forest Foundation and currently zoned TPZ. The amendment would facilitate the rezone into TPZ to represent the current and proposed use of the land.

This proposal follows your Board's November 14, 2014 acceptance of the petition to re-designate and rezone the properties. The Humboldt County Planning Commission considered the proposal and held a public hearing on the project at their meeting of October 1, 2015. In a 4-1 vote, the Planning Commission recommended the Board make the necessary findings and approve the amendment and zone reclassification with the removal of Assessor Parcel Numbers

512-181-038 and 512-181-039 due to their inability to make findings for approval as they relate to residential density and Housing Element Law. The Planning Commission's rationale and an alternative to reconsider the amendment as proposed by the applicant are more fully discussed below.

Summary

The applicant has successfully petitioned your Board to accept an applicant initiated General Plan Amendment and Zone Reclassification of the subject property to facilitate a rezone into TPZ.

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. The existing timberlands are subject to Nonindustrial Timber Management Plan (1-01NTMP-004 HUM) and will continue to be managed under this plan. Per the Zoning Consistency Matrix of the Framework Plan, the proposed rezoning to TPZ is consistent with the proposed Timberland (T) General Plan designations.

Required Findings

To approve the project, the Board of Supervisors must determine that the applicants have submitted evidence in support of making **all** of the following required findings.

Required Findings for General Plan Amendment

Per Sections 65358 and 65359 of the California Government Code, the General Plan may be amended if the following findings are made:

1. The amendment is in the public interest; and
2. The amendment is consistent with the County General Plan.

Per Section 312-50.3 of the Humboldt County Code Zoning Regulations, *Required Findings for All Amendments*, amendments may be approved only if the following findings are made:

1. The amendment is in the public interest;
2. The amendment is consistent with the County 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.

Planning Commission Recommendation: Based on the information contained in the Planning Commission staff report (Attachment D), the Planning Commission recommended that the required findings be made and the proposed General Plan Amendment and Zone Reclassification be approved with the exclusion of APN's 512-181-038 and 512-181-039 due to their inability to make findings for approval as they relate to residential density and Housing Element Law. Specifically, the Planning Commission found:

- The General Plan Amendment and Zone Reclassification is in the public interest, and is consistent with a comprehensive view of the General Plan; and
- That the project is exempt from CEQA pursuant to 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; and
- The findings necessary for approval of the project can be made as indicated in the Planning Commission staff report.

Additionally, for land being zoned Timberland Production Zone (TPZ) the following specific findings are required per Section 312-50.8 of the Humboldt County Code Zoning Regulations.

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.

For these findings, the Planning Commission found as follows:

- **Legal Description.** A map was prepared showing the legal description of the property.
- **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.
- **Ownership and Minimum Parcel Size.** The area to be rezoned into TPZ consists of two Assessor Parcel Numbers owned by North Coast Timberlands, LLC.
- **Timberland.** The land is timberland as defined by Section 51104(f) of the Government Code.
- **Conformance with Use Regulations.** The existing land use is in compliance with the land use standards of the Timberland Production Zone.

Furthermore, the County Forestry Review Committee (FRC) reviewed and recommended approval of the General Plan Amendment and Zone Reclassification at their September 15, 2015 meeting.

CEQA

A General Plan Amendment and Zone Reclassification is a "project" for the purposes of the California Environmental Quality Act (CEQA). 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)."

Staff Recommendation

Planning staff supports the project because the required findings can be made. Both the General Plan Amendment and Zone Reclassification are in the public interest; the amendments reflect the fact that community values and assumptions have changed and the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan. The amendments, as supported by planning staff, are consistent with Plan policies and with the development capabilities of the property. The Planning Commission declined to recommend the requested land use and zoning change as to APN's 512-181-038 and 512-181-039 due to their inability to make findings of General Plan conformance as they relate to residential density and Housing Element Law.

Based on the on-site inspection, a review of Current Planning Division reference sources and comments from all involved referral agencies, Current Planning Staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the project. The Humboldt County Planning Commission concurred, with the exception noted, at their meeting of October 1, 2015 when they adopted Resolution No. 15-34 (Attachment F) recommending approval of the project.

Alternative Recommendation

The Planning Commission's recommendation included the removal of APNs 512-181-038 and 512-181-039. Although the parcels meet the inclusion requirements to be zoned TPZ, the Commission was not able to make the findings that 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. Six of the nine parcels included in the General Plan Amendment/Rezone consist of undeveloped property and are listed on the Humboldt County Housing Inventory as contributing one housing unit each for a total of six, to meet the unincorporated County's moderate and above moderate income households housing needs for this Housing Element planning period (i.e., lands **not** planned and zoned for multiple family development which are considered to be affordable to low and very low income households). The Commission took notice of but was unpersuaded by the fact that these six moderate and above moderate income housing units identified in the Inventory would not be constructed with or without project approval given that the landowner is bound by the terms of a recorded Conservation Easement that prohibits further residential development. The Commission found that for the two APNs the site topography was less steep and had the potential to support homesite development. Further, the Commission postulated that the existing Conservation Easement albeit an impediment could be removed if desired.

While these arguments speak to a potential disconnect between conservation easements and long range planning objectives, the finding that must be made for this amendment rests solely with the ability of the remaining lands within the inventory to be able to satisfy the County's obligations under State Housing Element law. The County is obligated to accommodate its Regional Housing Need Allocation of **512** moderate and above moderate income households this Housing Element planning period (Housing Element Table 8-5, Projected Housing Need – see Attachment G). The Housing Element indicates that the County has an inventory of **3,350** units to meet the moderate and above moderate need with an additional 393 associated with the General Plan Update. Therefore, as presented to the Commission at hearing, it is undisputed that even with the loss of these six units to a non-residential land use, the County would still have over **six times** the required inventory available to meet the projected housing need. It is the applicant's contention, and Planning staff must concur, that the loss of these parcels from the Housing Inventory will **not** reduce the residential density below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law. Therefore, it is within the Board of Supervisor's discretion to include APN's 512-181-038 and 512-181-039 in the land use amendment and zone reclassification into TPZ notwithstanding the Commission recommendation to exclude them as the required finding may be made on the basis of the submitted evidence.

In addition to the above findings, the applicant provided additional information relating to the subject parcels. According to the applicant, the parcels are currently being taxed for a value that no longer exists (rural residential), and that the use of the property for timber production and conservation benefits the environment and the County and makes TPZ zoning appropriate. Furthermore, all of the properties are restricted from being built on by the conservation easement and the two parcels that the Planning Commissioners excluded are highly constrained and potentially unbuildable, with APN 512-181-039 being marshy and containing a class II watercourse, and APN 512-181-038 being both marshy and culturally sensitive.

For these reasons listed above, staff has provided an alternative recommendation that would include APN 512-181-038 and 512-181-039. Should the Board choose this alternative, appropriate ordinances and resolutions have been included in the attachments.

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

OTHER AGENCY INVOLVEMENT: Current Planning Staff referred the proposed General Plan Amendment and Zone Reclassification to numerous agencies for comments and recommendations. All responding agencies have either recommended approval or conditional approval of the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Alternative #1 The Board may choose to include APNs 512-181-038 and 512-181-039 in your approval. Should the Board choose this alternative, appropriate ordinances and resolutions have been included in the attachments.

Alternative #2 The 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:

NOTE: 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 A: Resolution No. 15-134
Exhibit A: Land Use Maps
Exhibit B: Zoning Maps
(For Planning Commission Recommendation and Applicant's Preferred Alternative)
- Attachment B: Ordinance No. 2542 Exhibit A (map), Exhibit B (legal description)
Exhibit A: Maps
Exhibit B: Legal Descriptions
(For Planning Commission Recommendation and Applicant's Preferred Alternative)
- Attachment C: Certificate of Rezoning (Notice of Timberland Production Status)
(For Planning Commission Recommendation and Applicant's Preferred Alternative)
- Attachment D: Post-Adoption Summary of Ordinance
Exhibit A: Map
(For Planning Commission Recommendation and Applicant's Preferred Alternative)
- Attachment E: Copy of Planning Commission Staff Report for September 4, 2014
- Attachment F: Planning Commission Resolution No. 14-24
- Attachment G: Excerpts from the 2014 Housing Element

ATTACHMENT A

Resolution No.

(For Planning Commission Recommendation)

Exhibit A: Land Use Maps

Exhibit B: Zoning Maps

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____

RESOLUTION NO. _____

**RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVE THE AMENDMENT OF THE HUMBOLDT COUNTY GENERAL PLAN IN THE FIELDBROOK AREA FROM VARIOUS GENERAL PLAN DESIGNATIONS TO TIMBERLAND (T) AND REZONING PROPERTY IN THE FIELDBROOK AREA FROM VARIOUS ZONE CLASSIFICATIONS TO TIMBERLAND PRODUCTION ZONE (TPZ);
CASE NUMBER GPA-15-001, ZR-15-001 (VAN ECK FOREST FOUNDATION);
ASSESSOR PARCEL NUMBERS: 512-171-009 ET SEQ.**

WHEREAS, Pacific Forest Trust, on behalf of the owners, submitted an application and evidence in support of approving the General Plan Amendment and Zone Reclassification application; and

WHEREAS, the proposed General Plan Amendment and Zone Reclassification; that is, to re-designate lands from various plan designations to Timberland (T) and to rezone lands from various zone classifications to Timberland Production Zone (TPZ), may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; and (3) The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

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

WHEREAS, the Planning Division, the lead agency, found the project exempt from environmental review pursuant to Section 15264 the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 of Attachment E in the staff report to the Planning Commission includes evidence in support of making all of the required findings for approving the proposed Zone Reclassification application for Case No.: GPA-15-001, ZR-15-001; and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on October 1, 2015, and

WHEREAS, at their October 1, 2015 meeting, the Planning Commission recommended the Board make the necessary findings and partially approve the amendment and zone reclassification, excluding APN's 512-181-038 and 512-181-039 as proposed.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors, based on Planning and Building Department – Planning Division staff reports, supplemental reports, testimony presented at the public hearing, and having considered the recommendation of the Planning Commission, that the Board:

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; and
2. Makes the findings for the General Plan amendment and zone reclassification with the exclusion of APN's 512-181-038 and 512-181-039 as detailed in Attachment 2 of the

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____

Planning Commission Staff Report for Case No.: GPA-15-001, ZR-15-001 based on the submitted evidence; and

3. Approves the General Plan Amendment and Zone Reclassification with the exclusion of APN's 512-181-038 and 512-181-039 as recommended by the Planning Commission at their October 1, 2015 meeting for Case No.: GPA-15-001, ZR-15-001; and
4. Adopts the Ordinance amending Section 311-7 of the Humboldt County Code to rezone property in the Fieldbrook area from various zone classifications to Timberland Production Zone (TPZ) with the exclusion of APN's 512-181-038 and 512-181-039 in conformance with the mapping prepared for ZR-15-001 (Van Eck Forest Foundation).

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. The General Plan designation for the subject property in the Northern Humboldt General Plan be amended from various plan designations to Timberland (T) as described in Exhibit A; and
2. The zone District for the subject property be amended from various zone classifications to Timberland Production Zone (TPZ) as described in Exhibit B; and
3. Current Planning Division Staff is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
4. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor's Office and any other interested party; and
5. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

Chair, Board of Supervisors

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

AYES: Supervisors--
NOES: Supervisors--
ABSENT: Supervisors--
ABSTAIN: Supervisors--

STATE OF CALIFORNIA)
) ss.
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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____

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

By _____

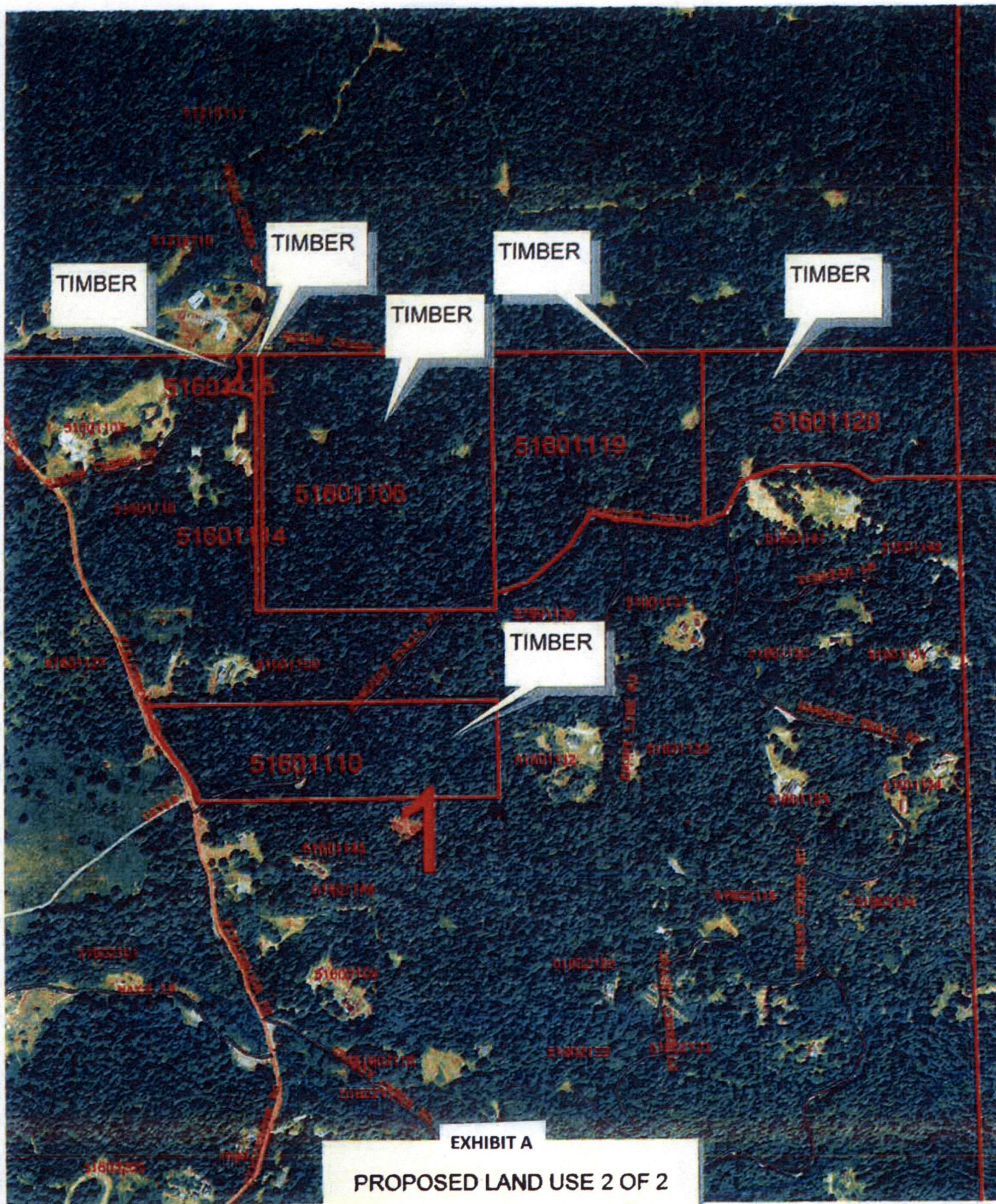


EXHIBIT A

PROPOSED LAND USE 2 OF 2

(Planning Commission Recommendation)

400 0 400 800 Feet

RF -- 1:7982

Map Disclaimer:
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or discrepancy occur, the official map shall prevail.



POD GIS Map

Humboldt County
Planning and Building

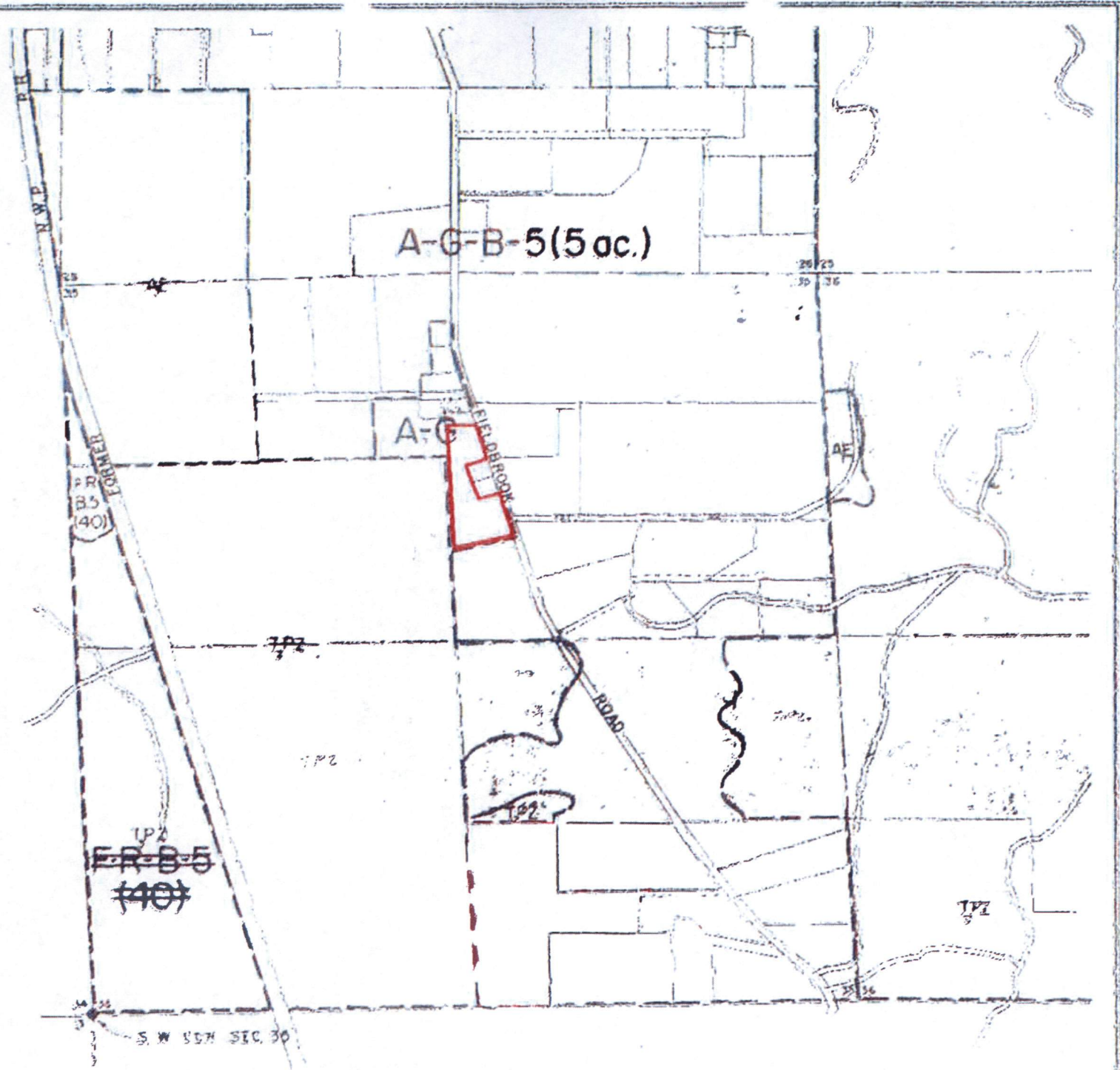



EXHIBIT B

PROJECT AREA = 

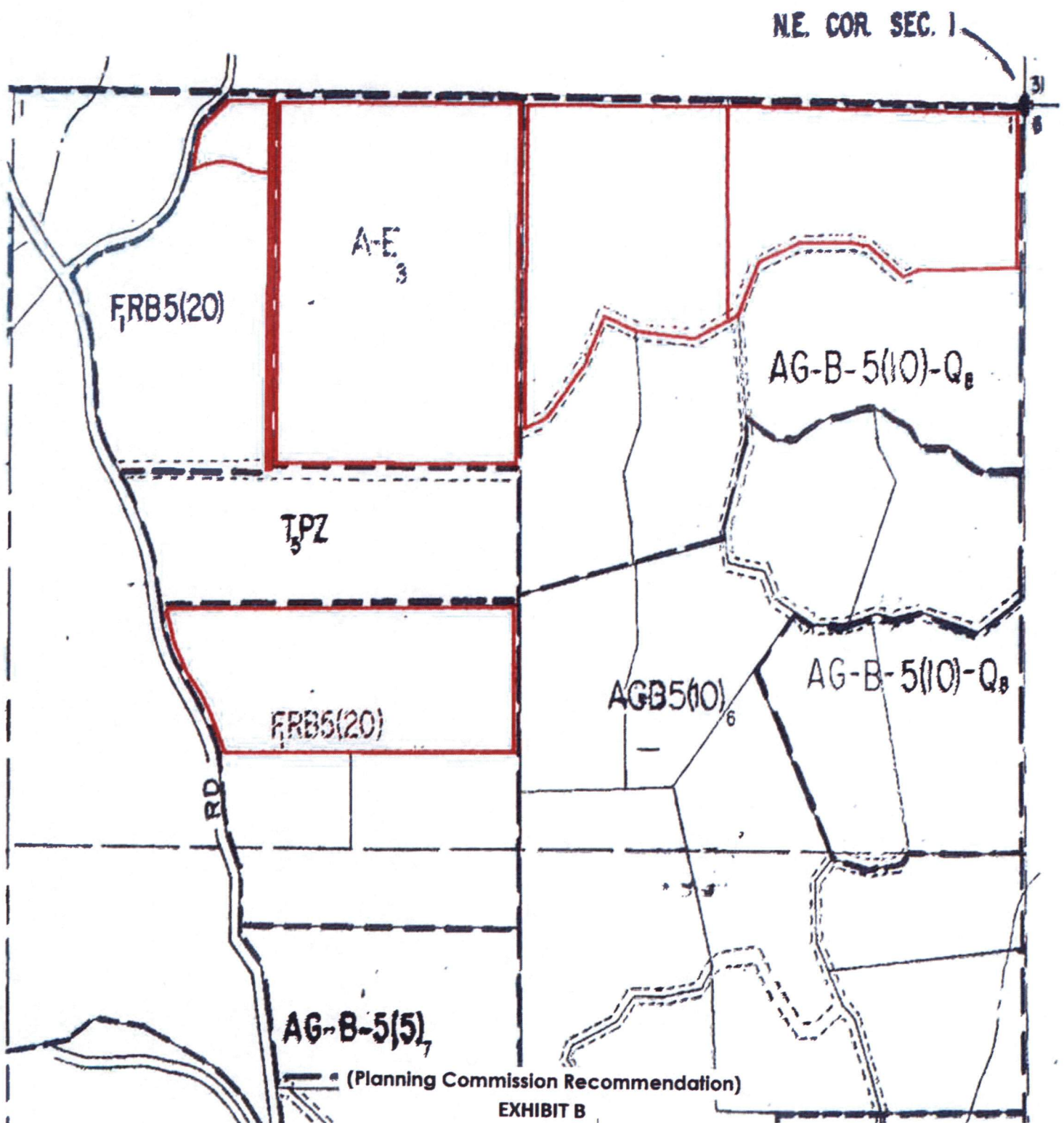
PLANNING COMMISSION RECOMMENDATION

ZONING MAP

1 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 612-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**





