



COUNTY OF HUMBOLDT

For the meeting of: 7/20/2023

File #: 23-1036

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Chuck Wright Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan
Assessor Parcel Numbers: 316-134-005, 316-135-005, 316-135-004
Record Number: PLN-2023-18059
Korbel area

A Lot Line Adjustment (LLA) between two parcels resulting in two parcels of approximately 284 acres (Parcel A) and 40 acres (Parcel B) and a Zone Boundary Adjustment (ZBA) to adjust the zone boundary between the Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) boundary on Parcel B. An acre of property zoned Agriculture Exclusive will be converted to Timber Production Zone, to meet the 40-acre minimum TPZ area requirement on Parcel B. A Joint Timber Management Plan (JTMP) is required due to 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 the majority of the timberland to the adjacent landowner. No development is proposed.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 23-__). (Attachment 1) which recommends the Board of Supervisors take the following actions:
 - a) Find the project exempt from further environmental review pursuant to Section 15305(a) and Section 15061(b)(3) of the State CEQA Guidelines; and
 - b) Make the required findings for approval
 - c) Approve the Lot Line Adjustment, Zone Boundary Adjustment and Joint Timber Management Plan.

DISCUSSION:

Project Location: The project is located in in the Korbel area, on the South / West 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 in order 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 3). A Joint Timber Management Plan (JTMP) is required due to the resultant parcels containing less than 160 acres of Timberland Production Zone (TPZ). 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 the majority 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 4) 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).

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 5). 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 believes that the JTMP shows that Parcel B can be managed consistent with these requirements.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 7)

RECOMMENDATIONS:

Based on a review of Planning Division reference sources and comments from all responding referral

agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Lot Line Adjustment Map
 - C. Draft Ordinance for Adoption by the Board of Supervisors
2. Location Map Set
3. TPZ Inclusion Letter
4. Joint Timber Management Plan
5. Forestry Review Committee Draft Minutes, February 8, 2023
6. Applicant's Evidence in Support of the Required Findings
7. Referral Agency Comments and Recommendations

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
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

File #: 23-1036

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.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-067

Record Number PLN-2023-18059

Assessor Parcel Numbers 316-134-005, 316-135-005, 316-135-004

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approving the Wright Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan.

WHEREAS, the owners, submitted an application and evidence in support of approving the Lot Line Adjustment between two parcels and a Joint Timber Management Plan, and a Zone Boundary Adjustment to adjust the zone boundary between the Agriculture Exclusive zone (AE) and the Timberland Production Zone (TPZ), essentially absorbing the AE zoned area into the TPZ zone; and

WHEREAS, the County Planning Division, the lead agency, found the project exempt from environmental review pursuant to Section 15305(a) and Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **July 20, 2023**; reviewed, considered, and discussed the application for a Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan; and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

1. FINDING:

Project Description: 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 in order to meet the 40-acre minimum parcel size requirement. 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 the majority of the timberland to the adjacent landowner. No development is proposed.

EVIDENCE: a) Project File: PLN-2023-18059

2. **FINDING:** CEQA. The requirements of the California Environmental Quality Act have been complied with. The project is exempt from environmental review per Section 15305(a) and Section 15061(b)(3) of the California Environmental Quality Act (CEQA).

EVIDENCE: a) As lead agency, the Planning and Building Department found the project to be categorically exempt per Class 5, Section 15305(a) and Section 15061(b)(3) of the CEQA Guidelines. The LLA and ZBA do not result in a change in land use or overall density and the LLA is intended to facilitate the conveyance of the majority of the timberland to the adjacent landowner, while the ZBA will facilitate Parcel B meeting the 40-acre minimum parcel size requirement for TPZ. Therefore, the project is exempt pursuant to Sections 15061(b)(3) and 15305(a) of the CEQA Guidelines. Section 15061(b)(3) applies to projects when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and Section 15305(a) applies to minor lot line adjustments not resulting in the creation of any new parcel.

LOT LINE ADJUSTMENT

3. **FINDING:** The Lot Line Adjustment application is complete

EVIDENCE: a) The applicant has submitted a completed and signed application form, copies of present owners' deeds, a preliminary title report, copies of the creation documents for the parcels and a Lot Line Adjustment Map.

4. **FINDING:** The project is consistent with the Subdivision Map Act.

EVIDENCE: a) 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.

5. **FINDING:** The project conforms to zoning and building ordinances.

EVIDENCE: a) The parcels are zoned AE and TPZ and will be exclusively zoned TPZ as a result of the ZBA. TPZ allows general agriculture and single family residential as principally permitted uses. The project will adjust the parcel lines between two parcels with Parcel A acquiring approximately 120 acres from Parcel B. Parcel B is developed with a single-family residence and associated residential development, and Parcel A is managed for timber production.

