



AGENDA ITEM NO.

J2

COUNTY OF HUMBOLDT

For the meeting of: January 23, 2018

Date: January 10, 2018

To: Board of Supervisors

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

Subject: ZR-16-005, AGPN-17-001, LLA-16-034. Johannesen Zone Reclassification, Agricultural preserve partial dis-establishment and partial cancellation, and Lot Line Adjustment
Assessor Parcel Numbers: 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004
Garberville area

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. 2590 by title and waive further reading;
2. Open the public hearing, receive and consider the staff report, the Planning Commission's findings and accept public comment;
3. Make the necessary findings as prepared by staff to approve the zone reclassification, and to conditionally approve the Lot Line Adjustment;
4. Determine that the dis-establishment and cancellation of a portion of the Tooby Ranch Agricultural Preserve is in the public interest;
5. Adopt Ordinance No. 2590 amending Section 311-7 of the Humboldt County Code by reclassifying property in the Garberville area within APN's 216-133-001, 216-141-006, 216-144-003, 223-013-003 and 223-013-004 currently zoned Agriculture Exclusive with a Special

Prepared by

CAO Approval

REVIEW:

Auditor

County Counsel

Human Resources

Other

TYPE OF ITEM:

- ☐ Consent
☐ Departmental
☐ Public Hearing
☐ Other

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Fennell Seconded by Supervisor Bass

Ayes Fennell, Sundberg, Bohn

Nays Wilson, Bass

Abstain

Absent

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

Dated: 1/23/18

By: _____

Kathy Hayes, Clerk of the Board

- Building Site combining zone specifying a minimum lot size of 160 acres (AE-B-5(160)) to Timberland Production Zone (TPZ) (Attachment 1);
6. Direct the Clerk of the Board to publish a summary of the zoning changes within 15 days of the date of the hearing (Attachment 2);
 7. Adopt Resolution No. 18-01, which contains the findings for Dis-establishment and Tentative Cancellation of the applicable portion of Land Conservation Contract No. 77-30 (AGP#77-30) (Attachment 3);
 8. Direct the Clerk of the Board to record a Certification of Rezoning (Notice of Timberland Production Zone Status) (Attachment 6) 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 1);
 9. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
 10. Direct Planning Staff to publish a Notice of Decision as a display advertisement in accordance with California Government Code Section 51284;
 11. Direct the Clerk of the Board to record the Certificate of Tentative Cancellation of the applicable portion of Land Conservation Contract No. 77-30 (Attachment 4);
 12. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's office, County Counsel, the Planning Division, the California Office of Land Conservation and any other interested party; and
 13. Direct the Clerk of the Board to provide a copy of the published Notice of Decision to the Department of Conservation within 30 days of the tentative cancellation of the contract; and
 14. Direct Planning Staff to record the Notice of Lot Line Adjustment upon the applicant's completion of the conditions of approval; and
 15. Close the public hearing.

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:

An application has been made by Norman and Deborah Johannesen to rezone approximately 230 acres of Agriculture Exclusive with a Building Site combining zone specifying a minimum parcel size of 160 acres (AE-B-5(160)) to Timber Production Zone (TPZ). The rezone facilitates the immediate cancellation of a portion of an existing Williamson Act Land Conservation Contract for lands currently, and proposed to be, zoned TPZ. Subsequent to the rezone and final cancellation of the Williamson Act contract the applicant proposes a Lot Line Adjustment between two parcels to result in two parcels of 160 acres each.

Zone Reclassification

The proposed rezone will reclassify approximately 230 acres of property zoned Agriculture Exclusive into TPZ. Based on a review of aerial photography, literature and timber assessments prepared for the property, planning staff concludes that the lands proposed for rezoning meet the inclusion requirements into TPZ per Government Code Section 51113.5. The timber type is similar to adjacent lands and meets the minimum conifer stocking levels and site class designation for inclusion.

The rezone is in the public interest and is consistent with General Plan policies and the existing general plan designation. The rezone facilitates the addition of timberlands to adjoining timberlands currently

zoned TPZ and increases the amount of timberlands in resource production. The rezone is consistent with the required findings for the zone reclassification, as well as the findings required under Section 312-50.8, Supplemental Timberland Production Zoning Procedures, and is consistent with the Forest Taxation Reform Act of 1976. The Forestry Review Committee reviewed and recommended approval of the proposed rezone at their meeting on March 9, 2017.

The rezone is proposed within the 10,500 acre Tooby Ranch Class B Agricultural Preserve No. 77-30. The properties are subject to the Land Conservation Contract recorded February 25, 1977 and non-renewed on June 2, 2016. The lands remain subject to the Land Conservation Contract until the termination date of February 1, 2026. The portion of land under this contract that is the subject of this application is 320 acres. The lands proposed for rezoning and Williamson Act cancellation do not comply with the annual production standards of the guidelines as most of the preserve is being managed as timberland rather than for livestock grazing. The reclassification to TPZ will allow for the concurrent cancellation of the Williamson Act Contract per Section 51282.5 of the California Government Code in lieu of the remaining non-renewal period of the Tooby Ranch Land Conservation Contract for the 320 acre Johannesen portion of the preserve.

Portions of the Tooby Ranch were zoned TPZ under Lists A and B in 1977. Lands remaining under contract are those lands zoned Agricultural Exclusive and mixed-zoned AE/TPZ parcels which do not contain 160 acres of AE zoned land. Beginning in 1978 and clarified in more recent amendments to the county's Williamson Act Guidelines (2002, 2005 and 2016), Class B Preserves must be managed primarily for livestock grazing. The lands held now by Norman and Deborah Johannesen and proposed for rezoning and Williamson Act cancellation do not comply with the annual production standards of the Guidelines as most of the preserve subject to contract is being managed as timberland rather than for livestock grazing. The reclassification to TPZ will allow for the subsequent cancellation of the Williamson Act Contract per Section 51282.5 of the California Government Code in lieu of the 9 year non-renewal of the Land Conservation Contract for the Johannesen properties.

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

1. The proposed change is in the public interest; and
2. The proposed change is consistent with the General Plan; and
3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
4. That, for zoning into TPZ,
 - a. The proposed change is consistent with Section 51113.5 of the Government Code; and
 - b. The land shall be timberland as defined by Section 51104(f) of the Government Code; and
 - c. The land shall be in compliance with the land use standards of the TPZ zone.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

5. a. The project either is categorically or statutorily exempt; or
- b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
- c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

Staff Analysis of the required findings for approval of the zone reclassification:

1. Public Interest. The rezone proposes to reclassify approximately 230 acres from Agriculture Exclusive and Agriculture Exclusive specifying a minimum parcel size of 160 acres, into TPZ. The rezone facilitates an immediate cancellation of a land conservation contract, and allows for the property to be classified more consistently with the actual use and conditions of the land. The evidence submitted, including a timberland analysis submitted by Blair Forestry demonstrates that the findings for inclusion into TPZ can be made, and that the parcels can be managed for timber production. The FRC recommends project approval.

The 2017 Humboldt County General Plan established policies and standards that support protecting timberlands for timber production. A primary goal of the 2017 Humboldt County General Plan is for timberlands to be “protected from the encroachment of incompatible uses and managed for the inclusion of compatible uses.” These lands are currently being utilized for the growing and harvesting of timber and the reclassification will protect these timberlands against incompatible uses.

TPZ provides relative assurances that uses allowed within the affected timberlands will be consistent with local needs in resource economics, open space and compatibility of uses. TPZ also provides a static productive land base from which accurate timber supply projections could be made.

In addition, Federal, State and county governments have numerous policies and programs that encourage timber production. As stated in Section 51101 of the California Government Code (C.G.C.) the state has found and declared the following:

1. The forest resource and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state’s economy and environment by providing high quality timber, employment opportunities, resource protection, and aesthetic enjoyment.
2. The state’s increasing population threatens to erode the timberland base and diminish forest resource productivity through pressure to divert timberland to urban and other uses and through pressure to restrict or prohibit timber operations when viewed as being in conflict with non-timberland uses.
3. A continued and predictable commitment of timberland, along with investment of capital, for the growing and harvesting of timber are necessary to ensure the long term productivity of the forest resource, the long term economic viability of the forest products industry, and long-term stability of local resource-based economies.

Based on the above findings, the state has declared that "...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 of the following:

- a. Maintain the optimum amount of limited supply of timberland as to ensure its current and continued availability for the growing and harvesting of timber and compatible uses;
- b. Discourage the premature or unnecessary conversion of timberland to urban and other uses;
- c. Discourage expansion of urban services into timberland; and
- d. Encourage investment in timberlands based on reasonable expectation of harvest."

The application of zoning that ensures compatible land uses furthers the public interest by protecting lands for continued resource production. Planning staff believes that the addition by rezoning into TPZ of qualifying timberlands enforceably restricted under the state constitution protects the timber base for future generations and is in the public interest.

2. General Plan Consistency. The property is currently planned Agriculture Grazing (AG) by the Humboldt County General Plan. Per the Zoning Consistency Matrix, Figure 4-H of the 2017 General Plan, the rezone into TPZ is consistent with the AG designation. The Section 4.6 of the General Plan contains numerous policies that encourage timber production and long-term management of timberlands. The goal of the policies is to actively protect and conserve timberlands for long-term economic utilization and to actively enhance county timber production capabilities. Zoning lands into TPZ is consistent with the goals and policies of the General Plan which protects timberlands for the growing and harvesting of timber.

3. Housing Element Law. The lands are currently planned and zoned for agricultural use and timber production and, as such, were not included in the housing assessment. The parcels will continue to be resource lands, planned and zoned for agricultural use and timber production. The project does not reduce the residential density utilized by the Department of Housing and Community Development.

4. Consistency with California Government Code Sections 51113.5 and 51104. Per information and timber reports submitted by Blair Forestry, the project is consistent with the requirements for inclusion into TPZ. The areas to be rezoned into TPZ can meet the minimum conifer stocking levels and site class designation to be included in TPZ. All of the parcels proposed for rezoning are capable of meeting the acreage annual growth requirements of C.G.C. Section 51104 (average annual volume of wood fiber of at least 15 cubic feet per acre). The existing land use is in compliance with the land use standards of the TPZ.

The FRC reviewed and recommended project approval at their March 9, 2017 meeting.

5. Environmental Impact. Planning staff believes that the project, as designed and conditioned, will not result in a significant adverse effect on the environment and is exempt from environmental review pursuant to the California Environmental Quality Act. The rezone into TPZ is exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code.

Williamson Act Cancellation

The rezone is proposed within the 10,500 acre Tooby Ranch Class B Agricultural Preserve No. 77-30. The properties are subject to the Land Conservation Contract recorded February 25, 1977 and non-renewed on June 2, 2016. The lands remain subject to the Land Conservation Contract until the termination date of February 1, 2026. The portion of land under this contract that is the subject of this application is 320 acres. The lands proposed for rezoning and Williamson Act cancellation do not comply with the annual production standards of the guidelines as most of the preserve is being managed as timberland rather than

for livestock grazing. The reclassification to TPZ will allow for the concurrent cancellation of the Williamson Act Contract per Section 51282.5 of the California Government Code in lieu of the 9 year non-renewal of the Land Conservation Contract for the 320 acre Johannesen portion of the preserve.

Lot Line Adjustment

The LLA is proposed between two parcels of 160 acres each and the total acreage of each resultant parcel will not change. The LLA will move the property boundary from an east to west boundary to a north-south boundary line. These parcels are referred to on the applicant's lot line adjustment map as parcels A and B.

Pursuant to Section 325.5-6 of the Humboldt County Code, a lot line adjustment shall be approved or conditionally approved when the following findings can be met:

- a) The application is found to be complete.
- b) Either the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations or a Conditional Certificate of Subdivision Compliance has been issued for recordation prior to or concurrent with the lot line adjustment.
- c) The proposal neither causes non-conformance nor increases the severity of pre-existing nonconformities with zoning and building ordinances.
- d) Additionally, pursuant to SB 497 (Sher) the lot line adjustment is in conformance with the adopted General Plan.

The application for the lot line adjustment was complete as of January 21, 2017. A review of the parcel history concluded that these two parcels are individual patent parcels that have not been altered and are therefore in compliance with the Subdivision Map Act and local subdivision regulations. The proposal will not cause or increase any non-conformity and the adjustment is in conformance with the adopted general plan.

Because the applicant is not demonstrating compliance with Section 51257 of the California Government Code regarding lot line adjustments within Williamson Act properties, the lot line adjustment may not be completed until after the final cancellation of the Williamson Act contract has occurred. Final cancellation of the Williamson Act contract will occur after recordation of the rezone and tentative cancellation, and after publication of a notice of proposed final cancellation.

FINANCIAL IMPACT:

The change in zoning to TPZ, if adopted, will place the subject property into a tax restricted classification, resulting in an overall reduction in the property tax assessment for the valuation of the land during the period that the property remains in TPZ (10-year minimum term). The reduction will be adjusted annually by the County Assessor in the manner prescribed in the California Revenue and Taxation Code. Additionally, the applicant has paid for all costs incurred in processing the application. The county's Williamson Act and TPZ program support the Board's Strategic Framework through its core role of enforcing laws and regulations and its priorities to manage our resources and ensure sustainability of services. Actions related to Land Conservation Contracts are consistent with the Board's priorities to facilitate public/private partnerships and to work towards the protection of the county's agricultural resources. Approval of the zoning reclassification and subsequent lot line adjustment is consistent with the county's priorities to encourage proper management of timberlands.

OTHER AGENCY INVOLVEMENT:

The project was referred to various State and local agencies for comments and recommendations. Both the Forestry Review Committee and the Planning Commission have recommended approval. The draft minutes of the Forestry Review Committee and the adopted resolution from the Planning Commission are included in Attachment 5 to this report.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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:

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

Attachment 1	Ordinance No. <u>2590</u> , and Certification of Rezoning Exhibit A (legal description), Exhibit B (map)
Attachment 2	Summary of Ordinance, Map to be published (Exhibit A)
Attachment 3	Resolution for Tentatively Dis-establishing a portion of the Tooby Ranch Class "B" Preserve and Tentative cancellation of the associated portion of the Land Conservation Contract
Attachment 4	Certificate of Tentative Cancellation
Attachment 5	Planning Commission Resolution and Staff Report
Attachment 6	Certificate of Rezoning (Notice of Timberland Production Status)
Attachment 7	Department of Conservation Comments on Petition for Partial Cancellation
Attachment 8	Findings for approval of the Lot Line Adjustment and Lot Line Adjustment Map
Attachment 9	Conditions of approval for the Lot Line Adjustment

ATTACHMENT 1

Ordinance No. 2590
Exhibit A (legal description), Exhibit B (map)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of January 23, 2018

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING
PROPERTY IN THE GARBERVILLE AREA (ZR-16-005, JOHANNESSEN)**

ORDINANCE NO. 2590

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 230 acres in the Garberville area from Agricultural Exclusive (AE) and Agricultural Exclusive with a Building Site Combining Zone specifying a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ), as described in the attached Exhibit A.