ZONING MAP
2 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-000 et seq
T06N R01E S01,02 HB&M (Arcata North)**



ATTACHMENT A

Resolution No. 15-134

(For Applicant's Preferred Alternative)

Exhibit A: Land Use Maps

Exhibit B: Zoning Maps

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 15, 2015

RESOLUTION NO. 15-134

RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVE THE AMENDMENT OF THE HUMBOLDT COUNTY GENERAL PLAN IN THE FIELDBROOK AREA FROM VARIOUS GENERAL PLAN DESIGNATIONS TO TIMBERLAND (T) AND REZONING PROPERTY IN THE FIELDBROOK AREA FROM VARIOUS ZONE CLASSIFICATIONS TO TIMBERLAND PRODUCTION ZONE (TPZ); CASE NUMBER GPA-15-001, ZR-15-001 (VAN ECK FOREST FOUNDATION); ASSESSOR PARCEL NUMBERS: 512-171-009 *ET SEQ.*

WHEREAS, Pacific Forest Trust, on behalf of the owners, submitted an application and evidence in support of approving the General Plan Amendment and Zone Reclassification application; and

WHEREAS, the proposed General Plan Amendment and Zone Reclassification; that is, to re-designate lands from various plan designations to Timberland (T) and to rezone lands from various zone classifications to Timberland Production Zone (TPZ), may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; and (3) The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

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

WHEREAS, the Planning Division, the lead agency, found the project exempt from environmental review pursuant to Section 15264 the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 of Attachment E in the staff report to the Planning Commission includes evidence in support of making all of the required findings for approving the proposed Zone Reclassification application for Case No.: GPA-15-001, ZR-15-001; and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on October 1, 2015, and

WHEREAS, at their October 1, 2015 meeting, the Planning Commission recommended the Board make the necessary findings and approve the amendment and zone reclassification, including APN's 512-181-038 and 512-181-039, as proposed.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 15, 2015

RESOLUTION NO. 15-134

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors, based on Planning and Building Department – Planning Division staff reports, supplemental reports, testimony presented at the public hearing, and having considered the recommendation of the Planning Commission, that the Board:

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; and
2. Makes the findings for the General Plan amendment and zone reclassification, including APN's 512-181-038 and 512-181-039, as proposed and as detailed in Attachment 2 of the Planning Commission Staff Report for Case No.: GPA-15-001, ZR-15-001 based on the submitted evidence; and
3. Approves the General Plan Amendment and Zone Reclassification, including APN's 512-181-038 and 512-181-039, as proposed and as detailed in Attachment 2 of the Planning Commission Staff Report for Case No.: GPA-15-001, ZR-15-001; and
4. Adopts the Ordinance amending Section 311-7 of the Humboldt County Code to rezone property in the Fieldbrook area from various zone classifications to Timberland Production Zone (TPZ), including APN's 512-181-038 and 512-181-039, as proposed and as detailed in Attachment 2 of the Planning Commission Staff Report for Case No.: GPA-15-001, ZR-15-001.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. The General Plan designation for the subject property in the Northern Humboldt General Plan be amended from various plan designations to Timberland (T) as described in Exhibit A; and
2. The zone District for the subject property be amended from various zone classifications to Timberland Production Zone (TPZ) as described in Exhibit B; and
3. Current Planning Division Staff is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
4. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor's Office and any other interested party; and
5. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

Dated: December 15, 2015



ESTELLE FENNELL, Chair
Humboldt County Board of Supervisors

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 15, 2015

RESOLUTION NO. 15-134

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

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

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be 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 ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

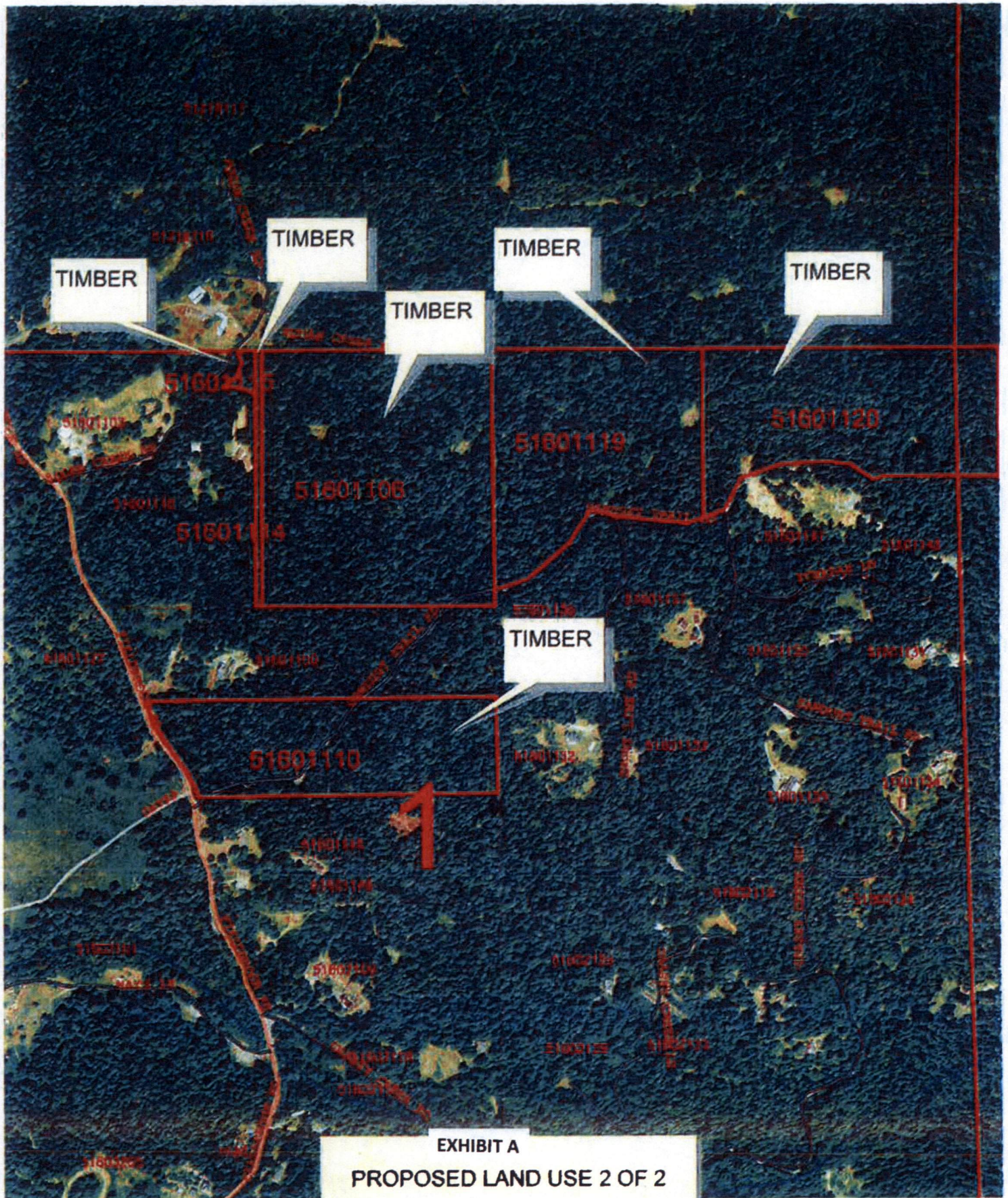


EXHIBIT A
PROPOSED LAND USE 2 OF 2

(Applicant's Preferred Alternative)

400 0 400 800 Feet

RF - 1:7982

Map Disclaimer:
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference arise in or out of the field, the user shall be responsible.



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POD GIS Map

**Humboldt County
Planning and Building**

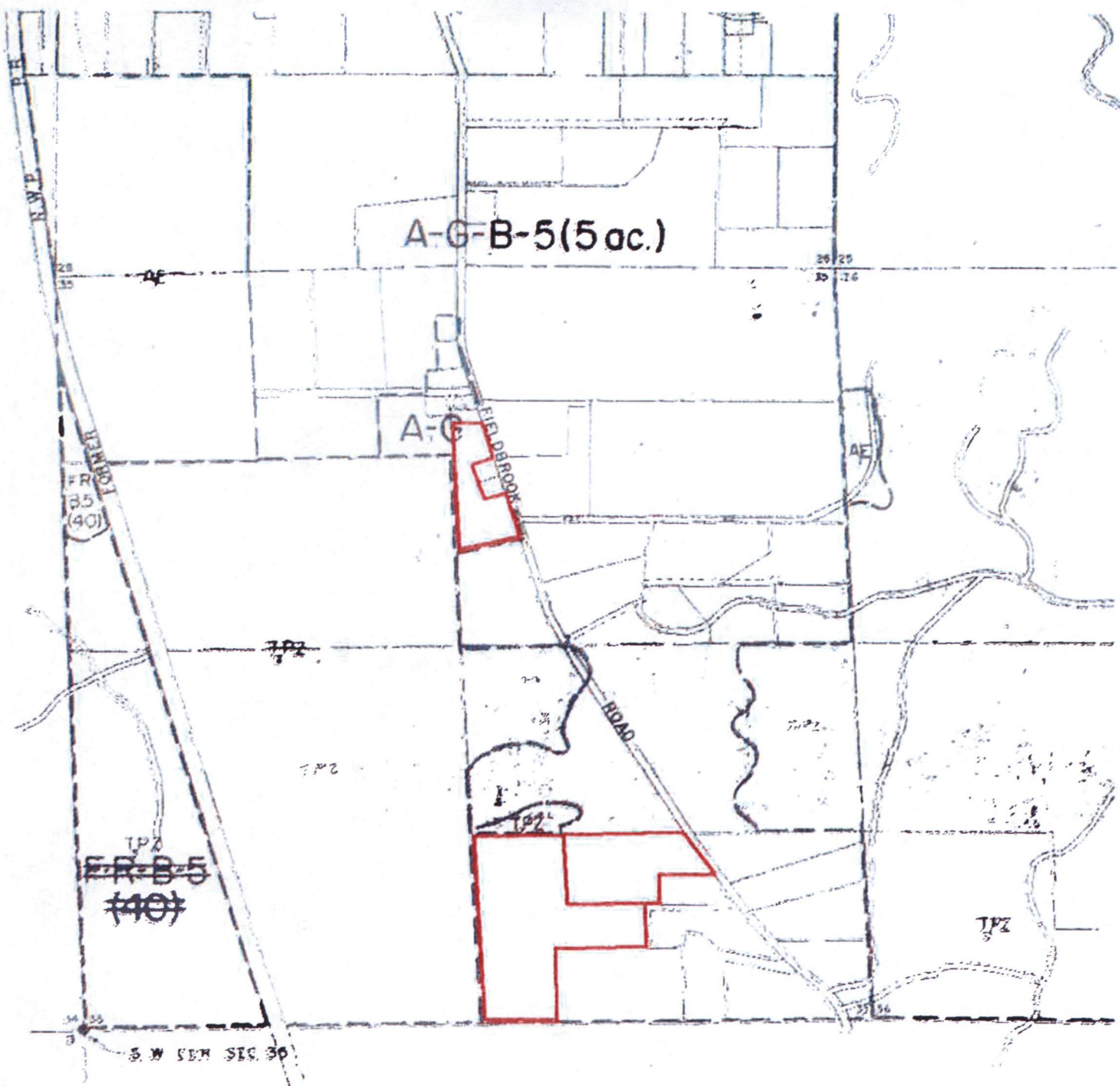


EXHIBIT B

PROJECT AREA =

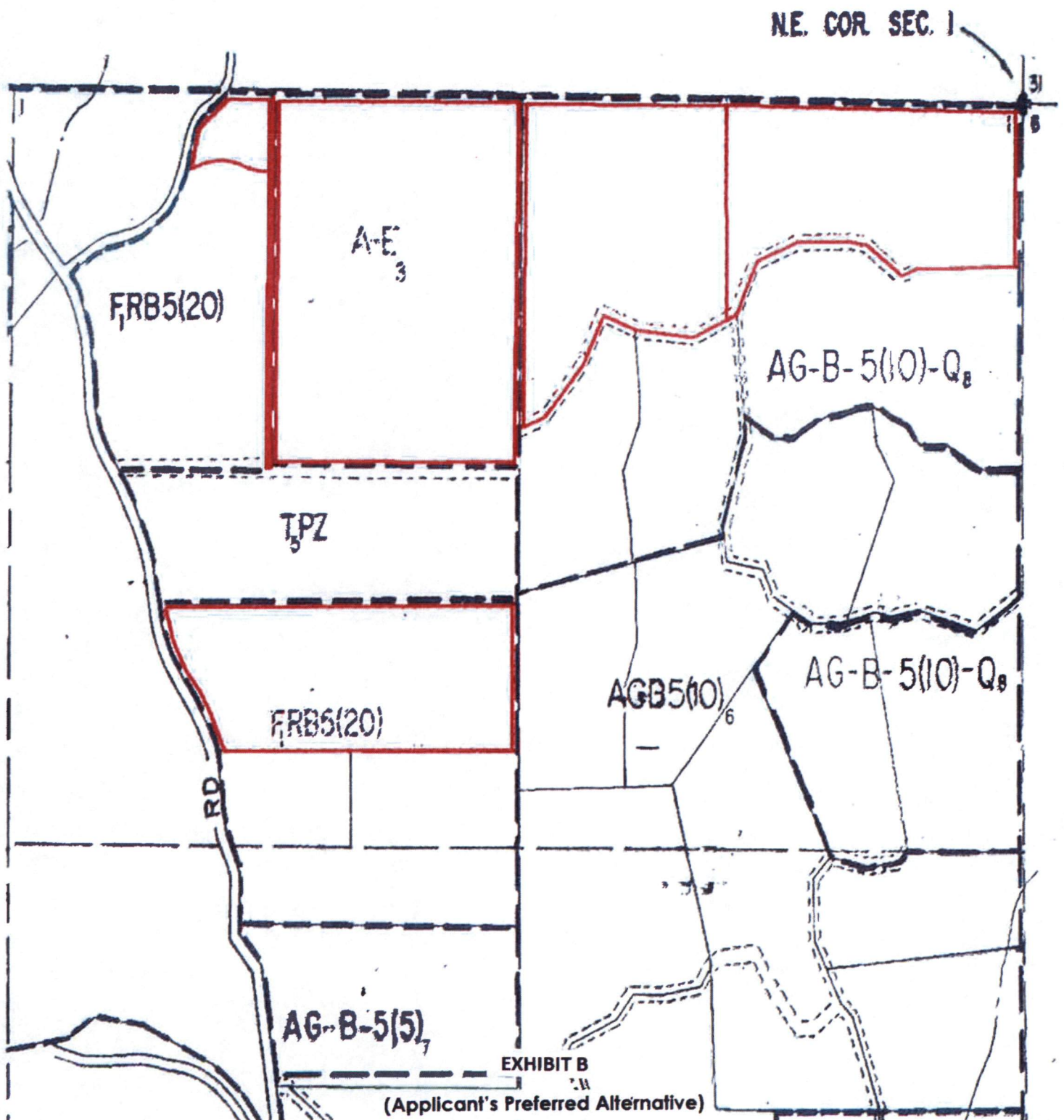
APPLICANT'S PREFERRED ALTERNATIVE

ZONING MAP

1 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01.02 HB&M (Arcata North)**





PROJECT AREA =

ZONING MAP
2 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**

ATTACHMENT B

**Ordinance No. ____ Amending Section 311-7 of the Humboldt County Code by Rezoning
Property in the Eureka Area (Planning Commission recommendation)**

**Ordinance No. 2642 Amending Section 311-7 of the Humboldt County Code by Rezoning
Property in the Eureka Area (Applicant's preferred alternative)**

Exhibit A: Map (Planning Commission recommendation)

Map (Applicant's preferred alternative)

Exhibit B: Legal Description (Planning Commission recommendation)

Legal Description (Applicant's preferred alternative)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of *December 15, 2015*

**ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY
REZONING PROPERTY IN THE FIELDBROOK AREA [ZR-15-001 (VAN ECK FOREST
FOUNDATION)]**

ORDINANCE NO. 2542

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 142 acres of various zone classifications into Timberland Production Zone (TPZ).

The area described is also shown on the Northern Humboldt General Plan Map 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 15th day of December, 2015 on the following vote, to wit:

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



ESTELLE FENNELL, Chair
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

By: 
Ana Hartwell, Deputy

EXHIBIT A

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

TRACT THREE

That portion of the West Half of the Northeast quarter of Section 35, Township 7 North, Range 1 East, Humboldt Meridian, described as follows:

Beginning on the quarter section line at a point distant thereon North 2 degrees 10 minutes West, 695.14 feet from the interior quarter corner of said Section 35;

Thence along said quarter section line, North 2 degrees 10 minutes West, 859.25 feet to the Southwest corner of the parcel of land conveyed to John A. Whipple and wife by deed of record in Book 210 of Official Records, page 509;

Thence East along the South line of said land conveyed to Whipple, 234.65 feet to the center of the Fieldbrook County Road;

Thence along the center of said road, South 17 degrees 43 minutes East, 257 feet to the Northeast corner of the parcel of land conveyed to Herbert E. Brown and wife, by deed recorded in Book 207 of Official Records, page 591;

Thence along the North line of said land conveyed to Brown South 72 degrees 17 minutes West, 160 feet;

Thence South 17 degrees 43 minutes East, 240 feet;

Thence North 72 degrees 17 minutes East, 160 feet to the center of the Fieldbrook County Road.

Thence along the center of said road, South 17 degrees 43 minutes East, 334.42 feet; and thence South 81 degrees 40 minutes West, 460.06 feet to the point of beginning.

A.P. No. 512-171-09

TRACT FOUR

Parcel One

Parcel 3 as shown on Parcel Map No. 1089 on file in the Office of the County Recorder of said county, in Book 9 of Parcel Maps, pages 117 and 118.

Parcel Two

A non-exclusive right of way for ingress, egress and public utilities over the entire Northerly 50 feet of Parcel 2 as shown on Parcel Map No. 1089 on file in the Office of the County Recorder of said county, in Book 9 of parcel Maps, pages 117 and 118.

A.P. No. 512-181-39

TRACT FIVE

Parcel One

Parcel 4 as shown on Parcel Map No. 1089 in the Office of the County Recorder of said County, in Book 9 of Parcel Maps, pages 117 and 118.

Parcel Two

A non-exclusive right of way for ingress, egress and public utilities over the entire Westerly 50 feet and over the entire Northerly 50 feet of Parcel 2 as shown on Parcel Map No. 1089, on file in the Office of the County Recorder of said County, in Book No. 9 of Parcel Maps, pages 117 and 118.

A.P. No. 512-181-38

TRACT NINE

Parcel 3 as shown on Parcel Map No. 10 on file in the Office of the County Recorder of said County, in Book 1 of Parcel Maps, page 22.

A.P. No. 516-011-10

TRACT TEN

Parcel One

Beginning at the Northeast corner of Lot 1, as shown in Book 1 of Parcel Maps, page 22, Humboldt County Records;

thence South 0 degrees 07 minutes 42 seconds West along the East line of said Lot 1, for a distance 270.66 feet to the center of an existing road;

thence Westerly along a curve to the left, with a radius of 280.00 feet and tangent of 62.24 feet, through an angle of 25 degrees 04 minutes, for a distance of 63.65 feet to the end of curve;

thence along a tangent North 83 degrees 00 minutes West, a distance of 182.00 feet;

thence Southwesterly along a curve to the left, with a radius of 100.00 feet and tangent of 52.32 feet, through an angle of 55 degrees 14 minutes, for a distance of 96.4 feet to the end of the curve;

thence along a tangent South 41 degrees 46 minutes West, a distance of 78.43 feet to the East line of an existing road;

thence along the East line of the road, North 8 degrees 01 minutes East, a distance of 18.85 feet;

thence Northerly along a curve to the right, with a radius of 219.37 feet and tangent of 117.91 feet, through an angle of 56 degrees 33 minutes 30 seconds, for a distance of 216.35 feet to the end of the curve;

thence along a tangent North 64 degrees 34 minutes 30 seconds East, a distance of 42.80;

thence Northerly along a curve to the left, with a radius of 106.96 feet and tangent of 83.74 feet, through an angle of 76 degrees 07 minutes, for a distance of 142.09 feet to the end of the curve;

thence along a tangent North 11 degrees 32 minutes 30 seconds West, a distance of 3.13 feet to the Northwest corner of Lot 1;

thence South 89 degrees 42 minutes East along the North line of Lot1, a distance of 153.38 feet to the point of beginning.

Parcel Two

The Northeast Quarter of the Northwest Quarter of Section1, Township 6 North, Range 1 East, Humboldt Base and Meridian.

Parcel Three

A non-exclusive right of way for ingress and egress, 50-feet in width, the centerline of which begins at the Southwest corner of Parcel Two and runs West along the South line of the Northwest Quarter of the Northwest Quarter of said Section 1 to Fieldbrook Road.

Parcel Four

A non-exclusive right of way 25-feet in width, the North line of which begins at the Southeast corner of Parcel Two above described and runs West along the South line of said Parcel Two to the Southwest corner thereof.

Parcel Five

A non-exclusive easement for ingress, egress and public utilities, along an existing road, the Southerly line of which is the Northerly line of Parcel 1 of Parcel Map No. 10, filed November 1, 1967, in Book 1 Parcel Maps, page 22, and extending from a point on the North line of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian, Southerly and Westerly to Fieldbrook Road.

This easement is appurtenant to the Northerly portion of Parcel One of Parcel Map No. 10 and the Northeast Quarter of the Northwest Quarter of Section1, Township 6 North, Range 1 East.

This easement is not to be used for logging or other commercial purposes by the owners of the appurtenant property.

Parcel Six

A non-exclusive easement for ingress and egress, 50-feet wide over and existing road across Lots 2, 3 and 4 as shown on Parcel Map No. 10 filed November 1, 1967 in Book 1 of Parcel Maps, page 22 in the Office of Humboldt County Recorder and as reserved in the deeds recorded April 16, 1968 in Volume 957, page 541, Humboldt County Official Records, October 4, 1968 in Volume 977, page 297, Humboldt County Official Records, and February 13, 1970, in Volume 1031, page 409, Humboldt County Official Records.

A.P. Nos. 516-011-06, 516-011-14 and 516-011-15

TRACT ELEVEN

Parcel One

Parcel 1 Fieldbrook Ridge Subdivision, as shown on Parcel map No. 1552, filed June 12, 1979, in Book 13 of Parcel Maps, pages 103, 104 and 105, Humboldt County Records.

Parcel Two

A non-exclusive easement for ingress, egress and public utilities over along and upon the existing 50-foot road, as shown on Parcel Map No. 10, filed November 1, 1967, in Book 1 of Parcel Maps, page 22, Humboldt County Records.