6. FINDING: The project is consistent with the General Plan.

- EVIDENCE:**
- a) The Timberland (T) designation applies to land that is primarily suitable for growing, harvesting and production of timber. Parcel A will continue to be utilized for rural residential uses and timber production and the Parcel B will continue to be utilized for timber production. The project is therefore consistent with the goals of the Land Use Element of the General Plan.
 - b) No development is proposed with the LLA, and future development and uses on the project parcels will have minimal impacts on lands planned for preservation and conservation of Open Space. With the conveyance of the majority of the timberland to the adjacent landowner, the project is consistent with the Open Space Plan and the Open Space Action Program.
 - c) No impacts to biological resources will result from this LLA. According to the County GIS two unnamed tributaries to Canon Creek transect the parcels. Existing development maintains required setbacks to these watercourses. Any future development will be subject to the policies of the General Plan as they apply to protection of Streamside Management Areas (SMAs). According to the County GIS there is mapped habitat for Fisher and California globe mallow on portions of the parcels and northern spotted owl activity center approximately 800 feet south of APN 316-135-005; however, no development is proposed as part of the project. The project was referred to the California Department of Fish and Wildlife and they responded requesting that the applicant secure a Lake or Streambed Alteration Agreement (LSAA) and a water right for the spring diversion that supports the residence on Parcel B. In a follow up conversation between staff and CDFW on June 15, 2023, CDFW stated that they would like there to instead be an informational note added to the conditions of approval advising the applicant that diversion of surface waters without an LSAA is a violation of Fish and Game Code and that any future development of the property may require securing an LSAA and a water right from the State Division of Water Rights. This has been added to the informational notes within the conditions of project approval.

- d) No impacts to cultural resources will result from this LLA. The County does not have record of any culturally sensitive sites located in or around the project location. The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, and the Wiyot Tribe. The referral comments from NWIC indicated that their office had no record of any previous cultural resource studies and recommended consultation with the local tribes. Blue Lake Rancheria responded stating that they had no concerns with the project moving forward. Additionally, no development is proposed as part of the project.
- e) The site is in an area of moderate to high slope instability and outside of any Alquist-Priolo Fault Hazard Area or areas mapped as historic landslides. The site is outside of any flood zone. The subject property is located within the State Fire Responsibility Area where the State of California has the primary responsibility for the prevention and suppression of wildland fires. The parcel is outside of a mapped fire district but within the response area of the Blue Lake Volunteer Fire Department who provides structural fire protection as well as responding to medical emergencies.

ZONE BOUNDARY ADJUSTMENT

7. FINDING: The proposed project is in the public interest.

EVIDENCE: a) The project involves a ZBA between lands zoned AE and TPZ. The ZBA would adjust the zone boundary within the resultant 40-acre parcel such that the entire parcel is zoned TPZ. This action would rezone approximately one acre from AE to TPZ and facilitate the parcel meeting the 40-acre minimum parcel size requirement for TPZ. The Planning Division believes that the ZBA is in the public interest in that it accurately zones property and is minor in nature.

8. FINDING: The proposed ZBA is consistent with the General Plan.

EVIDENCE: a) The land involved in the ZBA is planned T by the Humboldt County General Plan. According to the Zoning Consistency Matrix of the Humboldt County General Plan, the T plan designation is compatible with TPZ zoning.

JOINT TIMBER MANAGEMENT PLAN

9. FINDING: The JTMP provides for the management and harvesting of timber by the original and any subsequent owners and shall be recorded as a deed restriction.

- EVIDENCE:**
- a) The County's Forestry Review Committee has reviewed the JTMP for its effectiveness for maintaining the ability of the new Parcel B to be effectively managed and harvested for timber and at its meeting of February 8, 2023, they recommended that the Board of Supervisors approve the JTMP.
 - b) The JTMP declaration has been executed by the property owner and will be recorded simultaneously with the Notices of Lot Line Adjustment.

ADDITIONAL REQUIRED FINDINGS

- 10. FINDING:** The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

- EVIDENCE:**
- a) All reviewing referral agencies that responded to the County have approved or conditionally approved the proposed project. The application is complete. Parcels to be adjusted are found to be in compliance with the Subdivision Map Act. The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances.

- 11. FINDING:** The proposed project 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 unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

- EVIDENCE**
- a) The subject parcels were not utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project has no impact on overall density.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby.

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan for Chuck Wright (PLN-2023-18059) subject to the conditions of approval attached hereto as Attachment 1A.

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.
3. Approve the Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan.
4. Adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying property in the Korbel area [PLN-2023-18059, Wright] so that the one isolated acre of AE on APN 316-135-004 is adjusted to TPZ.
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 **July 20, 2023**.

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Sarah West and the following ROLL CALL vote:

AYES: COMMISSIONERS: Iver Skavdal, Noah Levy, Lonyx Landry, Brian Mitchell, Sarah West

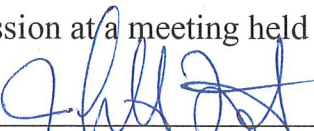
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Thomas Mulder, Peggy O'Neill

ABSTAIN: COMMISSIONERS:

DECISION: Motion carries 5/0

I, John H. 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

CONDITIONS OF APPROVAL (Lot Line Adjustment)

APPROVAL OF THE LOT LINE ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE PROJECT:

1. Per the Department of Public Works Memo dated January 12, 2023, the comers of the new property lines shall be monumented, pursuant to Section 325.5-9 of the Humboldt County Code. A Record of Survey shall be filed unless this requirement is waived by the County Surveyor. The requirement for a Record of Survey may be waived if, in the opinion of the County Surveyor, any one of the following findings can be made:
 - a. The new boundary line(s) are already adequately monumented of record.
 - b. The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
 - c. The new boundary line(s) can be accurately described and located from existing monuments of record.
 - d. The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.
2. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$445.00 per notice plus \$300.00 for each additional legal description plus applicable recordation fees).
3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be

submitted for review by the Planning and Public Works Departments.

