



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

Hearing Date: February 21, 2019

To: Humboldt County Planning Commission

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

Subject: **Nunnemaker Zone Reclassification**
Application Number 13957
Case Number ZR-17-012
Assessor Parcel Numbers 217-084-009, 217-084-010, 217-084-011, 217-164-004
Eel Rock area

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

AGENDA ITEM TRANSMITTAL

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

Project Description: A Zone Reclassification to rezone approximately 160 acres from Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) and Unclassified (U) into Timberland Production Zone (TPZ). Currently, the lands are utilized for timber production.

Project Location: The project site is located in the Eel Rock area, on both sides of Old Eel Rock Road, approximately 1.5 miles northeast of the intersection of Old Eel Rock Road and Dyerville Loop Road, on property in Sections 17 and 20, Township 2 South, Range 4 East.

Present Plan Land Use Designation: Timber (T), Residential Agriculture (RA40); 2017 General Plan; Density: T: one unit per 20 – 160 acres, RA: one unit per 40 acres.

Present Zoning: Agriculture Exclusive with a 160 acre minimum parcel size (AE-B-5(160)); Unclassified (U).

Application Number: 13957

Case Numbers: ZR-17-012

Assessor Parcel Numbers: 217-084-009, 217-084-010, 217-084-011, 217-164-004

Applicant

Fred and Marlene Nunnemaker
3770 Eel Rock Road
Myers Flat, CA 95554

Owner

Same as applicant

Agent

Western Timber Services
Carl Anderson
PO Box 1136
Arcata, CA 95518

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

Major Issues: None.

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

NUNNEMAKER ZONE RECLASSIFICATION

Case Number ZR-17-012

Assessor Parcel Numbers 217-084-009, 217-084-010, 217-084-011, 217-164-004

Recommended Planning Commission Action

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

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

Executive Summary: The applicant requests a Zone Reclassification that would rezone approximately 160 acres into Timberland Production Zone (TPZ). The lands are currently zoned Agriculture Exclusive with a 160 acre minimum parcel size (AE-B-5(160)) and Unclassified.

The site is located in the Eel Rock area, on both sides of Old Eel Rock Road, approximately 1.5 miles northeast of the intersection of Old Eel Rock Road and Dyerville Loop Road, on property in Sections 17 and 20, Township 2 South, Range 4 East. The four Assessor Parcel Numbers make up one intact patent parcel. The land proposed to be rezoned was originally zoned AE-B-5(160) in the 1970's. However, as the AE zoned lands meet the definition of timberlands, the applicant wishes to have these lands zoned TPZ to reflect the timberland status.

The lands are planned Agriculture Grazing (AG) by the Humboldt County General Plan, and zoned AE and U. The southerly 40-acre APN is currently planned RA40, however, this was an error in the recent General Plan and is planned to change to AG. All lands proposed to be included in the TPZ zone meet the requirements for inclusion such as being under the same ownership and devoted to and used for growing and harvesting of timber. Furthermore, the overall site class for the additional non-TPZ timberlands is site II and III and capable of growing well in excess of 15 cubic feet of conifer growth per acre (the minimum required). These lands have historically been managed as timberlands (the previous owner harvested under a THP in 1997), however, they were never zoned TPZ. Per the Zoning Consistency Matrix of the Humboldt County General Plan, the proposed rezoning to TPZ is consistent with the existing Agriculture Grazing (AG) General Plan designations.

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

The Forestry Review Committee reviewed the project at their meeting on September 17, 2018 and approved it by a vote of 4-0. In addition, the California Department of Forestry and Fire Protection supports the rezone. The rezone is consistent with the required findings for the zone reclassification, as well as the findings required under Section 312-50.8, *Supplemental Timberland Production Zoning Procedures*, and is consistent with the Forest Taxation Reform Act of 1976.

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

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

Based on the on-site inspection, a review of Planning Department reference sources, and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the project.

ALTERNATIVES:

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

Case Number ZR-17-012

Assessor Parcel Numbers 217-084-009, 217-084-010, 217-084-011, 217-164-004

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

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

WHEREAS, the proposed ZR may be approved if it can be found that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; and (3) the amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law;

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

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

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

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for granting the ZR (Case Number ZR-18-012); and

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

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

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

1. The project is exempt per Section 15264 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment;
2. The proposed ZR is in the public interest; and
3. The proposed ZR is consistent with the General Plan; and

4. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
5. The rezone is consistent with the Forest Taxation Reform Act of 1976; and
6. The Planning Commission makes the findings in Attachment 2 of the Planning Department Staff Report for Case Number ZR-18-012 based on the submitted evidence.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning staff and approve the project as conditioned in the Planning Department Staff Report for Case number ZR-18-012.
3. Approve the rezoning of approximately 160 acres out of AE-B-5(160) and U into TPZ.
4. Direct the Clerk of the Board to record a Notice of Timberland Production Status.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

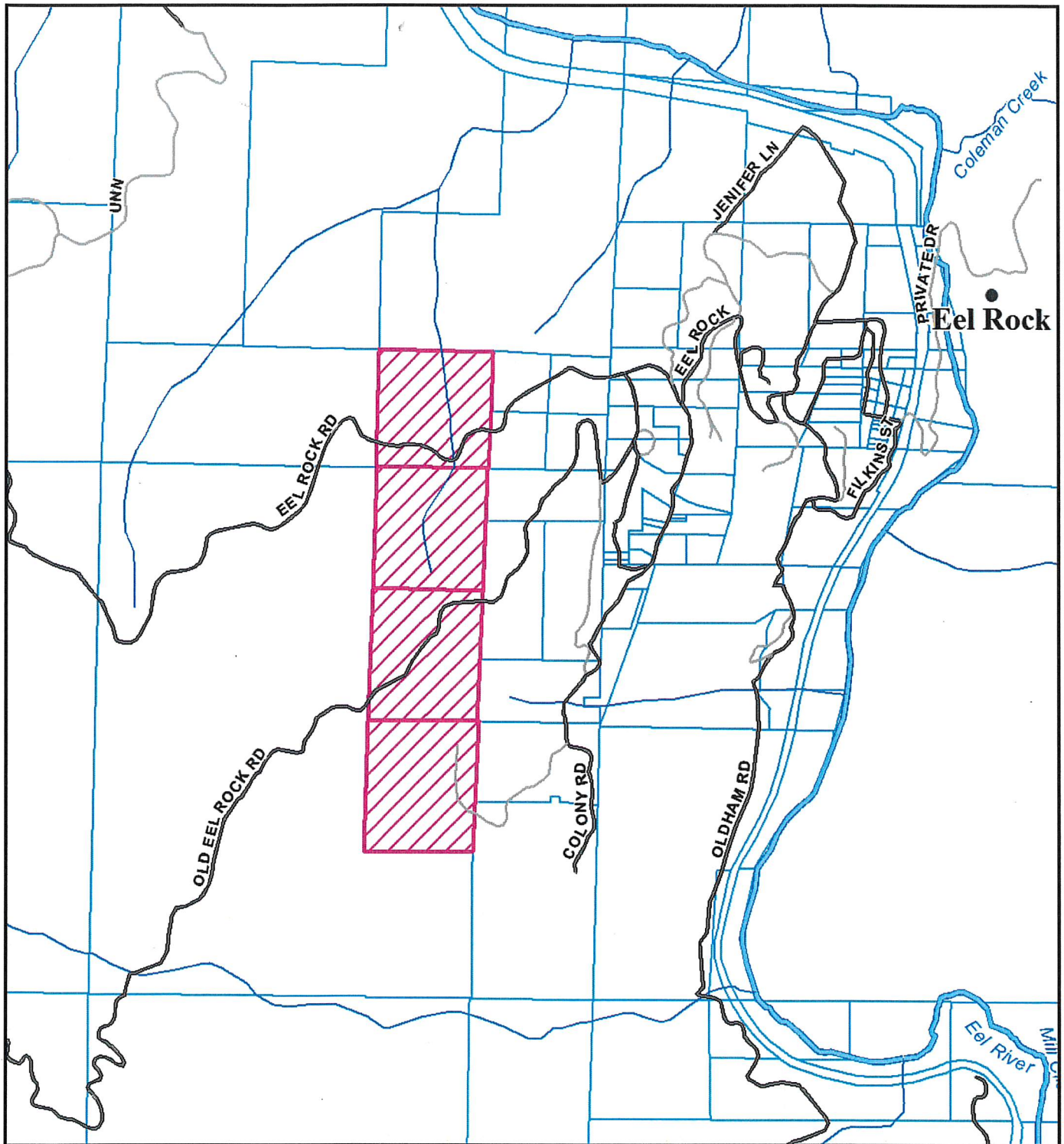
Adopted after review and consideration of all the evidence on February 21, 2019.

