



COUNTY OF HUMBOLDT

For the meeting of: 11/28/2023

File #: 23-1518

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: 4/5th

SUBJECT:

Chuck Wright Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan
Assessor Parcel Numbers (APN): 316-134-005, 316-135-005, 316-135-004
Record Number: PLN-2023-18059
Korbel area (4/5th vote required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. ____ by title and waive further reading; and
2. Open the public hearing, receive and consider the staff report, the Planning Commission's findings and accept public comment; and
3. Close the public hearing; and
4. Adopt the Resolution (Attachment 1) approving the Joint Timber Management Plan (Attachment 8) prepared pursuant to Section 51119.5 of the California Government Code (C.G.C.) (Note: A 4/5th vote is required) and making all of the required findings for approval of the Lot Line Adjustment and Zone Boundary Adjustment; and
5. Adopt Ordinance No. ____ (Attachment 4) amending section 311-7 of the Humboldt County Code by reclassifying property within APN 316-135-004 currently zoned Agriculture Exclusive to Timberland Production Zone; and
6. Direct the Clerk of the Board to publish a summary of the zoning changes withing 15 days of the date of the hearing (Attachment 6); and
7. Direct the Planning Division staff to record the Declaration with the JTMP (Attachment 7) and the Notices of Lot Line Adjustment and Certificate of Subdivision Compliance (Attachment 3); and
8. Direct the Clerk of the Board to give notice of the decision to owners, the County Assessor's Office, and any other interested party.

SOURCE OF FUNDING:

Applicant fees.

DISCUSSION:

Project Location: The project is located in in the Korbel area, on the southwest side of Snow Camp Road, approximately one-half mile south from the intersection of Bald Mountain Road and Snow Camp Road, on the property known as 5214 Snow Camp Road.

Present Plan Land Use Designations: 316-134-005 and 316-135-004: Timber (T); Agriculture Grazing (AG). Humboldt County General Plan. Density: T: 40-160 acres per unit; AG: 20-160 acres per unit. Slope Stability: Moderate to High Instability (E).

316-135-005: Timber (T). Humboldt County General Plan. Density: 40-160 acres per unit. Slope Stability: High Instability (3).

Present Zoning: 316-134-005 and 316-135-004: Timberland Production Zone (TPZ), Agriculture Exclusive (AE).

316-135-005: Timberland Production Zone (TPZ).

Environmental Review: Project is exempt from environmental review per Section 15305(a) and Section 15061(b)(3) of the California Environmental Quality Act (CEQA).

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issues: None

Executive Summary: A Lot Line Adjustment (LLA) between two parcels resulting in two parcels of approximately 284 acres (Parcel A) and 40 acres (Parcel B). Also, part of the project is a Zone Boundary Adjustment (ZBA) that would adjust the zone boundary between the Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) boundary on Parcel B. This would involve rezoning approximately one isolated acre of AE to TPZ, essentially absorbing the AE zoned acre into the TPZ zone to meet the 40-acre minimum parcel size requirement, resulting in an increase of TPZ lands. The land to be rezoned into TPZ was found to meet the inclusion requirements as demonstrated in the letter provided by Carter Krewson, Registered Professional Forester #3110 (Attachment 9). A Joint Timber Management Plan (JTMP) is required due to the resultant Parcel B containing less than 160 acres of TPZ. The smaller parcel (Parcel B) is developed with a single-family residence and associated residential development, and the larger parcel (Parcel A) is managed for timber production. The purpose of the LLA is to facilitate the conveyance of most of the timberland to the adjacent landowner. No development is proposed.

A review of creation documents to determine the legal status of the parcels found that the two involved parcels were created in compliance with the Subdivision Map Act, and are in fact, two separate legal parcels. A portion of APN 316-134-005 and APN 316-135-005 was created by Land Patent, Certificate No. 1248 Issued to John Ryan, May 5, 1897. APN 316-135-004 is a separate legal parcel described as Parcel Two per Certificate of Subdivision Compliance, Instrument No. 2021-010513.

The reconfigured parcels will result in the division of TPZ zoned land, and Parcel B will contain less than 160 acres of land zoned TPZ. Therefore, a JTMP is required to demonstrate that the resulting legal parcel can be managed as a separate unit and provide periodic sustainable return while balancing growth and yield over time.

The submitted JTMP (Attachment 8) fulfills a required finding that the resultant Parcel B is consistent with the purpose of the TPZ, i.e., for the continued growing and harvesting of timber. As the size of a timberland parcel becomes smaller (below 160 acres), certain factors affecting the viability of the property to continue in a manner meeting the purpose of the zone become more important. The purpose of the JTMP is to ensure that the resultant Parcel B meets minimum stocking requirements, has adequate access to public roads and recorded access to private access roads, where needed, and is covered by a management guide which describes recommended silvicultural techniques, cutting cycle, stand regulation and regeneration, immediate stand treatments, fire protection, and other similar management practices.