4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$106.00 per parcel) as required by the County Assessor shall be paid to the Humboldt County Planning Department, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
6. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.*
7. The property owner(s) shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required document.
8. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the Planning Commission decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

9. Applicant shall obtain Board of Supervisors approval for the associated Zone Boundary Adjustment.
10. Applicant shall obtain Board of Supervisors approval for the associated Joint Timber Management Plan.

Informational Notes:

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed. Issuance of a building permit will require demonstration of all applicable development standards at the time a permit is requested.
3. This permit, including the Lot Line Adjustment shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.
4. The Humboldt County zoning map shall be revised to conform to the realigned zone boundary per the zone boundary determination of the Humboldt County Planning Commission (H.C.C. §311-8.2).
5. The applicant is advised that diversion of surface waters without a Lake or Streambed Alteration Agreement (LSAA) is a violation of Fish and Game Code, and that any future development of Parcel B may require securing an LSAA from CDFW and a water right from the State Water Resources Control Board Division of Water Rights for the ongoing use and maintenance of the spring that supplies water to the residence and accessory structures and uses.
5. **The following is applicable to future ground disturbing activity on any of the parcels resulting from this Lot Line Adjustment:** If cultural resources are encountered during construction activities the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) will be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

CONDITIONS OF APPROVAL (Zone Boundary Adjustment)

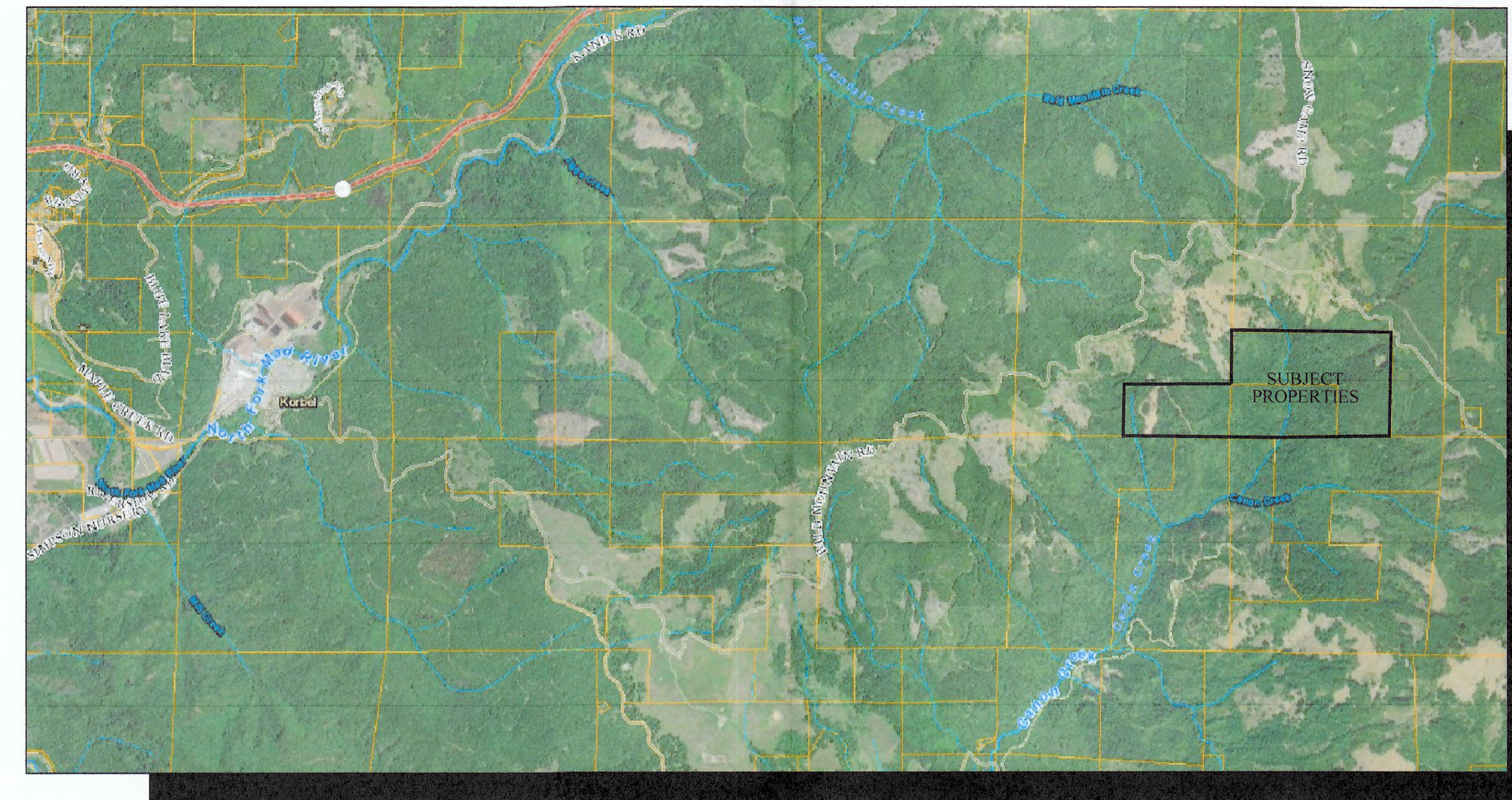
APPROVAL OF THE ZONE BOUNDARY ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE ZONE RECLASSIFICATION CAN BE SCHEDULED FOR ACTION BY THE BOARD OF SUPERVISORS:

Conditions of Approval:

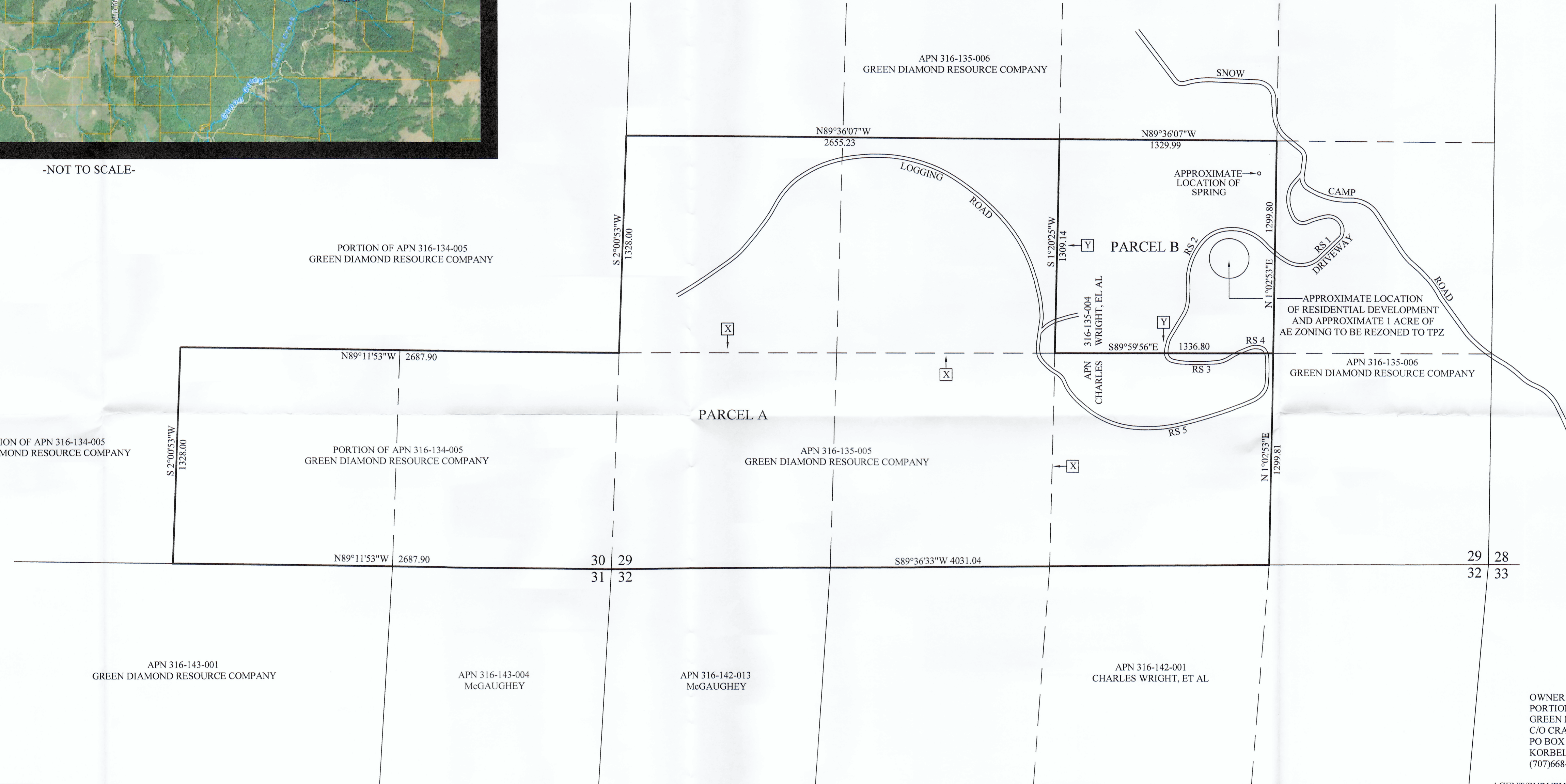
1. The applicant shall submit a legal description of the area to be rezoned from AE into TPZ for review and approval by the County Land Surveyor. The applicable review fee (currently \$300.00) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Zone Boundary Adjustment being scheduled for a decision by the Board of Supervisors.