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

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

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

John H. Ford
Director, Planning and Building Department



LOCATION MAP

PROPOSED NUNNEMAKER ZONE RECLASSIFICATION EEL ROCK AREA ZR-17-012

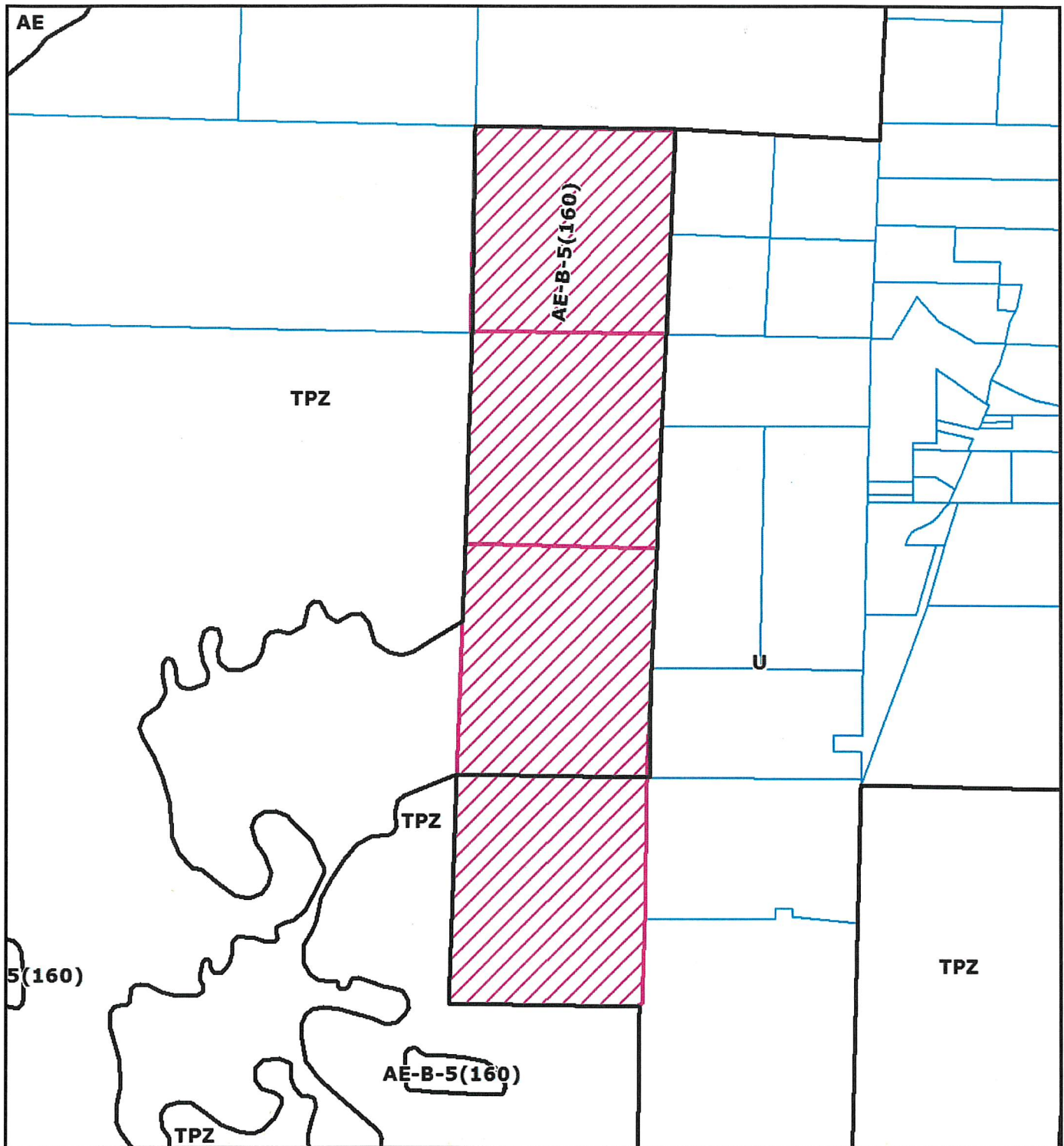
**APN: 217-084-009 et seq.
T02S R04E S17,20 HB&M (Blocksburg)**

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.



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Miles



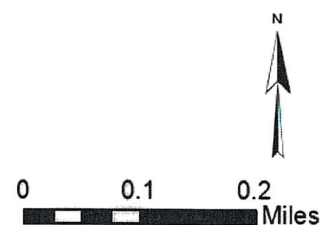
ZONING MAP

PROPOSED NUNNEMAKER ZONE RECLASSIFICATION EEL ROCK AREA ZR-17-012

**APN: 217-084-009 et seq.
T02S R04E S17,20 HB&M (Blocksburg)**

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.