The area described is also shown on the Humboldt County Zoning Map [T46, T47] 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 23rd day of January, 2018 on the following vote, to wit:

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



Ryan Sundberg, 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: 

Ryan Sharp, Deputy

EXHIBIT A

That real property situate in the County of Humboldt, State of California, described as follows:

In Township 4 South, Range 4 East, Humboldt Meridian:

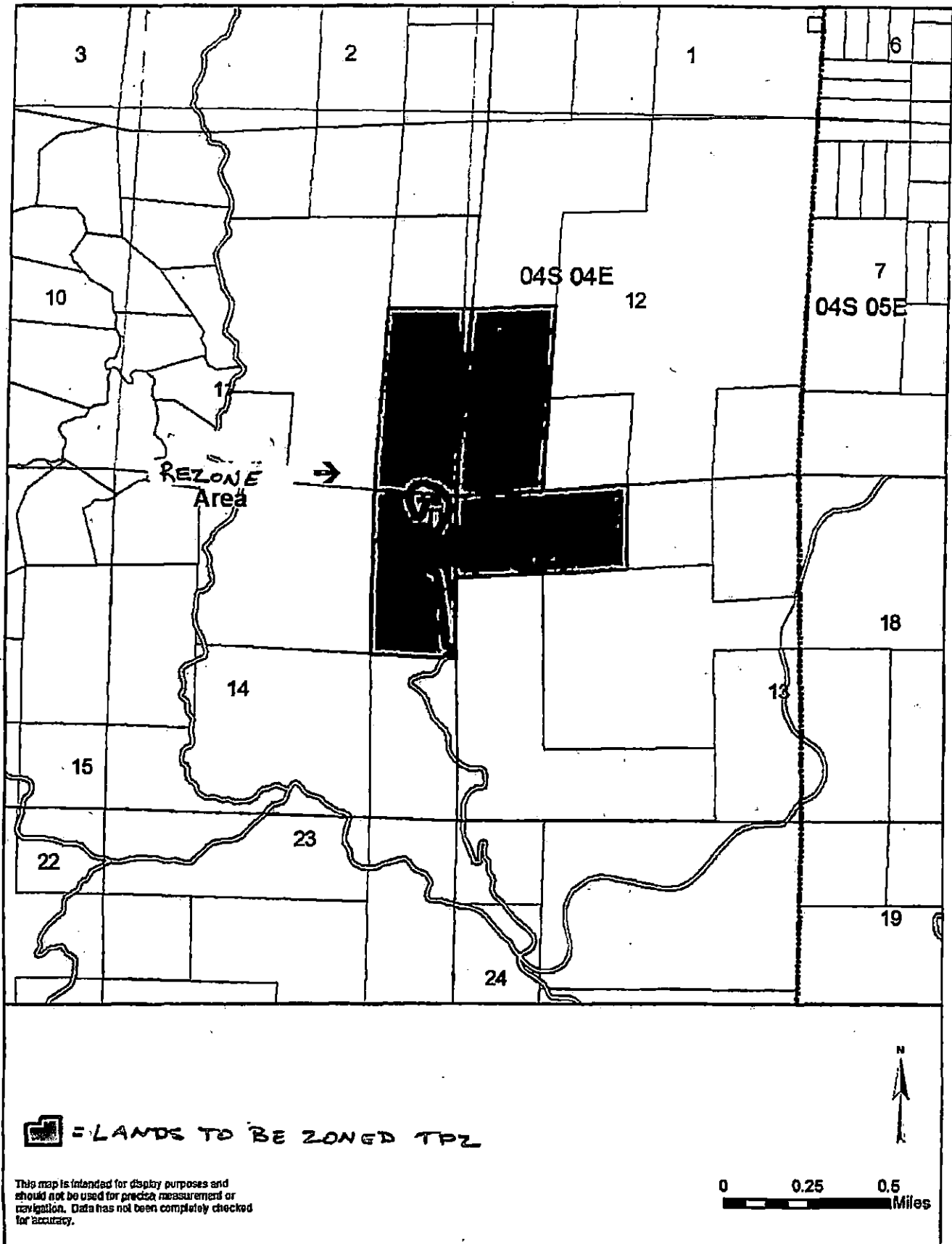
Section 11: The East Half of the Southeast Quarter.

Section 12: The West Half of the Southwest Quarter.

Section 13: The North Half of the Northwest Quarter.

Section 14: The East Half of the Northeast Quarter.

EXHIBIT "B"



ATTACHMENT 2

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

POST-ADOPTION SUMMARY OF ORDINANCE

(For publication after adoption)

On January 23, 2018, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amends the zoning of property in the Garberville area known as 216-133-001, 216-141-006, 216-144-003, 223-013-003, and 223-013-004, by rezoning these lands out of Agriculture Exclusive with a combining zone specifying a minimum parcel size of 160 acres (AE-B-5(160)) to Timberland Production Zone (TPZ). The new zone will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

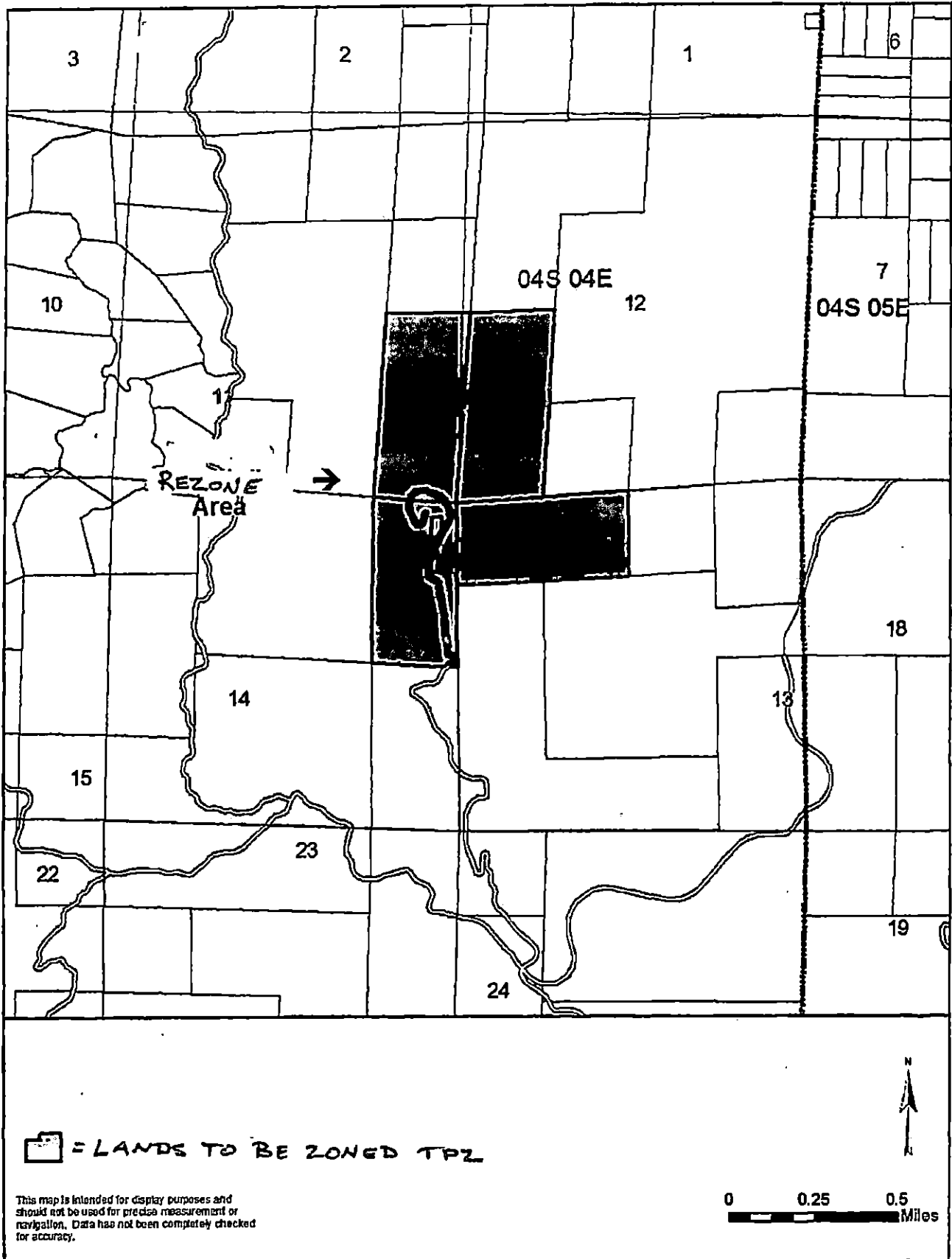
AYES: Supervisors:

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.

EXHIBIT "A"



ATTACHMENT 3

Resolution No. 18-01

**Tentatively Dis-establishing a portion of the Tooby Ranch Agricultural Preserve and Tentatively
cancelling the associated portion of the Land Conservation Contract**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of January 23, 2018

RESOLUTION NO. 18-01

RESOLUTION MAKING THE REQUIRED FINDINGS OF TENTATIVE DIS-ESTABLISHMENT OF A PORTION OF THE TOOBY RANCH AGRICULTURAL PRESERVE AND TENTATIVE CANCELLATION OF THE ASSOCIATED PORTION OF THE LAND CONSERVATION CONTRACT (RESOLUTION 77-30)

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

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

WHEREAS, the Planning Division on August 15, 2017 transmitted the petition for immediate cancellation to the Department of Conservation as required pursuant to Government Code Section 51284; and

WHEREAS, the Department of Conservation responded with comments by letter dated September 15, 2017; and

WHEREAS, the Humboldt County Board of Supervisors gave notice pursuant to Government Code Section 51284 and held a public hearing on January 23, 2018 to consider the rezoning of the property into Timberland Production Zone status and to consider the request for partial dis-establishment of the Tooby Ranch agricultural Preserve and tentative cancellation of the associated portion of Land Conservation Contract No. 77-30, Recorded February 25, 1977 in Volume 1391, Page 151 of Official Records; and

WHEREAS, the Humboldt County Board of Supervisors approved the rezoning of the property into Timberland Production; and

WHEREAS, the Humboldt County Board of Supervisors considered the comments by the Department of Conservation in accordance with Government Code Section 51284.1(d); and

WHEREAS, the Humboldt County Board of Supervisors considered the evidence submitted by the petitioner in support of the Public Interest Findings under Section 51282 of the California Government Code as follows:

The tentative cancellation is in the public interest because a) other public concerns substantially outweigh the objectives of the Williamson Act, and b) there is no proximate, noncontracted land which is both available and suitable for the proposed use; and

WHEREAS, the project is statutorily exempt per Section 15264 and Section 15063(b,3) of the California Environmental Quality Act (CEQA);

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of January 23, 2018

RESOLUTION NO. 18-01

NOW, THEREFORE, BE IT RESOLVED that the County of Humboldt finds that the cancellation of the Land Conservation Contract is in the public interest and adopts the Findings for Tentative Cancellation of a portion of Land Conservation Contract 77-30 as set forth in Exhibit 1, which is attached and incorporated herein as if set forth in its entirety.

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to:

1. Record the Certificate of Rezoning (Notice of Timberland Production Zone Status) with the Humboldt County Recorder's Office.
2. Publish the Notice of Decision as set forth in Government Code Section 51284.
3. Provide a copy of the published Notice of Decision to the Department of Conservation.
4. Record the Certificate of Tentative Cancellation pursuant to Government Code Section 51283.4(b).

BE IT FURTHER RESOLVED that once the ordinance rezoning the subject property into Timberland Production becomes effective, the Planning Division is directed to transmit the Certificate of Cancellation to the Board of Supervisors for execution and recordation in accordance with Government Code Section 51283.4(b).

Dated: January 23, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

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

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


BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of January 23, 2018

RESOLUTION NO. 18-01

STATE OF CALIFORNIA)
County of Humboldt)

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

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



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

Exhibit 1
Findings of Tentative Cancellation for
Williamson Act Land Conservation Contract No. 77-30
for Norman and Deborah Johannesen

The Board of Supervisors of the County of Humboldt must make the following findings for tentative cancellation of a portion of Williamson Act Land Conservation Contract No. 77-30:

1. Government Code Section 51282(a) states that cancellation of a Williamson Act land conservation contract may occur if the cancellation is in the public interest;
2. In order to find that the cancellation of a land conservation contract is in the public interest, the Board must find that:
 - a) Other public concerns substantially outweigh the objectives of the Williamson Act; and
 - b) There is no proximate, non-contracted land which is both available and suitable for the proposed use, or that development of the contracted land would provide more contiguous patterns of urban development.

The Board of Supervisors of the County of Humboldt finds that cancellation of the proposed portion of the Tooby Ranch Williamson Act contract is in the public interest for reasons stated below:

A. Other public concerns outweigh the objectives of the Williamson Act as it is applied to this property.

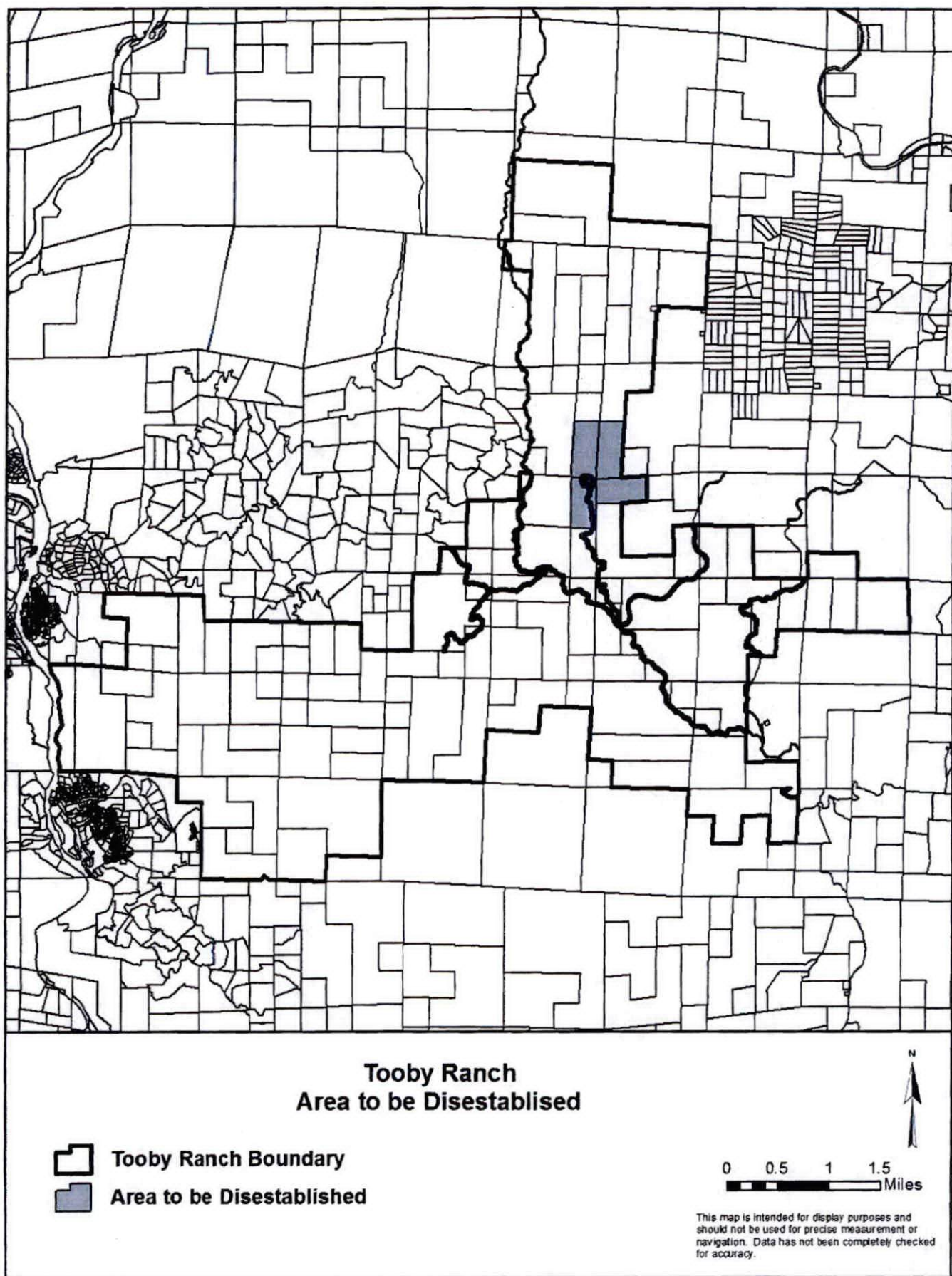
The Tooby Ranch Agricultural Preserve was entered into the Williamson Act program in 1977 as a single owner grazing preserve. Over the last decade or so, a lack of grazing of many of these lands has led to a natural regeneration of conifers and a conversion of grazing land within the preserve returning to timberland. Accordingly, these portions of the ranch are no longer eligible for the Williamson Act program, and should be removed from the program. Humboldt County non-renewed the entire Tooby Ranch Land Conservation Contract in 2016 for this and other reasons.