Parcel Three

A non-exclusive easement for ingress, egress and public utilities 50-feet in width lying 25 feet on each side of the following described centerlines:

Beginning at the South Quarter corner of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian:

thence Northerly along the North-South Quarter Section Line, 1150.00 feet to the Southeast corner of Parcel 6, as shown on said Parcel Map No. 10, said corner being monumented on the ground by a 3/4 inch galvanized iron pipe with plug stamped "L.S. 2936";

thence North 07 degrees 39 minutes 57 seconds West, a distance of 2758.94 feet to the center of an existing road and the true point of beginning;

thence following said centerline, North 35 degrees 11 minutes 48 seconds East, a distance of 100.32 feet;

thence North 51 degrees 48 minutes 24 seconds East, 47.17 feet;

thence North 60 degrees 55 minutes 55 seconds East, 51.45 feet:

thence North 73 degrees 16 minutes 33 seconds East, 50.00 feet;

thence North 76 degrees 08 minutes 18 seconds East, 50.06 feet;

thence North 74 degrees 59 minutes 39 seconds East, 50.02 feet;

thence North 76 degrees 42 minutes 34 seconds East, 100.18 feet;

thence North 72 degrees 07 minutes 48 seconds East, 50.01 feet.

EXCEPTING THEREFROM that portion not lying within Lot 3 of said Section 1.

Parcel Four

A non-exclusive easement for ingress, egress and public utilities 50-feet in width across parcels 2 and 5, and 25-feet in width across parcel 3, as said Parcels are shown on said Parcel Map No. 1552,

A.P. No. 516-011-20

TRACT TWELVE

Parcel One

Lot 2 of Fieldbrook Ridge Subdivision, as shown on Parcel map No. 1552 for Phillip A. Nessett in the East Half of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian, filed June 12, 1979, in the Office of the Humboldt County Recorder, in Book 13 of parcel maps, pages 103, 104 and 105.

Parcel Two

A non-exclusive easement for ingress, egress and public utilities over, along and upon the existing 50-foot road, as shown on Parcel Map No. 10, filed November 1, 1967, in Book 1 of Parcel Maps, page 22, Humboldt County Official Records.

Parcel Three

A non-exclusive easement for ingress, egress and public utilities, 50-feet in width, lying 25 feet on each side of the following described centerline:

BEGINNING at the South Quarter corner of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian;

thence Easterly along the North-South Quarter Section Line, 1150.00 feet to the Southeast corner of Lot 6, as shown on Parcel Map No. 10 above referenced, said corner being monumented on the ground by a 3/4 inch galvanized iron pipe plug stamped "L.S. 2936";

thence North 07 degrees 39 minutes 57 seconds West, a distance of 2758.94 feet to the center of an existing road and the true point of beginning;

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thence North 51 degrees 48 minutes 24 seconds East, 47.17 feet;

thence North 60 degrees 55 minutes 55 seconds East, 51.45 feet;

thence North 73 degrees 16 minutes 33 seconds East, 50.00 feet;

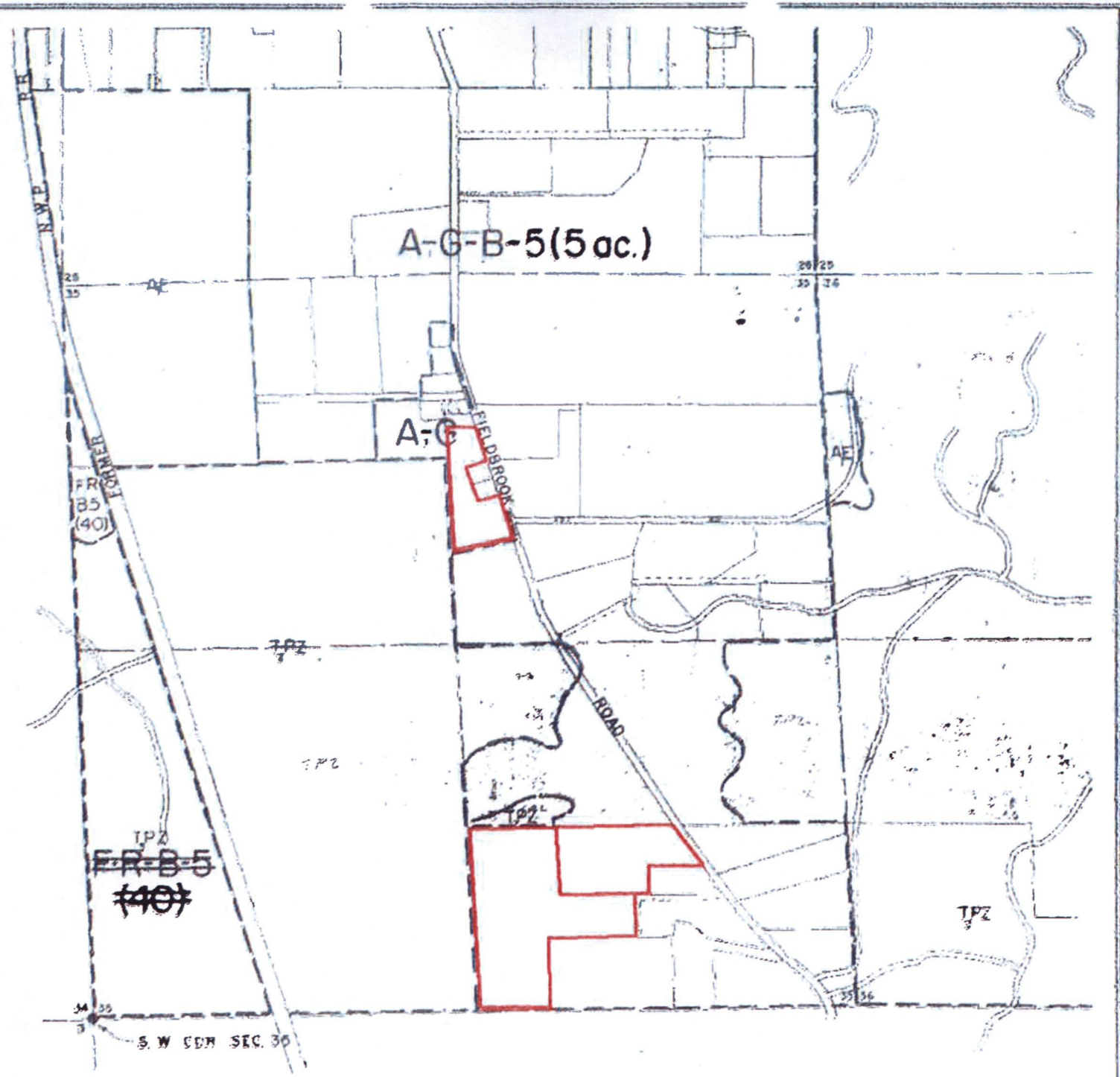
thence North 76 degrees 08 minutes 18 seconds East, 50.06 feet;

thence North 74 degrees 59 minutes 39 seconds East, 50.02 feet;

thence North 76 degrees 42 minutes 34 seconds East, 100.18 feet;

thence North 72 degrees 07 minutes 48 seconds East, 50.01 feet.

EXCEPTING THEREFROM that portion not lying within Lot 3 of said Section 1.



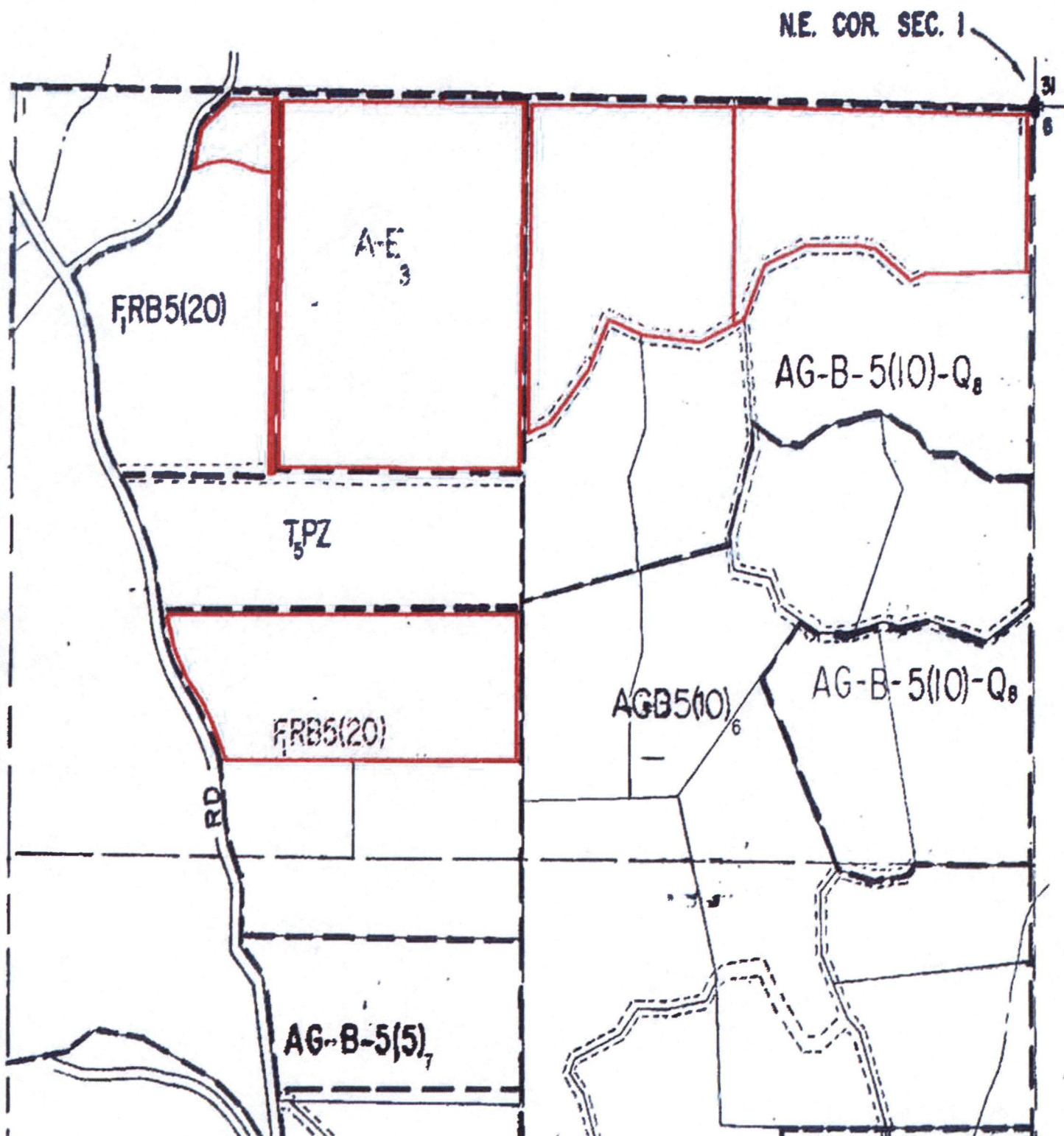
PROJECT AREA =

APPLICANT'S PREFERRED ALTERNATIVE

ZONING MAP
1 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**





PROJECT AREA =

ZONING MAP
2 of 2

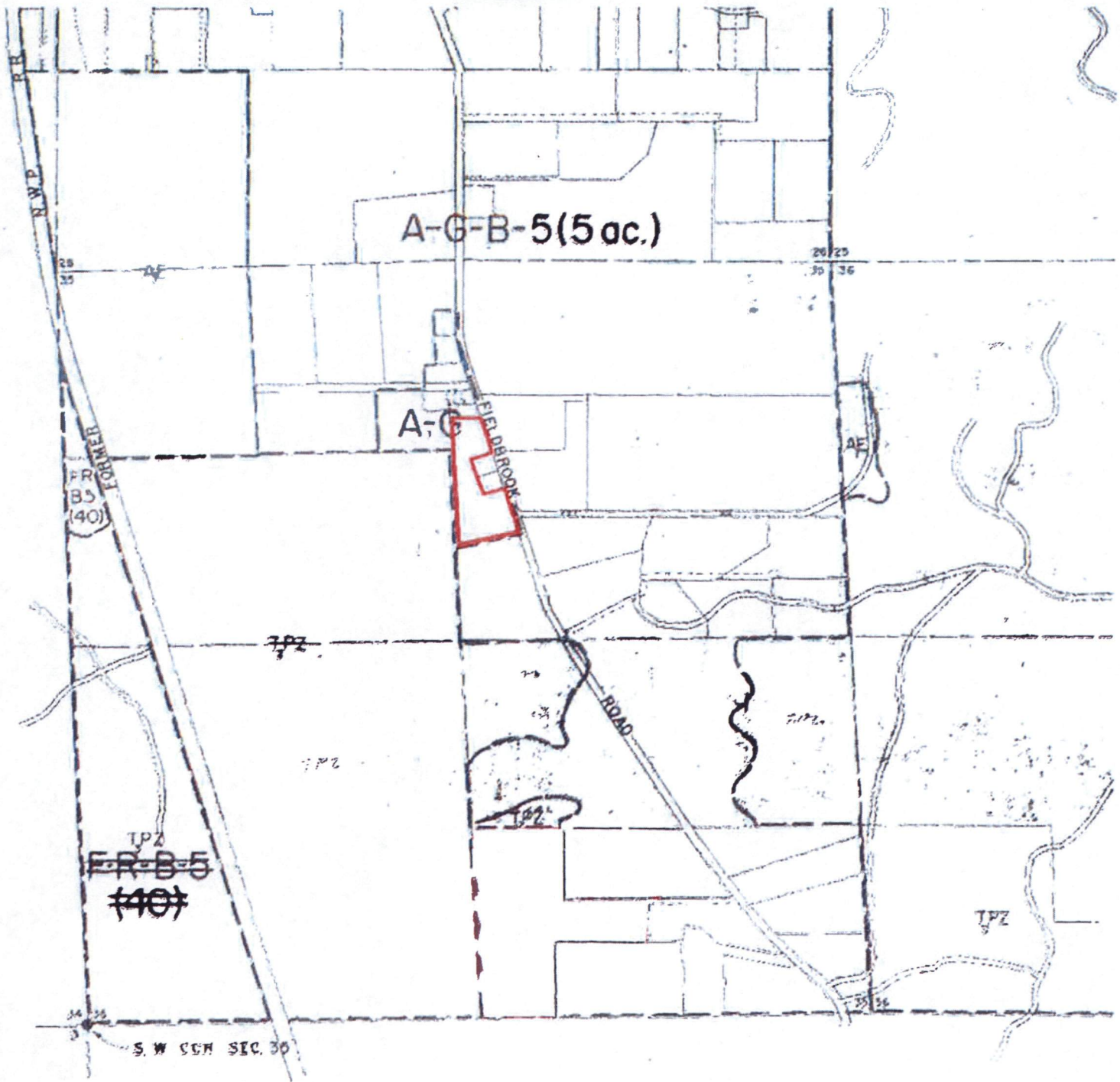
**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**

MAP NOT TO SCALE
GPA 15-001 van 1



ATTACHMENT B, EXHIBIT A

Map (Planning Commission recommendation)



PROJECT AREA = 

PLANNING COMMISSION RECOMMENDATION

ZONING MAP

1 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**

MAP NOT TO SCALE

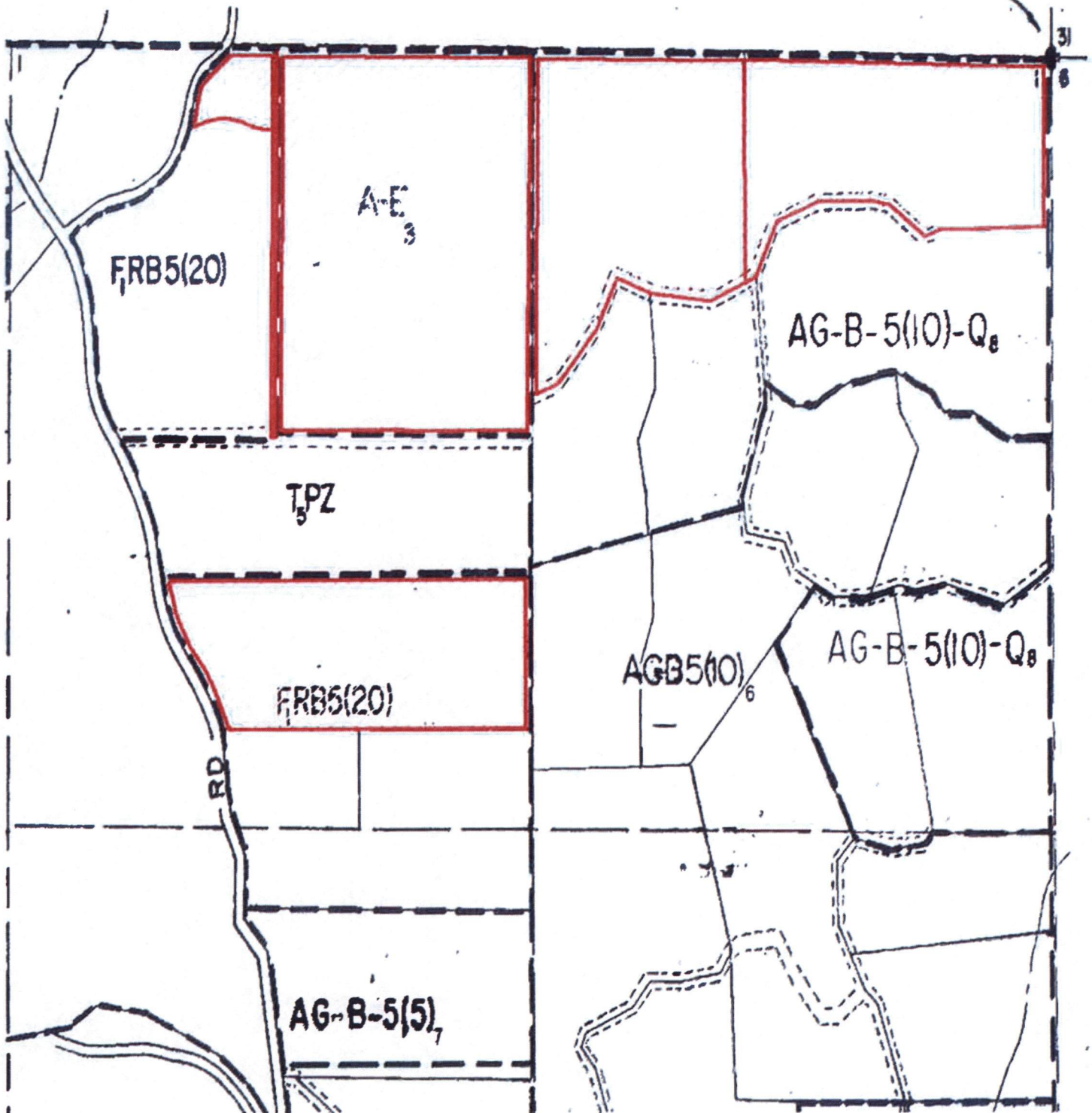
GPA 15-001 van Eck Forest Foundation 9587

December 15, 2015

Page 27



NE. COR. SEC. 1



PROJECT AREA = 

ZONING MAP
2 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**



MAP NOT TO SCALE

ATTACHMENT B, EXHIBIT A

Map (Applicant's preferred alternative)

ATTACHMENT B, EXHIBIT B

Legal Description (Planning Commission recommendation)

EXHIBIT A

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

TRACT THREE

That portion of the West Half of the Northeast quarter of Section 35, Township 7 North, Range 1 East, Humboldt Meridian, described as follows:

Beginning on the quarter section line at a point distant thereon North 2 degrees 10 minutes West, 695.14 feet from the interior quarter corner of said Section 35;

Thence along said quarter section line, North 2 degrees 10 minutes West, 859.25 feet to the Southwest corner of the parcel of land conveyed to John A. Whipple and wife by deed of record in Book 210 of Official Records, page 509;

Thence East along the South line of said land conveyed to Whipple, 234.65 feet to the center of the Fieldbrook County Road;

Thence along the center of said road, South 17 degrees 43 minutes East, 257 feet to the Northeast corner of the parcel of land conveyed to Herbert E. Brown and wife, by deed recorded in Book 207 of Official Records, page 591;

Thence along the North line of said land conveyed to Brown South 72 degrees 17 minutes West, 160 feet;

Thence South 17 degrees 43 minutes East, 240 feet;

Thence North 72 degrees 17 minutes East, 160 feet to the center of the Fieldbrook County Road.

Thence along the center of said road, South 17 degrees 43 minutes East, 334.42 feet; and thence South 81 degrees 40 minutes West, 460.06 feet to the point of beginning.

A.P. No. 512-171-09

TRACT NINE

Parcel 3 as shown on Parcel Map No. 10 on file in the Office of the County Recorder of said County, in Book 1 of Parcel Maps, page 22.

A.P. No. 516-011-10

TRACT TEN

Parcel One

Beginning at the Northeast corner of Lot 1, as shown in Book 1 of Parcel Maps, page 22, Humboldt County Records;

thence South 0 degrees 07 minutes 42 seconds West along the East line of said Lot 1, for a distance 270.66 feet to the center of an existing road;

thence Westerly along a curve to the left, with a radius of 280.00 feet and tangent of 62.24 feet, through an angle of 25 degrees 04 minutes, for a distance of 63.65 feet to the end of curve;

thence along a tangent North 83 degrees 00 minutes West, a distance of 182.00 feet;

thence Southwesterly along a curve to the left, with a radius of 100.00 feet and tangent of 52.32 feet, through an angle of 55 degrees 14 minutes, for a distance of 96.4 feet to the end of the curve;

thence along a tangent South 41 degrees 46 minutes West, a distance of 78.43 feet to the East line of an existing road;

thence along the East line of the road, North 8 degrees 01 minutes East, a distance of 18.85 feet;

thence Northerly along a curve to the right, with a radius of 219.37 feet and tangent of 117.91 feet, through an angle of 56 degrees 33 minutes 30 seconds, for a distance of 216.35 feet to the end of the curve;

thence along a tangent North 64 degrees 34 minutes 30 seconds East, a distance of 42.80;

thence Northerly along a curve to the left, with a radius of 106.96 feet and tangent of 83.74 feet, through an angle of 76 degrees 07 minutes, for a distance of 142.09 feet to the end of the curve;

thence along a tangent North 11 degrees 32 minutes 30 seconds West, a distance of 3.13 feet to the Northwest corner of Lot 1;

thence South 89 degrees 42 minutes East along the North line of Lot1, a distance of 153.38 feet to the point of beginning.

Parcel Two

The Northeast Quarter of the Northwest Quarter of Section1, Township 6 North, Range 1 East, Humboldt Base and Meridian.

Parcel Three

A non-exclusive right of way for ingress and egress, 50-feet in width, the centerline of which begins at the Southwest corner of Parcel Two and runs West along the South line of the Northwest Quarter of the Northwest Quarter of said Section 1 to Fieldbrook Road.