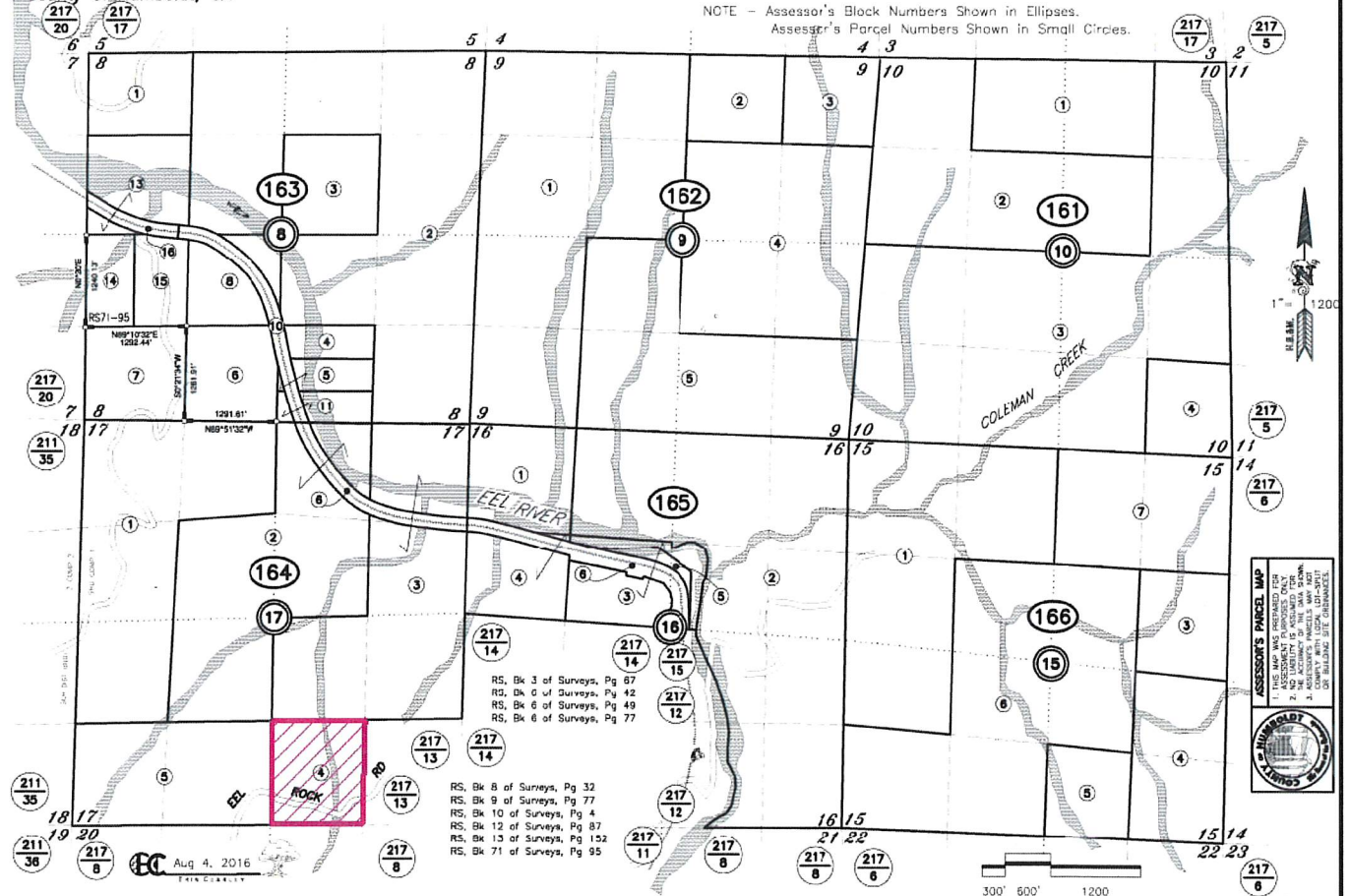


Assessor's Map Bk. 217, Pg. 16
County of Humboldt, CA

SEC 8,9,10,15 & PTN SEC 16 & 17, T2S R4E, HB&M

217-16

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Small Circles.



ASSESSOR PARCEL MAP

PROPOSED NUNNEMAKER ZONE RECLASSIFICATION EEL ROCK AREA

ZR-17-012

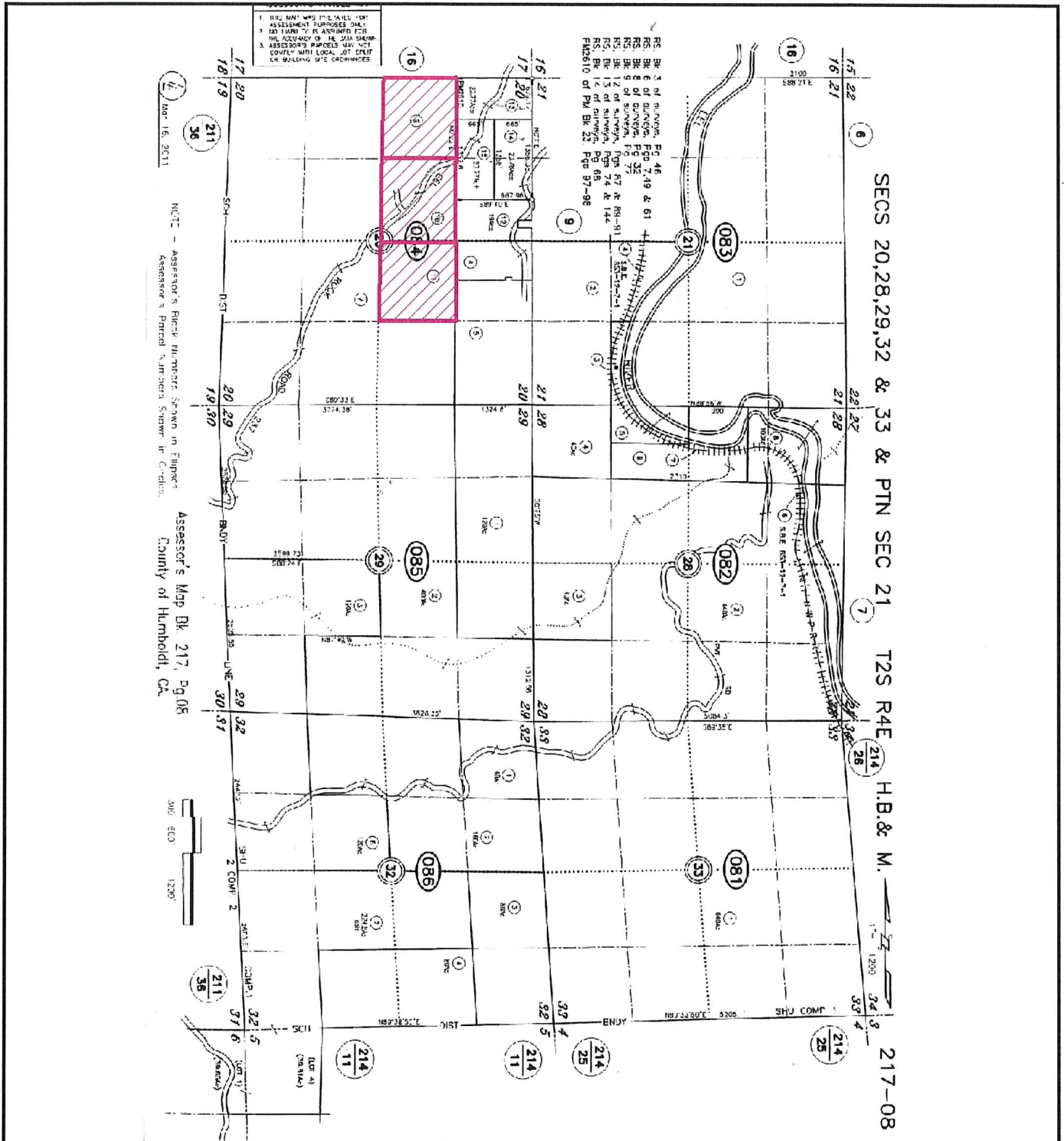
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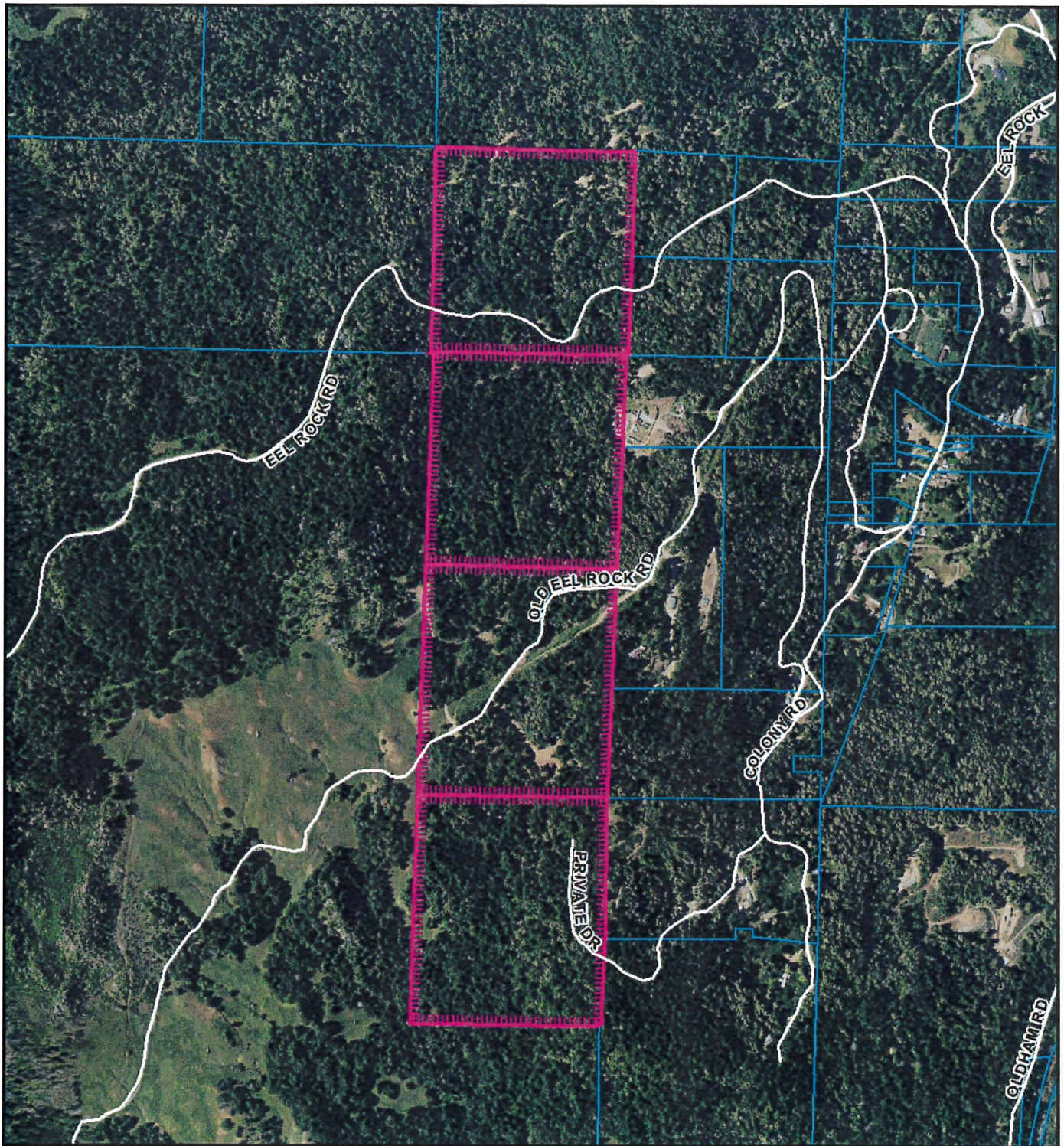
T02S R04E S17,20 HB&M (Blocksborg)