VICINITY MAP



-NOT TO SCALE-



NOTES

1. THIS TENTATIVE MAP PROPOSES A LOT LINE ADJUSTMENT BETWEEN TWO EXISTING PARCELS.
2. WATER - WELL SEWER - ON-SITE DISPOSAL
3. NO TOPOGRAPHIC INFORMATION WAS COLLECTED OR SHOWN ON THIS MAP.
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES ARE SHOWN HEREON AND ARE APPROXIMATE.
5. AREAS SHOWN HEREON ARE APPROXIMATE BASED ON AVAILABLE MAPS AND NOT ON A FIELD SURVEY.
6. PROPERTY ADDRESS: 5214 AND 5950 SNOW CAMP ROAD
7. THIS APPLICATION INCLUDES THE REZONING OF APPROXIMATELY 1 ACRE OF LAND ZONED AE INTO TPZ.
8. THE PURPOSE OF THIS LOT LINE ADJUSTMENT IS TO FACILITATE THE CONVEYANCE OF THE MAJORITY OF THE TIMBERLAND TO AN ADJACENT LANDOWNER. THE EXISTING RESIDENTIAL DEVELOPMENT WILL BE LOCATED ON A PARCEL THAT IS APPROXIMATELY 40 ACRES IN SIZE.
9. SNOW CAMP ROAD, DRIVEWAY AND LOGGING ROAD SHOWN HEREON IS PER AERIAL MAPPING AND ARE APPROXIMATE.
10. ROAD SECTIONS (RS) SHOWN HEREON ARE FROM A JOINT TIMBER MANAGEMENT GUIDE FOR THIS PROPERTY.

LOT LINE ADJUSTMENT SUMMARY

PARCEL	BEFORE LLA		AFTER LLA	
	AREA		AREA	
APN 316-135-004	160.63 ACRES +-			
PORTION OF APN 316-134-005 AND APN 316-135-005	162.98 ACRES +-			
PARCEL A		283.69 ACRES +-		
PARCEL B		39.92 ACRES +-		

PARCEL ORIGIN:
PORTION OF APN 316-134-005 AND APN 316-135-005 - BOOK 24 PATENTS, PAGE 266
APN 316-135-004 - CERTIFICATE OF COMPLIANCE - INSTRUMENT NO. 2021-010513

OWNER:
PORTION OF APN 316-314-005, APN 316-135-005
GREEN DIAMOND RESOURCE COMPANY
C/O CRAIG COMPTON
PO BOX 68
KORBEL, CA 95550
(707)668-4424

AGENT/SURVEYOR:
MICHAEL J. O'HERN
KELLY-O'HERN ASSOCIATES
3240 MOORE AVENUE
EUREKA, CA 95501
(707)442-7283

OWNER/APPLICANT:
APN 316-135-004
CHARLES WRIGHT, ET AL
PO BOX 163
KORBEL, CA 95550
(707)668-5349

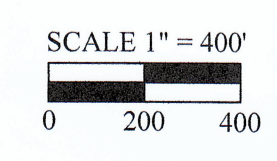
PORTION OF APN 316-134-005
APN 316-135-004
APN 316-135-005
FOR
LOT LINE ADJUSTMENT MAP

CHARLES WRIGHT, ET AL AND
GREEN DIAMOND RESOURCE COMPANY

IN
SECTIONS 29 AND 30 T6N, R3E, HUMBOLDT MERIDIAN
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
FEBRUARY 2023 SCALE 1" = 400'

HUMBOLDT COUNTY
STATE OF CALIFORNIA

KELLY-O'HERN ASSOCIATES
EUREKA, CALIFORNIA



BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on _____, 2023

ORDINANCE NO. _____

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE KORBEL AREA
[PLN-2023-18059 (Wright)]

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 as follows: approximately one isolated acre of Agriculture Exclusive (AE) within APN 316-135-004 into Timberland Production Zone (TPZ).

The area described is also shown on the Humboldt County Zoning Map [O-21] and on the map attached as Exhibit A.

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 _____, 2023, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