Parcel Four

A non-exclusive right of way 25-feet in width, the North line of which begins at the Southeast corner of Parcel Two above described and runs West along the South line of said Parcel Two to the Southwest corner thereof.

Parcel Five

A non-exclusive easement for ingress, egress and public utilities, along an existing road, the Southerly line of which is the Northerly line of Parcel 1 of Parcel Map No. 10, filed November 1, 1967, in Book 1 Parcel Maps, page 22, and extending from a point on the North line of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian, Southerly and Westerly to Fieldbrook Road.

This easement is appurtenant to the Northerly portion of Parcel One of Parcel Map No. 10 and the Northeast Quarter of the Northwest Quarter of Section1, Township 6 North, Range 1 East.

This easement is not to be used for logging or other commercial purposes by the owners of the appurtenant property.

Parcel Six

A non-exclusive easement for ingress and egress, 50-feet wide over and existing road across Lots 2, 3 and 4 as shown on Parcel Map No. 10 filed November 1, 1967 in Book 1 of Parcel Maps, page 22 in the Office of Humboldt County Recorder and as reserved in the deeds recorded April 16, 1968 in Volume 957, page 541, Humboldt County Official Records, October 4, 1968 in Volume 977, page 297, Humboldt County Official Records, and February 13, 1970, in Volume 1031, page 409, Humboldt County Official Records.

A.P. Nos. 516-011-06, 516-011-14 and 516-011-15

TRACT ELEVEN

Parcel One

Parcel 1 Fieldbrook Ridge Subdivision, as shown on Parcel map No. 1552, filed June 12, 1979, in Book 13 of Parcel Maps, pages 103, 104 and 105, Humboldt County Records.

Parcel Two

A non-exclusive easement for ingress, egress and public utilities over along and upon the existing 50-foot road, as shown on Parcel Map No. 10, filed November 1, 1967, in Book 1 of Parcel Maps, page 22, Humboldt County Records.

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A non-exclusive easement for ingress, egress and public utilities 50-feet in width lying 25 feet on each side of the following described centerlines:

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thence Northerly along the North-South Quarter Section Line, 1150.00 feet to the Southeast corner of Parcel 6, as shown on said Parcel Map No. 10, said corner being monumented on the ground by a 3/4 inch galvanized iron pipe with plug stamped "L.S. 2936";

thence North 07 degrees 39 minutes 57 seconds West, a distance of 2758.94 feet to the center of an existing road and the true point of beginning;

thence following said centerline, North 35 degrees 11 minutes 48 seconds East, a distance of 100.32 feet;

thence North 51 degrees 48 minutes 24 seconds East, 47.17 feet;

thence North 60 degrees 55 minutes 55 seconds East, 51.45 feet:

thence North 73 degrees 16 minutes 33 seconds East, 50.00 feet;

thence North 76 degrees 08 minutes 18 seconds East, 50.06 feet;

thence North 74 degrees 59 minutes 39 seconds East, 50.02 feet;

thence North 76 degrees 42 minutes 34 seconds East, 100.18 feet;

thence North 72 degrees 07 minutes 48 seconds East, 50.01 feet.

EXCEPTING THEREFROM that portion not lying within Lot 3 of said Section 1.

Parcel Four

A non-exclusive easement for ingress, egress and public utilities 50-feet in width across parcels 2 and 5, and 25-feet in width across parcel 3, as said Parcels are shown on said Parcel Map No. 1552,

A.P. No. 516-011-20

TRACT TWELVE

Parcel One

Lot 2 of Fieldbrook Ridge Subdivision, as shown on Parcel map No. 1552 for Phillip A. Nessett in the East Half of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian, filed June 12, 1979, in the Office of the Humboldt County Recorder, in Book 13 of parcel maps, pages 103, 104 and 105.

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thence North 76 degrees 42 minutes 34 seconds East, 100.18 feet;

thence North 72 degrees 07 minutes 48 seconds East, 50.01 feet.

EXCEPTING THEREFROM that portion not lying within Lot 3 of said Section 1.

A.P. No. 516-011-19

ATTACHMENT B, EXHIBIT B

Legal Description (Applicant's preferred alternative)

ATTACHMENT C

CERTIFICATION OF REZONING (NOTICE OF TIMBERLAND PRODUCTION ZONE STATUS)

(Planning Commission Recommendation)

(Applicant's Preferred Alternative)

Recording Requested By:
PLANNING DEPARTMENT
COUNTY OF HUMBOLDT

2015-023809-10
Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT CNTY

Exempt from fees per Government Code Section 27383

Return To:
Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501-4484

Confirmed Copy

Clerk: MM Total: \$0.00
Dec 22, 2015 at 11:23:35

CERTIFICATION OF REZONING
(NOTICE OF TIMBERLAND PRODUCTION ZONE STATUS)

Pursuant to Government Code Sections 51117, 51140 and 51141, I hereby certify that on December 15, 2015, the Humboldt County Board of Supervisors, by Ordinance No. 2542, rezoned lands in the Fieldbrook area, an approximate 142 acres to Timberland Production Zone (TPZ), more fully described in said Ordinance and the map for the rezoned land (Exhibit A and B to Ordinance), a copy of which is attached to this Certification.

The ordinance shall take effect and be in full force thirty (30) days from the date of its passage.

DATED: December 21, 2015

Estelle R. Fennell

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

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

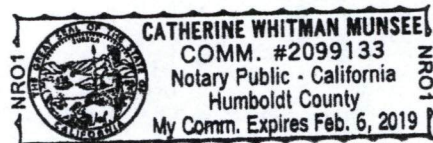
STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 21 day of December 20 15, before me, Catherine Whitman Munsee
Public Notary, personally appeared Estelle R. Fennell who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Catherine Whitman Munsee (seal)
Signature



BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of *December 15, 2015*

**ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY
REZONING PROPERTY IN THE FIELDBROOK AREA [ZR-15-001 (VAN ECK FOREST
FOUNDATION)]**

ORDINANCE NO. 2542

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 142 acres of various zone classifications into Timberland Production Zone (TPZ).

The area described is also shown on the Northern Humboldt General Plan Map 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 15th day of December, 2015 on the following vote, to wit:

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



ESTELLE FENNEL, Chair
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

By: 
Ana Hartwell, 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

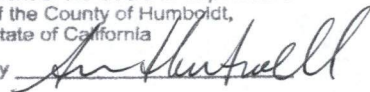
By: 

EXHIBIT A

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

TRACT THREE

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Beginning on the quarter section line at a point distant thereon North 2 degrees 10 minutes West, 695.14 feet from the interior quarter corner of said Section 35;

Thence along said quarter section line, North 2 degrees 10 minutes West, 859.25 feet to the Southwest corner of the parcel of land conveyed to John A. Whipple and wife by deed of record in Book 210 of Official Records, page 509;

Thence East along the South line of said land conveyed to Whipple, 234.65 feet to the center of the Fieldbrook County Road;

Thence along the center of said road, South 17 degrees 43 minutes East, 257 feet to the Northeast corner of the parcel of land conveyed to Herbert E. Brown and wife, by deed recorded in Book 207 of Official Records, page 591;

Thence along the North line of said land conveyed to Brown South 72 degrees 17 minutes West, 160 feet;

Thence South 17 degrees 43 minutes East, 240 feet;

Thence North 72 degrees 17 minutes East, 160 feet to the center of the Fieldbrook County Road.

Thence along the center of said road, South 17 degrees 43 minutes East, 334.42 feet; and thence South 81 degrees 40 minutes West, 460.06 feet to the point of beginning.

A.P. No. 512-171-09

TRACT FOUR

Parcel One

Parcel 3 as shown on Parcel Map No. 1089 on file in the Office of the County Recorder of said county, in Book 9 of Parcel Maps, pages 117 and 118.

Parcel Two

A non-exclusive right of way for ingress, egress and public utilities over the entire Northerly 50 feet of Parcel 2 as shown on Parcel Map No. 1089 on file in the Office of the County Recorder of said county, in Book 9 of parcel Maps, pages 117 and 118.

A.P. No. 512-181-39

TRACT FIVE

Parcel One

Parcel 4 as shown on Parcel Map No. 1089 in the Office of the County Recorder of said County, in Book 9 of Parcel Maps, pages 117 and 118.

Parcel Two

A non-exclusive right of way for ingress, egress and public utilities over the entire Westerly 50 feet and over the entire Northerly 50 feet of Parcel 2 as shown on Parcel Map No. 1089, on file in the Office of the County Recorder of said County, in Book No. 9 of Parcel Maps, pages 117 and 118.

A.P. No. 512-181-38

TRACT NINE

Parcel 3 as shown on Parcel Map No. 10 on file in the Office of the County Recorder of said County, in Book 1 of Parcel Maps, page 22.

A.P. No. 516-011-10

TRACT TEN

Parcel One

Beginning at the Northeast corner of Lot 1, as shown in Book 1 of Parcel Maps, page 22, Humboldt County Records;

thence South 0 degrees 07 minutes 42 seconds West along the East line of said Lot 1, for a distance 270.66 feet to the center of an existing road;

thence Westerly along a curve to the left, with a radius of 280.00 feet and tangent of 62.24 feet, through an angle of 25 degrees 04 minutes, for a distance of 63.65 feet to the end of curve;

thence along a tangent North 83 degrees 00 minutes West, a distance of 182.00 feet;

thence Southwesterly along a curve to the left, with a radius of 100.00 feet and tangent of 52.32 feet, through an angle of 55 degrees 14 minutes, for a distance of 96.4 feet to the end of the curve;

thence along a tangent South 41 degrees 46 minutes West, a distance of 78.43 feet to the East line of an existing road;

thence along the East line of the road, North 8 degrees 01 minutes East, a distance of 18.85 feet;

thence Northerly along a curve to the right, with a radius of 219.37 feet and tangent of 117.91 feet, through an angle of 56 degrees 33 minutes 30 seconds, for a distance of 216.35 feet to the end of the curve;

thence along a tangent North 64 degrees 34 minutes 30 seconds East, a distance of 42.80;

thence Northerly along a curve to the left, with a radius of 106.96 feet and tangent of 83.74 feet, through an angle of 76 degrees 07 minutes, for a distance of 142.09 feet to the end of the curve;

thence along a tangent North 11 degrees 32 minutes 30 seconds West, a distance of 3.13 feet to the Northwest corner of Lot 1;

thence South 89 degrees 42 minutes East along the North line of Lot1, a distance of 153.38 feet to the point of beginning.

Parcel Two

The Northeast Quarter of the Northwest Quarter of Section1, Township 6 North, Range 1 East, Humboldt Base and Meridian.

Parcel Three

A non-exclusive right of way for ingress and egress, 50-feet in width, the centerline of which begins at the Southwest corner of Parcel Two and runs West along the South line of the Northwest Quarter of the Northwest Quarter of said Section 1 to Fieldbrook Road.

Parcel Four

A non-exclusive right of way 25-feet in width, the North line of which begins at the Southeast corner of Parcel Two above described and runs West along the South line of said Parcel Two to the Southwest corner thereof.

Parcel Five

A non-exclusive easement for ingress, egress and public utilities, along an existing road, the Southerly line of which is the Northerly line of Parcel 1 of Parcel Map No. 10, filed November 1, 1967, in Book 1 Parcel Maps, page 22, and extending from a point on the North line of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian, Southerly and Westerly to Fieldbrook Road.

This easement is appurtenant to the Northerly portion of Parcel One of Parcel Map No. 10 and the Northeast Quarter of the Northwest Quarter of Section1, Township 6 North, Range 1 East.

This easement is not to be used for logging or other commercial purposes by the owners of the appurtenant property.

Parcel Six

A non-exclusive easement for ingress and egress, 50-feet wide over and existing road across Lots 2, 3 and 4 as shown on Parcel Map No. 10 filed November 1, 1967 in Book 1 of Parcel Maps, page 22 in the Office of Humboldt County Recorder and as reserved in the deeds recorded April 16, 1968 in Volume 957, page 541, Humboldt County Official Records, October 4, 1968 in Volume 977, page 297, Humboldt County Official Records, and February 13, 1970, in Volume 1031, page 409, Humboldt County Official Records.

A.P. Nos. 516-011-06, 516-011-14 and 516-011-15

TRACT ELEVEN

Parcel One

Parcel 1 Fieldbrook Ridge Subdivision, as shown on Parcel map No. 1552, filed June 12, 1979, in Book 13 of Parcel Maps, pages 103, 104 and 105, Humboldt County Records.

Parcel Two

A non-exclusive easement for ingress, egress and public utilities over along and upon the existing 50-foot road, as shown on Parcel Map No. 10, filed November 1, 1967, in Book 1 of Parcel Maps, page 22, Humboldt County Records.

Parcel Three

A non-exclusive easement for ingress, egress and public utilities 50-feet in width lying 25 feet on each side of the following described centerlines:

Beginning at the South Quarter corner of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian:

thence Northerly along the North-South Quarter Section Line, 1150.00 feet to the Southeast corner of Parcel 6, as shown on said Parcel Map No. 10, said corner being monumented on the ground by a 3/4 inch galvanized iron pipe with plug stamped "L.S. 2936";

thence North 07 degrees 39 minutes 57 seconds West, a distance of 2758.94 feet to the center of an existing road and the true point of beginning;

thence following said centerline, North 35 degrees 11 minutes 48 seconds East, a distance of 100.32 feet;

thence North 51 degrees 48 minutes 24 seconds East, 47.17 feet;

thence North 60 degrees 55 minutes 55 seconds East, 51.45 feet:

thence North 73 degrees 16 minutes 33 seconds East, 50.00 feet;

thence North 76 degrees 08 minutes 18 seconds East, 50.06 feet;

thence North 74 degrees 59 minutes 39 seconds East, 50.02 feet;

thence North 76 degrees 42 minutes 34 seconds East, 100.18 feet;

thence North 72 degrees 07 minutes 48 seconds East, 50.01 feet.

EXCEPTING THEREFROM that portion not lying within Lot 3 of said Section 1.

Parcel Four

A non-exclusive easement for ingress, egress and public utilities 50-feet in width across parcels 2 and 5, and 25-feet in width across parcel 3, as said Parcels are shown on said Parcel Map No. 1552,

TRACT TWELVE

Parcel One

Lot 2 of Fieldbrook Ridge Subdivision, as shown on Parcel map No. 1552 for Phillip A. Nessett in the East Half of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian, filed June 12, 1979, in the Office of the Humboldt County Recorder, in Book 13 of parcel maps, pages 103, 104 and 105.

Parcel Two

A non-exclusive easement for ingress, egress and public utilities over, along and upon the existing 50-foot road, as shown on Parcel Map No. 10, filed November 1, 1967, in Book 1 of Parcel Maps, page 22, Humboldt County Official Records.

Parcel Three

A non-exclusive easement for ingress, egress and public utilities, 50-feet in width, lying 25 feet on each side of the following described centerline:

BEGINNING at the South Quarter corner of Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian;

thence Easterly along the North-South Quarter Section Line, 1150.00 feet to the Southeast corner of Lot 6, as shown on Parcel Map No. 10 above referenced, said corner being monumented on the ground by a 3/4 inch galvanized iron pipe plug stamped "L.S. 2936";

thence North 07 degrees 39 minutes 57 seconds West, a distance of 2758.94 feet to the center of an existing road and the true point of beginning;

thence following said centerline North 35 degrees 11 minutes 48 seconds East, a distance of 100.32 feet;

thence North 51 degrees 48 minutes 24 seconds East, 47.17 feet;

thence North 60 degrees 55 minutes 55 seconds East, 51.45 feet;

thence North 73 degrees 16 minutes 33 seconds East, 50.00 feet;

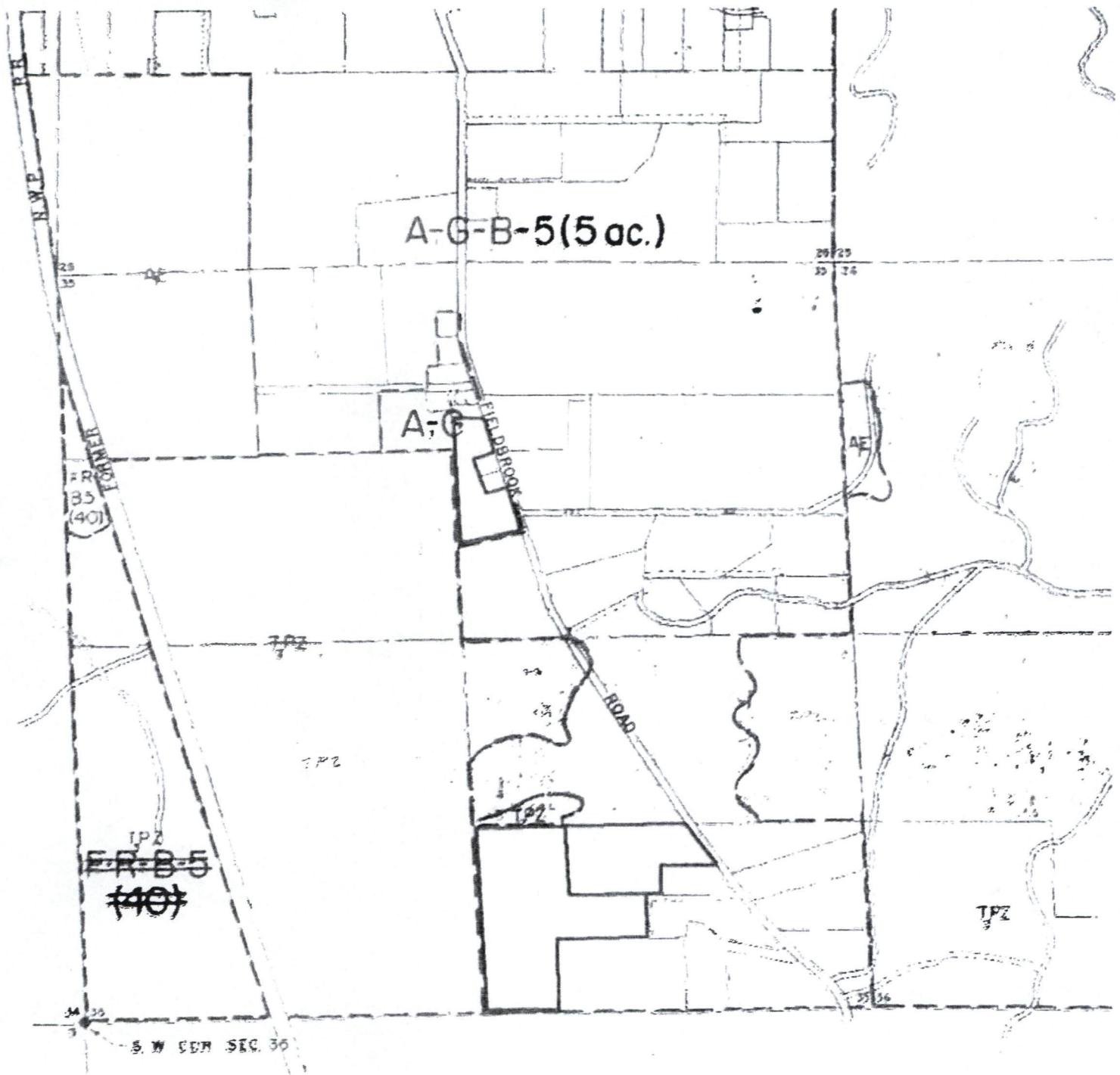
thence North 76 degrees 08 minutes 18 seconds East, 50.06 feet;

thence North 74 degrees 59 minutes 39 seconds East, 50.02 feet;

thence North 76 degrees 42 minutes 34 seconds East, 100.18 feet;

thence North 72 degrees 07 minutes 48 seconds East, 50.01 feet.

EXCEPTING THEREFROM that portion not lying within Lot 3 of said Section 1.