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





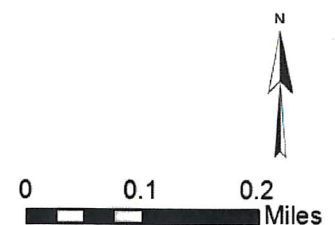
AERIAL MAP

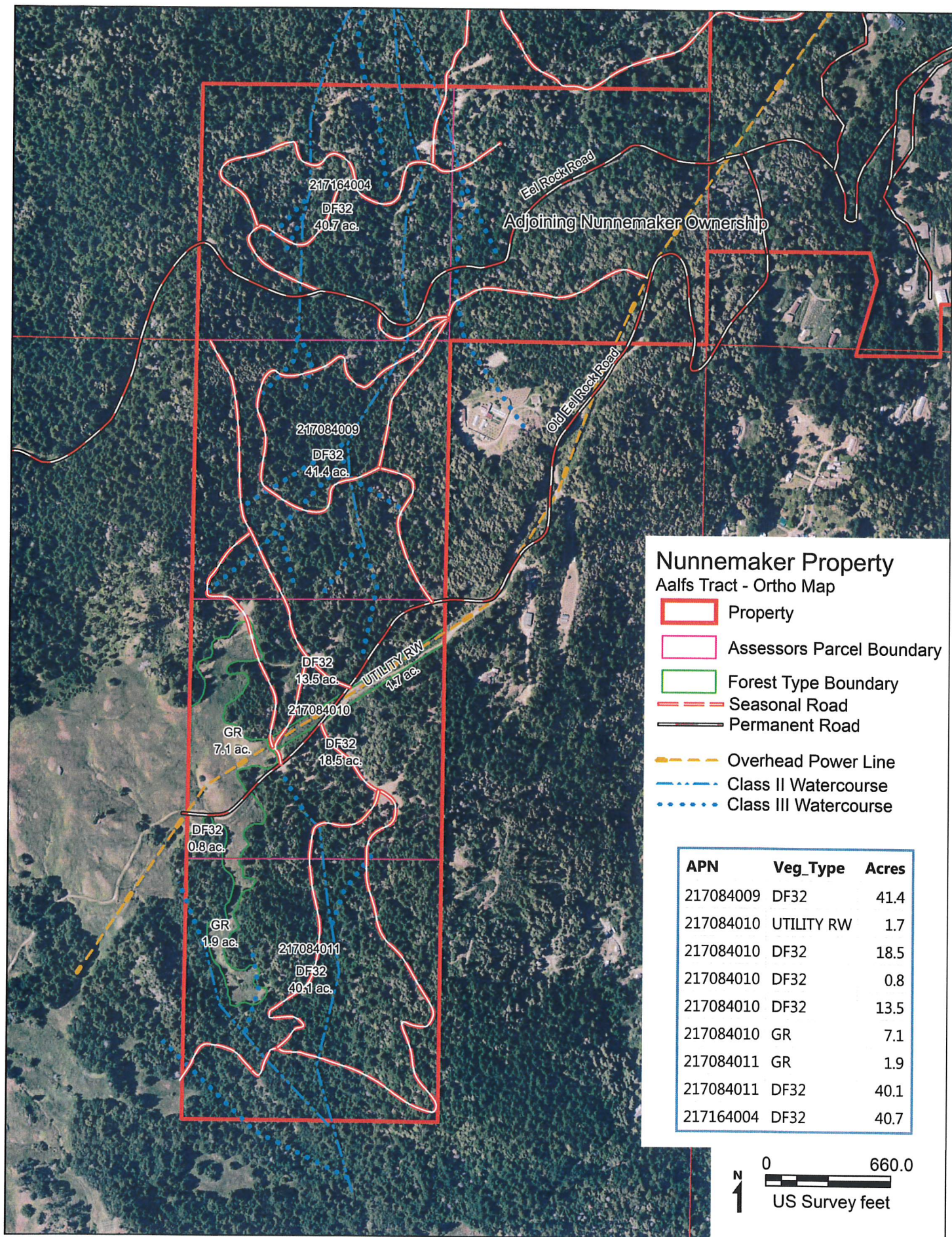
PROPOSED NUNNEMAKER ZONE RECLASSIFICATION EEL ROCK AREA ZR-17-012

**APN: 217-084-009 et seq.
T02S R04E S17,20 HB&M (Blocksburg)**

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.





ATTACHMENT 1

CONDITIONS OF APPROVAL

APPROVAL OF THE ZONE RECLASSIFICATION IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE ZONE RECLASSIFICATION CAN BE SCHEDULED FOR ACTION BY THE BOARD OF SUPERVISORS:

1. The applicant shall submit a legal description of the lands to be re-zoned into TPZ for review and approval by the County Land Surveyor. The applicable review fee (currently \$280.00) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Zone Reclassification being scheduled for a decision by the Board of Supervisors.
2. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Department, payable to "Humboldt County Recorder" in the amount of \$50. This check is to cover the County Clerk's costs for filing the Notice of Exemption pursuant to Section 15067 of the CEQA Guidelines.
3. The property owner(s) shall execute and file with the Planning Department the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.
4. The Assessor's office requires that any grazing acres to be reclassified as TPZ acres are to be shown by site class, with a map showing the site designation of all quality classes within the entire project. This documentation shall be prepared under the direction of a Registered Professional Forester and submitted to the Assessor's office for their acceptance.

Informational Notes:

1. The document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts that describe that document are available from the Planning Department.
2. If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover). Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials.

The applicant is responsible for compliance with this requirement.

3. Lands classified as Timberland Production Zone (TPZ) are enforceably restricted under the California State Constitution and are subject to applicable provisions of the California Government Code and California Revenue and Taxation Codes. These provisions of law affect the manner in which the subject real property may be used and conveyed. A Joint Timber Management Plan (JTMP) will be required in certain situations. Please contact the Humboldt County Assessor (445-7276) or Planning Department (445-7541) for further information.

4. Agricultural and timber lands are identified in the Government Code as a class of open-space land [Section 65560(b)(2)]. Government Code Section 65567 prohibits the issuance of a building permit if the proposed construction is inconsistent with the local open-space plan.