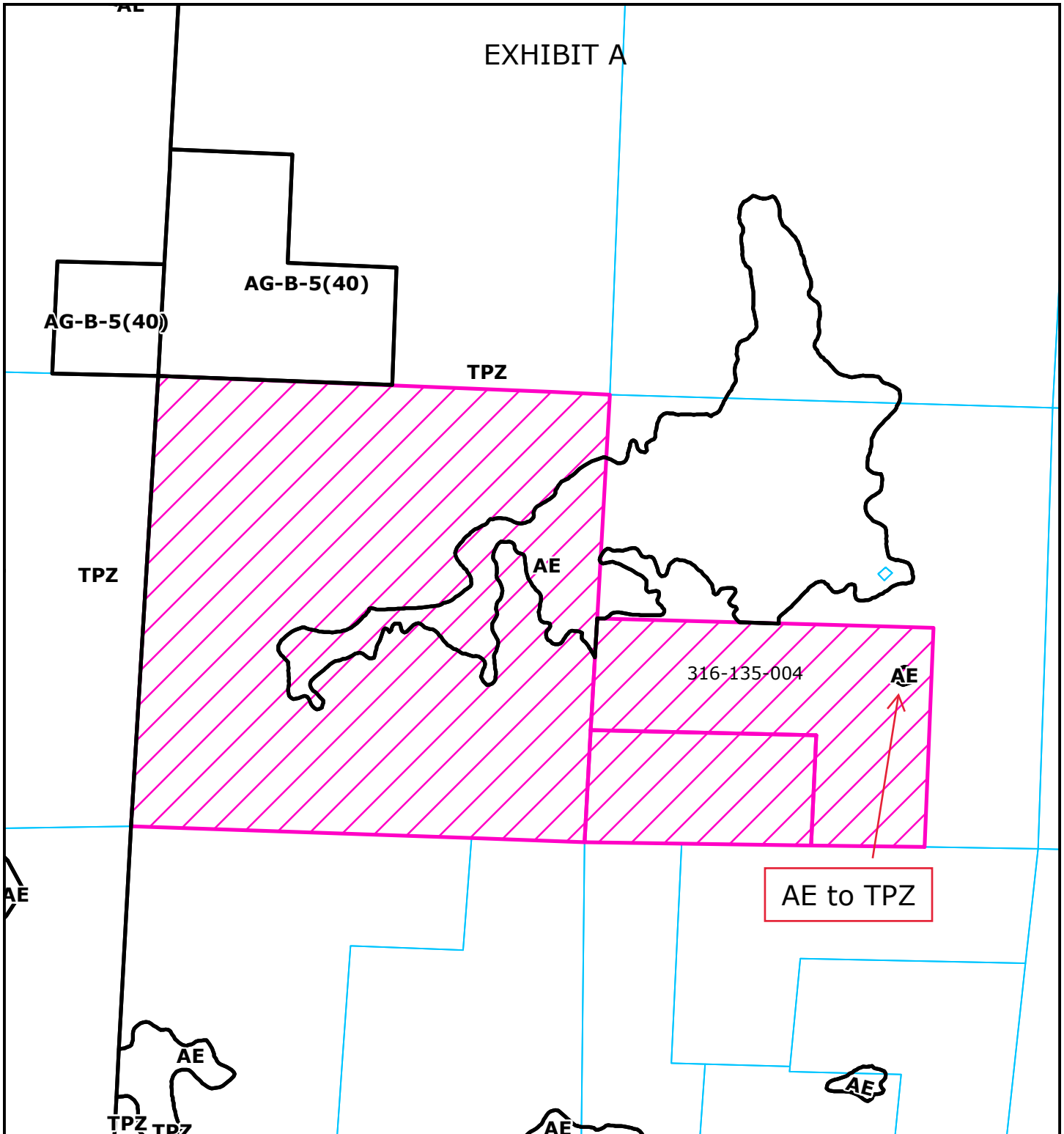
Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