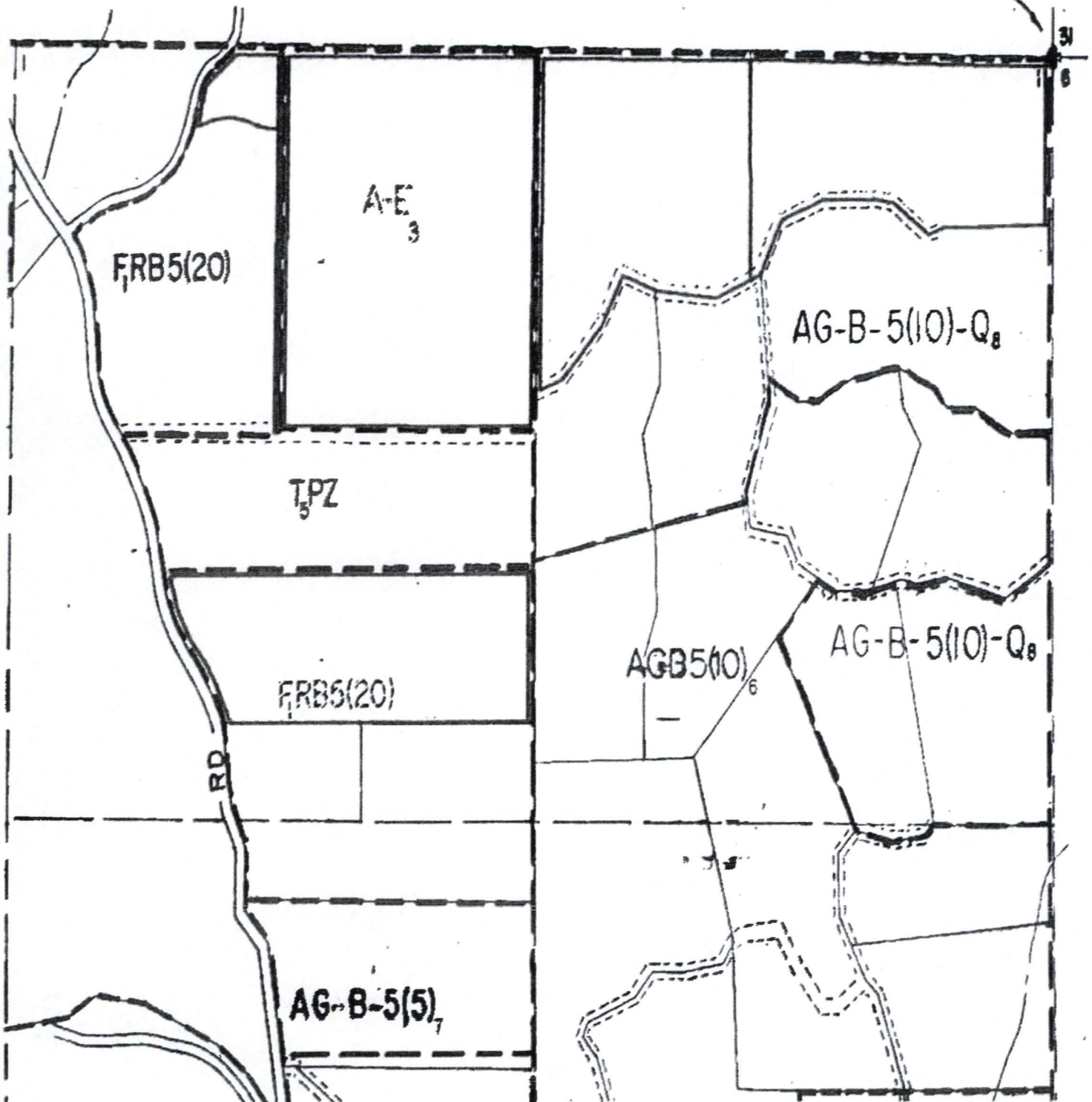



ZONING MAP
1 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01.02 HB&M (Arcata North)**



N.E. COR. SEC. 1



PROJECT AREA = 

ZONING MAP
2 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**

MAP NOT TO SCALE



RECEIPT



Transaction #: 61343
 Receipt #: 2015012926
 Cashier Date: 12/22/15 11:23
 Cashier By: MM
 Print Date: 12/22/2015 11:24:17

Kelly E. Sanders, Recorder
 Humboldt County, California
 825 5th Street
 Eureka, CA 95501
 (707) 445-7382

11:24:17
 12/22/2015

CUSTOMER INFORMATION

HUMBOLDT CNTY

TRANSACTION INFORMATION

Date Received: December 22, 2015 11:06
 Source Code: 10 a.m. Reservation
 Return Code: MAIL
 Trans Type: Recording
 Bin Number:
 Agent Ref Number: X

PAYMENT SUMMARY

Total Fees: \$0.00
 Total Payments: \$0.00
 Balance Due: \$0.00

TRANSACTION PROBLEMS



1 Payment

EXEMPT

\$0.00

5 Official Records

RESOLUTION NO

Document #: 2015-023805 Pages: 9 Date: 12/22/2015 11:23:35

From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE L D OROURKE AGRICULT

MISC

Document #: 2015-023806 Pages: 13 Date: 12/22/2015 11:23:35

From: L D OROURKE FOUNDATION To: HUMBOLDT CNTY

RESOLUTION NO

Document #: 2015-023807 Pages: 6 Date: 12/22/2015 11:23:35

From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE FORBES AGRICULTURAL

MISC

Document #: 2015-023808 Pages: 13 Date: 12/22/2015 11:23:35

From: FORBES DYLLAN RUSSELL To: HUMBOLDT CNTY

MISC

Document #: 2015-023809 Pages: 10 Date: 12/22/2015 11:23:35

From: HUMBOLDT CNTY To: ORDINANCE AMENDING SECTION 311 7 OF THE HUMBOLDT

ATTACHMENT D

Post- Adoption Summary of Ordinance (Planning Commission recommendation)

Exhibit A: Map

Post- Adoption Summary of Ordinance (Applicant's preferred alternative)

Exhibit A: Map

POST-ADOPTION SUMMARY OF ORDINANCE

(For publication after adoption)

On December 15, 2015, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amends the zoning of property in the Fieldbrook area known as APNs 512-171-009, 516-011-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019, and 516-011-020 by rezoning these lands out of various zone classifications to Timberland Production Zone (TPZ). The new zones will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

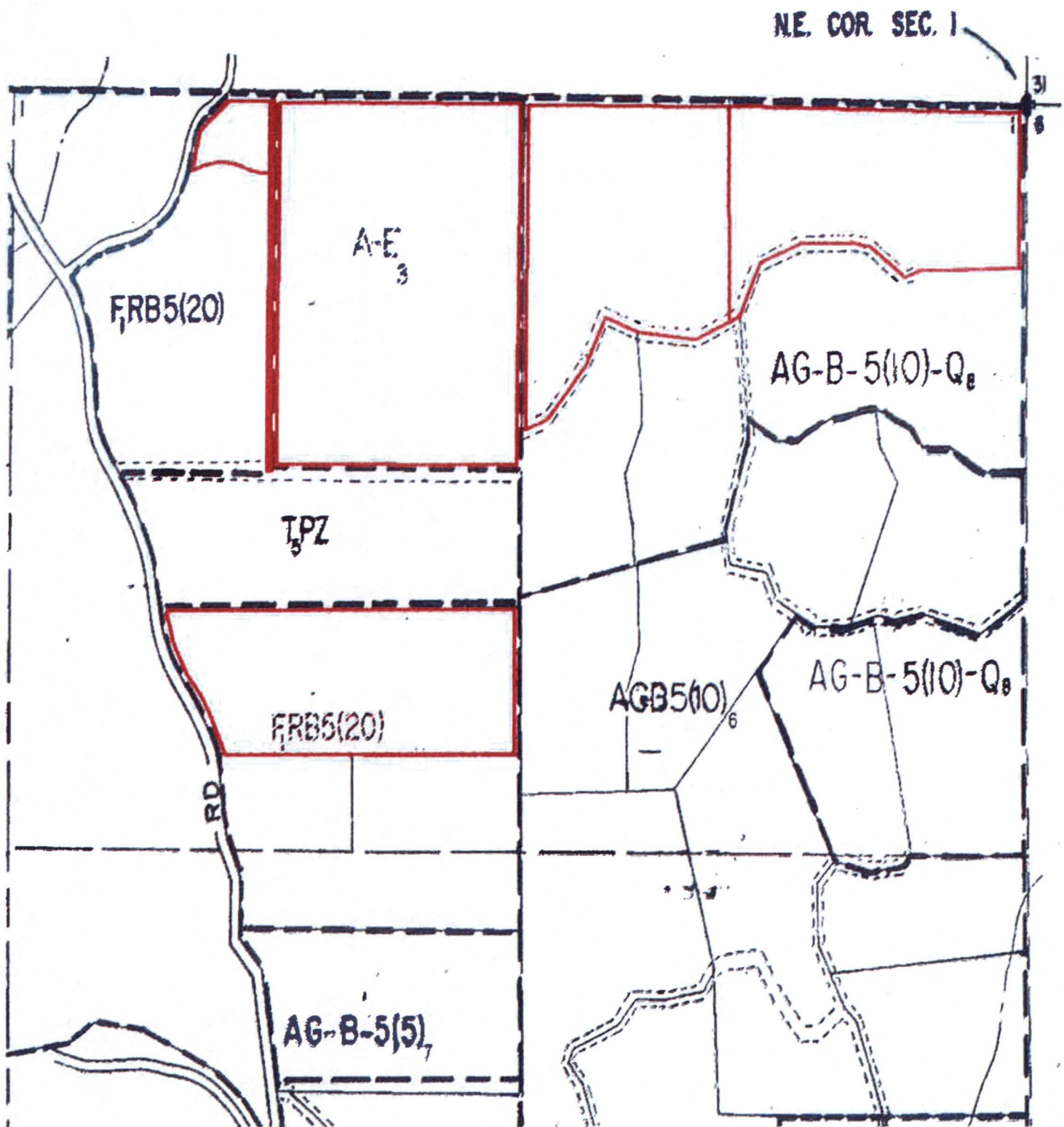
NOES: Supervisors:

ABSENT: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

ATTACHMENT D, EXHIBIT A

Map



**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**



POST-ADOPTION SUMMARY OF ORDINANCE

(For publication after adoption)

On December 15, 2015, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amends the zoning of property in the Fieldbrook area known as APNs 512-171-009, 512-181-038, 512-181-039, 516-011-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019, and 516-011-020 by rezoning these lands out of various zone classifications to Timberland Production Zone (TPZ). The new zones will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

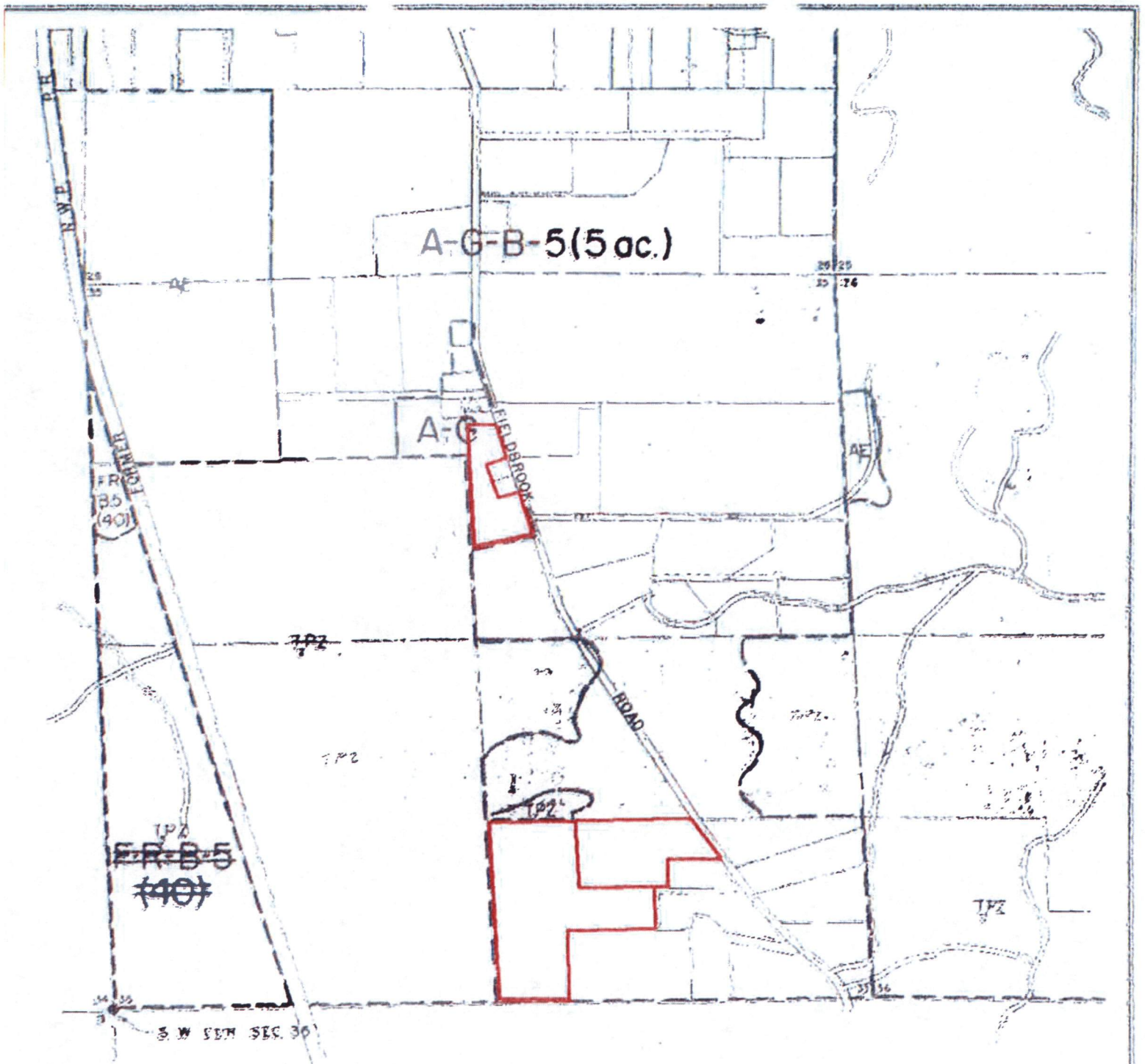
NOES: Supervisors:

ABSENT: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

ATTACHMENT D, EXHIBIT A

Map



PROJECT AREA =

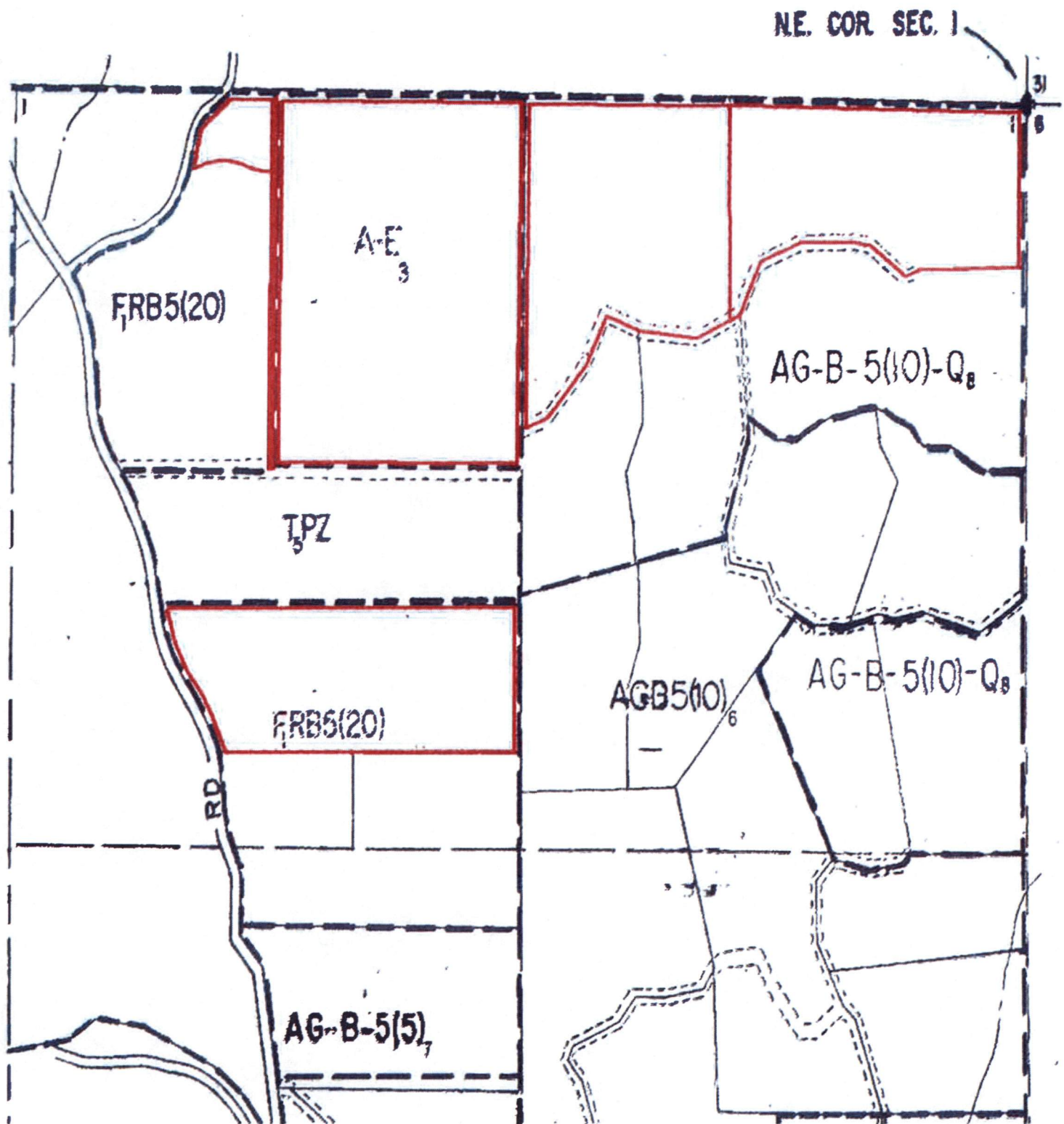
APPLICANT'S PREFERRED ALTERNATIVE

ZONING MAP

1 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01.02 HB&M (Arcata North)**





PROJECT AREA =

ZONING MAP
2 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**



ATTACHMENT E

Copy of Planning Commission Staff Report for October 1, 2015



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

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

Hearing Date: October 1, 2015

To: Humboldt County Planning Commission

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

Subject: **Fred M. van Eck Forest Foundation General Plan Amendment and Zone
Reclassification**
Application Number 9587
Case Numbers GPA-15-001, ZR-15-001
Assessor's Parcel Numbers 512-171-009, 512-181-038, 512-181-039,
516-011-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019,
516-011-020
Fieldbrook Area

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

cc: Applicant, agent

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 6, 2015	General Plan Amendment and Zone Reclassification	Trevor Estlow

Project Description: A General Plan Amendment to amend the General Plan designations of nine parcels owned by the Fred M. Van Eck Forest Foundation from their various plan designations to Timber. The parcels total approximately 142 acres. Also included is a Zone Reclassification to rezone the parcels Timberland Production Zone (TPZ). This will be consistent with the surrounding parcels owned by the Foundation. The parcels are currently encumbered by a Conservation Easement and part of a larger tract that is managed for timber production.

Project Location: The project site is located in the Fieldbrook area, on the east and west sides of Fieldbrook Road, on the properties located in Section 35, Township 7 North, Range 1 East and Section 1, Township 6 North, Range 1 East, Humboldt Base and Meridian.

Present Plan Designation: Residential Estates (RE), Recreation (REC), Dispersed Houses (DH), Northern Humboldt General Plan (NHGP). Density: RE: one unit per acre; REC: one unit per 20 acres; DH: one unit per acre. Agricultural Rural (AR10); Framework General Plan (FRWK). Density: one dwelling unit per 10 acres. Slope Stability: Low to Moderate Instability.

Present Zoning: Agriculture General (AG), Agriculture General with a combining zone specifying a 5-acre minimum parcel size (AG-B-5(5)), Agriculture General with a combining zone specifying a 10-acre minimum parcel size (AG-B-5(10)), Agriculture Exclusive (AE) and Forestry Recreation with a combining zone specifying a 20-acre minimum parcel size (FR-B-5(20)).

Assessor Parcel Numbers: 512-171-009, 512-181-038, 512-181-039, 516-011-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019, 516-011-020

Applicant	Owner	Agent
Laurie Wayburn Fred M. Van Eck Forest Foundation 1001-A O'Reilly Avenue San Francisco, CA 94129	same as applicant	Bill Wilkinson BBW and Associates PO Box 702 Arcata, CA 95518

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

Major Issues: None

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

**FRED M. VAN ECK FOREST FOUNDATION GENERAL PLAN AMENDMENT AND ZONE
RECLASSIFICATION**

Case Numbers GPA-15-001, ZR-15-001

Assessor's Parcel Numbers 512-171-009, 512-181-038, 512-181-039,
516-011-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019,
516-011-020

RECOMMENDED COMMISSION ACTION:

1. Describe the application as a public hearing;
2. Allow the staff to present the project;
3. Open the public hearing; and
4. After receiving testimony, close the hearing, and make a motion to:

I move to make all of the required findings, based on evidence in the staff report and public testimony, and recommend adoption of the General Plan Amendment and Zone Reclassification to the Board of Supervisors as described in the Agenda Item Transmittal subject to the recommended conditions.

Executive Summary

The matter before the Commission is the approval of a General Plan Amendment (GPA) and Zone Reclassification (ZR). The applicants submitted a Petition to amend the General Plan that was accepted for processing by the Board of Supervisors on November 14, 2014. The General Plan Amendment proposes to change approximately 142 acres of lands containing various land use designations to Timberland (T). The Zone Reclassification will change these lands from several different zone classifications to Timberland Production Zone (TPZ). The project area is comprised of nine assessor parcel numbers on both sides of Fieldbrook Road, adjacent to other properties owned by the Van Eck Forest Foundation that are zoned TPZ. The subject parcels are part of a larger tract that is managed for timber production and are currently encumbered by a Conservation Easement.

Background

The site is located in the Fieldbrook area and accessed from various locations off of Fieldbrook Road. The parcels are vacant and on record is a Grant Deed of Conservation Easement between the Van Eck Foundation and the Pacific Forest Trust that was recorded on May 21, 2001. This is a Working Forest Conservation Easement which requires the owners to continue to manage the forest and harvest timber in accordance with all applicable state and federal forestry laws and is consistent with the terms set forth in the CALFIRE-approved Nonindustrial Timber Management Plan (1-96NTMP-012 HUM). The Conservation Easement prohibits subdivision of the property in that applicants shall maintain all legal parcels that are part of the property and all interests therein under common ownership, as though the property were a single legal parcel owned by a single owner.

General Plan Amendment

The General Plan Amendment proposes to change the designation of approximately 142 acres of land with various land use designations to T. The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan. The proposed changes are required in order to facilitate a Zone Reclassification into TPZ.

The lands are planned with various designations including Dispersed Houses, Residential Estates, Recreation and Agriculture Rural by both the Northern Humboldt General Plan and the Framework General Plan. At the time the two general plans were implemented, it was believed that smaller, rural homesites were appropriate for a portion of the area. This never occurred and the property has been

managed for timber production for decades. All lands proposed to be included in the Timber plan designation and 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 non-TPZ timberlands are made up of second and third growth North Coast mixed conifer ecosystem dominated by coast redwood (*Sequoia sempervirens*) and capable of growing well in excess of 15 cubic feet of conifer growth per acre (the minimum required). The existing timberlands are subject to a Nonindustrial Timber Management Plan (1-96NTMP-012 HUM) and will continue to be managed under this plan. Per the Zoning Consistency Matrix of the Framework Plan, the proposed rezoning to TPZ is consistent with the proposed Timber (T) General Plan designations.

Zone Reclassification

The rezone proposes to reclassify an approximate 142 acres into TPZ. The rezone recognizes the current and proposed use of the property as timberlands.

The rezone is in the public interest and is consistent with General Plan policies. The rezone facilitates the addition of timberlands in an area surrounded by other lands zoned TPZ and also owned by the Van Eck Forest Foundation.

The Forestry Review Committee reviewed the project at their meeting on September 15, 2015 and found that the project meets the inclusion requirements to be zoned TPZ. 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.

Staff Recommendation

The Planning Division 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 Division reference sources, and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the project.

ALTERNATIVES:

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 15-**

**Case Numbers GPA-15-001, ZR-15-001
Assessor's Parcel Numbers 512-171-009, 512-181-038, 512-181-039,
516-011-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019,
516-011-020**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Van Eck Forest Foundation General Plan Amendment and Zone Reclassification application.

WHEREAS, the applicant submitted an application and evidence in support of approving the General Plan Amendment (GPA) and Zone Reclassification (ZR); and

WHEREAS, the project 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, (3) The proposed change does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

WHEREAS, the rezone into Timberland Production (TPZ) may be approved if it can be found to be consistent with the Forest Taxation Reform Act of 1976; and

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

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

WHEREAS, the County Planning and Building 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 GPA and ZR (Case Numbers GPA-15-001, ZR-15-001); and

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

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

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

1. The project is exempt per 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; and
2. The proposed General Plan Amendment and Zone Reclassification are in the public interest; and

3. The proposed General Plan Amendment and Zone Reclassification are 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 Division Staff Report for Case Numbers GPA-15-001, ZR-15-001 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 Division Staff Report for Case Nos.: GPA-15-001, ZR-15-001.
3. Approve the amendment of approximately 142 acres from various land use designations to T, as more fully described in the Project Proposal Maps.
4. Approve the rezoning of approximately 142 acres from various zone classifications to TPZ, as more fully described in Exhibit A to the Draft Zoning Ordinance.
5. Direct the Clerk of the Board to record a Notice of Timberland Production Status.
6. 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 August 6, 2015.