ATTACHMENT 2

Staff Analysis of the Evidence Supporting the Required Findings

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

Zone Reclassification

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

1. The proposed change is in the public interest;
2. That the proposed change is consistent with the General Plan;
3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law;
4. A map was prepared showing the legal description of the property to be zoned;
5. The property currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules; or that the owner shall sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practice Rules by the fifth anniversary of the signing of such agreement, said agreement shall provide that if the parcel is subsequently zoned TPZ and fails to meet the stocking standards and Forest Practice Rules within the time period, the Board of Supervisors shall rezone the parcel to another zoning pursuant to Section 51121 of the Government Code;
6. The land to be rezoned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single parcel or a unit of contiguous parcels as defined in Section 51104 of the Government Code, which is eighty (80) acres or one-half of one-quarter section in size or larger;
7. The land shall be timberland as defined by Section 51104(f) of the Government Code; and
8. The existing uses on the parcel must be uses permitted in the Timberland Production Zone.

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

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

1. Public Interest

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

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

The Zone Reclassification proposes to reclassify approximately 160 acres of Agriculture Exclusive and Unclassified into TPZ. The TPZ zone provides relative assurances that uses allowed within the affected timberlands will be consistent with local needs in resource economics, open space and compatibility of uses. The TPZ zone also provides a static productive land base from which accurate timber supply projections could be made.

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

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

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

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

The application of zoning that ensures compatible land uses furthers the public interest by protecting lands for continued resource production. Planning staff believes that the addition of any TPZ lands into timber base is in the public interest.

2. General Plan Consistency

The properties are planned Agriculture Grazing (AG) with the southerly 40 acres of the patent parcel planned Residential Agriculture (RA). This was an error in the General Plan Update and is in the process of being corrected. The project proposes to rezone approximately 160 acres of AE and U into TPZ. The Zoning Consistency Matrix, Table 4H of the Humboldt County General Plan specifies that the zoning into TPZ is consistent with the AG plan designation.

The Humboldt County General Plan, Section 4.6 (Forestry Resources), contains numerous policies that encourage timber production and long term management of timberlands. The goal of the policies is to actively protect and conserve timberlands for long term economic utilization and to actively enhance county timber production capabilities. Staff believes that the proposed zone reclassification is consistent with the goals and policies of the General Plan.

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

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	Agriculture Grazing (AG): This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Density range is 20 – 160 acres/unit	The lands proposed to be rezoned are part of a larger holding of Timberlands owned by the Nunnemaker family. It is engaged in management of the existing timberlands.
Land Use Element Chapter 4 Forest Resources Section 4.6	Goals and policies contained in this chapter relate to incentive programs to maintain or increase the economic viability of timber production and the retention of high quality timberlands (FR-P6, FR-P8).	The rezone of AE and U zoned lands into TPZ is consistent with this policy. The lands proposed for rezone are managed for timberlands and will continue to be managed as such. Therefore, the project is consistent with this policy.

Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)	The proposed project is located within Open Space land plan because the project site is planned Agriculture Grazing and is zoned Agriculture Exclusive and Unclassified. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The project does not propose any changes to the current uses of timber production and consistent with the use of Open Space land for management production of resources.
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)	An unnamed tributary to the Eel River flows northerly through the property. No development is proposed with the rezone. Future development must comply with the provisions of this section, and future building installations must meet County Building regulations.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)	The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. The NWIC has recommended a cultural resource study, however, as no development is proposed, the project can be viewed as having no likelihood of impacting cultural resources. Nonetheless, the standard inadvertent discovery condition is included among the recommended conditions of approval in the Informational Notes. Furthermore, any future timber harvesting activities will be required to comply with the Forest Practices Act which will require cultural resource review.

Safety Element Chapter 14	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)	The parcels are located within an area of moderate slope instability and outside of any Alquist-Priolo Fault Hazard Area. The parcels are currently utilized for timber production.
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3. **The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.** Resource lands such as these were not utilized by the Department of Housing and Community Development in determining appropriate residential density, therefore, these lands are in compliance with this requirement.

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

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

6. **Ownership and Minimum Parcel Size.** The area to be rezoned into TPZ consists of one legal parcel owned by Fred and Marlene Nunnemaker.

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

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

The County Forestry Review Committee (FRC) reviewed and approved the zone reclassification at their September 17, 2018 meeting.

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

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

ATTACHMENT 3

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

ORDINANCE NO. _____

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE EEL ROCK AREA
[ZR-18-012 (NUNNEMAKER)]

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

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying the property described in the Attached Exhibit A as follows: approximately 160 acres of Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ).

The area described is also shown on the Humboldt County Zoning Maps [R-41] and on the map attached as Exhibit B.

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

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

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

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

(SEAL)

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

Exhibit A - Legal Description

PARCEL ONE

The Southwest Quarter of the Southeast Quarter of Section 17,
Township 2 South, Range 4 East, Humboldt Meridian.

PARCEL TWO

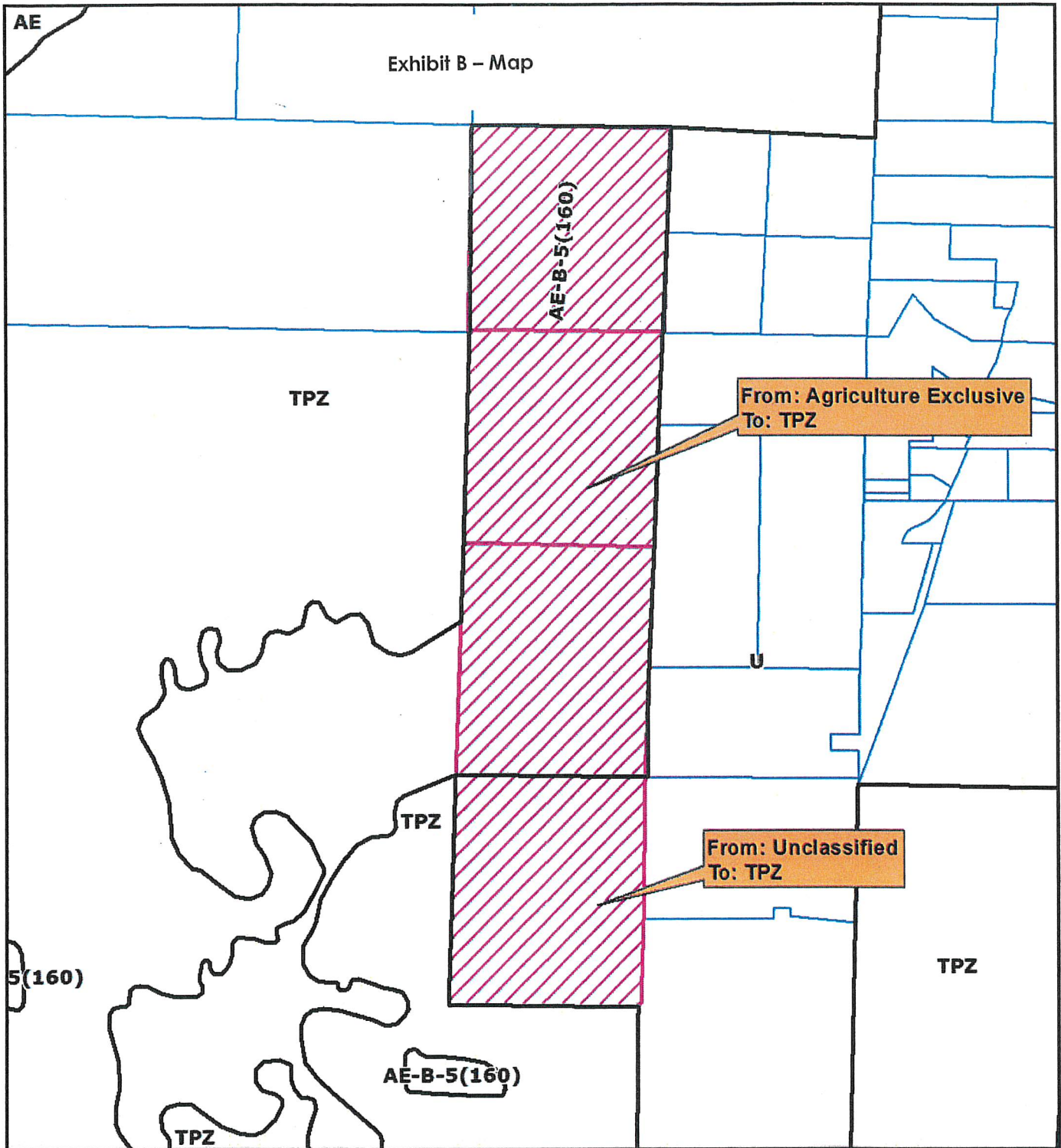
The Northwest Quarter of the Northeast Quarter of Section 20,
Township 2 South, Range 4 East, Humboldt Meridian.

