



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Memorandum

To: Humboldt County Planning Commission

From: Michael Richardson, Supervising Planner – Long Range Planning

Date: December 7, 2018

Subject: Discussion of Rezones from TPZ - Timberland Production Zone following the Zone Reclassifications to Implement the General Plan

At the November 1, 2018 meeting, the Planning Commission requested staff provide further information about the follow up effort to rezone properties out of and into TPZ following the recently completed countywide Zone Reclassifications to implement the General Plan. This memo presents an outline of the process for rezoning properties out of TPZ that now have an incompatible General Plan Land Use Designation because of the 2017 General Plan.

Background

According to General Plan Standard **CO-S2. Identification of the Open Space Action Program**, TPZ is one of two Principal zones in the inland area to implement the county's Open Space Plan. General Plan Land Use Element Table 4-H - the Zoning Consistency Matrix - states that TPZ zoning may be applied to land with the following General Plan Land Use Designations:

- T – Timberlands,
- AG – Agriculture Grazing,
- AE – Agriculture Exclusive, and
- IR – Industrial, Resource Related

For other Land Use designations, TPZ may only be considered a “holding zone” until a more appropriate zone is applied. An initial review indicates that between 100 and 150 parcels zoned TPZ are now inconsistent with the General Plan Land Use designation because of the 2017 General Plan. Because of the need for close coordination with each of the affected property owners, rezoning properties out of TPZ is being done as a follow up to the recently-completed countywide General Plan rezoning program. Below is an outline of the process that staff will follow in the coming months to rezone parcels out of TPZ to a zone consistent with the General Plan Land Use designation.

General Plan Implementation - TPZ Rezoning process

Step 1. (completed)

Identify parcels that require rezoning from TPZ to another Zone Classification to be consistent with the General Plan

- a. Select parcels that are currently zoned TPZ, in whole or in part, where Table 4-H, Zoning Consistency Matrix does not identify TPZ as consistent with the

underlying General Plan Land Use Designation, or where TPZ is identified only as a “holding zone.”

- b. Prepare tables and/or maps that characterizes the geographic extent of the land area in question.

Step 2. Analyze the benefits/costs of including rezones of properties into TPZ as part of the TPZ rezone process, in particular as off-set to rezones out of TPZ^[1].

Step 3. Meet with CAL FIRE to discuss a consolidated TPZ rezone process.

Step 4. Meet with the Assessor and the Forestry Review Committee to discuss a consolidated TPZ rezone process.

Step 5. Determine environmental review requirements for the TPZ rezones (review in particular Section 3.2, Agricultural and Timber Resources and 3.1, Land Use, Housing and Population)

Step 6. Notify the (potentially) affected landowners that:

- a. The County is implementing a one-time consolidated TPZ rezone process because the current TPZ zoning is not consistent with the underlying General Plan Land Use Designation for their property;
- b. Describes the benefits and limitations of the TPZ zone and describes the 10-Year Slide Out and Immediate Rezone processes, especially the property tax implications;
- c. A written response is required on forms to be provided by the County and failure to respond may result in a change in the General Plan Land Use Designation for the property;
- d. Identifies the documents that land owners need to submit to rezone their property into / out of TPZ and the costs associated with review and approval of these documents
- e. Identifies alternatives to rezoning into / out of TPZ.
- f. Provides a the response deadline.

Step 7. Evaluate submittals for completeness and work with landowners to secure needed items.

Step 8. Refer proposed rezones and project description to County, responsible and trustee agencies including CAL FIRE, Assessor, and the Forestry Review Committee.

Step 9. Conduct environmental review.

Step 10. Planning Commission and Board of Supervisors hearings. Noticing for these hearings is a one mile radius for properties involving an immediate TPZ rezone.

^[1] Application requirements to rezones into TPZ per 314-7.4.1 include a plan for forest management approved by an RPF showing that the parcels meets timber stocking requirements per PRC 4561 and unless the land is to be added to an area that is already zoned TPZ, the land to be rezoned Timberland Production shall be twenty (20) acres or more of “good site III” or better, or 160 acres or more of “site IV” or better as defined in Section 434 of the Revenue and Taxation Code, or any successor provision thereto and the existing uses on the parcel must be uses permitted in the TPZ zone.

REQUIRED FINDINGS FOR REZONING OUT OF TPZ

Required findings for all amendments (Humboldt County Zoning Regulations 312-50.3)

- 50.3.1 The amendment is in the public interest.
- 50.3.2 The amendment is consistent with the County General Plan.
- 50.3.3 If the amendment requires a Local Coastal Plan Amendment, the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act.
- 50.3.4 The proposed 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.

10 year TPZ Slideout (Humboldt County Zoning Regulations Section 312-50.7.2)

- 50.7.2.2.1 Whether the proposed amendment is in the public interest; and,
- 50.7.2.2.2 Whether the proposed amendment is consistent with the General Plan.

Immediate Rezoning (California Timberland Productivity Act of 1982, Government Code Section 51100 through 51155)

- 1) The immediate rezoning does not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland production and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
- 2) The soils, slopes, and watershed conditions will be suitable for the uses proposed by the applicant if the immediate rezoning is approved.
- 3) The immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution and of this chapter.
 - a. The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning pursuant to this section. Immediate rezoning shall be considered only if there is no proximate and suitable land which is not zoned as timberland production for the alternate use not permitted within a timberland production zone.
 - b. The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning pursuant to this section. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber-growing use to which the land may be put.