The County's Williamson Act Program and Timberland Production Zoning are implementation measures of the Open Space Element of the Humboldt County General Plan. The rezoning of timberland into Timberland Production Zone (TPZ) is strongly encouraged by adopted policies within the County's General Plan. A primary goal of the County's 2017 General Plan provides that the County's timberlands should be "protected from the encroachment of incompatible uses and managed for the inclusion of compatible uses." Reclassification of these lands into TPZ status will protect the existing timberlands and encourage further timber production.

Section 51246(b) of the California Government Code directs these lands, upon rezoning, to be removed from the Williamson Act Program. Immediate removal of these lands under Section 51282.5 of the California Government Code is consistent with the objectives of the Williamson Act and the Humboldt County Williamson Act Guidelines. Additionally, removal of timberland from the Williamson Act program through TPZ rezoning and subsequent cancellation was a recommendation of the Department of Conservation's Humboldt County Williamson Act compliance audit completed in July of 2005. For all of these reasons, the immediate cancellation of these lands pursuant to Section 51282.5 of the California Government Code is in the public interest.

- B. There is No Available and Suitable Proximate Non-Contracted Land for the Use Proposed on the Contracted land, or that development of the contracted land would provide more contiguous patterns of urban development.

The existing use of the property is primarily timber production, and the proposed use is to remain as timber production. There is no development proposed as part of this cancellation, and the use of these lands for timber production under Timber Production Zone regulations and restrictions are consistent with the implementation of the County's Open Space Element and will continue to direct development to areas more contiguous to existing urban development.



ATTACHMENT 4

Certificate of Tentative Cancellation of the applicable portion of Land Conservation Contract No. 77-30

Recording requested by:
County of Humboldt
Planning and Building Department
EXEMPT PURSUANT TO G.C. 27383

When recorded return to:
Humboldt County Planning Division
3015 H Street
Eureka, CA 95501

SPACE ABOVE FOR RECORDER USE ONLY

**CERTIFICATE OF TENTATIVE CANCELLATION OF THE WILLIAMSON ACT
LAND CONSERVATION CONTRACT NO. 77-30**

In accordance with Article 5, Chapter 7, Division 1 of Title 5 (beginning with Section 51280) of the Government Code of the State of California, the County of Humboldt has granted approval of a petition by Norman and Deborah Johannesen, hereinafter referred to as LANDOWNER, for tentative cancellation of the following described Williamson Act Land Conservation Contract:

Land Conservation No. 77-30, Recorded in Volume 1397, Page 151 of Official Records For Assessor Parcel Nos. 216-133-001, 216-141-006, 216-144-003, 223-013-003, and 223-013-004; totaling approximately 320 acres.

Legal Description: See Exhibit A attached to this certificate and incorporated herein as though specifically set forth at length.

The petition for cancellation was accompanied by a proposal for a specific alternative use of the land, which has been approved by the Board of Supervisors on January 23, 2018.

The Board of Supervisors will, in accordance with Government Code Section 51283.4(b), within thirty (30) days of receipt of written notice from the landowner that the conditions and contingencies hereinafter set forth have been satisfied, the Board of Supervisors shall make its determination whether or not such conditions and contingencies are in fact satisfied and, if it determines that they are satisfied, will execute, by its Chair, a Certificate of Cancellation of the Agricultural Preserve Contract covering the land described above and cause same to be recorded.

The conditions and contingencies which must be satisfied prior to execution of a Certificate of Cancellation by the Chair of the Board of Supervisors are as follows:

1. Upon the effective date of the ordinance rezoning the subject property into Timberland Production.

If the landowner has been unable to satisfy the above conditions and contingencies, they shall so notify the Board of Supervisors of the particular conditions or contingencies which they are

unable to satisfy. Within thirty (30) days after receipt of such notice, and upon a determination that the landowner is in fact unable to satisfy such conditions and contingencies, the Board of Supervisors, by its Chair, shall execute a Certificate of Withdrawal of this Certificate of Tentative Cancellation and cause such certificate to be recorded.

I certify the foregoing approval and the issuance of this Certificate of Tentative Cancellation were authorized by action duly taken by the Humboldt County Board of Supervisors in regular session held on January 23, 2018.

By Order of the Humboldt County Board of Supervisors

Kathy Hayes
Clerk of the Board
Board of Supervisors

By:


Deputy Clerk

Ryan Sharp

EXHIBIT A

That real property situate in the County of Humboldt, State of California, described as follows:

In Township 4 South, Range 4 East, Humboldt Meridian:

Section 11: The East Half of the Southeast Quarter.

Section 12: The West Half of the Southwest Quarter.

Section 13: The North Half of the Northwest Quarter.

Section 14: The East Half of the Northeast Quarter.

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 January 31, 2018, before me, S Hernandez, Notary, Personally appeared, Ryan Sharp, Deputy Clerk, 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 she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon 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 paragraph is true and correct.

WITNESS my hand and official seal.



Signature S. Hernandez
S. Hernandez, Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: All-Purpose Acknowledgement Document Date: January 31, 2018,
Number of Pages: 1 Signer Other Than Named Above: _____

Capacity Claimed by Signer

Signer Name: Ryan Sharp

Signer's Name: _____

Corporate Officer — Title(s): _____

Corporate Officer — Title(s): _____

Partner — ☐ Limited ☐ General

Partner — ☐ Limited ☐ General

Individual ☐ Attorney in Fact

Individual ☐ Attorney in Fact

Trustee ☐ Guardian or Conservator

Trustee ☐ Guardian or Conservator

☐ Other: Revenue Recovery Officer II Other: _____

☐ _____

☐ _____

☐ _____

☐ Signer Is representing: Revenue Recovery

☐ _____

☐ _____

☐ _____

ATTACHMENT 5

**Planning Commission staff report and
Resolution of October 5, 2017**



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 5, 2017

To: Humboldt County Planning Commission

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

Subject: **Johannesen** Zone Reclassification, Agricultural Preserve partial
dis-establishment and partial cancellation, and Lot Line Adjustment
Application Number 12319
Case Numbers ZR-16-005, AGPN 17-001, LLA-16-034
Assessor Parcel Numbers 216-133-001, 216-141-006, 216-144-003, 223-013-003,
223-013-004
Garberville area

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Please contact Cliff Johnson, Senior Planner, at 268-3721 or via email at cjohnson@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 5, 2017	Zone Reclassification, Agricultural Preserve partial cancellation and dis-establishment, and Lot Line Adjustment	Cliff Johnson

Project: An application to rezone approximately 230 acres of Agriculture Exclusive with a Building Site combining zone specifying a minimum parcel size of 160 acres (AE-B-5(160)) to Timberland Production Zone (TPZ). The application includes the dis-establishment and immediate cancellation of an approximately 320 acre portion of an existing Class B agricultural preserve (Tooby Ranch). A lot line adjustment is also proposed between 2 parcels, resulting in two parcels of 160 acres in size.

Project Location: The project is located in Humboldt County, in the Garberville area, on both sides of Pratt Mountain Road, approximately 1.82 miles north from the intersection of Alderpoint Road and Pratt Mountain Road, on the property known as 1500 Pratt Mountain Road and the property known to be in the southeast quarter of Section 11, the southwest quarter of Section 12, the northwest quarter of Section 13 and the northeast quarter of Section 14 of Township 04 South, Range 04 East.

Present Plan Designations: Agriculture/Grazing (AG), Framework Plan (FRWK), Density: 160 acres to 20 acres per dwelling unit. Slope Stability: moderate instability (2).

Present Zoning: Timberland production zone (TPZ); Agriculture Exclusive with a minimum building site area of 160 acres (AE-B-5(160)).

Application Number: 12319

Case Numbers: ZR-16-005, AGPN-17-001, LLA-16-034

Assessor Parcel Numbers: 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004

Applicant

Seth and Norman Johannesen
PO Box 24
Whitethorn, CA 95589

Owner

Norman and Deborah Johannesen
PO Box 24
Whitethorn, CA 95589

Agent

LACO Associates
Attn: Deidre Clem
21 W 4th Street
Eureka, CA 95501

Environmental Review: Rezone into TPZ, and Williamson Act cancellation is exempt per Section 15264 of CEQA and Section 51119 of the California Government Code. Lot line adjustment is exempt per Section 15061(b)(3) of the CEQA Guidelines.

Major Issues: None.

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

**JOHANNESSEN ZONE RECLASSIFICATION, AGRICULTURAL PRESERVE PARTIAL DIS-ESTABLISHMENT
AND CANCELLATION, AND LOT LINE ADJUSTMENT**

Case Numbers ZR-16-005, AGPN-17-001, LLA-16-034

Recommended Commission Action:

1. Describe the application as a Public Hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Make all of the required findings, based on evidence in the staff report and public testimony, and recommend adoption of the Zone Reclassification, Agricultural Preserve partial dis-establishment and cancellation, and approval of the Lot Line Adjustment to the Board of Supervisors for the Johannesen project, subject to the recommended conditions.

Executive Summary: The matter before the Commission is the approval of a rezone of approximately 230 acres of Agriculture Exclusive with a Building Site combining zone specifying a minimum parcel size of 160 acres (AE-B5(160)) to Timberland Production Zone (TPZ). The rezone facilitates the immediate cancellation of a portion of an existing agricultural preserve for lands currently and proposed to be zoned TPZ. A lot line adjustment is proposed between two parcels, resulting in parcels of 160 acres each.

The site is located in the Garberville area, approximately 1.82 miles north from the intersection of Alderpoint Road and Pratt Mountain Road. Historically, the property has been utilized for both cattle grazing and timber production, and recently has mostly been utilized for timber production.

The lands are planned Agricultural Grazing (AG) by the Framework Plan. The property is zoned a combination of TPZ and AE-B-5(160). Per the Zoning Consistency Matrix of the Framework Plan, the proposed rezoning into TPZ is consistent with the AG land use designation.

Zone Reclassification: The rezone proposes to reclassify approximately 230 acres of property zoned AE-B-5(160) into TPZ. Based on review of aerial photography and review of literature and timber assessments prepared for the property, planning staff concludes that the lands proposed for rezoning meet the inclusion requirements into TPZ per Government Code Section 51113.5. The timber type is similar to adjacent lands and will meet the minimum conifer stocking levels and site class designation for inclusion.

The rezone is in the public interest and is consistent with General Plan policies and the existing general plan designation. The rezone facilitates the addition of timberlands to adjoining timberlands currently zoned TPZ and increases the amount of timberlands in resource production. The rezone is consistent with the required findings for the zone reclassification, as well as the findings required under Section 312-50.8, *Supplemental Timberland Production Zoning Procedures*, and is consistent with the Forest Taxation Reform Act of 1976. The Forestry Review Committee reviewed and recommended approval of the proposed rezone at their meeting on March 9, 2017.

Williamson Act Cancellation: The rezone is proposed within the 10,500 acre Tooby Ranch Class B Agricultural Preserve No. 77-30. The properties are subject to the Land Conservation Contract recorded February 25, 1977 and non-renewed on June 2, 2016. The lands remain subject to the Land Conservation Contract until the termination date of February 1, 2026. The portion of land under this contract that is the subject of this application is 320 acres. The lands proposed for

rezoning and Williamson Act cancellation do not comply with the annual production standards of the guidelines as most of the preserve is being managed as timberland rather than for livestock grazing. The reclassification to TPZ will allow for the concurrent cancellation of the Williamson Act Contract per Section 51282.5 of the California Government Code in lieu of the 9 year non-renewal of the Land Conservation Contract for the 320 acre Johannesen portion of the preserve.

Lot Line Adjustment: The LLA is proposed between two parcels of 160 acres each and the total acreage of each resultant parcel will not change. The lot line adjustment will move the property boundary from an east to west boundary to a north-south boundary line. These parcels are referred to on the applicant's lot line adjustment map as parcels A and B.

Pursuant to Section 325.5-6 of the Humboldt County Code, a lot line adjustment shall be approved or conditionally approved when the following findings can be met:

- a) The application is found to be complete.
- b) Either the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations or a Conditional Certificate of Subdivision Compliance has been issued for recordation prior to or concurrent with the lot line adjustment.
- c) The proposal neither causes non-conformance nor increases the severity of pre-existing nonconformities with zoning and building ordinances.
- d) Additionally, pursuant to SB 497 (Sher) the lot line adjustment is in conformance with the adopted General Plan.

The application for the lot line adjustment was complete as of January 21, 2017. A review of the parcel history concluded that these two parcels are individual patent parcels that have not been altered and are therefore in compliance with the Subdivision Map Act and local subdivision regulations. The proposal will not cause or increase any non-conformity and the adjustment is in conformance with the adopted general plan (Framework Plan).

Staff Recommendation: All referral agencies have recommended approval or conditional approval. The Planning Division believes that the project, as designed and conditioned, has no potential for causing a significant adverse effect on the environment. The rezone into TPZ is exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code. The lot line adjustment is exempt per Section 15061(b)(3) of the CEQA Guidelines.

Based upon 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 17-**

**Case Numbers ZR-16-005, LLA-16-034, AGPN-17-001
Assessor Parcel Numbers 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Johannesen Zone Reclassification, Dis-establishment of a portion of the Tooby Ranch Agricultural Preserve, and Lot Line Adjustment.

WHEREAS, LACO Associates, on behalf of Norman and Deborah Johannesen, submitted an application and evidence in support of approving: (1) the zone Reclassification (ZR) to reclassify an approximate 230 acres from AE-B-5(160) into Timberland Production Zone (TPZ); (2) dis-establishment of a portion of an existing Class B agricultural preserve and immediate cancelation of the land conservation contract pursuant to Section 51282.5 of the California Government Code; and 3) a Lot Line Adjustment (LLA) between two parcels to result in two parcels of 160 acres each; and

WHEREAS, the proposed ZR 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 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 project is exempt from environmental review per Sections 15061(b)(3), 15317 and 15264 of CEQA and Section 51119 of the California Government Code; and

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the project (Case Numbers ZR-16-005, LLA-16-034, AGPN-17-001); 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 Sections 15061(b)(3) and 15264 of CEQA and Section 51119 of the California Government Code, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The ZR is in the public interest; and

3. The ZR is consistent with the General Plan; and
4. The ZR 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 Section 51113.5 of the California Government Code; the land is timberland as defined by Section 51104(f) of the Government Code; and the land is in compliance with the land use standards of the Timberland Production Zone; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Division Staff Report for Case Numbers ZR-16-005, 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; and
2. Adopt the necessary findings prepared by Planning staff; and
3. Approve the Zone Reclassification; and adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying an approximate 230 acres in the Garberville area currently zoned AE-B-5(160) into TPZ; and
4. Approve the dis-establishment of the proposed portion of the existing Class B agricultural preserve and immediately cancel the land conservation contract pursuant to Section 51282.5 of the Government Code as to the lands zoned TPZ; and adopt Resolution No. ____ Disestablishing the portion of the Tooby Ranch Agricultural Preserve; and
5. Conditionally approve the Lot Line Adjustment; and
6. Direct the Clerk of the Board to record a Certification of Rezoning (Notice of Timberland Production Zone Status) 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; and
7. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
9. Direct the Clerk of the Board to give notice of the decision to the applicant, the owners, the Assessor's Office, the Department of Conservation and any other interested party.

This motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

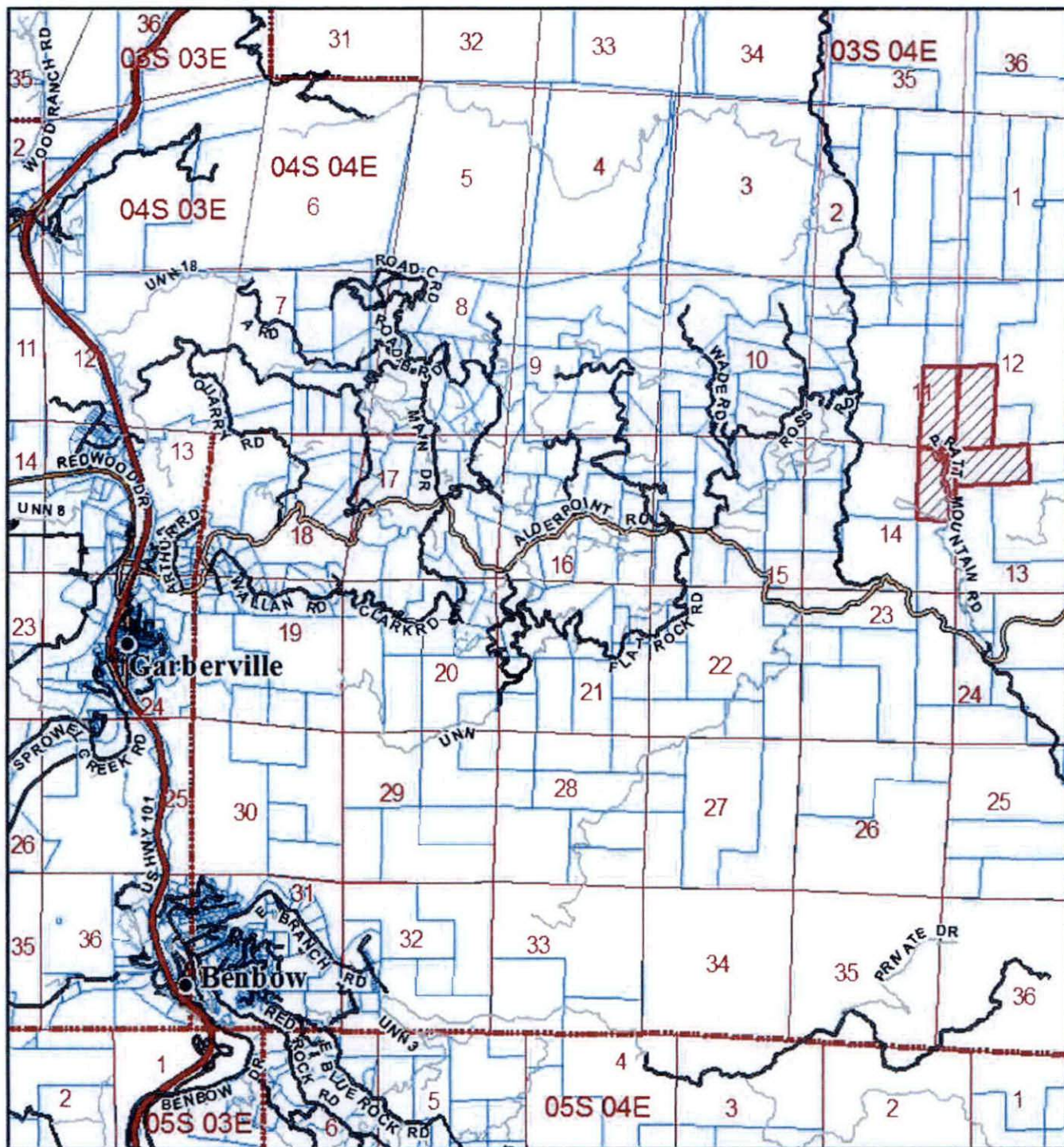
ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford
Director, Planning and Building Department



LOCATION MAP

PROPOSED JOHANNESSEN
ZONE RECLASSIFICATION &
LOT LINE ADJUSTMENT
GARBERVILLE AREA
ZR-16-005/LLA-16-034
APN: 216-133-001 et seq
T04S R04E S11-14 HB&M
(Fort Seward, Harris)

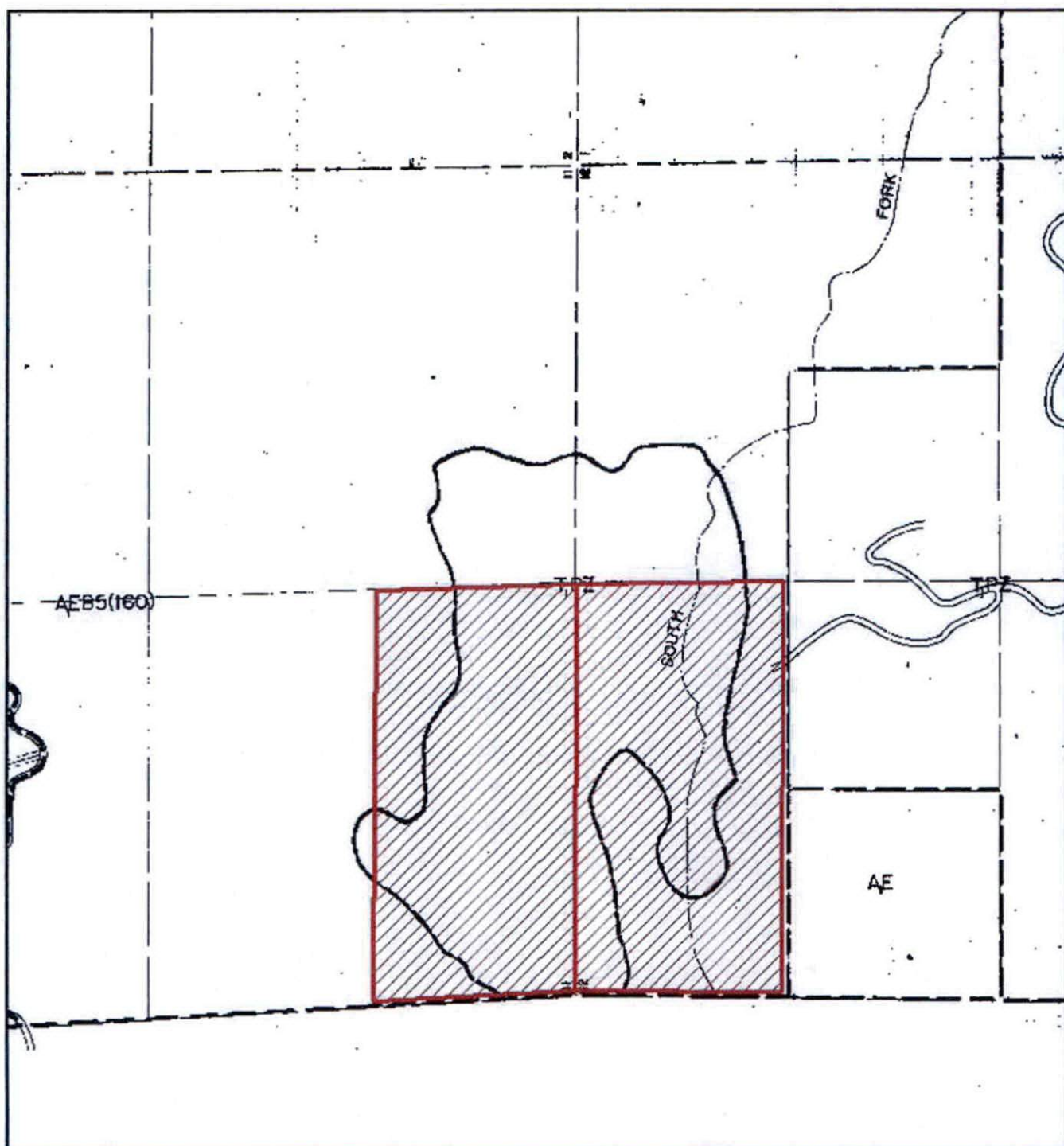
Project Area =



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 0.5 1
Miles



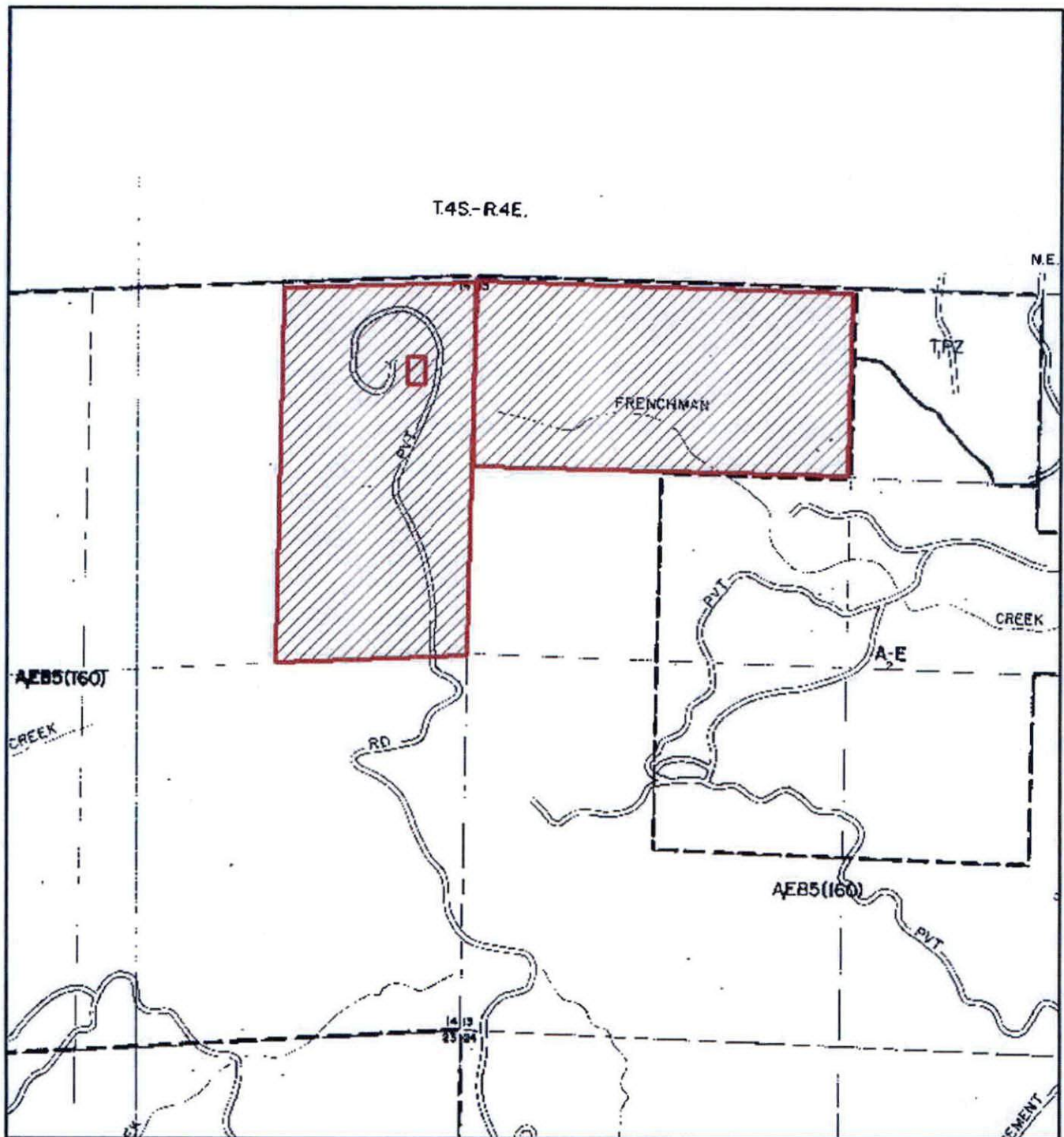
Project Area = 

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.

ZONING MAP (t-46)
PROPOSED JOHANNESSEN
ZONE RECLASSIFICATION &
LOT LINE ADJUSTMENT
GARBERVILLE AREA
ZR-16-005/LLA-16-034
APN: 216-133-001 et seq
T04S R04E S11-14 HB&M
(Fort Seward, Harris)



MAP NOT TO SCALE



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.

ZONING MAP (t-47)
PROPOSED JOHANNSEN
ZONE RECLASSIFICATION &
LOT LINE ADJUSTMENT
GARBERVILLE AREA
ZR-16-005/LLA-16-034
APN: 216-133-001 et seq
T04S R04E S11-14 HB&M
(Fort Seward, Harris)



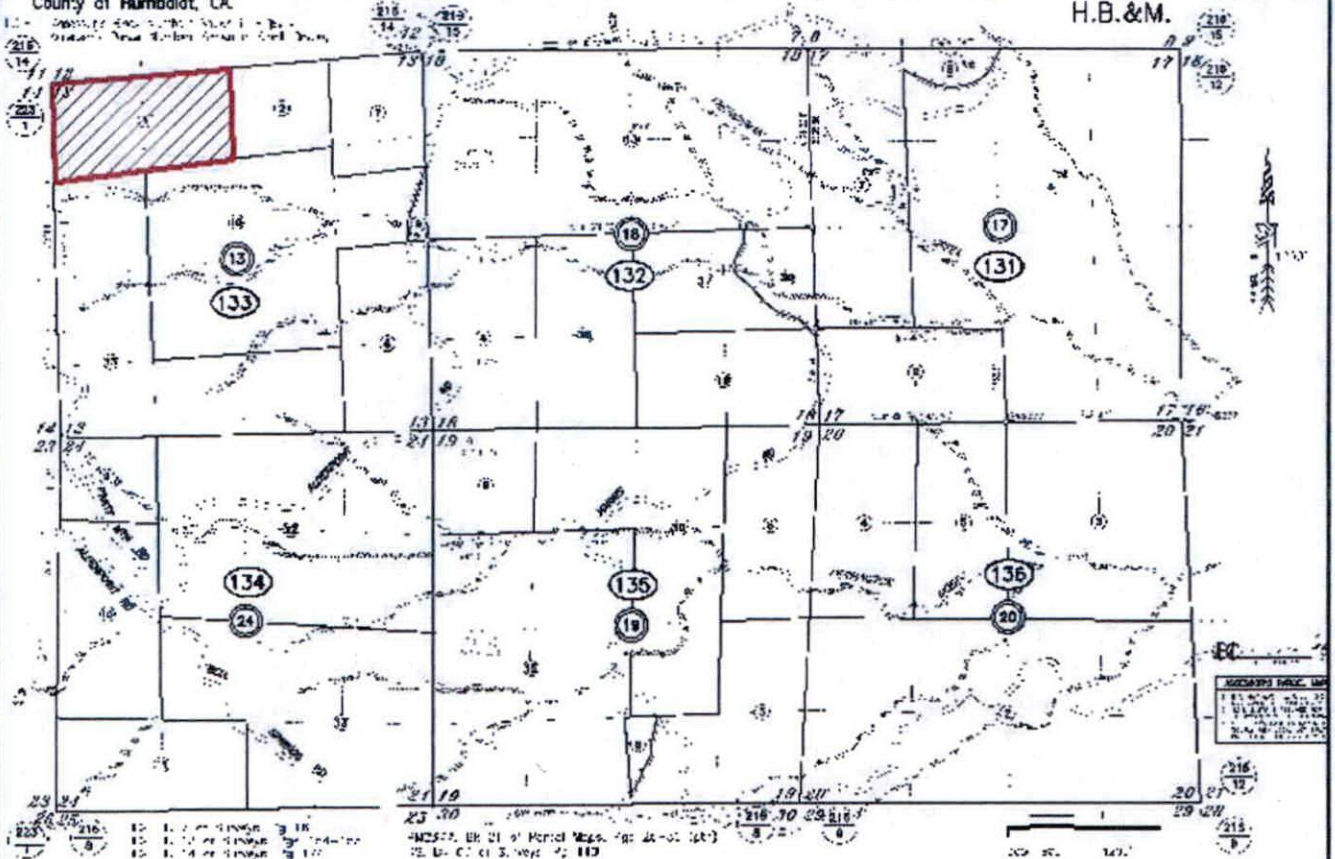
MAP NOT TO SCALE

Assessor's Map Bk. 216, Pg. 13
County of Humboldt, CA

SECS 13 & 24, T4S R4E & SECS 17,18,19 & 20, T4S R5E,

216-13

H.B.&M.