PARCEL THREE

The Southwest Quarter of the Northeast Quarter of Section 20,
Township 2 South, Range 4 East, Humboldt Meridian.

PARCEL FOUR

The Northwest Quarter of the Southeast Quarter of Section 20,
Township 2 South, Range 4 East, Humboldt Meridian.



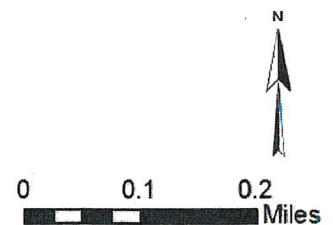
ZONING MAP DETAIL

PROPOSED NUNNEMAKER ZONE RECLASSIFICATION EEL ROCK AREA ZR-17-012

**APN: 217-084-009 et seq.
T02S R04E S17,20 HB&M (Blocksburg)**

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.



ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

Attachment 2 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Department:

- Application Form
- Plot Plan/Tentative Map Checklist
- Project Proposal Map
- Current Deed
- Forest Management Plan dated December 4, 2017 prepared by Western Timber Services (attached)

WESTERN TIMBER SERVICES, Inc.

Serving California - Oregon - Washington

P.O. Box 1136
5341 Erickson Way, Suite B
Arcata, CA 95518-1136
Phone (707) 822-3628
FAX (707) 822-1923



**Forest Management Plan
Nunnemaker Property – Aalfs Tract
December 4, 2017**

Property Owner:

Fred A & Marlene C Nunnemaker
3770 Eel Rock Rd.
Myers Flat, CA 95554

Prepared by:

Carl A. Anderson, RPF #2457
Western Timber Services, Inc.
P.O. Box 1136
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Property Description, Location

This tract consists of four contiguous "40" acre parcels, located in southern Humboldt County near Eel Rock. The vegetative cover is primarily conifer timber with mixed hardwoods and some small areas of grass. The slopes vary from gentle to very steep and generally have an east aspect. Drainage from the property eventually flows into the Eel River, approximately one mile downstream. The property was purchased in 1997 from Charles and Rebecca Aalfs. At that time, the Aalfs had just completed a timber harvesting plan (THP) on the property. The property was adjacent to the Nunnemaker's larger Eel Rock ownership so they made the purchase. The Assessor's Parcel Numbers (APN) and legal descriptions are in the table below:

APN	Subdivision	Section	Township	Range	Base/Meridian	Acres
217-164-004	SWSE	17	2-South	4-East	HBM	40.7
217-084-009	NWNE	20	2-South	4-East	HBM	41.4
217-084-010	SENW	20	2-South	4-East	HBM	41.6
217-084-011	NWSE	20	2-South	4-East	HBM	42.0

Access

The property is accessed from Eel Rock Road and from Old Eel Rock Road. There is an internal road system on the property that provides for seasonal access. The road system is further described on the attached map.

Goals and Objectives

The goal of forest management on the property shall be the production or maintenance of forests which are healthy and naturally diverse, with a mixture of trees and under-story plants, in which trees are grown primarily for the production of high quality timber products and which meet the following objectives:

1. Maintain growing stock, genetic diversity, and soil productivity.
2. Improve forest health.
3. Enhance tree growth and quality in your forest.
4. Maintain Water Quality.
5. Provide and improve wildlife habitat.
6. Protect against wildfires.
7. Generate periodic income from harvesting timber.

Stand Descriptions

The timber stands on all four parcels have been classified by their timber type. Timber types identify the primary species, size class and stocking level. For example, "DF32" indicates Douglas-fir as the primary species, size class 3 indicates average stand diameter breast height of 12-22 inches, and stocking class 2 indicates moderate stocking levels of the dominate species (40-69% crown closure). "GR" indicates a grass type. The timber stands have evolved through natural regeneration following the removal of the old growth in the 1950's and 1960's.

The timber in 217-164-004 is mixed stand of 40-50 year old Douglas-fir and tanoak with a total basal area of approximately 150 ft². Douglas-fir occupies approx. 50% of the existing overstory by basal area, with tanoak and other hardwoods occupying the remainder. Natural regeneration after the initial harvest is typical with a high abundance of tanoak due to the species ability to regenerate by stump-sprouting. The understory is typically dense with huckleberry and other brush species with some conifer and hardwood regeneration in any small openings. This parcel is approximately 40.7 acres total. The soil series in this parcel is 812 Hugo on the north portion and 815 Josephine on the south portion¹. Both soils are good timber producing soils with a timber site class rating on this parcel of III. This site is capable of growing an average annual volume of wood fiber well in excess of 15 cubic feet per acre.²

The timber in 217-084-009 is mixed stand of 50-60 year old Douglas-fir and tanoak with a total basal area of approximately 210 ft². Douglas-fir occupies approx. 60-70% of the existing overstory by basal area, with tanoak and other hardwoods occupying the remainder. Natural regeneration after the initial harvest is typical with a high abundance of tanoak due to the species ability to regenerate by stump-sprouting. The understory is typically dense with huckleberry and other brush species with some conifer and hardwood regeneration in any small openings. This parcel is approximately 41.4 acres total. The soil series in this parcel is 815 Josephine (1955 Cameron). Josephine is a good timber producing soil with a timber site class rating on this parcel of III. This site is capable of growing an average annual volume of wood fiber well in excess of 15 cubic feet per acre (1961 McArdle).

The timber in 217-084-010 is mixed stand of 50-60 year old Douglas-fir and tanoak with a total basal area of approximately 210 ft². This parcel is approximately 41.6 acres total. The DF32 type is approximately 32.8 acres. Douglas-fir occupies approx. 50-60% of the existing overstory by basal area, with tanoak and other hardwoods occupying the remainder. Natural regeneration after the initial

¹ 1955 M. Cameron, E. Knight, *Humboldt County Soil Series Map*, 29A-3.

² 1961 R. McArdle, W. Meyer, *The Yield of Douglas Fir in the Pacific Northwest*, Table 3.

harvest is typical with a high abundance of tanoak due to the species ability to regenerate by stump-sprouting. The understory is typically dense with huckleberry and other brush species with some conifer and hardwood regeneration in any small openings. The balance of this parcel is comprised of grass (7.1 ac.) and maintained overhead power line right of way of approximately 1.7 acres. This parcel is approximately 41.4 acres total. The soil series in this parcel is 815 Josephine (1955 Cameron). Josephine is a good timber producing soil with a timber site class rating on this parcel of III. This site is capable of growing an average annual volume of wood fiber well in excess of 15 cubic feet per acre (1961 McArdle).

The timber in 217-084-011 is mixed stand of 50-60 year old Douglas-fir and tanoak with a total basal area of approximately 190 ft². This parcel is approximately 42.0 acres total. The DF32 type is approximately 40.1 acres. Douglas-fir occupies approx. 60-70% of the existing overstory by basal area, with tanoak and other hardwoods occupying the remainder. Natural regeneration after the initial harvest is typical with a high abundance of tanoak due to the species ability to regenerate by stump-sprouting. The balance of this parcel is comprised of grass of approximately 1.9 acres. The soil series in this parcel is 815 Josephine (1955 Cameron). Josephine is a good timber producing soil with a timber site class rating on this parcel of II and III. This site is capable of growing an average annual volume of wood fiber well in excess of 15 cubic feet per acre (1961 McArdle).