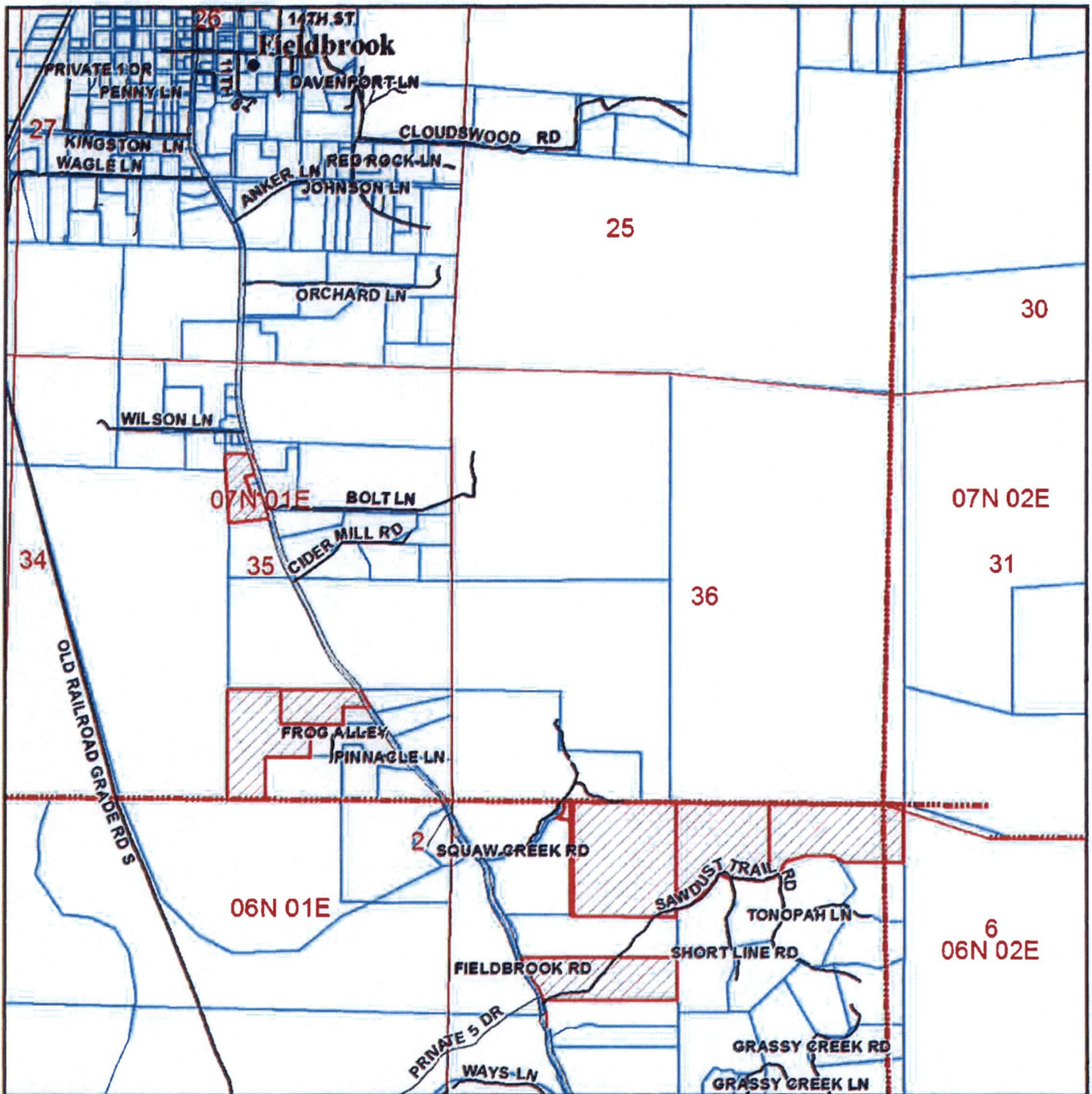
The motion was made by Commissioner _____ and seconded by Commissioner _____ with the following ROLL CALL vote.

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

Robert Morris, Chair

I, Catherine Munsee, Clerk 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.

Catherine Munsee, Clerk



LOCATION MAP

PROPOSED FRED M. VAN ECK FOREST FOUNDATION GENERAL PLAN AMENDMENT & ZONE RECLASSIFICATION FIELDBROOK AREA

GPA-15-001/ZR-15-001

APN: 512-171-009 et seq

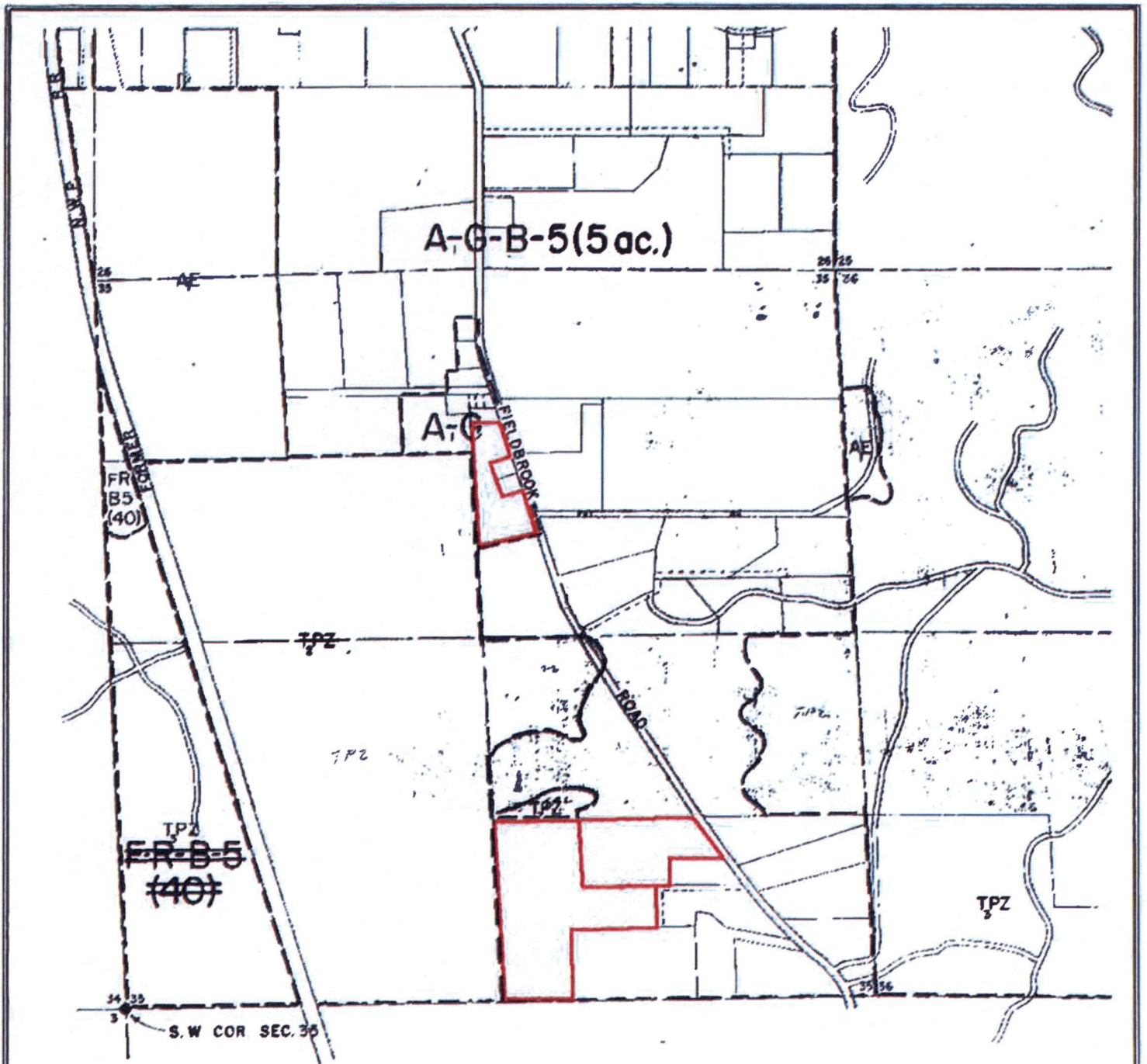
T06N R01E S01,02 HB&M (Arcata North)

Project Area = 

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

0 0.25 Miles





PROJECT AREA =

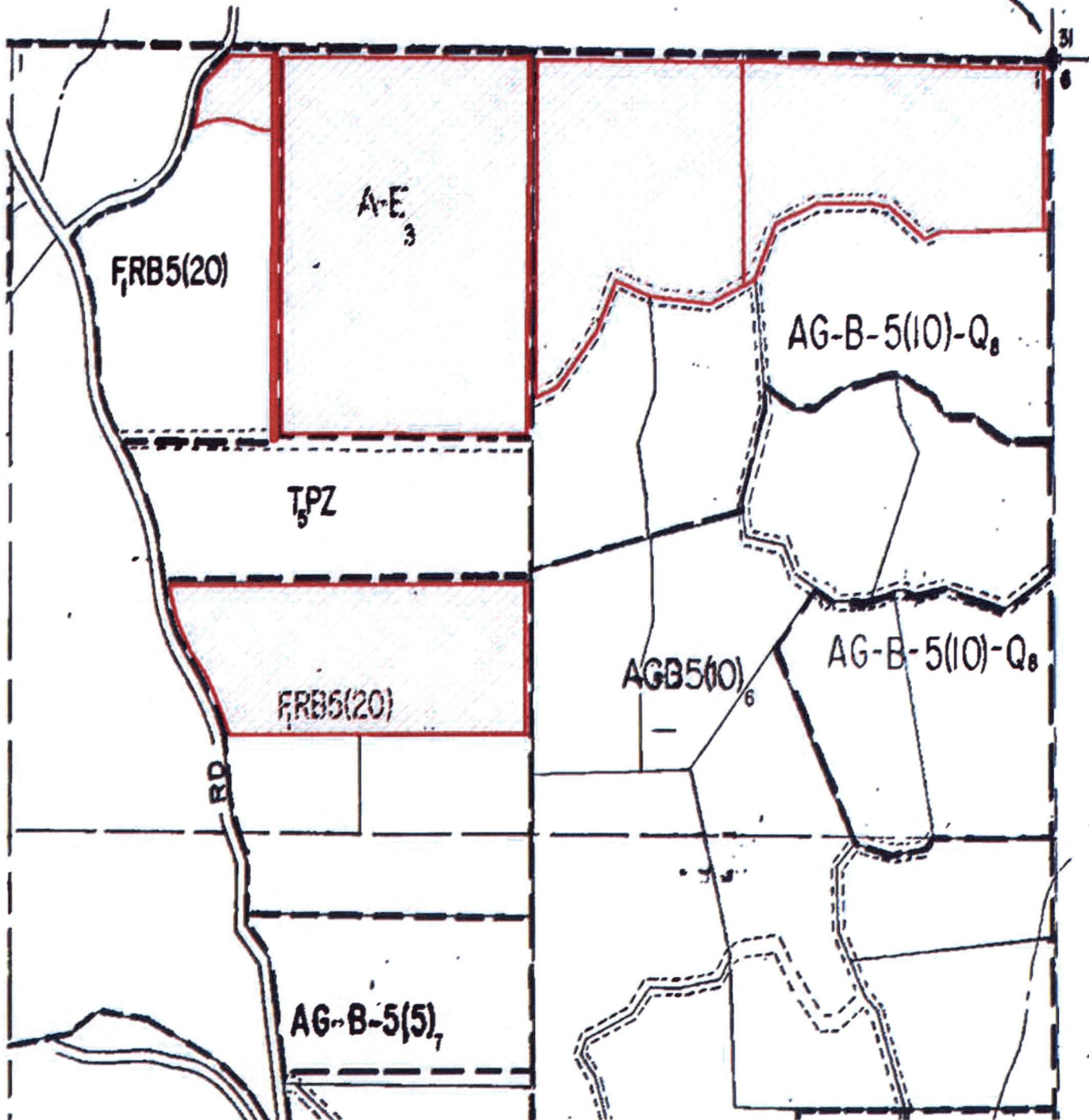
ZONING MAP 1 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**



MAP NOT TO SCALE

N.E. COR. SEC. 1



PROJECT AREA =

ZONING MAP
2 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
GENERAL PLAN AMENDMENT &
ZONE RECLASSIFICATION
FIELDBROOK AREA
GPA-15-001/ZR-15-001
APN: 512-171-009 et seq
T06N R01E S01,02 HB&M (Arcata North)**



MAP NOT TO SCALE

GPA 15-001 van Eck 9587

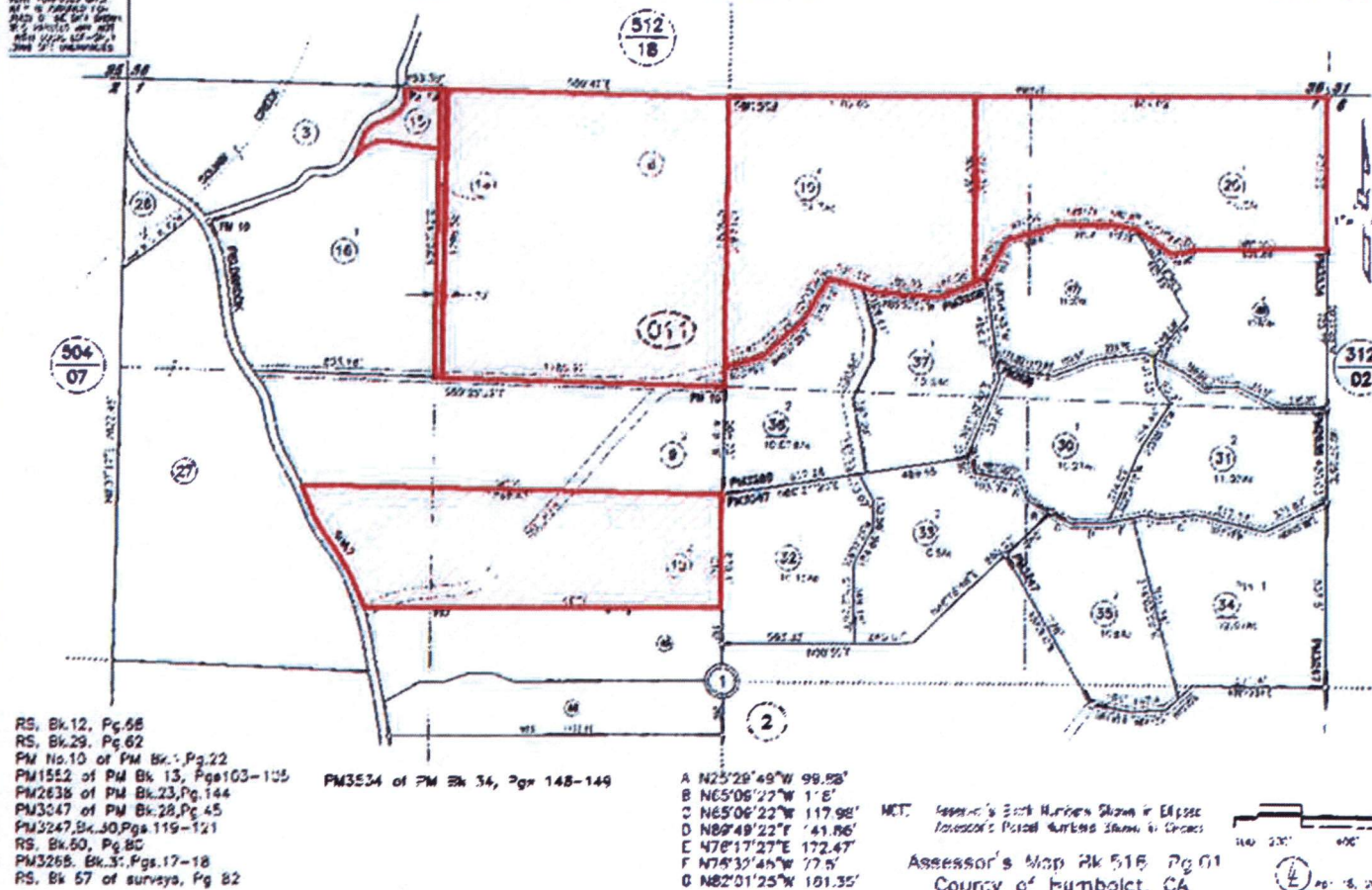
October 1, 2015

Page 9

ON'S PARCEL MAP
 IF THIS PARCEL MAP IS
 USED FOR ANY PURPOSE
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 THE USER ASSUMES ALL
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PTN SEC 1 T6N R1E H.B.& M.

516-01

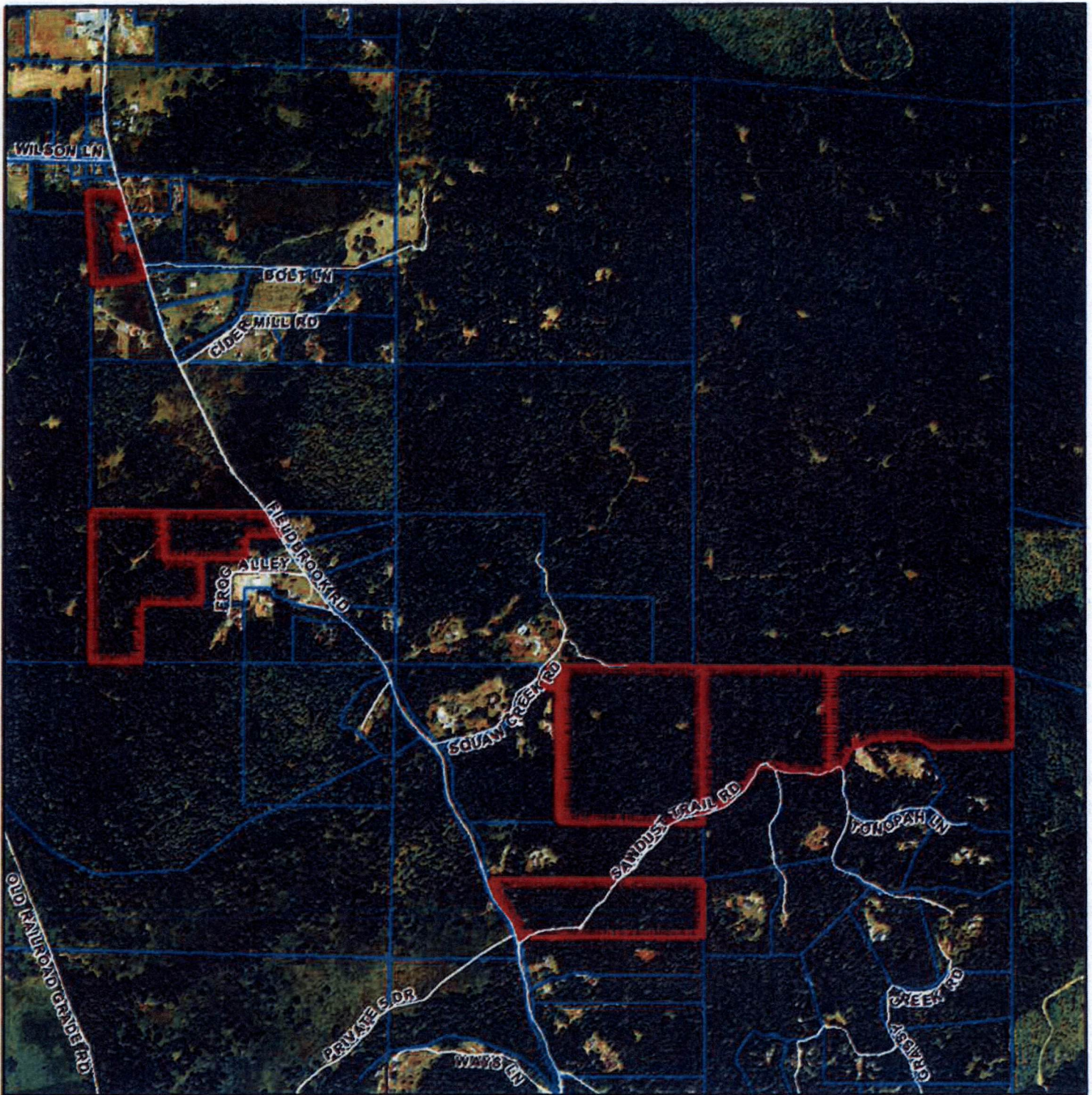


PROJECT SITE =

ASSESSOR PARCEL MAP 2 of 2

**PROPOSED FRED M. VAN ECK FOREST FOUNDATION
 GENERAL PLAN AMENDMENT &
 ZONE RECLASSIFICATION
 FIELDBROOK AREA
 GPA-15-001/ZR-15-001
 APN: 512-171-009 et seq
 T06N R01E S01,02 HB&M (Arcata North)**

MAP NOT TO SCALE




AERIAL MAP

PROPOSED FRED M. VAN ECK FOREST FOUNDATION GENERAL PLAN AMENDMENT & ZONE RECLASSIFICATION FIELDBROOK AREA

GPA-15-001/ZR-15-001

APN: 512-171-009 et seq

T06N R01E S01,02 HB&M (Arcata North)

Project Area = 

This map is intended for display purposes and
should not be used for precise measurement or
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for accuracy.



