

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

**Certified copy of portion of proceedings; Meeting on May 21, 2019
RESOLUTION NO. _____**

RESOLUTION CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND MAKING THE REQUIRED FINDINGS FOR THE ZONE RECLASSIFICATION OF PROPERTY IN THE EEL ROCK AREA FROM AGRICULTURE EXCLUSIVE WITH A 160-ACRE MINIMUM PARCEL SIZE (AE-B-5-160)) AND UNCLASSIFIED (U) TO TIMBERLAND PRODUCTION ZONE (TPZ); CASE NUMBER ZR-17-012 (NUNNEMAKER); ASSESSOR PARCEL NUMBERS: 217-084-009, 217-084-010, 217-084-011, 217-164-004

WHEREAS, Western Timber Services, on behalf of the owners, submitted an application and evidence in support of approving the Zone Reclassification application; and

WHEREAS, the proposed Zone Reclassification; that is, to rezone lands from Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) and Unclassified (U) to Timberland Production Zone (TPZ), may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; and (3) The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

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

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

WHEREAS, the Planning Commission has reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on February 21, 2019; and

WHEREAS, at their February 21, 2019 meeting, the Planning Commission recommended the Board make the necessary findings and approve the zone reclassification.

WHEREAS, the required findings for the proposed Zone Reclassification (Case No.: ZR-17-012) can be made affirmatively based on the following evidence:

1. **FINDING: PUBLIC INTEREST** – The proposed amendment is in the public interest. The application of zoning the land into Timber Production Zone ensures compatible land uses and furthers the public interest by protecting lands for continued resource production.

EVIDENCE:

- a) The Zone Reclassification will rezone existing timberlands into TPZ consistent with the surrounding, adjacent timberlands. By rezoning into TPZ, the project will limit uses to uses compatible with continued timber management and maintain the property for the growing and harvesting of timber.
- b) The Zone reclassification is consistent with the General Plan goal supporting forestland timber production. The rezoning will help maintain a stable inventory of productive forest lands for timber production purposes.
- c) The Zone Reclassification will reclassify an approximate 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.
- d) The Zone Reclassification is consistent with the provisions of Section 51101 of the California Government Code (C.G.C.) in which 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, and 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 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 and other uses.*
- 3) *Discourage the expansion of urban services into timberland.*
- 4) *Encourage investment in timberlands based on reasonable expectation of harvest."*
(Government Code § 51102.)

2. **FINDING: GENERAL PLAN CONSISTENCY**- the Zone Reclassification is consistent with the Humboldt County General Plan.

EVIDENCE:

- a) 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 Agricultural Grazing (AG) plan designation.
- b) The Zone reclassification will implement policies in the Humboldt County General Plan, Section 4.6 (Forestry Resources) that encourage timber production and long-term management of timberlands. The Zone Reclassification will carry out the goal to actively protect and conserve timberlands for long term economic utilization and to actively enhance county timber production capabilities.
- c) The Zone Reclassification has been reviewed for consistency with other text, policies, and regulations in the Humboldt County General Plan. No conflicts were found to exist. The Zone Reclassification is consistent with the following specific General Plan policies and standards:
 - 1) Land Use: Agricultural Grazing. The Agricultural Grazing 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. Timber production is an allowed use type in the Agricultural Grazing land use designation. The Forest Management Plan has identified this property as timberland. The lands proposed to be rezoned are part of a larger holding of timberlands owned by the Nunnemaker family who are engaged in managing the resource for the growing and harvesting of timber.
 - 2) Open Space: Open Space and Conservation Program. The applicable goals, policies and standards of the General Plan are to inventory and appropriately zone conservation, resource and open space lands to maintain these lands in resource production through such measures as the Timberland Production Zone designation (CO-P1); to support working lands that maintain profitable resource production on timber and agricultural lands as a means of securing long-term production and sustainability through programs such as the Williamson Act and the Timber Production Zone (CO-P3); and to implement the Open Space Plan and Open Space Action program for the managed production of resources through the application of designated zone classifications, including the Timber Production Zone (TPZ) (CO-S1 and CO-S2). The Forest Management Plan prepared for the rezoning has identified this property as timberland and a timber harvest plan has been conducted on the property as recently as 1997. The subject property implements the Open Space Action Plan because the land is planned Agriculture Grazing and is zoned Agriculture Exclusive, both enumerated open space programs. The Zone Reclassification to TPZ is consistent with the Open Space Plan because it protects working resource lands suitable for timber production that will continue to be managed for the growing and harvesting of timber resources.