Photo of typical DF32 timber type on the Nunnemaker property (2017).

Sudden Oak Death (SOD) is a tree disease caused by the plant pathogen *Phytophthora ramorum*. It affects mostly tanoak but also several other oak tree species (coast live oak, California black oak, Shreve oak, and canyon live oak), and causes twig and foliar diseases in numerous other tree species, including California bay laurel, Douglas-fir, and coast redwood. All parcels have seen an increase in sudden oak death over the past decade, more so in the northern two parcels.



Dead tanoaks from sudden oak death on the Nunnemaker Property (2017).

Recommendations for Future Actions

Continue to manage the forest stands for softwood lumber production. These are young mature stands that are ready for a final harvest and can be harvested when economically advantageous to do so. Clearcut harvesting would insure that Douglas-fir would be established in the next rotation by artificial regeneration (hand planting of conifer seedlings post-harvest). If selection harvesting is desired, there is a risk of tanoak dominance in future stands. Tanoak has little to no commercial value. Natural regeneration after a selection harvest historically has a high abundance of tanoak due to the species ability to sprout from the stump. Post selection openings must be larger than 2 acres in order for the shade intolerant species to regenerate, such as Douglas-fir. As long as Tanoak maintains a significant component of existing stands, much of the growing space will be under-utilized for more valuable conifer species. The removal of the Tanoak component should be a priority silvicultural treatment to enhance the conifer harvest levels. Treatment of the tanoak would also slow the spread of SOD to nearby residential properties where larger tanoaks may have some amenity value to the residential property owner.

Intermediate treatments prior to the final harvest may be advantageous from time to time to remove

dead, dying or diseased trees from the stand. The commercial harvest of dead, dying or diseased conifers would require a harvest permit such as a 10% Dead, Dying or Diseased Harvest Exemption. Tanoak infected with SOD can be manufactured into firewood and used locally. Care needs to be taken cleaning tools and equipment after working in SOD infected timber to prevent the spread of the disease. More information on that is available at <http://www.suddenoakdeath.org/>.

Conclusion

All four assessor's parcels meet the definition of timberland, that of privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre. All four assessor's parcels currently meet the timber stocking standards as set forth in Section 4561 of the public resources code and the forest practice rules adopted by the State Board of Forestry for the coast forest district.