Deputy

EXHIBIT A

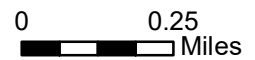


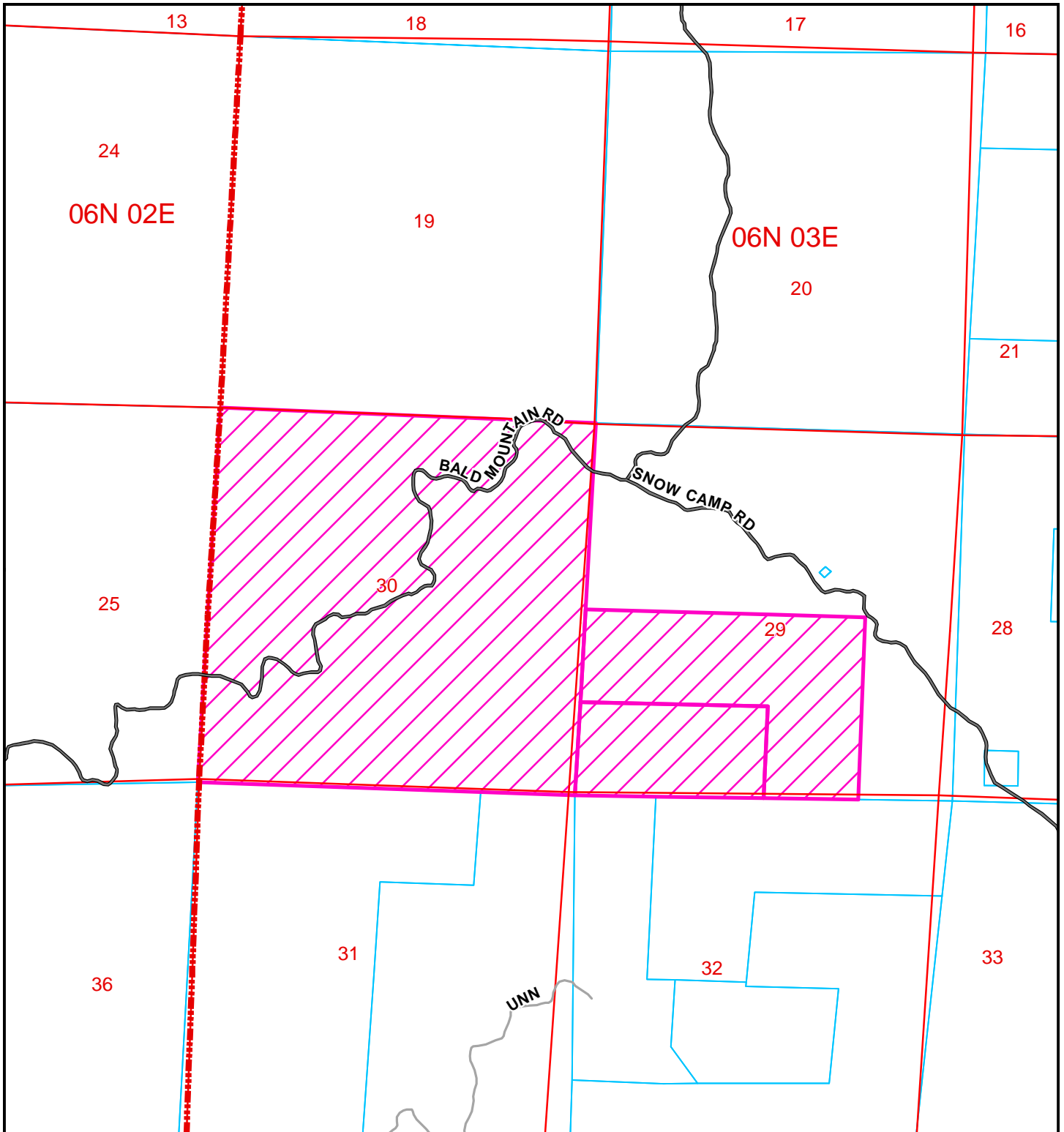
ZONE BOUNDARY ADJUSTMENT MAP

**PROPOSED WRIGHT
LOT LINE ADJUSTMENT &
ZONE BOUNDARY ADJUSTMENT
KORBEL AREA
PLN-2023-18059**

APN: 316-134-005, 316-135-004 & 316-135-005

Project Area = 





LOCATION MAP

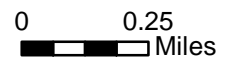
**PROPOSED WRIGHT
LOT LINE ADJUSTMENT &
ZONE BOUNDARY ADJUSTMENT
KORBEL AREA
PLN-2023-18059**

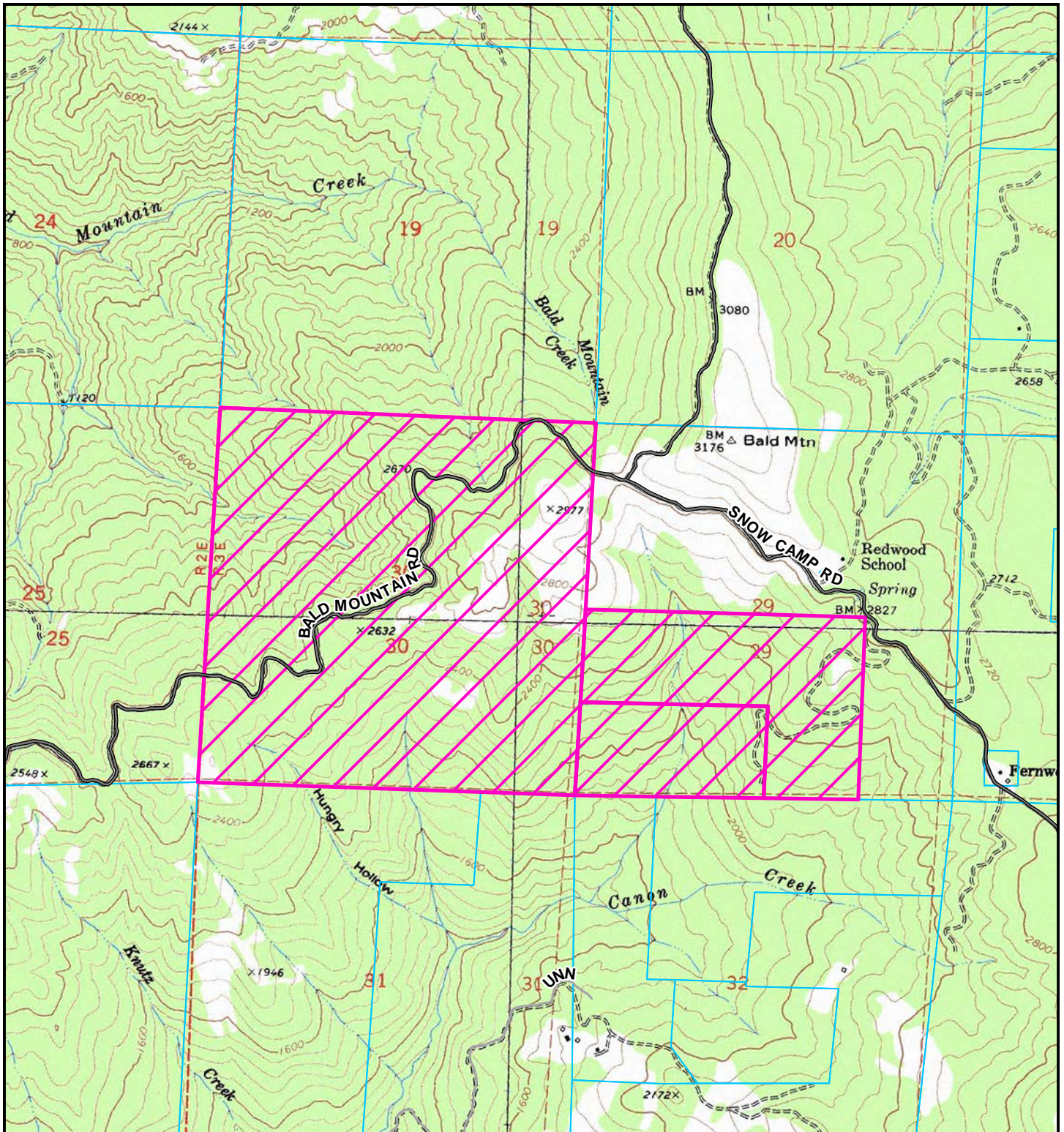
**APN: 316-134-005, 316-135-004 & 316-135-005
T06N R03E S29, 30 HB&M**

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.