**ASSESSOR PARCEL MAP
PROPOSED JOHANNESEN
ZONE RECLASSIFICATION &
LOT LINE ADJUSTMENT
GARBERVILLE AREA
ZR-16-005/LLA-16-034
APN: 216-133-001 et seq
T04S R04E S11-14 HB&M
(Fort Seward, Harris)**

Project Area =



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

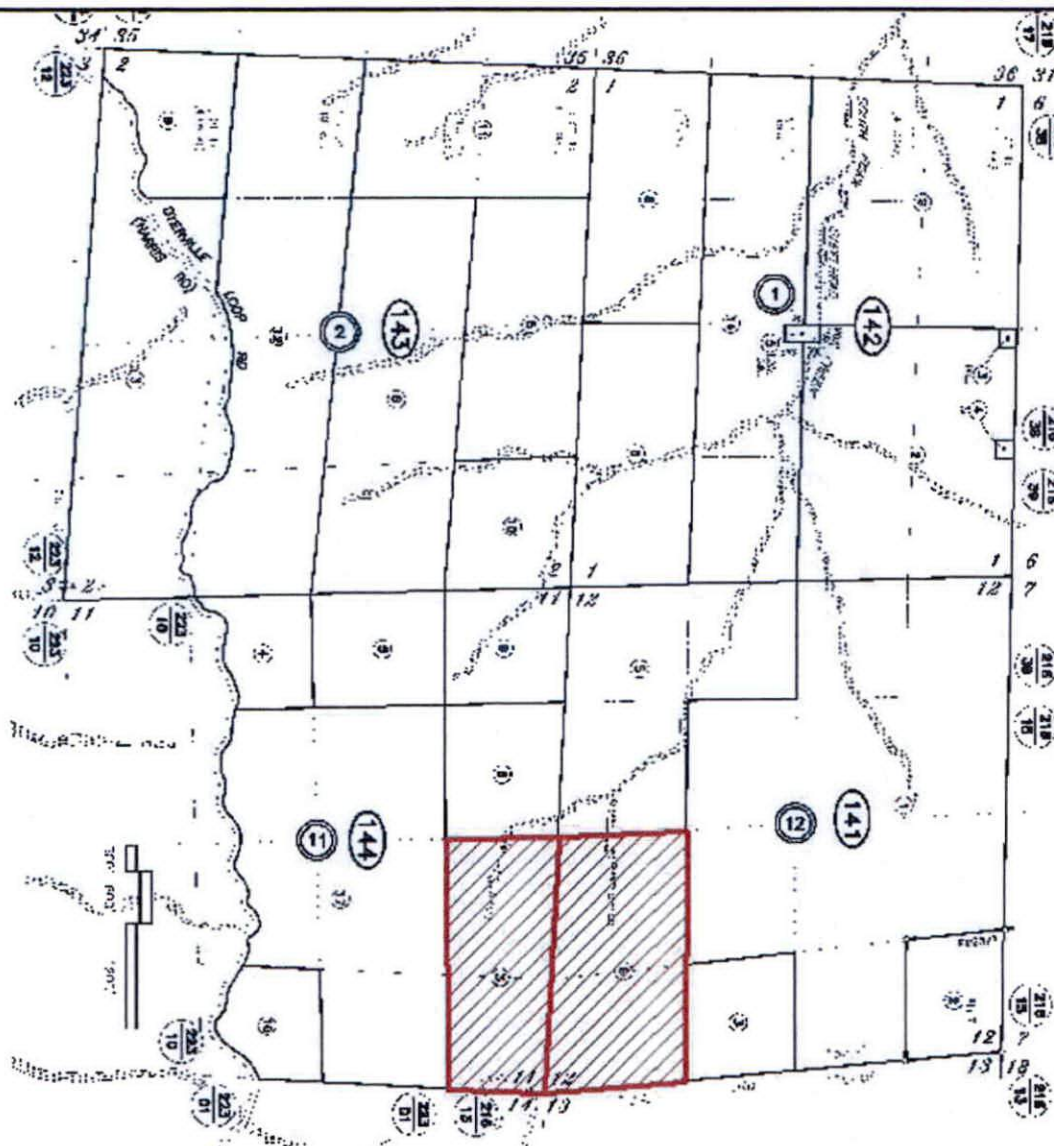


MAP NOT TO SCALE

pp Bk 216, Pg. 14
of Humboldt, CA

SECS 1,2,12 & PTN 11, T4S R4E, H.B.&M.

216-14



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.

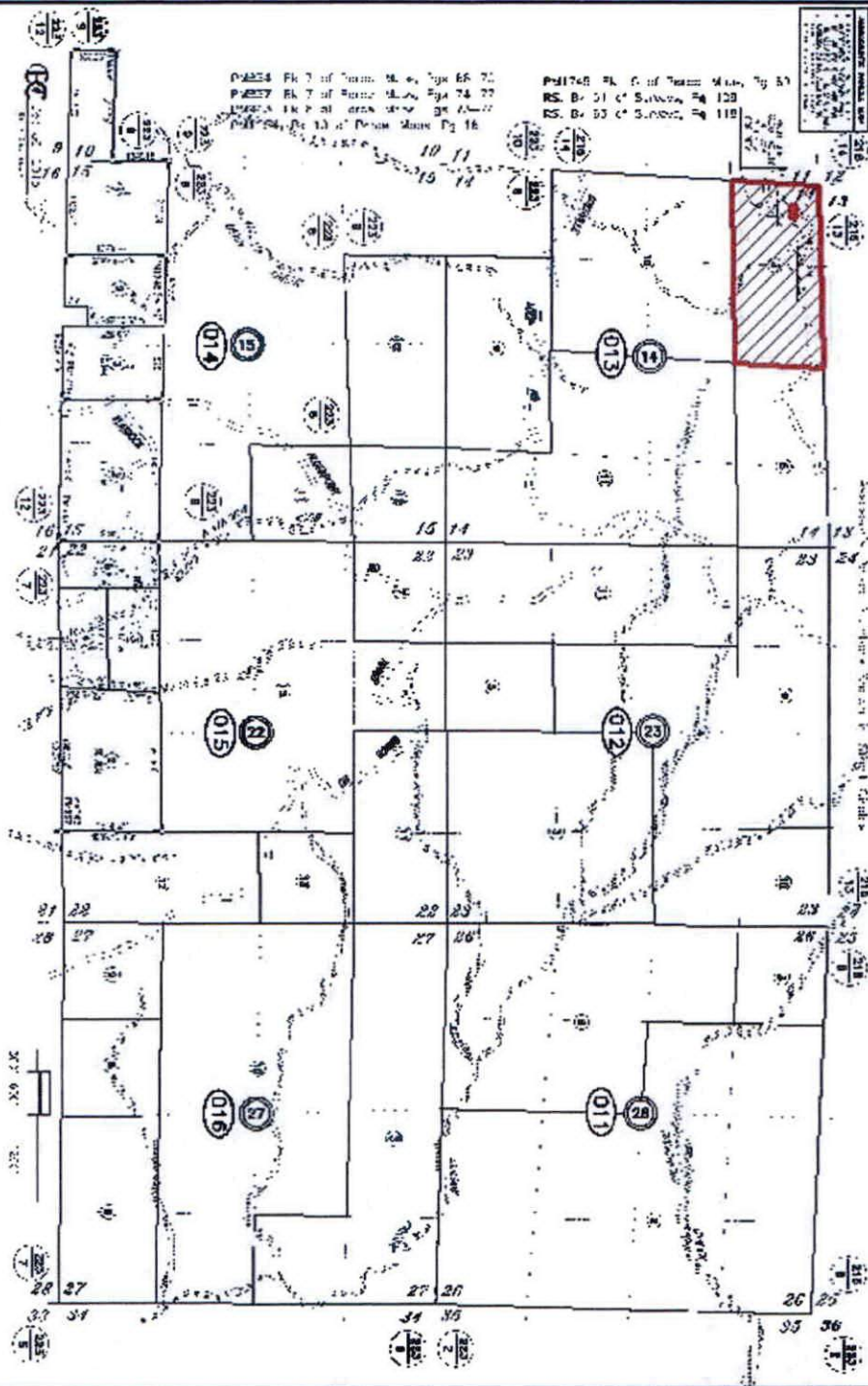
**ASSESSOR PARCEL MAP
PROPOSED JOHANNESSEN
ZONE RECLASSIFICATION &
LOT LINE ADJUSTMENT
GARBERVILLE AREA
ZR-16-005/LLA-16-034
APN: 216-133-001 et seq
T04S R04E S11-14 HB&M
(Fort Seward, Harris)**



MAP NOT TO SCALE

Assessor's Map Bk. 223, Pg. 1
County of Humboldt, CA.

SEC 22, 23, 26, 27 & PTN 14 & 15, T4S R4E, H.B. & M. 223-01



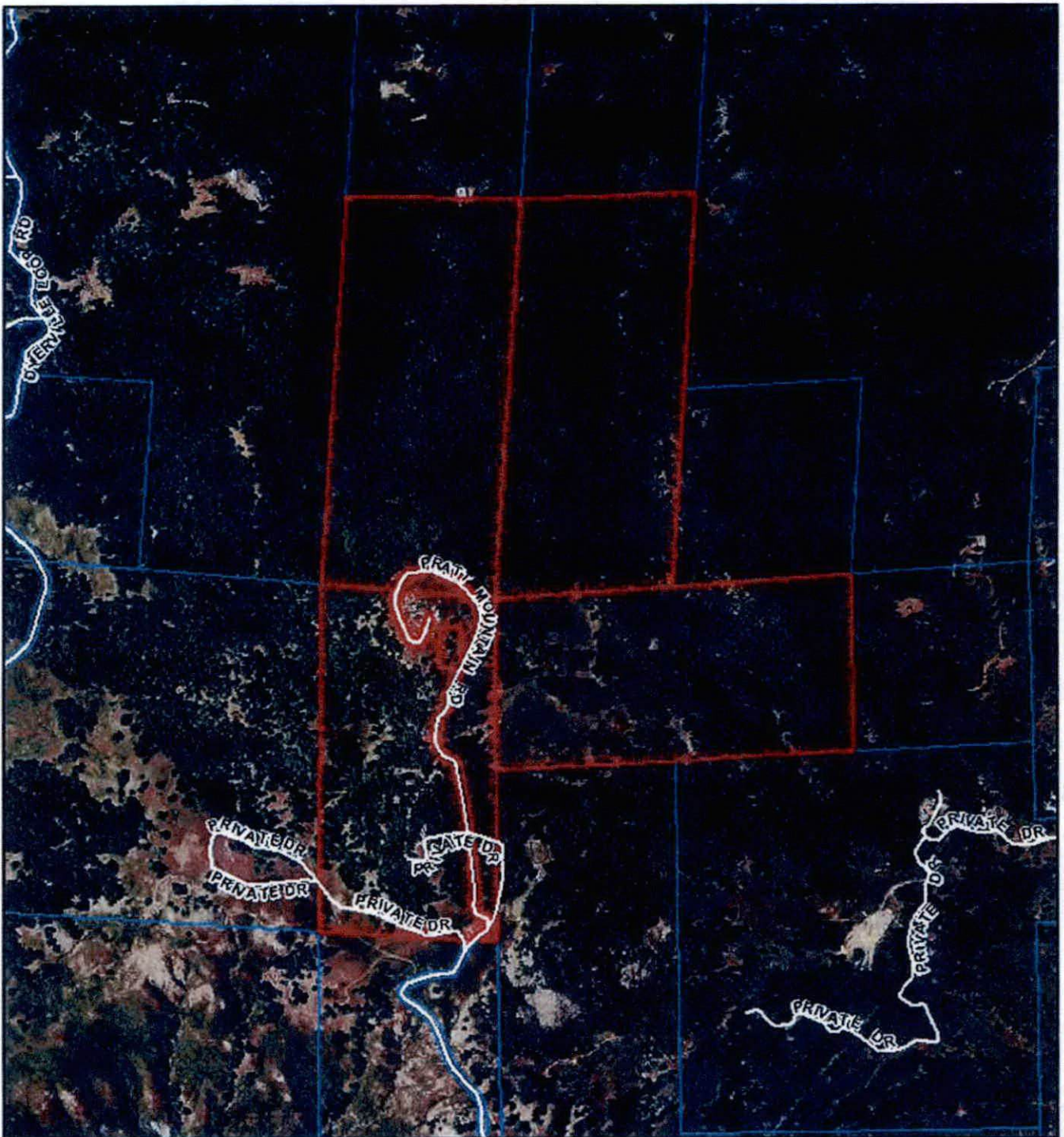
**ASSESSOR PARCEL MAP
PROPOSED JOHANNESSEN
ZONE RECLASSIFICATION &
LOT LINE ADJUSTMENT
GARBERVILLE AREA
ZR-16-005/LLA-16-034
APN: 216-133-001 et seq
T04S R04E S11-14 HB&M
(Fort Seward, Harris)**

Project Area = 

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



MAP NOT TO SCALE



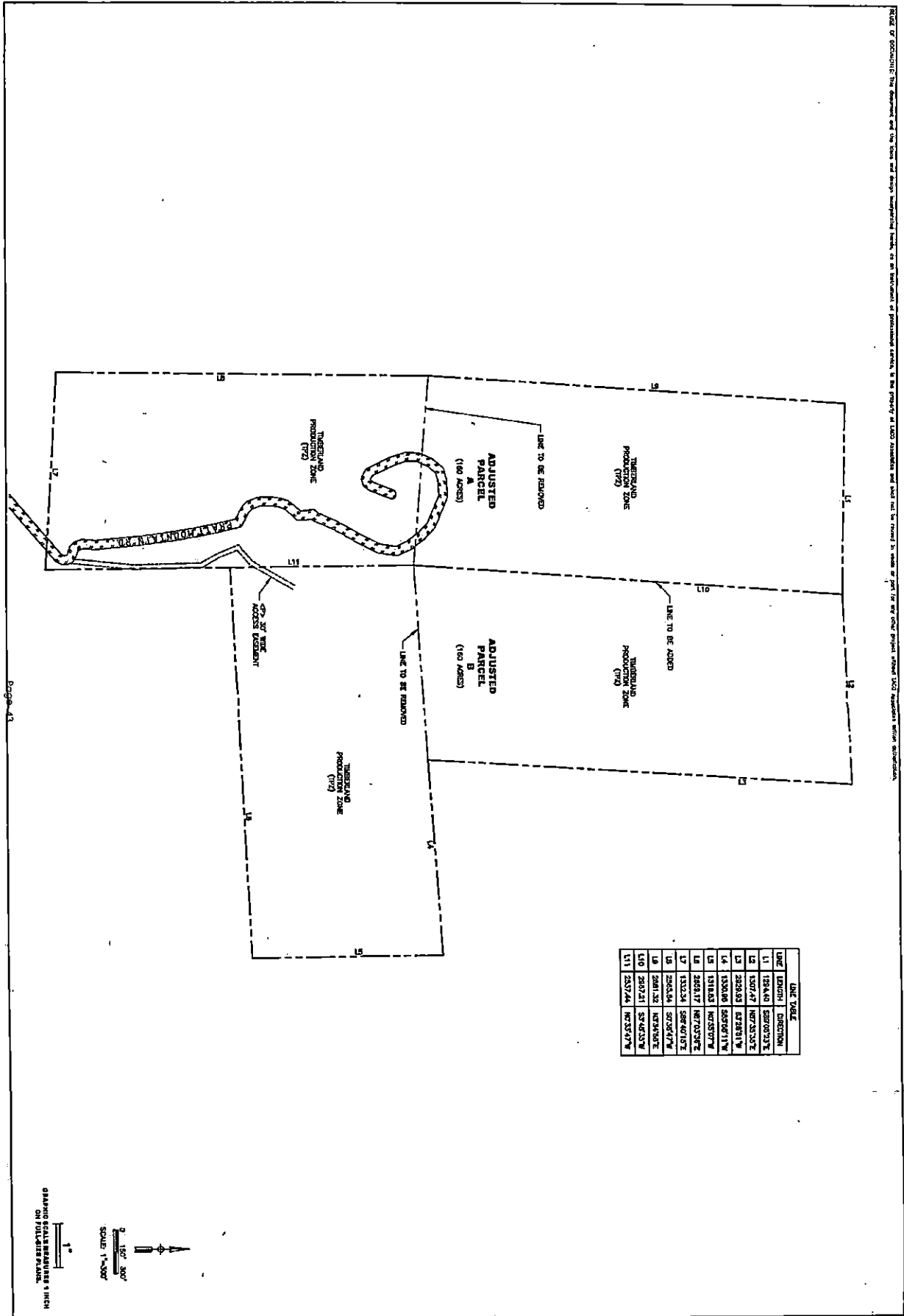
AERIAL MAP

**PROPOSED JOHANNESSEN
ZONE RECLASSIFICATION &
LOT LINE ADJUSTMENT
GARBERVILLE AREA
ZR-16-005/LLA-16-034
APN: 216-133-001 et seq
T04S R04E S11-14 HB&M
(Fort Seward, Harris)**

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.





