



COUNTY OF HUMBOLDT

Legislation Text

File #: 19-626, **Version:** 2

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

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

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. ____ (Attachment 2) 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 comments;
3. Close the public hearing;
4. Find the project exempt from environmental review pursuant to Section 15264 of the California Environmental Quality Act;
5. Adopt the Resolution making the necessary findings for the proposed zone reclassification;
6. Adopt by 4/5ths vote Ordinance No. ____ (Attachment 2), amending Section 311-7 of Humboldt County Code by reclassifying approximately 160 acres in the Eel Rock area from Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) and Unclassified (U) into Timberland Production Zone (TPZ);
7. Direct the Clerk of the Board to record Certification of Rezoning (Notice of Timberland Production Zone Status) (Attachment 3) on the parcels pursuant to Sections 51117 and 51141 of the California Government Code, after attaching a copy of the fully executed Ordinance (Attachment 2);
8. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after the adoption of the Ordinance;
9. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's office, County Counsel, the Planning Division, and any other interested party; and
10. Direct Planning staff to prepare and file a Notice of Exemption pursuant to the California Environmental Quality Act.

SOURCE OF FUNDING:

Applicant fees.

DISCUSSION:

Project Description

The matter for consideration by your Board is a Zone Reclassification (ZR) to reclassify lands currently zoned AE-B-5(160) and Unclassified (U) totaling approximately 160 acres into Timberland Production Zone (TPZ). These lands have historically been managed as timberlands (the previous owner harvested under a Timber Harvest Plan in 1997), however, they were never zoned TPZ.

Summary

The Humboldt County Planning Commission considered the proposal and held a public hearing on the project at their meeting of February 21, 2019. In a 6-0 vote, the Planning Commission recommended the Board make the necessary findings and approve the zone reclassification.

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 update 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). Per the Zoning Consistency Matrix of the General Plan, the proposed rezoning to TPZ is consistent with the existing Agriculture Grazing (AG) General Plan designation.

Required Findings

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

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

1. The amendment is in the public interest;
2. The amendment is consistent with the County General Plan; and
3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Planning Commission Recommendation: Based on the information contained in the Planning Commission staff report (Attachment 5), the Planning Commission recommended that the required findings be made and the proposed Zone Reclassification be approved. Specifically, the Planning

Commission found:

- The Zone Reclassification is in the public interest, and is consistent with a comprehensive view of the General Plan; and
- That the project is exempt from CEQA pursuant to Section 15264 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
- The findings necessary for approval of the project can be made as indicated in the Planning Commission staff report.

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

4. A map was prepared showing the legal description of the property to be zoned;
5. The property currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules; or that the owner shall sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practice Rules by the fifth anniversary of the signing of such agreement, said agreement shall provide that if the parcel is subsequently zoned TPZ and fails to meet the stocking standards and Forest Practice Rules within the time period, the Board of Supervisors shall rezone the parcel to another zoning pursuant to Section 51121 of the Government Code;
6. The land to be rezoned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single parcel or a unit of contiguous parcels as defined in Section 51104 of the Government Code, which is eighty (80) acres or one-half of one-quarter section in size or larger;
7. The land shall be timberland as defined by Section 51104(f) of the Government Code; and
8. The existing uses on the parcel must be uses permitted in the Timberland Production Zone.

For these findings, the Planning Commission found as follows:

- **Legal Description.** A map was prepared showing the legal description of the property.
- **Stocking Standards.** The property currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules.
- **Ownership and Minimum Parcel Size.** The area to be rezoned into TPZ consists of four Assessor Parcel Numbers (APNs) making up one legal parcel owned by Fred and Marlene Nunnemaker.
- **Timberland.** The land is timberland as defined by Section 51104(f) of the Government Code.
- **Conformance with Use Regulations.** The existing land use is in compliance with the land use standards of the Timberland Production Zone.

Furthermore, the County Forestry Review Committee (FRC) reviewed and recommended approval of the zone reclassification at their September 17, 2018 meeting.

CEQA

A Zone Reclassification is a “project” for the purposes of the California Environmental Quality Act (CEQA). The project can be found statutorily exempt from CEQA pursuant to Section 15264 which states: “*Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec 51119).*”

Staff Recommendation

Planning staff supports the project because the required findings can be made. The Zone Reclassification is in the public interest and the lands to be rezoned meet the definition of timberlands. The amendment, as supported by planning staff, is consistent with Plan policies and with the development capabilities of the property.

Based on the site inspection, a review of Current Planning Division reference sources and comments from all involved referral agencies, Current Planning Staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the project. The Humboldt County Planning Commission concurred at their meeting of February 21, 2019 when they adopted Resolution No. 19-19 (Attachment 6) unanimously recommending approval of the project.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved in the processing of the application.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by managing our resources to ensure sustainability of services .

OTHER AGENCY INVOLVEMENT:

The project was referred to various state and local agencies for comments and recommendations. The Planning Commission has recommended approval. The adopted resolution from the Planning Commission is included in Attachment 6 to this report.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to accept the Planning Commission recommendation of approval. As documented in the Planning Commission Resolution (Attachment 6), the Planning Commission believes that satisfactory evidence has been provided in the project record to support making the required findings. Accordingly, both the Planning Commission and planning staff do not recommend this alternative.

ATTACHMENTS:

Attachment 1 Resolution No. ____
Attachment 2 Ordinance No. ____, Exhibit A (legal description), Exhibit B (map)

Attachment 3	Certificate of Rezoning (Notice of Timberland Production Status)
Attachment 4	Post-Adoption Summary of Ordinance
Attachment 5	Copy of Planning Commission Staff Report of February 21, 2019
Attachment 6	Planning Commission Resolution No. 19-19

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A