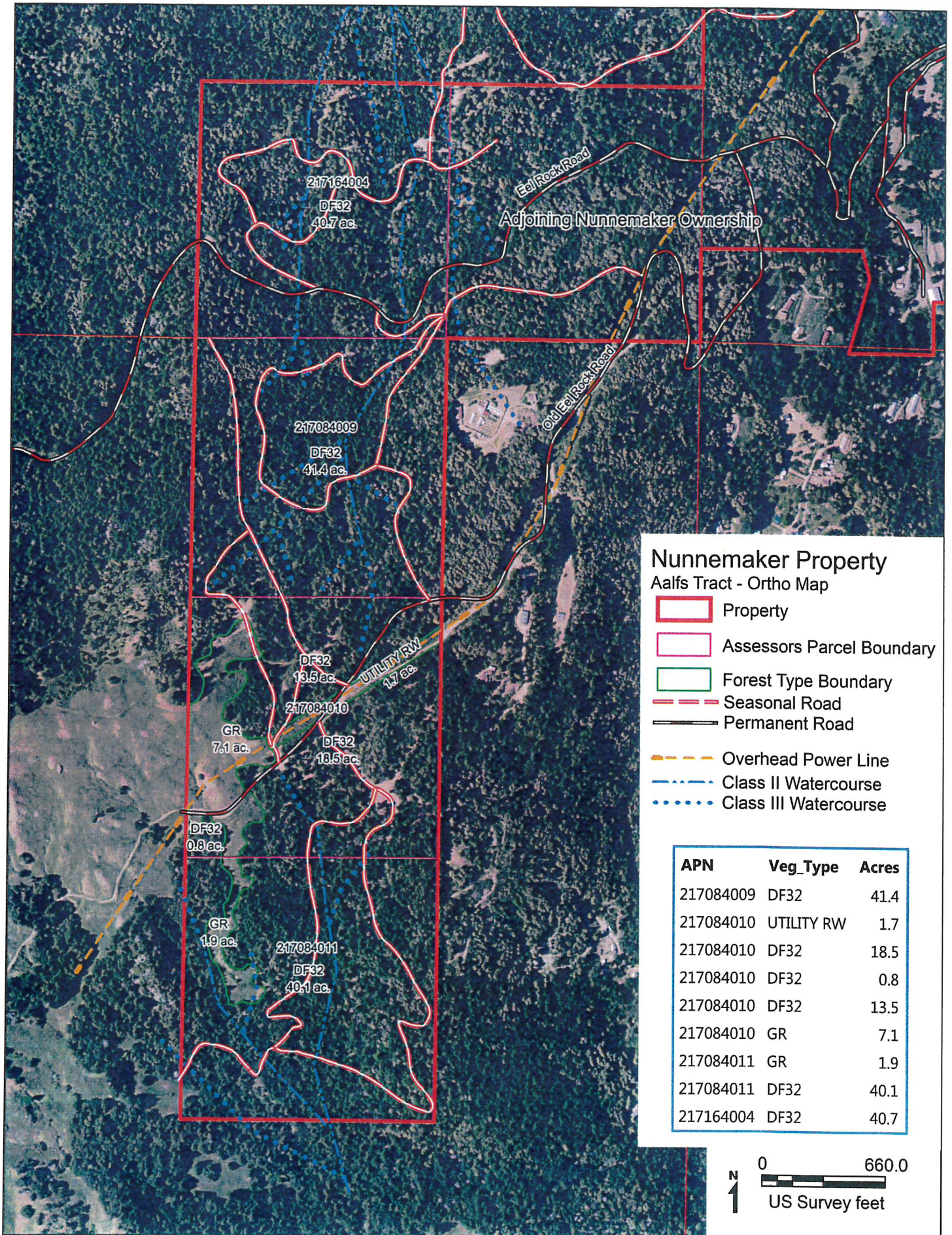
Sincerely,

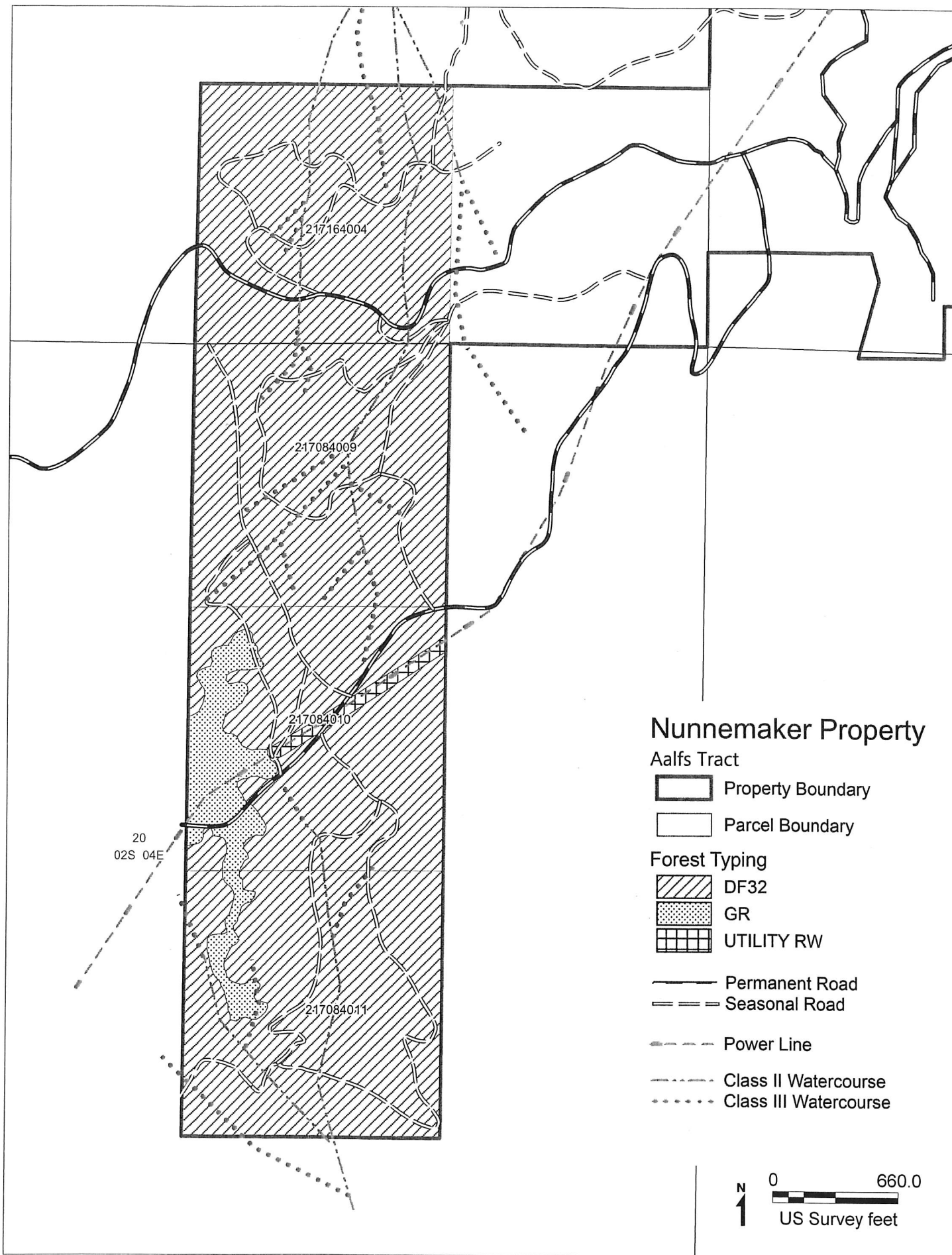
A handwritten signature in black ink, appearing to read 'Carl Anderson', with a stylized flourish at the end.

Carl A. Anderson, RPF #2457
Western Timber Services, Inc.

Attachments:

Ortho Map
Type Map





ATTACHMENT 5

Referral Agency Comments and Recommendation

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

Referral Agency	Response	Recommendation	Location
County Building Inspection Division	✓	Approval	On file
County Public Works, Land Use Division	✓	No Comment	On file
County Division of Environmental Health			
CA. Dept. of Forestry and Fire Protection	✓	Standard Comments	On file
County Assessor's office	✓	Approval	On file
Northwest Information Center	✓	Comments	On file
Bear River Band of the Rohnerville Rancheria			
Forestry Review Committee	✓	Approval per September 17, 2018 meeting	Attached

Minutes

September 17, 2018 Meeting

I. Attendance

FRC Members Present: Kurt McCray, Jim Able, Mark Andre, Yana Valachovic

FRC Members Absent: Ben Hawk, Chris Carroll, Gary Ryneerson

Staff Present: Trevor Estlow, Planning and Building Department

The Committee welcomed guests: Eric Taft, Sally and Richard French, Jeff Smith, Tim Hooven, Art Hooven, David Hooven, Ron Pelletier, Alex Moore

II. Public Appearances: None.

III. Approval of Minutes from the April 2, 2018.

On a motion by Yana Valachovic, seconded by Jim Able, the minutes of the April 2, 2018 meeting were approved by a vote of 4-0.

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

1. **Hooven Zone Reclassification.** Case Number: ZR-17-008; Assessor Parcel Number 511-501-002; McKinleyville area.

Trevor Estlow provided the staff report and staff recommendations. The project involves zone reclassification to change the zoning from Timberland Production Zone (TPZ) to Agriculture General with a five acre minimum parcel size (AG-B-5(5)) through a ten-year phase out.

At this time, the Chair opened the meeting to public comments. Art Hooven described the history of the property. There were questions regarding previous conversion permits, economic viability of small timberlands, and the ability for a landowner to slide out of TPZ. Various avenues and pathways moving forward were offered to the landowner. No motion was made.

3. **Casanova Lot Line Adjustment and Joint Timber Management Plan** Case Number: LLA-18-002, JTMP-18-001, Assessor Parcel Numbers: 102-151-001, 102-092-004; Bear River area.

Trevor Estlow provided the staff report and staff recommendations. The project involves Lot Line Adjustment (LLA) between two parcels resulting in two parcels of approximately 160 acres and 320 acres. The LLA will exchange approximately 18.8 acres between the two parcels. The purpose of the LLA is to adjust property lines so that portions of the lands will be more accessible by the property owners so that the land can be better managed and utilized. A Joint Timber Management Plan is also required.

At this time, the Chair opened the meeting to public comments. There was a brief discussion of the proposal. It was recommended that an access easement be recorded as described on the plot plan. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Kurt McCray, seconded by Yana Valachovic, the Casanova project was conditionally approved by a vote of 3-0 (Jim Able abstained). The condition requires that the access easement be recorded concurrently with the Lot Line Adjustment and JTMP.

4. Zarcufsky Joint Timber Management Plan Case Number: JTMP-18-002; Assessor Parcel Number: 313-146-004; Maple Creek area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Joint Timber Management Plan to facilitate the conveyance of a parcel within a larger Assessor Parcel Number.

At this time, the Chair opened the meeting to public comments. Kurt McCray disclosed that there was an enforcement action on the property in 2009-2010, however, the current owner did not own the property at the time. It was recommended that an access easement be recorded as described in the JTMP. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Yana Valachovic, seconded by Jim Able, the Zarcufsky project was conditionally approved by a vote of 4-0. The condition requires an access easement to be recorded concurrently with the Lot Line Adjustment and JTMP.

5. French Lot Line Adjustment, Joint Timber Management Plan and Zone Boundary Adjustment Case Numbers: LLA-18-011, JTMP-18-001, ZBA-18-003; Assessor Parcel Numbers: 108-063-002 et seq.; Ettersburg area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Lot Line Adjustment (LLA) between four parcels resulting in four parcels of approximately 83 acres, 107 acres, 77 acres and 2,227 acres. A Zone Boundary Adjustment (ZBA) is also included to rezone APN 108-063-002 Timberland Production Zone (TPZ) concurrently with the LLA. The purpose of the LLA is for estate planning and to provide better management units. A Joint Timber Management Plan is also required.

At this time, the Chair opened the meeting to public comments. Sally French described the history of the project. Jim Able discussed the access for timber management purposes. It was recommended that the Timber Management Plan Road Use Agreement be recorded. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Yana Valachovic, seconded by Jim Able, the French project was conditionally approved by a vote of 4-0. The condition requires the Timber Management Plan Road Use Agreement be recorded concurrently with the Lot Line Adjustment and JTMP.

2. Nunnemaker Zone Reclassification Case Number: ZR-17-012; Assessor Parcel Numbers 217-084-009, 217-084-010, 217-084-011, 217-164-004; Eel Rock area.

Trevor Estlow provided the staff report and staff recommendations. The project involves a Zone Reclassification of approximately 160 acres from Agriculture Exclusive (AE) into Timberland Production Zone (TPZ). Currently, the lands are utilized for timber production.

At this time, the Chair opened the meeting to public comments. The committee discussed their familiarity with the site. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Yana Valachovic, seconded by Kurt McCray, the Nunnemaker project was approved by a vote of 4-0.

V. Future Agenda Items

No discussion

VII. Adjournment

The meeting was adjourned at 7:10 p.m.