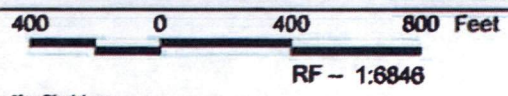
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RESIDENTIAL
ESTATES

RESIDENTIAL ESTATES;
RECREATION;
TIMBER

RECREATION;
TIMBER

EXISTING LAND USE 1 OF 2



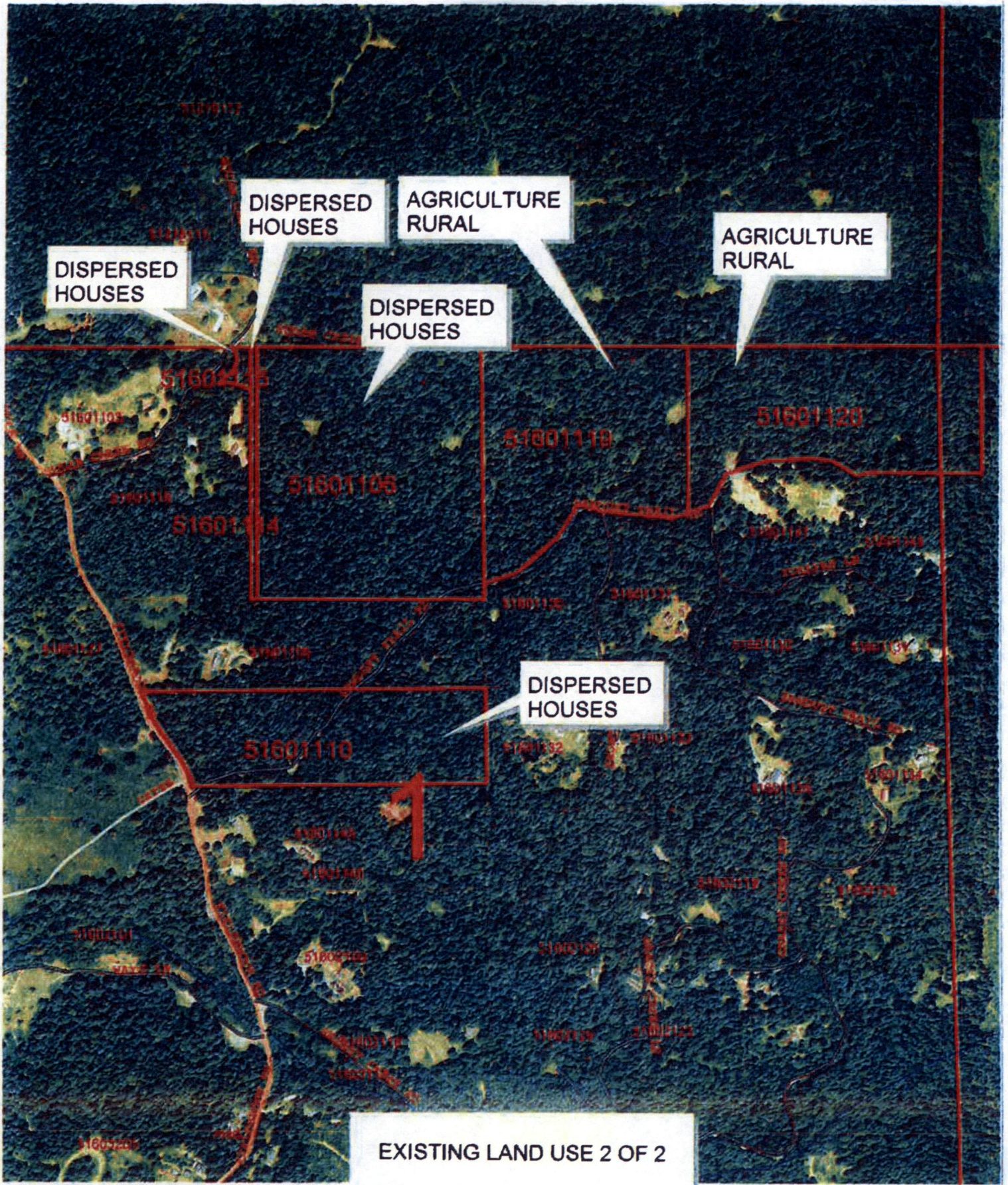
Map Disclaimer:
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not have the force and effect of law, rule, or regulation.
Should any difference to the official map be required, the official map shall prevail.



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October 2015

POD GIS Map

Humboldt County
Planning and Building



400 0 400 800 Feet

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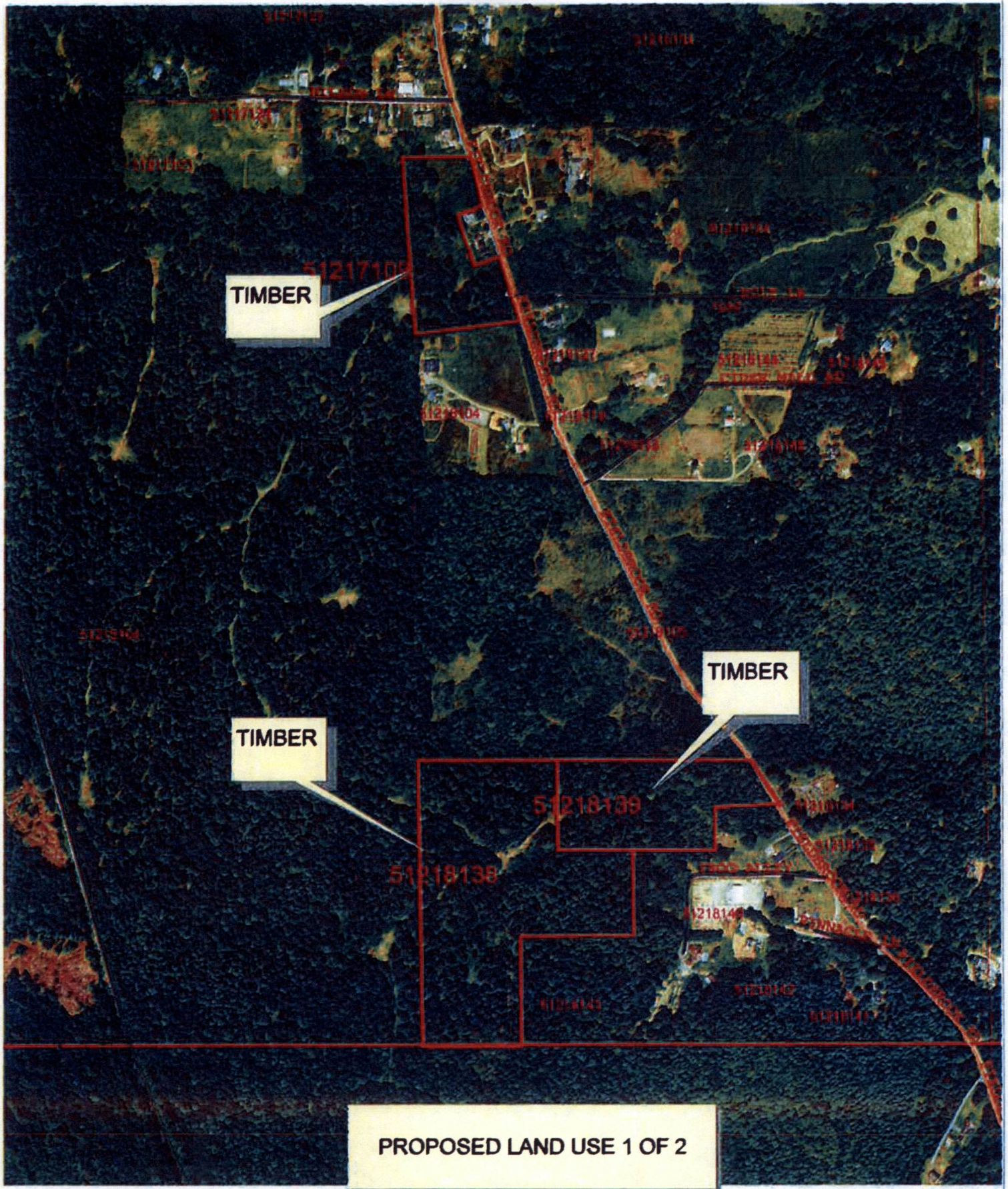
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POD GIS Map

Humboldt County
Planning and Building



PROPOSED LAND USE 1 OF 2

Map Disclaimer:
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of this information, it should be understood that it does
not have the force and effect of law, rule, or regulation.
Should any difference arise, the official map shall prevail.



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POD GIS Map

Humboldt County
Planning and Building

**Humboldt County
Planning and Building**

ATTACHMENT 1 CONDITIONS OF APPROVAL

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

Conditions of Approval:

1. The applicant shall submit a legal description of the land to be re-zoned into TPZ for review and approval by the County Land Surveyor. The applicable review fee (currently \$209.00) must accompany each legal description. The legal description must be approved by the County Land Surveyor prior to the General Plan Amendment and Zone Reclassification being scheduled for a decision by the Board of Supervisors.
2. **Prior to hearing**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00. (Note: In order to comply with the time limits for filing the Notice of Exemption per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.)
3. The property owner(s) shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant after the Planning Commission decision.
5. The Assessor's office requires that any lands to be reclassified as TPZ acres be shown by site class, with a map showing the site designation of all quality classes for each affected Assessor Parcel. This documentation shall be prepared under the direction of a Registered Professional Forester and submitted to the Assessor's office for their acceptance.

ATTACHMENT 2

Staff Analysis of the Evidence Supporting the Required Findings

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

A. Required Findings for General Plan Amendments/Zone Reclassifications

The General Plan of Humboldt County is a dynamic document that can be modified to reflect changing social, economic or environmental conditions, or changes in state law. These changes include changing property from one plan designation or zone to another. Per Section 1452.2, *Findings Required*, of the Framework Plan, an amendment may be approved if:

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

B. State Planning and Zoning Law (Government Code §65300 et seq.) and Sections 312-50.3 and 312-50.8 of the Humboldt County Code Zoning Regulations, Required Findings for All Amendments, may be approved only if the following applicable findings are made:

1. The amendment is in the public interest;
2. The amendment 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 rezoned;
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.

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:

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.

Evidence to support the findings

Staff Analysis:

A. Community values and assumptions have changed/Maintain established uses

The amendment affects lands within two Assessor parcel numbers that comprise one legal parcel. The lands proposed to be planned and zoned for timber production have been shown to meet the inclusion requirements into TPZ.

The project warrants consideration based on two of the findings allowing for General Plan Amendment: 1) that community values and assumptions have changed; and 2) to maintain established uses consistent with a comprehensive view of the plan. The existing parcels are planned with various designations and zoned for small, rural parcel sizes which were implemented as part of both the Northern Humboldt General Plan (NHGP) and the Framework General (FRWK). At the time, it was believed smaller rural homesites were appropriate in this area. With respect to this property, this never occurred and the land has been managed for timber production for decades, even prior to either of the plan's adoption.

The properties are surrounded by a mixture of rural residential parcels and large timberland parcels in private ownership. The plan change requested by the applicant more closely reflects the actual uses on the ground and is consistent with the restrictions on use placed on the property by a conservation easement held by the Pacific Forest Trust. The conservation easement allows for the current applicants to continue to manage the forest and harvest timber consistent with the terms set forth in the Calfire approved Nonindustrial Timber Management Plan (1-96NTMP-012 HUM). As noted, the subject property lies contiguous to other timberlands. The change of these properties will maintain a stable boundary between areas devoted to resource production and those planned for rural residential use.

Further, the amendment will maintain established uses otherwise consistent with a comprehensive view of the plan. The current plan designations do not support rezoning into TPZ. The proposed change to the general plan designation would facilitate the owner's desire to zone the property TPZ. This zone provides tax offsets in return for a commitment to management of the land principally for the growing and harvesting of timber. The site is made up of second and third growth mixed conifer forest dominated by North Coast mixed conifer ecosystem dominated by coast redwood (*Sequoia sempervirens*). The stand meets the definition of "Timberland" per California Government Code Section 51104 (f), (g) and is capable of growing an average volume of wood fiber of at least 15 cubic feet per acre.

Based on the above facts, the Board of Supervisors accepted the petition for a General Plan Amendment allowing the applicants to submit the present application to change the various land use designations to Timber (T).

B.1 The project is in the public interest:

The purpose of the General Plan Amendment and 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.

In 1985, the County completed its General Plan (Vol. 1, Framework) 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 142 acres into TPZ. The 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. The 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:

- (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.

B.2. The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed development is in

conformance with all applicable policies and standards of the Northern Humboldt General Plan (NHGP) and the Framework General Plan (FRWK).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Proposed Land Use: §2721 Timberland (T)	Timberland designation is utilized to classify land that is primarily suitable for growing, harvesting and production of timber.	The subject property has been managed for timber production since the old growth was harvested in the early 1900's. The General Plan Amendment and Zone Reclassification will facilitate a rezone into TPZ consistent with the current use of the land. The NTMP currently affecting the timberlands which are generally Site II and III redwood indicates that the timberlands can be managed for timber production. Cal Fire does not object to project approval.
Hazards: §3000	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	The site is in an area of low to moderate slope instability and high wildland fire rating. The site is within a State Responsibility Area, and fire jurisdiction is shared by Cal Fire and the Fieldbrook Volunteer Fire Protection District. No development is proposed, however, future development must comply with the provisions of this section, and future building installations must meet County Building regulations including County Fire Safe Regulations.
Archaeological & Paleontological Resources §3500	New development shall protect cultural, archaeological and paleontological resources.	The project was referred to the Northwest Information Center, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. All agencies recommended approval with no further study. Furthermore, pursuant to SB 18 (California Government Code Section 65352.3), notice was sent on March 18, 2015 to potentially affected tribes to request consultation regarding the proposed General Plan Amendment. As of June 16, 2014 (90 day timeframe), no tribe requested a consultation.
Resource Protection §3400	To protect designated sensitive and critical resource habitats.	Squaw Creek flows through a portion of the properties. Timber management activities will follow the NTMP on the property and all regulations of the California Forest Practice Rules. No development is proposed.

Visual Resource Protection	New development shall conserve and protect scenic and visual qualities of coastal areas.	The project site is not a designated scenic area.
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B.3 Housing Element Law.

Six of the nine parcels included in the General Plan Amendment/Rezone are listed on the Humboldt County Housing Inventory as contributing one housing unit each for a total of six, to meet the unincorporated County's moderate and above moderate income households housing needs for this Housing Element planning period. These six moderate and above moderate income housing units would not be constructed with or without project approval given that the current Conservation Easement prohibits further development. Nonetheless, The County is obligated to accommodate its Regional Housing Need Allocation of 512 moderate and above moderate income households this Housing Element planning period (Housing Element Table 8-5, Projected Housing Need). The Housing Element indicates that the County has an inventory of 1,566 units to meet the moderate and above moderate need. Therefore, with the loss of these six units to a non-residential land use, the County would still have a surplus inventory available to meet the projected housing need. The loss of these parcels from the Housing Inventory will not reduce the residential density below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.

B.4. Legal Description.

A map was prepared showing the legal description of the property.

B.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.

B.6. Ownership and minimum parcel size.

The area to be rezoned into TPZ consists of nine Assessor Parcel Numbers owned by the Fred Van Eck Forest Foundation, LLC. The parcels total approximately 142 acres in size, well above the 80-acre minimum required to rezone into TPZ.

B.7. Timberland.

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

B.8. Conformance with Use Regulations.

The existing land use is in compliance with the land use standards of the Timberland Production Zone.

B.9. Environmental Impact.

The proposed General Plan Amendment and Zone Reclassification 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 _____, 2015

ORDINANCE NO. _____

**AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE EUREKA AREA
[ZR-15-001 (Fred Van Eck Forest Foundation)]**

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 from Agriculture General (AG), Agriculture General with a combining zone specifying a 5-acre minimum parcel size (AG-B-5(5)), Agriculture General with a combining zone specifying a 10-acre minimum parcel size (AG-B-5(10)), Agriculture Exclusive (AE) and Forestry Recreation with a combining zone specifying a 20-acre minimum parcel size (FR-B-5(20)) into Timberland Production Zone (TPZ).

The area described is also shown on the Humboldt County Zoning Map [K-18, K-19] 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 _____ day of _____, 2015, 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

van Eck Foundation Properties Baseline Conditions Report

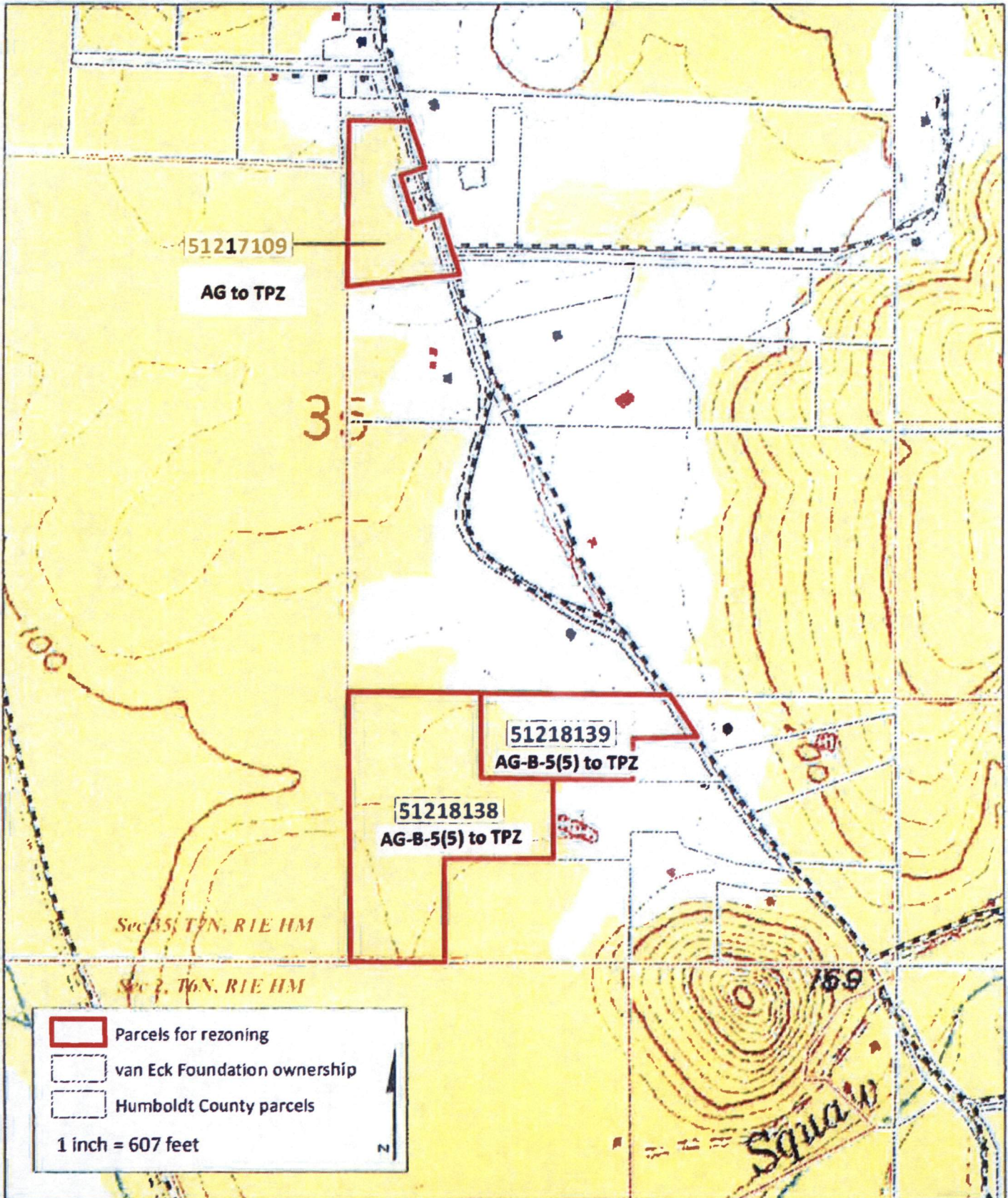
Portions of Section 35, T7N, R1E, H.B. & M.

Map source: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic

EC/EVEL
APR - 9 2014



PACIFIC FOREST TRUST



Map produced by Justin Garland on Feb 3, 2014 for Pacific Forest Trust | Created using Esri ArcMap 10.2 | Projection: NAD83 | Imagery: USDA NRCS NAIP 2012

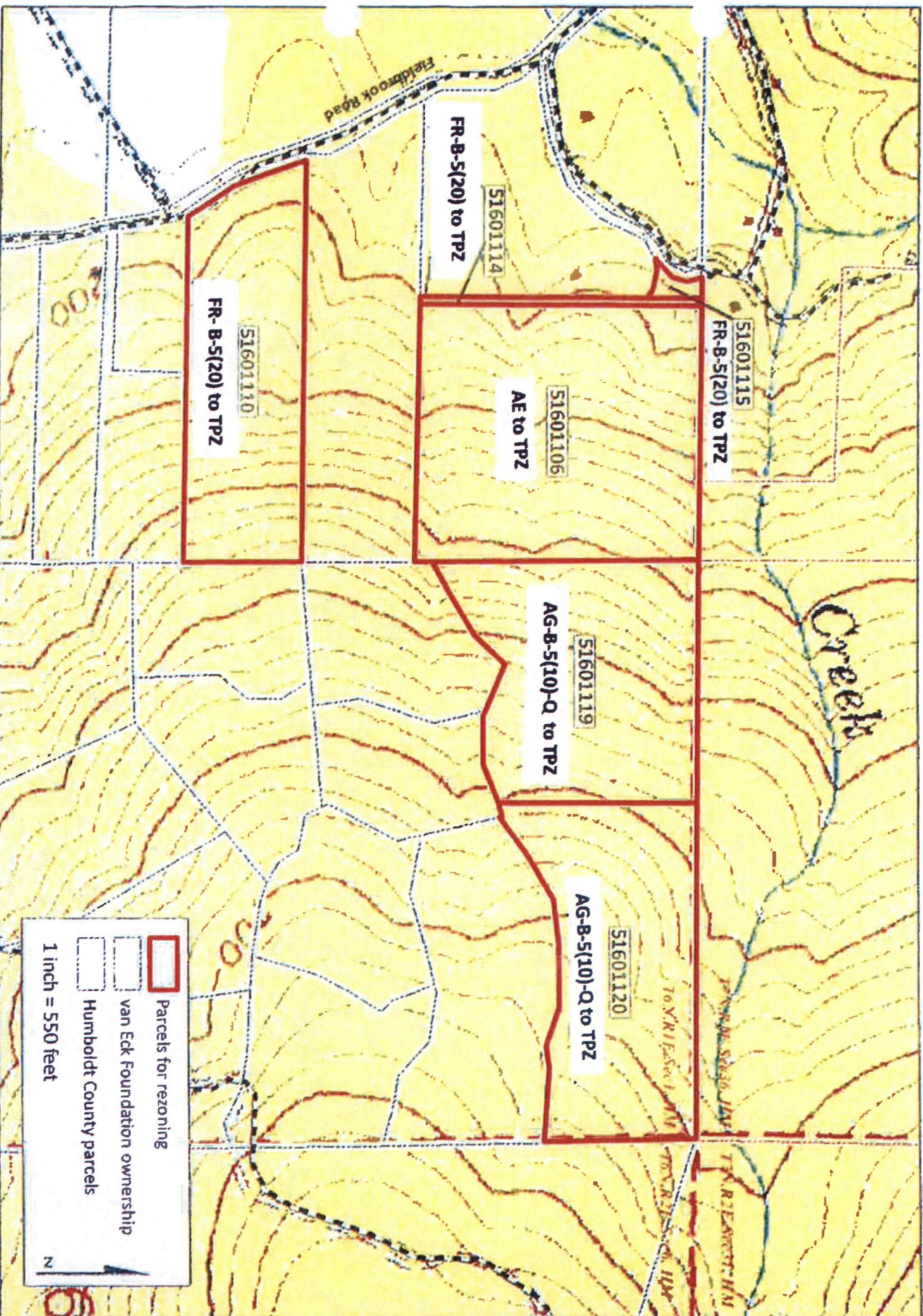
van Eck Foundation Properties - Baseline Conditions Report

Portions of Section 1, T6N, R1E, H.B. & M.