3. **FINDING: CONFORMANCE WITH HOUSING LAW – The Zone**
Reclassification will 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.
EVIDENCE: Resource lands such as the Nunnemaker property 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. **FINDING: SUPPLEMENTAL TIMBERLAND PRODUCTION ZONE PROCEDURES – The Zone**
Reclassification meets the criteria for rezoning property into Timberland Production Zone. After November 1977, an owner of real property may apply to zone land as Timberland Production. The Board of Supervisors, pursuant to the County Zoning regulations and Public Resources Code Section 51110.2, shall zone as Timberland Production all parcels submitted to it meeting the following criteria:
- a) **Legal Description.** The area of the proposed rezoning shall be depicted on a map.
EVIDENCE: A map was prepared showing the legal description of the property desired to be zoned Timberland Production Zone.
 - b) **Forest Management Plan.** A plan for forest management of the property shall be prepared or approved as to content by a registered professional forester.
EVIDENCE: A Forest Management Plan was prepared by Carl A. Anderson, RPF#2457, Western Timber Services, Inc. The Forest Management Plan was reviewed and approved by the Humboldt County Forestry Review Committee on September 17, 2018.
 - c) **Stocking Standards.** The parcel shall currently meet the stocking standards per Section 4561 of the Public Resources Code or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards within five years of the effective date of the zone reclassification.
EVIDENCE: The Forest Management Plan prepared by Carl A. Anderson, RPF#2457, Western Timber Services, Inc. shows that the property currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules.
 - d) **Ownership and Minimum Parcel Size.** The land to be rezoned to Timberland Production Zone shall be in the ownership of one person and shall be comprised of single or contiguous parcels meeting the 160-acre minimum size requirement.
EVIDENCE: The area to be rezoned into TPZ consists of portions of one legal parcel of 160 acres owned by Fred and Marlene Nunnemaker.
 - e) **Timberland.** The land being rezoning into Timberland Production Zone shall be timberland, as defined in Section 51104(f) of the Government Code.
EVIDENCE: The property to be rezoned Timberland Production Zone consists primarily of conifer timber with mixed hardwoods. The Forest Management Plan prepared by Carl A. Anderson, RPF#2457, Western Timber Services, Inc evaluated four stand areas coinciding with the subject Assessor Parcels (APN):

APN 217-084-009, 217-084-010, 217-084-011, 217-164-004. Douglas-fir occupies 50%, 60-70%, 50-60%, and 60-70% of the existing overstory basal area for the APNs, respectively. The forester who prepared the Forest Management Plan has certified that all four assessor parcels meet the definition of timberland, that is: privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting of timber, or for growing and harvesting of timber and compatible uses, and which is capable of growing an average volume of wood fiber of at least 15 cubic feet per acre.

- f) **Conformance with Compatible Use Regulations.** The existing land use is in compliance with Section 314-7.4 of the Humboldt County Zoning Regulations. **EVIDENCE:** The Forest Management Plan prepared by Carl A. Anderson, RPF#2457, Western Timber Services, Inc has demonstrated that the land proposed for Zone Reclassification is devoted to the growing and harvesting of timber which is a use in compliance with the land use standards of the Timberland Production Zone. The prior owner of the property had completed a timber harvesting plan (THP) on the property in 1997. The Planning Division conducted a review of Department records and found no land use violations on this property.

5. **FINDING: COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)** – the proposed Zone Reclassification into Timberland Production Zone is statutorily exempt from the provisions of CEQA.

EVIDENCE: The proposed zone reclassification is statutorily exempt per Section 15264 of the CEQA Guidelines and Section 51119 of the California Government Code. Section 15264 holds that local agencies are exempt from the requirement to prepare an EIR or Negative Declaration on the adoption of timberland preserve zones under Government Code Section 51100 et. seq. Government Code Section 51119 provides that any action of the board or council undertaken to zone a parcel as timberland production pursuant to Section 51112 or 51113 is exempt from the requirements of Section 21151 of the Public Resources Code. This section of CEQA mandates that all local agencies prepare and certify an environmental impact report on any project they intend to carry out which may have a significant effect on the environment.

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

1. Finds that the project is exempt per Section 15264 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. Finds the zone reclassification is in the Public Interest, consistent with the General Plan, in conformance with Housing Law and is consistent with the provisions of the Timber Production Zone as outlined above.

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

1. Upon adoption of the associated ordinance, the Zone District for the subject property be amended from Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) and Unclassified (U) to Timberland Production Zone (TPZ); and
2. Current Planning Division Staff is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
3. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor's Office and any other interested party; and
4. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

Chair, Board of Supervisors

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

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

STATE OF CALIFORNIA)

) ss.

County of Humboldt)

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

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

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

By _____