LINE	LENGTH	DIRECTION
L1	128.46	S89°05'27"E
L2	1507.47	S67°35'25"E
L3	2320.93	S72°31'19"
L4	1350.06	S69°06'11"W
L5	1518.83	S62°57'07"W
L6	2628.17	S67°03'07"E
L7	1332.54	S68°40'10"E
L8	2505.54	S70°54'07"W
L9	2081.32	N34°34'07"E
L10	2067.21	S74°43'07"W
L11	2537.44	N25°57'19"

GRAPHIC SCALE BAR: 1" = 100' 300'
 SCALE: 1" = 300'

3

ZONE RECLASSIFICATION AND LOT LINE ADJUSTMENT
 APN'S: 216-133-001, 216-141-004, 216-144-003, 223-013-004, AND 223-013-004
PROPOSED ZONING DESIGNATIONS AND ADJUSTED PARCEL BOUNDARIES
 SEITH AND NORMAN JOHANNESSEN
 P.O. BOX 101, WHITEHORN, CA 95589

NO.	REVISION / REVISION	BY	CHK	DATE

LACO
 EUREKA • UKIAH • SANTA ROSA
 1-800-515-1054 www.lacosociety.com

ATTACHMENT 1

CONDITIONS OF APPROVAL - LOT LINE ADJUSTMENT

Approval of the lot line adjustment is conditioned on the following terms and requirements which must be satisfied before completion of the Lot Line Adjustment.

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel (enclosed in the final approval packet).
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$100 per notice, \$211 per legal description plus applicable recordation and notary fees).
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by Planning Division and the Public Works Department.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$74.00 per parcel) as required by the County Assessor shall be paid to Planning Division, 3015 H Street, Eureka. The check shall be made payable to the County of Humboldt. The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. Final approval and adoption of the rezone to TPZ (ZR-16-005) and disestablishment of the portion of the Class B agricultural preserve by the Board of Supervisors for Case Nos. ZR-16-005, AGPN-17-001.
6. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notices to satisfy this condition.** Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate

demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

7. This 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 project shall be paid to the Humboldt County Planning Department, 3015 H Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

Informational Notes

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by Planning Division for review as a package at least one week before the desired date for recordation. Post application assistance by the Planner on Duty or by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is no charge for the first post project approval meeting. Please contact Planning Division at (707) 445-7541 for copies of all required forms and written instructions.
4. The January 1, 2004 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts that describe that document are available from Planning Division.
5. Compliance with the Fire Safe regulations (Humboldt County Ordinance No.1952), development standards and parking requirements specified in Humboldt County Code must be demonstrated at the time of application for the Building Permit. Conformance with these standards has not been reviewed as part of this Lot Line Adjustment.
6. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) is to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human

remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

7. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, as applicable.
8. Lands classified as Timberland Production Zone (TPZ) are enforceably restricted under the California State Constitution and are subject to applicable provisions of the California Government Code and California Revenue and Taxation Codes. These provisions of law affect the manner in which the subject real property may be used and conveyed. A Joint Timber Management Plan (JTMP) will be required in certain situations. Please contact the Humboldt County Assessor (445-7276) or Planning Division (445-7541) for further information.
9. Development must be consistent with the Streamside Management Area Ordinance and Section 3420 of the Framework Plan, *Sensitive and Critical Habitats*.
10. Agricultural and timber lands are identified in the Government Code as a class of open-space land [Section 65560(b)(2)]. Government Code Section 65567 prohibits the issuance of a building permit if the proposed construction is inconsistent with the local open-space plan.
11. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
12. The County's Building Division has indicated that there are multiple greenhouse structures with associated grading on parcels involved in the lot line adjustment that did not receive the required permits. Under State law, buildings constructed or converted without having secured the necessary permits and final inspections or certificates of occupancy must be disclosed at the time of sale or transfer of the property. The Department recommends that the property owners remedy this condition by obtaining the required permits and inspections at the earliest opportunity.
13. 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. The Department will provide a bill to the applicant after the decision. 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.

CONDITIONS OF APPROVAL - ZONE RECLASSIFICATION

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

1. **Prior to hearing**, the applicant shall submit a check to the Planning Division, payable to Humboldt County in the amount of \$50. This check is to cover the County Clerk's costs for filing the Notice of Exemption pursuant to Section 15067 of the CEQA Guidelines.
3. The property owner(s) shall execute and file with the Planning 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. Notices of Lot Line Adjustment shall be executed and submitted to the Planning Department. The notices must be approved by the County Land Surveyor prior to the Zone Reclassification being scheduled for a decision by the Board of Supervisors.
5. The Assessor's office requires that any grazing acres to be reclassified as TPZ acres are to be shown by site class, with a map showing the site designation of all quality classes within the entire project. This documentation shall be prepared under the direction of a Registered Professional Forester and submitted to the Assessor's office for their acceptance.

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. Zone Reclassification: Section 312-50.7.2 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to grant approval of a Zone Reclassification. The required findings needed to approve the requested Zone Reclassification are as follows:

1. The proposed change is in the public interest; and
2. The proposed change is consistent with the General Plan; and
3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
4. That, for zoning into TPZ,
 - a. The proposed change is consistent with Section 51113.5 of the Government Code; and
 - b. The land shall be timberland as defined by Section 51104(f) of the Government Code; and
 - c. The land shall be in compliance with the land use standards of the TPZ zone.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

5.
 - a. The project either is categorically or statutorily exempt; or
 - b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
 - c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

Staff Analysis

A.1. Public Interest. The rezone proposes to reclassify approximately 230 acres from AE-B-5(160) into TPZ. The rezone facilitates an immediate cancellation of a land conservation contract, and allows for the property to be classified more consistently with the actual use and conditions of the land. The evidence submitted - including timberland analyses submitted by Blair Forestry Consulting - demonstrates that the findings for inclusion into TPZ can be made, and that the parcels can be managed for timber production. The FRC recommends project approval.

In 1985, the County completed its General Plan (Vol. 1, Framework) that established policies and standards for resource production land uses. TPZ "is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber." These lands are currently being utilized for the growing and harvesting of timber.

TPZ provides relative assurances that uses allowed within the affected timberlands will be consistent with local needs in resource economics, open space and compatibility of uses. TPZ also provides a static productive land base from which accurate timber supply projections could be made.

In addition, Federal, State and County governments have numerous policies and programs that encourage timber production. As stated in Section 51101 of the California Government Code (C.G.C.) the State has found and declared the following:

1. The forest resource and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state's economy and environment by providing high quality timber, employment opportunities, resource protection, and aesthetic enjoyment.
2. The state's increasing population threatens to erode the timberland base and diminish forest resource productivity through pressure to divert timberland to urban and other uses and through pressure to restrict or prohibit timber operations when viewed as being in conflict with non-timberland uses.
3. A continued and predictable commitment of timberland, along with investment of capital, for the growing and harvesting of timber are necessary to ensure the long term productivity of the forest resource and the long term economic viability of the forest products industry.

Based on the above findings, the state has declared that "...in order to fully realize the productive potential of the forest resources and timberlands of the state, and to provide for a favorable climate for long term investment in forest resources, it is the policy of the state to do all the following:

- a. Maintain the optimum amount of limited supply of timberland as to ensure its current and continued availability for the growing and harvesting of timber and compatible uses;
- b. Discourage the premature or unnecessary conversion of timberland to urban or other uses;
- c. Discourage the expansion of urban services into timberland; and
- d. Encourage investment in timberlands based on a reasonable expectation of harvest."

The application of zoning that ensures compatible land uses furthers the public interest by protecting lands for continued resource production. Planning staff believes that the addition by rezoning into TPZ of qualifying timberlands enforceably restricted under the state constitution protects the timber base for future generations and is in the public interest.

A.2. General Plan Consistency. The property is currently planned Agriculture Grazing (AG) by the Framework Plan. Per the Zoning Consistency Matrix, Figure 2-10 Volume 1 of the Framework Plan, the rezone into TPZ is consistent with the AG designation. The Framework Plan, Section 2514, contains numerous policies that encourage timber production and long-term management of timberlands. The goal of the policies is to actively protect and conserve timberlands for long-term economic utilization and to actively enhance county timber production capabilities.

Zoning lands into TPZ is consistent with the goals and policies of the General Plan which protects timberlands for the growing and harvesting of timber.

Additionally, the table in B.4 (below in this staff report) identifies the evidence which supports finding that the proposed project is in conformance with other applicable policies and standards of the Framework Plan (FRWK).

A.3. Housing Element Law. The lands are currently planned and zoned for agricultural use and timber production and, as such, were not included in the housing assessment. The parcels will continue to be resource lands, planned and zoned for agricultural use and timber production. The project does not reduce the residential density utilized by the Department of Housing and Community Development.

A.4. Consistency with California Government Code Sections 51113.5 and 51104. Per information and timber reports submitted by Blair Forestry Consulting, the project is consistent with the requirements for inclusion into TPZ. The areas to be rezoned into TPZ can meet the minimum conifer stocking levels and site class designation to be included in TPZ. The soils series is Hugo (812) which is identified as having moderate to very high suitability for timber production. The existing land use is in compliance with the land use standards of the TPZ.

The FRC reviewed and recommended project approval at their March 9, 2017 meeting.

B. Lot Line Adjustment

B.1. The Application is Complete. The following table identifies the evidence which supports the finding that the applicant has submitted the information which is required by Section 325.5-6(a) of the Humboldt County Code.

Application Requirements	Submitted
Completed and signed application form	✓
Copies of present owners' deeds	✓
Preliminary title report	✓
Copy of the Creation Documents for the parcels	✓
6 copies of a Lot Line Adjustment Plot Plan	✓
Required County fees	✓
A written statement explaining the reasons for the adjustment	✓

B.2. Consistency with the Subdivision Map Act. The following table identifies the evidence which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code.

Parcel	Creation Document/Legal Status
APN 216-144-013, 216-141-008	The 160 acre parcel was created by a government patent issued to Edwin Jenks (Certificate No. 10521) and has not been altered from this configuration. The parcel is a legal parcel.
APN 223-013-003, 223-013-004	The 160 acre parcel was created by a government patent issued to Lorena Jenks (Homestead Certificate No. 1881) and has not been altered from this configuration. The parcel is a legal parcel.

Based upon requirements of the County Lot Line Adjustment Ordinance, and due to requirements in the Subdivision Map Act, a Notice of Lot Line Adjustment must be recorded for each resultant parcel.

B.3./C.2/C.3 Conformance with Zoning and Building Ordinances. The following tables identify the evidence which supports the finding that the lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances. **Note:** These tables are based off of the proposed zoning. A recommended condition of approval to the proposed lot line adjustment is that the rezone to TPZ must be approved and adopted prior to completion of the lot line adjustment.

§313-7.1 AE §314-7.4 TPZ	Summary of Applicable Requirement	Evidence for Resultant Parcels
Permitted Use	TPZ: Growing and harvesting of timber and accessory uses compatible thereto.	All of the proposed parcels are currently utilized for timber production and the applicant has submitted timber harvest information demonstrating that the proposed parcel configurations will continue to be suitable for timber production and harvesting. Accessory uses, including single-family residential uses, may be allowed provided they do not significantly detract from the use of the property for, or inhibit, growing or harvesting of timber. Given that no residential development is proposed and the primary use of the parcels is for timber production, no site development information has been submitted.
Min. Parcel Size	TPZ: 160 acres or 40 acres if C.G.C. §51119.5 are met; or, smaller parcels allowed to be created pursuant to Section 314-7.4.1.4 where the original parcel is a mixed zone parcel	The resultant parcels will both be 160 acres in size.
Min lot width and lot coverage	None	n/a
Yard Setbacks	Thirty (30) feet* (Front, Side, Rear) *all parcels in SRA	Future permitted development shall comply

B.4./C.1 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 Framework Plan (FRWK).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence which Supports Making the General Plan Conformance Finding
Land Use: Agriculture Grazing (FRWK)	Primary and compatible uses shall be limited to the production of food, fiber, plants, timber, timber agriculturally related uses, and agriculture related recreational uses.	All of the lands proposed for rezone into TPZ are within the AG designation under the Framework Plan (FRWK). These lands are identified as having very high quality soil for timber production, and are currently being utilized for timber production and harvesting. All of the parcels proposed for rezone and lot line adjustment are currently utilized for growing timber and the applicant has presented information demonstrating how the parcels can continue to be utilized for timber production and harvesting.
Hazards: §3100 (FWRK)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	All of the parcels are located within an area of high geologic instability. The parcels are both within a moderate to high fire hazard area and within the state responsibility area for fire protection. No new development is proposed as a result of this lot line adjustment as this adjustment is specifically for resource management purposes. Future development of all parcels will be required to comply with the provisions of this County's Fire Safe Ordinance and demonstrate compliance with all building code requirements.
Archaeological and Paleontological Resources §3500 (FWRK)	New development shall protect cultural, archaeological and paleontological resources.	No new development is proposed. A records search identified the presence of cultural resources on the site, and the applicant submitted a cultural resources study that identified the resources and demonstrated that the lot line adjustment would not impact these resources. The lot line adjustment is specifically for resource management purposes.

Resource Protection §3400 (FRWK)	To protect designated sensitive and critical resource habitats.	The parcels include some streamside management areas. No development is proposed as part of this application. All of the resultant parcels are large enough to avoid these areas during any future development activity.
Visual Resource Protection	New development shall conserve and protect scenic and visual qualities of coastal areas.	The project site is not in a designated scenic area.