Map source: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic



PACIFIC FOREST TRUST



ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form
- Project Description and Inclusion Requirements (attached)
- Non Industrial Timber Management Plan
- Current Deed
- Board of Supervisors Resolution No. 14-95 approving the General Plan Petition (attached)

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

for

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



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

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

William H. Wilkinson, RPF #2463

4-9-14

Date

1. PROPERTY OWNER

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

2. PROJECT PURPOSE AND DESCRIPTION

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

3. PRESENT ZONING AND PLAN DESIGNATION

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

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

4. Legal Description

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

5. Timberland Description

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

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

6. General Plan Amendment Justification

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

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

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

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

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

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

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

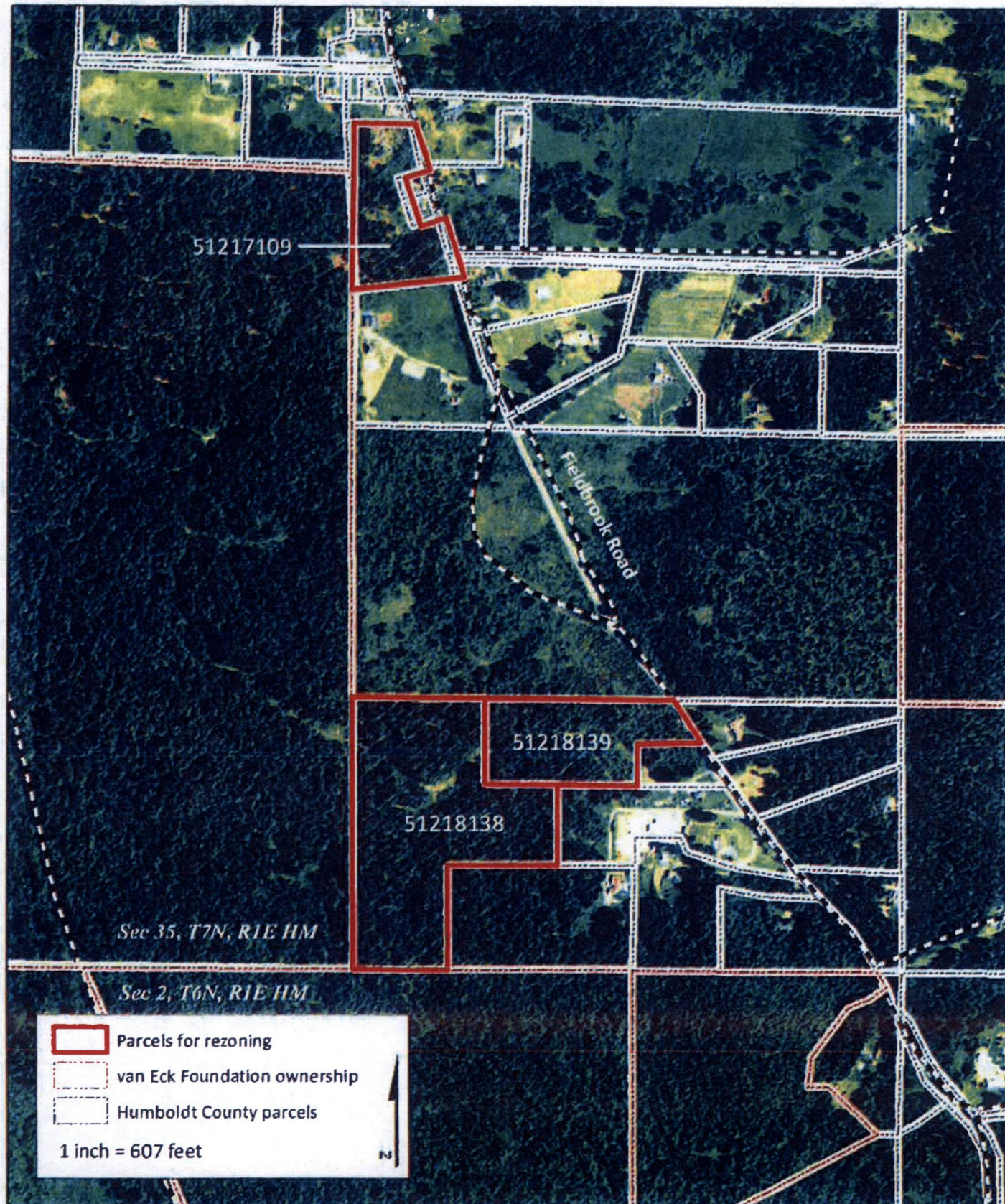
van Eck Foundation Properties Baseline Conditions Report

Portions of Section 35, T7N, R1E, H.B. & M.

Image source: USDA-NRCS NAIP 2012



PACIFIC FOREST TRUST



Map produced by Justin Gristland on Feb 3, 2014 for Pacific Forest Trust | Created using ESRI ArcMap 10.2 | Projection: NAD 83 | Imagery: USDA NRCS NAIP 2012

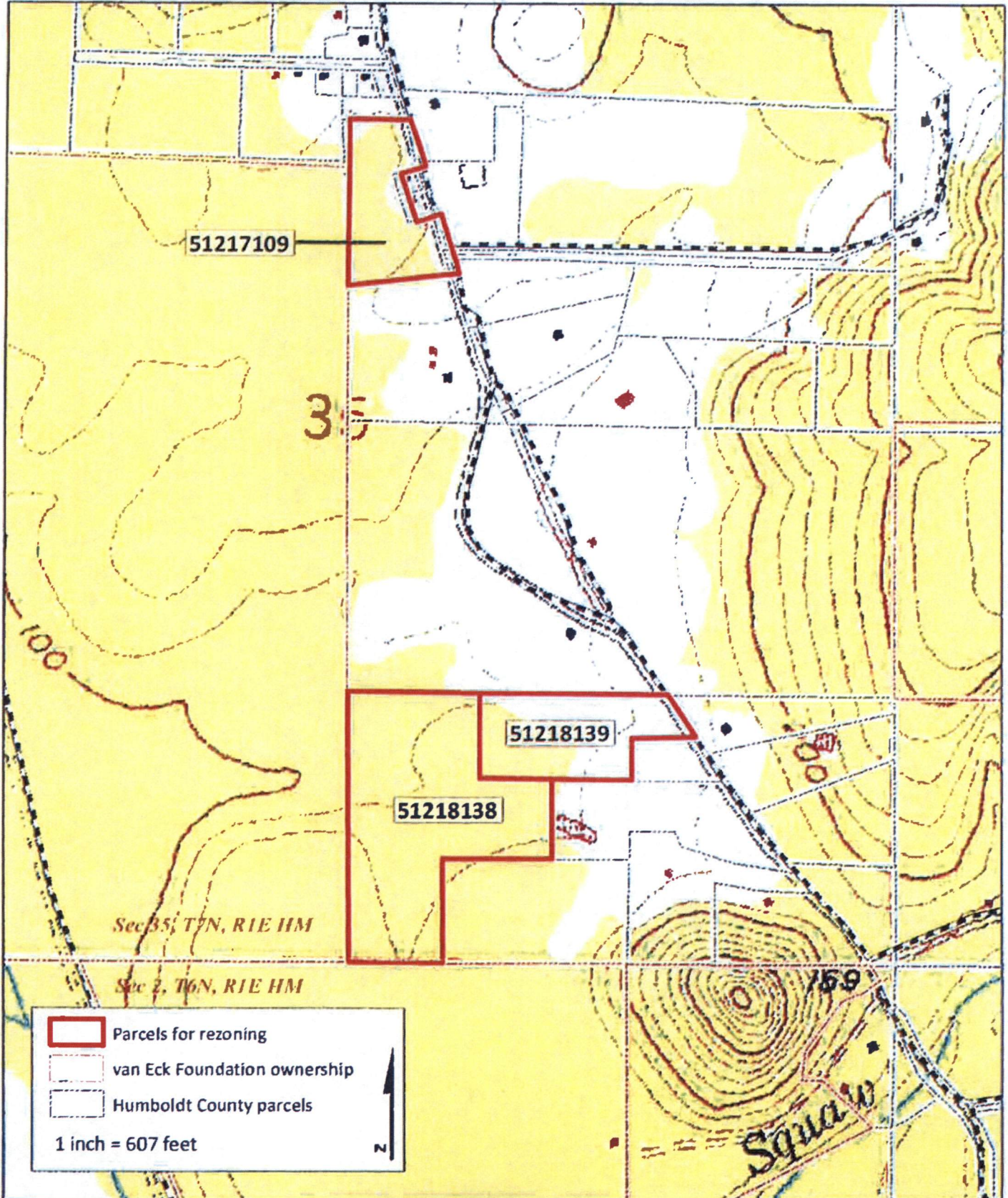
van Eck Foundation Properties Baseline Conditions Report

Portions of Section 35, T7N, R1E, H.B. & M.

Map source: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic



PACIFIC FOREST TRUST



van Eck Foundation Properties - Baseline Conditions Report



PACIFIC FOREST TRUST

Portions of Section 1, T6N, R1E, H.B. & M.
Image source: USDA NRCS NAIP 2012



Map produced by Justin Garland on Feb 3, 2014 for Pacific Forest Trust | Created using ESRI ArcMap 10.2 | Projection: Teale Albers, Datum: 1983 | Imagery: USDA NRCS NAIP 2012

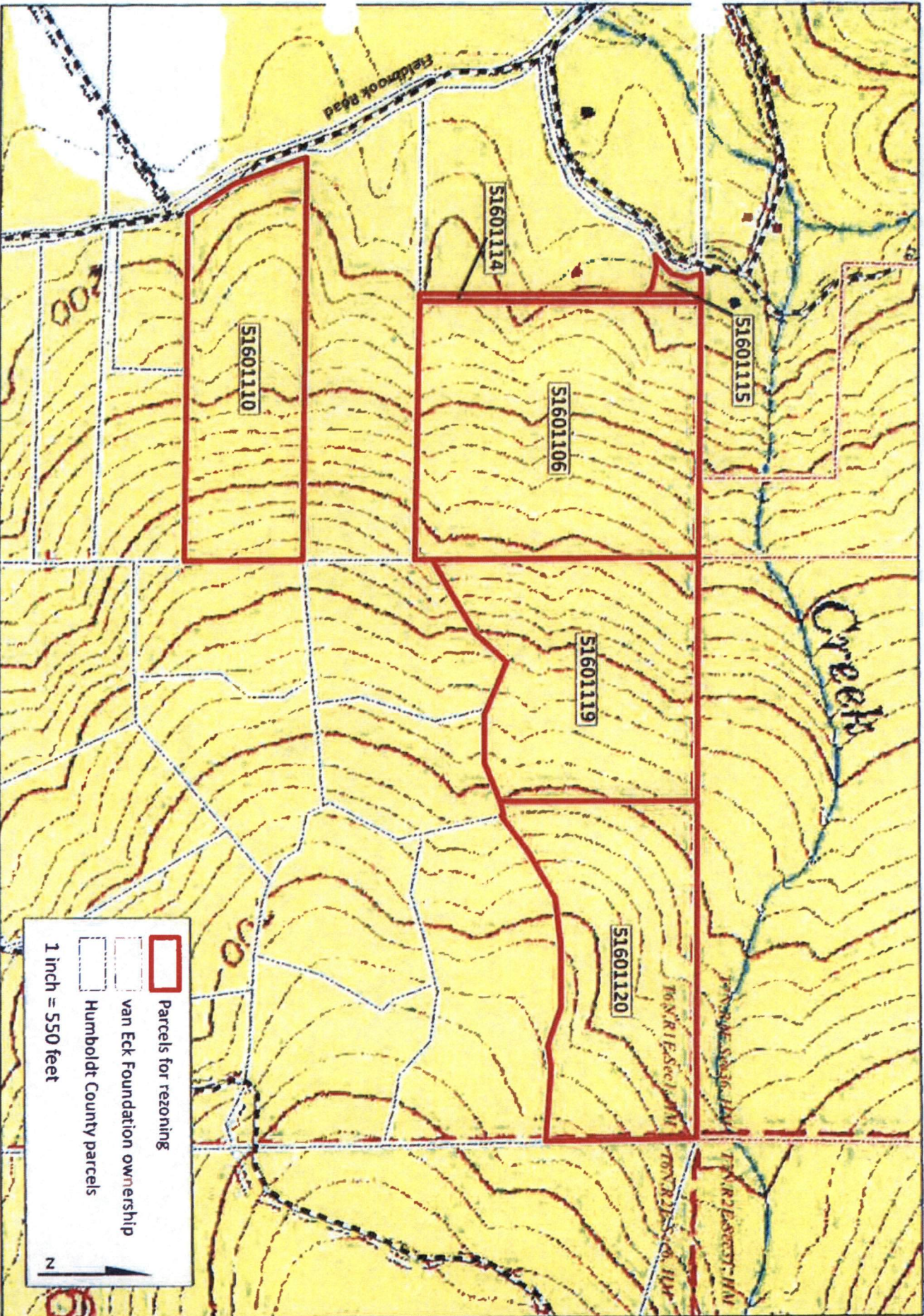
van Eck Foundation Properties - Baseline Conditions Report

Portions of Section 1, T6N, R1E, H.B. & M.

Map source: USDA-NRCS-NCGC Digital Raster Graphic MRSID Mosaic



PACIFIC FOREST TRUST



Map produced by Justin Garland on Feb 3, 2014 for Pacific Forest Trust | Created using ESRI ArcMap 10.2 | Projection: Teale Albers, Datum: 1983 | Imagery: USDA NRCS NAIP 2012

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of November 14, 2014

RESOLUTION NO. 14-95

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

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

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

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

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

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

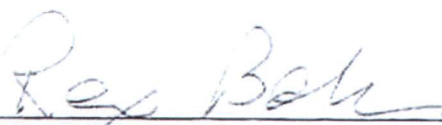
NOW, THEREFORE, BE IT RESOLVED by the Humboldt County Board of Supervisors that the following findings are hereby made:

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

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

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

Dated: November 14, 2014



REX BOHN, Chair
Humboldt County Board of Supervisors

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

RESOLUTION NO. 14-95

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

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

STATE OF CALIFORNIA)
County of Humboldt)

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

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



By TRACY DAMICO

Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

ATTACHMENT 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 Assessor	✓	Conditional Approval	On file
County Public Works, Land Use Division	✓	Comments	On file
County Division of Environmental Health	✓	Approval	On file
Fieldbrook Community Services District	✓	Approval	On file
CA. Dept. of Forestry and Fire Protection	✓	Approval	On file
Ca. Dept. of Fish and Game			
Forestry Review Committee	✓	Approval per September 15, 2015 meeting	On file
Northwest Information Center	✓	Conditional Approval	On file
Blue Lake Rancheria	✓	Conditional Approval	On file
Wiyot Tribe	✓	Conditional Approval	On file
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file

ATTACHMENT F

Planning Commission Resolution No. 15-34

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 15-34**

Case Numbers GPA-15-001, ZR-15-001

**Assessor's Parcel Numbers 512-171-009, 512-181-038, 512-181-039, 516-011-006, 516-011-010,
516-011-014, 516-011-015, 516-011-019, 516-011-020**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Van Eck Forest Foundation General Plan Amendment and Zone Reclassification application.

WHEREAS, the applicant submitted an application and evidence in support of approving the General Plan Amendment (GPA) and Zone Reclassification (ZR); and

WHEREAS, the project 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, (3) The proposed change does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

WHEREAS, the rezone into Timberland Production (TPZ) may be approved if it can be found to be consistent with the Forest Taxation Reform Act of 1976; and

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

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

WHEREAS, the County Planning and Building 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 GPA and ZR (Case Numbers GPA-15-001, ZR-15-001); and

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

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

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

1. The project is exempt per 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; and
2. The proposed General Plan Amendment and Zone Reclassification are in the public interest; and
3. The proposed General Plan Amendment and Zone Reclassification are 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 Division Staff Report for Case Numbers GPA-15-001, ZR-15-001 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 Division Staff Report for Case Nos.: GPA-15-001, ZR-15-001.
3. Approve the amendment of approximately 142 114 acres (removing APNs 512-181-038 and 512-181-039) from various land use designations to T, as more fully described in the Project Proposal Maps.
4. Approve the rezoning of approximately 142 114 acres (removing APNs 512-181-038 and 512-181-039) from various zone classifications to TPZ, as more fully described in Exhibit A to the Draft Zoning Ordinance.
5. Direct the Clerk of the Board to record a Notice of Timberland Production Status.
6. 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 October 1, 2015.

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

AYES: Commissioners: Levy, McKenny, Shepherd, Bongio
NOES: Commissioners: Morris
ABSTAIN: Commissioners: None
ABSENT: Commissioners: Ulansey, Edmonds
DECISION: Motion carries 4/1.

Robert Morris, Chair

I, Catherine Munsee, Clerk 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.

Catherine Munsee, Clerk

ATTACHMENT G

Excerpts from the 2014 Housing Element

- Amended the General Plan and Zoning Ordinance to:
 - Allow apartments above commercial establishments as principally permitted uses in commercial areas.
 - Reduce parking requirements for homes of 1,000 square feet in size or less.
 - Increase the allowed densities and rewards offered for producing affordable housing through the Residential Density Bonus Program.
 - Provide exceptions to lot coverage and yard setbacks for second units that are 800 square feet in size or less.
 - Allow emergency shelters and transitional housing facilities as principally permitted uses in commercial zones.
- Maintained the County GIS system to the internet, making parcel specific development information available to applicants.
- Maintained the County's parcel-specific residential land inventory on the internet, with updated development potential estimates.

A more comprehensive analysis of the effectiveness of the previous Housing Element is presented in Appendix G.

8.3.2 Projected Future Housing Needs for the 2014-2019 Time Period

Based on population projections, the California Department of Housing and Community Development determines the housing need for Humboldt County in the following income categories: extremely low, very low, low, moderate and above moderate income households. The Humboldt County Association of Governments (HCAOG) then distributes the need to individual jurisdictions through a Regional Housing Needs Allocation Plan (RHNA Plan). The most current RHNA Plan quantifies the future need for housing by income level for the County for January 2014 to June 2019 as shown in Table 8-5. The figures for this planning period are substantially less than for the previous planning period more accurately reflecting the current soft housing market.

The table shows 859 new residential units built in the unincorporated areas will meet the projected housing need for the 2014 – 2019 time period. State law requires local governments to provide adequate sites for the construction of housing to meet the County's fair share housing needs.

Table 8-5. Projected Fair Share Housing Needs, Humboldt County Unincorporated Areas, 2014 – 2019

Income Category	Projected Housing Needs	Percent of Total RHNA
Extremely Low*	106	12.5%
Very Low	106	12.5%
Other Low	135	16%
Moderate	146	17%
Above Moderate	366	42%
Total	859	100%

Source: HCOAG, December 2013

* This Element assumes ½ of the Very Low-Income category is in the Extremely Low-Income category.

8.3.3 Updated Residential Land Inventory

The residential land inventory identifies sites suitable for residential development with the capacity to meet the County's projected housing needs for all income levels. If there are not sufficient sites to meet the projected future housing needs, state law requires jurisdictions to bring additional sites into the inventory.

Table 8-6 below summarizes the residential land inventory in the Housing Element Appendix. Parcel specific information and maps are contained in the Housing Element Appendix, and on the County's website (gis.co.humboldt.ca.us). The inventory has been updated to reflect new residential development, information from services districts regarding the capacity of public water and sewer, new mapping information, and other site specific information.

Except in rare cases, the residential land inventory excludes development potential on Agricultural Exclusive and Timberland designated area. Similarly properties designated Agriculture Grazing, Agriculture Lands and Agriculture Rural are generally excluded from the inventory because the land is primarily used for agriculture, timber production or other conservation and open space uses. Excluded for the current planning period are properties with existing improvements of \$25,000 or more, and properties with extensive mapped physical constraints.

Included in the residential land inventory for the current planning period is a development potential for second units (113 units), multifamily units principally allowed in commercial areas (33 units), planned construction by Native American tribes (39 units), and properties proposed to be changed from agriculture land use designations to "Residential Agricultural" with the General Plan Update (393 units). See §8.12.21 of the Housing Element Appendix for more detail.

Table 8-6. Residential Land Inventory Summary

Zoning Group	Dev. Acres	Potential Units (Gross)	Parcel Count	Potential Units for the Current RHNA Planning Period (Net)
Rural Residential (RR)	19,019	1,483	1,417	832
Rural Residential properties added by the GPU (RR)	5,238	1,270	393	393
Residential Estates (RE)	1,469	575	398	341
Residential Low Density (RL)	1,554	3,803	1,579	2,177
Residential Multifamily (RM)	273	1,497	351	1,104
Total	27,553	8,628	4,138	4,847

Source: Humboldt County Planning and Building Department, 2013

The above table shows the County has sites in the residential land inventory to accommodate its projected future housing needs of 859 units.

Inventory of Affordable Multifamily Housing Sites: The inventory of suitable sites to meet the County's housing needs for lower income households includes only those sites larger than one (1) acre in size that are planned and zoned for a density of 15 units per acre or more with public water and sewer services available. No more than 100 potential units are assigned to any parcel.

Based on these criteria, the land inventory contains sites with a development potential of 919 units affordable to lower income households. Second units will provide an additional 113 units affordable to lower income households¹, and planned construction of 39 units affordable to very low-income households in the next five (5) years by Native American tribes for their members will also contribute toward meeting the affordable housing needs. These figures demonstrate the County has sites in the Affordable Housing Inventory to meet the projected need of 347 units for the lower income category.

8.3.4 New State Law Addressing Disadvantaged Communities

SB 244 (Wolk, 2011) requires cities and counties to identify the infrastructure and service needs of unincorporated legacy communities in their general plans at the time of the next Housing Element update. SB 244 defines an unincorporated legacy community as a place that meets the following criteria:

- Contains 10 or more dwelling units in close proximity to one another;
- Is either within a city Sphere of Influence (SOI), is an island within a city boundary, or is geographically isolated and has existed for more than 50 years; and
- Has a median household income that is 80 percent or less than the statewide median household income.

Accordingly, this Element includes the required analysis of legacy communities in the Housing Element Appendix (§8.20.22), and includes the following implementation measure to reference this analysis in the Land Use Element of the Framework Plan in §2611 – Community Plan Areas: Background.

“H-IM34. Revise the Land Use Element to Facilitate Development in Legacy Communities. The County shall amend Section 2611 of the Framework Plan (Community Plan Areas: Background) to include a reference to the discussion of Legacy Communities in the Housing Element Appendix (§8.20.22). Responsible Agency: Planning and Building Department; Timeframe: concurrent with adoption of the Housing Element.”

8.3.5 Funding for Housing Programs

Implementation of Housing Element policies and programs is contingent upon the availability of funding. The Housing Element proposes a Trust Fund mechanism (H-IM1) that would receive revenue from multiple sources such as state and federal grants and revolving loan program revenue. Revenue would be generated through a fund raising program managed by the Planning Division (H-IM2). Allowable expenditures from the Trust will be determined and governed periodically by the Board of Supervisors based on program standards.

¹ The quantified objective of this Housing Element for second units is 113, which is the number of second units constructed from 2007 – 2013. Based on a 2006 survey of recently constructed second unit owners, 1/3 of second units are affordable to low income households and the remainder are affordable to very low income households.