Parcel A will be approximately 284 acres in size and contain approximately 284 acres zoned TPZ. Parcel B will be approximately 40 acres in size and contain approximately 40 acres of TPZ. The JTMP indicates that Parcel B currently has approximately 100% of the parcel stocked with conifers to State standards. The findings for the LLA can be made based on the submitted evidence (Attachment 6 to the Planning Commission Staff Report - Attachment 11).

Section 51119.5 of the California Government Code (C.G.C.) and Section 314-7.4.1.3 of the Humboldt County Code (H.C.C.) require the preparation of a JTMP for the "division" of land into assessor parcels containing less than 160 acres of TPZ. Parcel is defined as "that portion of an assessor's parcel that is timberland" (C.G.C. Section 51104(i)). The JTMP is intended to guide the management and harvesting of timber on these smaller TPZ ownerships that result from the division of assessor parcels zoned TPZ into assessor parcels containing less than 160 acres of TPZ. Activities that may result in such a division include subdivision, lot line adjustment, and conveyances of existing land units (e.g. land patents) underlying an assessor's parcel zoned TPZ, when any such created lot, reconfigured parcel or parcel to be conveyed contains less than 160 acres of TPZ land. Such circumstances require the preparation, review and approval of a JTMP per State law and local ordinance.

Consistent with Section 51119.5 of the California Government Code, a JTMP was prepared by James L. Able Forestry Consultants, Inc. The County's Forestry Review Committee (FRC) reviewed and recommended conditional approval of the JTMP on February 8, 2023 (Attachment 10). Pursuant to Section 51119.5, the JTMP must receive a 4/5's affirmative vote of the Board of Supervisors to become effective.

On the basis of the FRC's favorable recommendation, Planning Division staff concludes that the JTMP shows that Parcel B can be managed consistent with these requirements.

Required Findings

Lot Line Adjustment:

Humboldt County Code Section 325.5-6 specifies the findings that must be made in order to approve a Lot Line Adjustment. The relevant required findings are as follows:

1. The application is found to be complete; and
2. The parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations; and
3. The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances.

Planning Commission Recommendation: Based on the information contained in the Planning Commission Staff Report (Attachment 11), the Planning Commission recommended that the required findings be made, and the proposed Lot Line Adjustment and Zone Boundary Adjustment be approved. The Planning Commission found that:

- The application is complete, the parcels to be adjusted are in compliance with the Subdivision Map Act and local subdivision regulations, and the proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances.

Zone Reclassification :

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; and
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 11), the Planning Commission recommended that the required findings be made, and the proposed Zone Boundary Adjustment be approved. The Planning Commission found that:

- The Zone Boundary Adjustment is in the public interest, is consistent with a comprehensive view of the General Plan, and does not reduce the residential density of the subject parcels below that utilized by the Department of Housing and Community Development; and

The findings necessary for approval of the project can be made as recommended by the Planning Commission.

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 priority of managing our resources to ensure sustainability of services.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies, including the Forestry Review Committee which approved the JTMP on February 8, 2023.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board may choose not to approve the project. Planning Division staff does not recommend this alternative. The JTMP shows that the management units within the resultant parcels and zoning can be managed for continued timber production.

ATTACHMENTS:

1. Draft Resolution
 - A. Lot Line Adjustment Map
2. Location Map Set
3. Approved Notice of Lot Line Adjustment and Certificate of Subdivision Compliance
4. Draft Ordinance No. _____
5. Certification of Rezoning
6. Post-Adoption Summary of Ordinance
7. Declaration of Covenants, Conditions and Restrictions Implementing Joint Timber Management Plan
8. Joint Timber Management Plan
9. TPZ Inclusion Letter
10. Forestry Review Committee Draft Minutes, February 8, 2023
11. Planning Commission Staff Report
12. Referral Agency Comments and Recommendations

APPLICANT AND PLANNER INFORMATION:

Applicant

Chuck Wright
PO Box 163
Korbel, CA 95550

Owners

APN 316-135-004
Cummings Party, et.al
c/o: Casas Riley Simonian, LLP
Attn: Sam Kiamanesh
55 North 3rd Street

File #: 23-1518

Cambell, CA 95008

APNs 316-134-005 and 316-135-005

Green Diamond Resource Company

c/o: Craig Compton

PO Box 68

Korbel, CA 95550

Agent

Kelly-O'Hern Associates

c/o: Mike O'Hern

3240 Moore Avenue

Eureka, CA 95501

Please contact Rodney Yandell, Senior Planner, at 707-445-7541 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled item.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: PC 7/20/2023

File No.: 23-1036