C4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Finding	Summary of Applicable Requirement	Evidence
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	<p>The Department finds that the proposed project will not be detrimental to the public health, safety and welfare. All reviewing referral agencies have approved or conditionally approved the reconfiguration of the resource parcels. A records search identified the presence of cultural resources on the site, and the applicant submitted a cultural resources study that identified the resources and demonstrated that the lot line adjustment would not impact these resources. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project will not cause significant environmental damage.</p> <p>Because the project consolidates resource lands into logical management units and no development is proposed, staff supports the finding that the project will not impact the public's health, safety and welfare, nor will it be injurious to properties or improvements in the vicinity.</p>

A.5/B.5 Environmental Impact. Planning staff believes that the project, as designed and conditioned, will not result in a significant adverse effect on the environment and is exempt from environmental review pursuant to the California Environmental Quality Act. The rezone into TPZ is exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code. The LLA does not result in a change in land use or density, and is intended to consolidate resource management units and is therefore exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

D. Agricultural Preserve-Williamson Act Findings

The California Land Conservation Act of 1965, also known as the Williamson Act, provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves and to both execute and cancel land conservation contracts. The Williamson Act further provides findings that must be made if contracted lands are to be involved in a lot line adjustment. The Williamson Act may be found commencing with Section 51200 of the Government Code. The subject lands were established as an approximately 10,500 acre Class B agricultural preserve by Resolution No. 77-30. The Land Conservation Contract was recorded February 25, 1977 and was non-renewed on June 2, 2016. The lands remain subject to the Land Conservation Contract until the termination date of February 1, 2026. The current proposal is for a dis-establishment of a portion of the existing Class B preserve and an immediate cancellation of the portion of the land conservation contract pertaining to the subject properties.

Cancellation of Land Conservation Contracts

Section 51282.5 of the Government Code provides that:

The owner of any land which has been zoned as a timberland production pursuant to Section 51112 or 51113, and that zoning has been recorded as provided in Section 51117, may petition the board or council for cancellation of any contract as to all or part of the land. Upon petition, the board or council shall approve the cancellation of the contract.

The owners of these lands proposed for rezoning into TPZ have requested immediate cancellation of the land conservation contract for all of the lands that currently zoned TPZ and all of the lands proposed to be reclassified as TPZ. As provided in Section 51282.5 of the Government Code, the lands may be approved for immediate cancellation upon reclassification into TPZ.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

This attachment 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 unless otherwise noted.

- Application form
- Purpose statement
- Project Proposal Map
- Present owners' deeds and creation documents
- Preliminary title reports
- Petition to Rezone the Johannesen property to Timber Production Zone dated December 22, 2016, prepared by Blair Forestry

ATTACHMENT 4

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE GARBERVILLE AREA (ZR-16-005, JOHANNESSEN)

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 230 acres in the Garberville area from Agriculture Exclusive with a Building Site combining zone requiring a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ), as described in the attached Exhibit A.

The area described is also shown on the Humboldt County Zoning Map [T-46, T-47] 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.

Chair, Humboldt County Board of Supervisors

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

(SEAL)

ATTEST:

Kathy Hayes

Clerk of the Board of Supervisors

Of the County of Humboldt, State of California

Kathy Hayes

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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
California Department of Conservation			
County Assessor's office	✓	Approval	On file
County Building Division	✓	Approval	On file
Forestry Review Committee	✓	Approval per November March 9, 2017 meeting	On file
Bear River Band	✓	Approval	On file
Humboldt County Farm Bureau			
Humboldt County Cattlemen's Association			
County Environmental Health	✓	Approval	On file
County Counsel			
County Public Works, Land use Division	✓	Approval	On file
North West Information Center	✓	Recommend cultural resources study	On file
California Fish and Wildlife			

DRAFT Minutes

March 9, 2017 Meeting

I. Attendance

FRC Members Present: Charles Ciancio, Gary Ryneearson, Ben Hawk, Bill Kleiner, Kurt McCray

FRC Members Absent: Jim Able, Yana Valachovic, Mark Andre, Chris Carroll

Staff Present: Trevor Estlow, Planning and Building Department, Cliff Johnson, Planning and Building Department, Michelle Nielsen

The Committee welcomed guests: Alex Powell and Chris Stumpf

II. Public Appearances: None.

III. Approval of Minutes from the December 17, 2015 and March 29, 2016 Meeting.

Approval of minutes was deferred to the next meeting.

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

- 1. Green Diamond Resource Company Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management plan Application (9906) Case Numbers: LLA-16-022, ZBA-16-005, JTMP-16-004; Assessor Parcel Numbers: 303-012-005, 303-012-015, and 303-012-019; Eureka area.**

Michelle Nielsen provided the staff report and staff recommendations. The project involves a Lot Line Adjustment (LLA) between three parcels that are 109.2 acres, 192.7 acres, and 318.8 acres in size. The LLA will result in three parcels that will be 100.3 acres (Parcel 1), 379 acres (Parcel 2), and 141.3 acres (Parcel 3) in size. After the LLA, Parcels 2 and 3 will be entirely TPZ, while Parcel 1 will have approximately 35.9 acres of land zoned Agricultural General with a five-acre minimum parcel size (AG-B-5(5)) and 64.4 acres of TPZ. Also a Zone Boundary Adjustment to adjust the zone boundary between Agricultural General with a five-acre minimum parcel size (AG-B-5(5)) and Timber Production Zone (TPZ) such that it follows the centerline of unnamed creek, which will result in approximately 0.90 acres of land used historically and currently as timberland being zoned TPZ.

At this time, the Chair opened the meeting to public comments. The committee had questions regarding the purpose of the LLA. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Ben Hawk, seconded by Bill Kleiner, the Green Diamond project was approved by a vote of 4-0 (Gary Ryneearson abstained).

- 2. Johanessen Rezone and Lot Line Adjustment Application (12319) Case Numbers: ZR-16-005, LLA-16-034; Assessor Parcel Numbers: 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004; Garberville area.**

Cliff Johnson provided the staff report and staff recommendations. The project involves a Zone Reclassification of 240 acres of land from Agricultural Exclusive specifying a minimum parcel size of 160 acres into Timber Production Zone (TPZ), along with a Lot

Line Adjustment between two parcels of 160 acres in size to result in a different lot configuration but the parcel sizes will remain 160 acres each. A partial agricultural preserve dis-establishment and immediate cancellation of a portion of a Williamson Act contract is also proposed.

At this time, the Chair opened the meeting to public comments. The committee had questions regarding stocking and stand type. The committee also recommended that the stand tables be revised to clearly demonstrate that the area to be rezoned meets the minimum stocking standards per PRC 4561. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Ben Hawk, seconded by Bill Kleiner, the Johanessen project was conditionally approved by a vote of 5-0. The condition requires the forester to submit revised stand tables to the satisfaction of the Chair.

3. Jackson Lot Line Adjustment and Joint Timber Management Plan Case Number: LLA-16-032, JTMP-17-001; Assessor Parcel Number: 312-043-016; Blue Lake Area.

Cliff Johnson provided the staff report and staff recommendations. The project involves a lot line adjustment to result in one parcel of approximately 159.5 acres and one parcel of approximately 40.5 acres, and a Joint Timber Management Plan.

At this time, the Chair opened the meeting to public comments. The committee discussed the access and recommended that the JTMP be amended to include adequate access easements prior to any sale or transfer. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Bill Kleiner, seconded by Kurt McCray, the Jackson project was conditionally approved by a vote of 5-0. The condition requires JTMP be amended to include adequate access easements prior to sale or transfer.

4. Leland Rock Zone Reclassification Application (11662) Case Number: ZR-16-004; Assessor Parcel Number: 101-142-002; Ferndale area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Zone Reclassification on a portion of APN 101-142-002 from Agriculture Exclusive with a 160 acre minimum parcel size into Timberland Production Zone (TPZ). A portion of the southeast corner is already zoned TPZ and this action will result in the entire parcel being zoned TPZ. Currently, there is a Nonindustrial Timber Management Plan (1-12NTMP-004-HUM) on the entire property.

At this time, the Chair opened the meeting to public comments. The committee recommended that the RPF provide a letter clarifying that the area to be rezoned meets the minimum stocking standards per PRC 4561. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Bill Kleiner, seconded by Ben Hawk, the Rock project was conditionally approved by a vote of 5-0. The condition requires the forester to submit revised stand tables to the satisfaction of the Chair.

5. Boyle Forests, LP Lot Line Adjustment and Joint Timber Management Plan – Upper Pollack Creek Application (13453) Case Numbers: LLA-17-002, JTMP-17-002; Assessor Parcel Numbers: 215-141-002, 215-144-003, 215-144-003; Brice land area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Joint Timber Management Plan (JTMP) on approximately 402 acres that is comprised

of seven legal parcels with recorded Certificates of Subdivision Compliance on them. Also included is a Lot Line Adjustment (LLA) between four parcels of 106 acres, 38 acres, 66 acres and 27 acres resulting in four parcels of 74 acres, 39 acres, 57 acres and 67 acres, respectively.

At this time, the Chair opened the meeting to public comments. The committee discussed the access and recommended that the JTMP be amended to include adequate access easements prior to any sale or transfer. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Bill Kleiner, seconded by Ben Hawk, the Boyle Forests project was conditionally approved by a vote of 5-0. The condition requires JTMP be amended to include adequate access easements prior to sale or transfer.

6. Boyle Forests, LP Lot Line Adjustment and Joint Timber Management Plan – Eagle's Nest Application (13454) Case Numbers: LLA-17-003, JTMP-17-003; Assessor Parcel Numbers: 215-142-004, 215-143-001, 215-144-003; Briceland area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Joint Timber Management Plan (JTMP) on approximately 849 acres that is comprised of four legal parcels with recorded Certificates of Subdivision Compliance on them. Also included is a Lot Line Adjustment (LLA) between the four parcels of 260 acres, 454 acres, 126 acres and 9 acres resulting in four parcels of 259 acres, 454 acres, 69 acres and 67 acres, respectively.

At this time, the Chair opened the meeting to public comments. The committee discussed the access to all adjusted parcels and recommended that the JTMP be amended to include adequate access easements for ingress, egress and timber management prior to any sale or transfer. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Bill Kleiner, seconded by Ben Hawk, the Boyle Forests project was conditionally approved by a vote of 5-0. The condition requires JTMP be amended to include adequate access easements prior to sale or transfer.

V. Future Agenda Items

No discussion

VII. Adjournment

The meeting was adjourned at 7:00 p.m.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 17-63**

**Case Numbers ZR-16-005, LLA-16-034, AGPN-17-001
Assessor Parcel Numbers 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Johannesen Zone Reclassification, Dis-establishment of a portion of the Tooby Ranch Agricultural Preserve, and Lot Line Adjustment.

WHEREAS, LACO Associates, on behalf of Norman and Deborah Johannesen, submitted an application and evidence in support of approving: (1) the zone Reclassification (ZR) to reclassify an approximate 230 acres from AE-B-5(160) into Timberland Production Zone (TPZ); (2) dis-establishment of a portion of an existing Class B agricultural preserve and immediate cancelation of the land conservation contract pursuant to Section 51282.5 of the California Government Code; and 3) a Lot Line Adjustment (LLA) between two parcels to result in two parcels of 160 acres each; and

WHEREAS, the proposed ZR 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 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 project is exempt from environmental review per Sections 15061(b)(3), 15317 and 15264 of CEQA and Section 51119 of the California Government Code; and

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the project (Case Numbers ZR-16-005, LLA-16-034, AGPN-17-001); 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 Sections 15061(b)(3) and 15264 of CEQA and Section 51119 of the California Government Code, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The ZR is in the public interest; and

3. The ZR is consistent with the General Plan; and
4. The ZR 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 Section 51113.5 of the California Government Code; the land is timberland as defined by Section 51104(f) of the Government Code; and the land is in compliance with the land use standards of the Timberland Production Zone; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Division Staff Report for Case Numbers ZR-16-005, 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; and
2. Adopt the necessary findings prepared by Planning staff; and
3. Approve the Zone Reclassification; and adopt Ordinance No. ____ amending Section 311-7 of the Humboldt County Code by reclassifying an approximate 230 acres in the Garberville area currently zoned AE-B-5(160) into TPZ; and
4. Approve the dis-establishment of the proposed portion of the existing Class B agricultural preserve and immediately cancel the land conservation contract pursuant to Section 51282.5 of the Government Code as to the lands zoned TPZ; and adopt Resolution No. ____ Disestablishing the portion of the Tooby Ranch Agricultural Preserve; and
5. Conditionally approve the Lot Line Adjustment; and
6. Direct the Clerk of the Board to record a Certification of Rezoning (Notice of Timberland Production Zone Status) 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; and
7. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
9. Direct the Clerk of the Board to give notice of the decision to the applicant, the owners, the Assessor's Office, the Department of Conservation and any other interested party.

The motion was made by Commissioner Levy and seconded by Commissioner Shepherd .

AYES: Commissioners: Levy, Shepherd, Mitchell, McKenny, Morris, Bongio

NOES: Commissioners:

ABSENT: Commissioners: Edmonds

DECISION: Motion carries by roll call vote 6/0.

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

A handwritten signature in black ink, appearing to read 'John Ford', is written over a horizontal line.

John Ford, Director
Planning and Building Department
County of Humboldt

ATTACHMENT 6
CERTIFICATION OF REZONING
(Notice of Timberland Production Zone Status)

Recording Requested By:
PLANNING DEPARTMENT
COUNTY OF HUMBOLDT

Exempt from fees per Government Code Section 27383


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

CERTIFICATION OF REZONING
(NOTICE OF TIMBERLAND PRODUCTION ZONE STATUS)

Pursuant to Government Code Sections 51117, 51140 and 51141, I hereby certify that on January 23, 2018 the Humboldt County Board of Supervisors, by Ordinance No. 2590, rezoned lands in the Garberville area, an approximate 230 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: January 23, 2018


Chair, Board of Supervisors *Ryan Sundberg*
County of Humboldt, State of California.

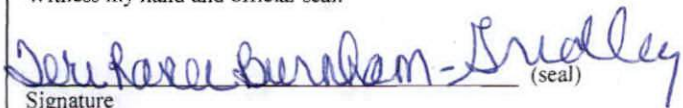
CERTIFICATE OF ACKNOWLEDGMENT

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 31st day of January 20 18, before me, Teri Rane Burnham-Gridley Public
Notary, personally appeared Ryan Sundberg 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.


Signature (seal)



BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of January 23, 2018

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING
PROPERTY IN THE GARBERVILLE AREA (ZR-16-005, JOHANNESSEN)**

ORDINANCE NO. 2590

The Board of Supervisors of the County of Humboldt do ordain as follows:

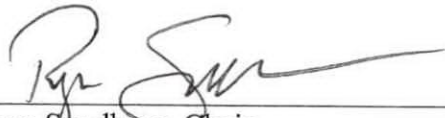
SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 230 acres in the Garberville area from Agricultural Exclusive (AE) and Agricultural Exclusive with a Building Site Combining Zone specifying a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ), as described in the attached Exhibit A.

The area described is also shown on the Humboldt County Zoning Map [T46, T47] 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 23rd day of January, 2018 on the following vote, to wit:

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



Ryan Sundberg, 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: 

Ryan Sharp, 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: 

Ryan Sharp, Deputy Clerk

EXHIBIT A

That real property situate in the County of Humboldt, State of California, described as follows:

In Township 4 South, Range 4 East, Humboldt Meridian:

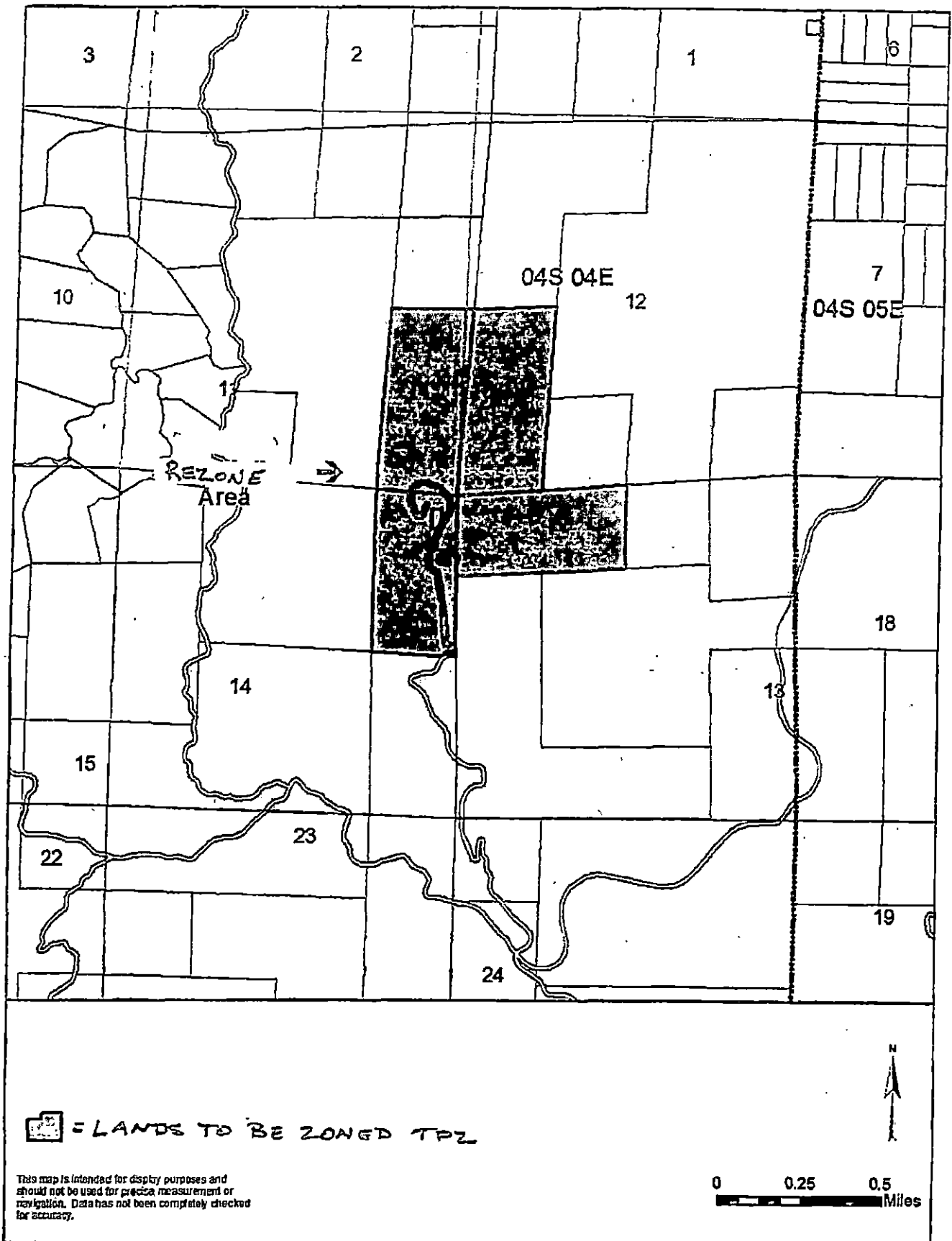
Section 11: The East Half of the Southeast Quarter.

Section 12: The West Half of the Southwest Quarter.

Section 13: The North Half of the Northwest Quarter.

Section 14: The East Half of the Northeast Quarter.

EXHIBIT "B"



ATTACHMENT 7

**DEPARTMENT OF CONSERVATION COMMENTS ON PETITION FOR PARTIAL
CANCELLATION**



State of California • Natural Resources Agency
Department of Conservation
Division of Land Resource Protection
801 K Street • MS 14-15
Sacramento, CA 95814
(916) 324-0850 • FAX (916) 327-3430

Edmund G. Brown Jr., Governor
Kathryn M. Lyddan, Division Director



September 15, 2017

VIA EMAIL: CJOHNSON@CO.HUMBOLDT.CA.US

Mr. Cliff Johnson, Senior Planner
3015 H Street
Eureka, CA 95501

Dear Mr. Johnson:

TOOBY RANCH – TIMBER PRODUCTION ZONE PARTIAL CANCELLATION OF CONTRACT NO. 77-30

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation Act. The Department has reviewed the Timber Production Zone (TPZ) cancellation petition submitted by Humboldt County (County) and offers the following comments.

PROJECT DESCRIPTION

The proposed partial cancellation is for removal of 320 acres of contracted land from a 10,500 acre contracted area of Tooby Ranch in Humboldt County. The Tooby Ranch Agricultural Preserve was entered into the Williamson Act program in 1977. At that time, it was a single owner grazing preserve. Over the subsequent years, a lack of grazing has led to a natural regeneration of timberland. The landowner is proposing to rezone portions of the Agricultural Preserve to a TPZ.

The contracted area is out of the Survey Area for the 2016 Important Farmland Map produced by the Farmland Mapping and Monitoring Program.¹ However, the 2015/2016 Land Conservation Act Map for the County, produced by the Land Conservation Act Program, indicates that the area proposed for partial cancellation is designated Nonprime Agricultural Land under the Williamson Act.²

REQUIRED CANCELLATION FINDINGS FOR TPZ LANDS

The County is required to document justification for the cancellation through a set of findings outlined in Government Code Section 51282. Based on the petition, the project is being processed under the Public Interest findings.

In addition, the requirements necessary for cancellation of contracted land that will be rezoned to TPZ are outlined in Government Code section 51282.5:

¹ Department of Conservation - California Important Farmland Finder.

<http://maps.conservation.ca.gov/ciff/ciff.html>

² Department of Conservation. Land Conservation Act Maps. Humboldt County Williamson Act FY 2015-2016 Sheet 2 of 2 (south). ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Humboldt_s_15_16_WA.pdf



"The owner of any land which has been zoned as a timberland production pursuant to Section 51112 or 51113, and that zoning has been recorded as provided in Section 51117, may petition the board or council for cancellation of any contract as to all or part of the land.³ Upon petition, the board or council shall approve the cancellation of the contract.

The provisions of Section 51283 shall not apply to any cancellation under this section, and no cancellation fee shall be imposed.⁴"

Therefore, the board is required to verify that zoning has been recorded for the Timber Production Zone prior to recordation of the final Certificate of Cancellation.

PUBLIC INTEREST FINDINGS

(1) That other public concerns substantially outweigh the objectives of this chapter

The petition states that the County's Williamson Act Program and Timberland Production Zoning have implementation measures in the Open Space Element of the Humboldt County General Plan. Specifically, Section 2513 of the County's General Plan provides that the County should "actively protect and encourage timberlands for long term economic utilization and to actively enhance and increase county timber production capabilities." Reclassification of the land into TPZ status protects the existing timberlands and encourages further timber production.

In addition, Government Code section 51246(b) of the Williamson Act statute requires that TPZ lands be removed from contract. For these reasons, the County has determined that portions of the ranch are no longer eligible for the Williamson Act program. Immediate removal of these lands under Government Code section 51282.5 is consistent with the objectives of the Williamson Act and the Humboldt County Williamson Act Guidelines. The Department concurs that immediate cancellation of these lands pursuant to Section 51282.5 of the California Government Code is in the public interest.

(2) that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Significant regeneration of timber over former grazing land has extinguished the property's ability to be consistent with the Williamson Act. The existing use of the property is now primarily timber production, and the petition states that the proposed use is to remain as timber production. There is no development proposed as part of this cancellation, and the use of the land for timber production under TPZ regulations is consistent with the implementation of the County's Open Space Element.

The Department concurs that there is no proximate noncontracted land which is both available and suitable for the use to which the proposed land be put.

³ Government Code Section 51112, 51113, 51117 - Timberland Production Zones.

⁴ Government Code Section 51283 (Land Conservation Act) – Assessment of land; Determination of cancellation fee; Payment; etc.

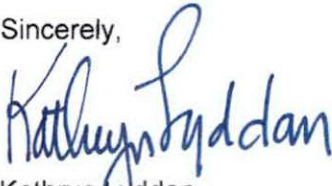
Mr. Cliff Johnson
September 15, 2017
Page 3

CANCELLATION CONCLUSIONS

Thank you for the opportunity to provide comments on the proposed partial cancellation. Please provide our office with a copy of the public notice for the tentative cancellation ten working days before the hearing, and a copy of the *recorded* tentative cancellation resolution within 30 days after approval of the tentative cancellation, pursuant to Government Code section 51284.

Within 30 days of the landowner, satisfying the conditions and contingencies required in a Tentative Cancellation Resolution, the Board will record a Certificate of Cancellation. A copy of the recorded Certificate of Cancellation is required to be sent to the Department of Conservation. If you have any questions concerning our comments, please contact Annie Giovacchini, Environmental Planner at (916) 324-9038 or at annie.giovacchini@conservation.ca.gov.

Sincerely,



Kathryn Lyddan
Division Director

ATTACHMENT 8

**FINDINGS FOR APPROVAL OF THE LOT LINE ADJUSTMENT AND LOT LINE
ADJUSTMENT MAP**

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.

1. **The application is complete.** The following table identifies the evidence which supports the finding that the applicant has submitted the information which is required by Section 325.5-6(a) of the Humboldt County Code.

Application Requirements	Submitted	Not Submitted
Completed and Signed Application Form	✓	
Copies of Present Owners Deeds	✓	
Preliminary Title Report	✓	
Copy of the Creation Documents for the parcels	✓	
6 Copies of a Lot Line Adjustment Plot Plan	✓	
Required County Fees	✓	
A Written Statement Explaining the Reasons For the Adjustment	✓	

2. **Consistency with the Subdivision Map Act.** The following table identifies the evidence which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code (See also Sections 4 and 5, General Plan Conformance per SB 497).

Parcel	Creation Document/Legal Status
APN 216-144-013, 216-141-008	The 160 acre parcel was created by a government patent issued to Edwin Jenks (Certificate No. 10521) and has not been altered from this configuration. The parcel is a legal parcel.
APN 223-013-003, 223-013-004	The 160 acre parcel was created by a government patent issued to Lorena Jenks (Homestead Certificate No. 1881) and has not been altered from this configuration. The parcel is a legal parcel.

Based upon requirements of the County Lot Line Adjustment Ordinance, and due to requirements in the Subdivision Map Act, a Notice of Lot Line Adjustment must be recorded for each resultant parcel.

3. **Zoning Compliance and Development Standards.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations and that the lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances. **Note:** These tables are based off of the proposed zoning. A recommended condition of approval to the proposed lot line adjustment is that the rezone to TPZ must be approved and adopted prior to completion of the lot line adjustment.

§314-7.4 TPZ	Summary of Applicable Requirement	Evidence for Resultant Parcels
Permitted Use	TPZ: Growing and harvesting of timber and accessory uses compatible thereto.	All of the proposed parcels are currently utilized for timber production and the applicant has submitted timber harvest information demonstrating that the proposed parcel configurations will continue to be suitable for timber production and harvesting. Accessory uses, including single-family residential uses, may be allowed provided they do not significantly detract from the use of the property for, or inhibit, growing or harvesting of timber. Given that no residential development is proposed and the primary use of the parcels is for timber production, no site development information has been submitted.
Min. Parcel Size	TPZ: 160 acres or 40 acres if C.G.C. §51119.5 are met; or, smaller parcels allowed to be created pursuant to Section 314-7.4.1.4 where the original parcel is a mixed zone parcel	The resultant parcels will both be 160 acres in size.
Min lot width and lot coverage	None	n/a
Yard Setbacks	Thirty (30) feet* (Front, Side, Rear) *all parcels in SRA	Future permitted development shall comply

4. **General Plan Consistency.** The following table identifies the evidence, which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan and pursuant to the provisions of SB 497 (Sher) effective January 1, 2002.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence which Supports Making the General Plan Conformance Finding
Land Use: Agriculture Grazing	The lands are intended to support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation. Residential uses must support agricultural operation.	All of the lands proposed for rezone into TPZ are within the AG designation under the General Plan. The subject lands are identified as having very high quality soil for timber production, and are currently being utilized for timber production and harvesting. All of the parcels proposed for rezone and lot line adjustment are currently utilized for growing timber, which is an allowable and compatible use within the AG designation.
Conservation and Open Space Section 10.3 Biological Resources	Conservation of open spaces and protection for designated sensitive and critical resource habitats	The parcels include some streamside management areas. No development is proposed as part of this application. All of the resultant parcels are large enough to avoid these areas during any future development activity.
Conservation and Open Space Section 10.6 Cultural Resources	CU-P1: The potential for impacts to significant cultural resources shall be identified during ministerial and discretionary project review, impacts assessed as to significant, and if found to be significant, protected from substantial adverse change per California Resources Code (PRC) §5020.1. CU-P2: Native American Tribes shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources.	No new development is proposed. A records search identified the presence of cultural resources on the site, and the applicant submitted a cultural resources study that identified the resources and demonstrated that the lot line adjustment would not impact these resources. The lot line adjustment is specifically for resource management purposes.
Water resources Chapter 11	Protect water resources and the fish and wildlife habitat utilizing those resources.	No development is proposed as a result of this lot line adjustment. The adjustment will serve to relocate property lines to create more suitable forestry management units. Any future development, including timber harvesting, will be required to comply with water resources protection policies.

5. Potential for Environmental Impact. The following table identifies the evidence, which supports the finding that the proposed development will not adversely impact the environment.

Finding	Summary of Applicable Requirement	Evidence
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	<p>The Department finds that the proposed project will not be detrimental to the public health, safety and welfare. All reviewing referral agencies have approved or conditionally approved the reconfiguration of the resource parcels. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project will not cause significant environmental damage.</p> <p>Because the project consolidates resource lands into logical management units no development is proposed, staff supports the finding that the project will not impact the public's health, safety and welfare, nor will it be injurious to properties or improvements in the vicinity.</p>
§15264, §15061(b)(3) CEQA and §51119 CGC	Exempt from State environmental review	The rezone into TPZ is exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code. The LLA does not result in a change in land use or density, and is intended to consolidate resource management units and is therefore exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Referral Agency Comments and Recommendations: All reviewing referral agencies responded with no comment or with a recommendation of approval.



ZONE RECLASSIFICATION AND LOT LINE ADJUSTMENT
 APN'S: 216-133-001, 216-147-006, 216-144-003, 223-013-004, AND
 223-013-004
 PROPOSED ZONING DESIGNATIONS AND ADJUSTED PARCEL BOUNDARIES
 SETH AND NORMAN JOHANNSEN
 P.O. BOX 101, WHITEHORN, CA 95589

[illegible]

EUREKA • UKIAH • SANTA ROSA
1-800-813-5034 www.lacountyjails.com

ATTACHMENT 9

CONDITIONS OF APPROVAL FOR THE LOT LINE ADJUSTMENT

CONDITIONS OF APPROVAL - LOT LINE ADJUSTMENT

Approval of the lot line adjustment is conditioned on the following terms and requirements which must be satisfied before recordation of the Lot Line Adjustment.

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" form for each parcel.
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$386.00 per notice plus \$271.00 for each additional legal description plus applicable recordation fees).
Note: This project will require one notice and two legal descriptions.
2. The zoning reclassification to Timber Production Zone is effective and final cancellation of the applicable portions of the Land Conservation Contract has occurred.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$80.00 per parcel) as required by the County Assessor shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing Notice of Lot Line Adjustment to satisfy this condition.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid*

before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

Informational Notes:

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey..."
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: items 1 - 8) as a package at least four (4) weeks before the desired date for recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is no charge for the first post project approval meeting. Please contact the Planning Division at (707) 445-7541 for copies of all required forms and written instructions.
4. This permit shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.