TOPO MAP

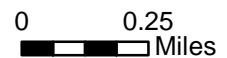
**PROPOSED WRIGHT
LOT LINE ADJUSTMENT &
ZONE BOUNDARY ADJUSTMENT
KORBEL AREA
PLN-2023-18059**

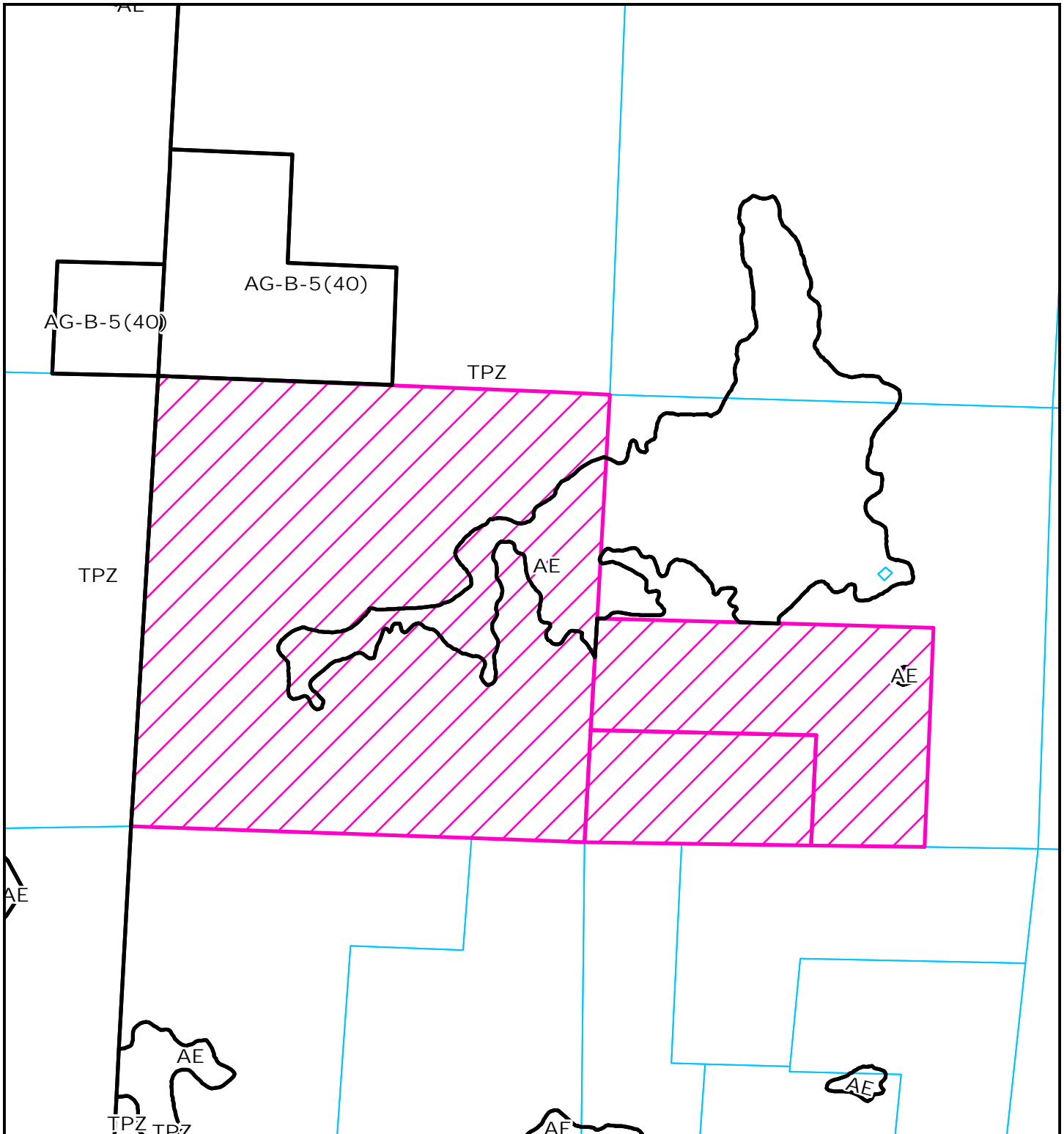
**APN: 316-134-005, 316-135-004 & 316-135-005
T06N R03E S29, 30 HB&M**

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.



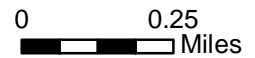


ZONING MAP

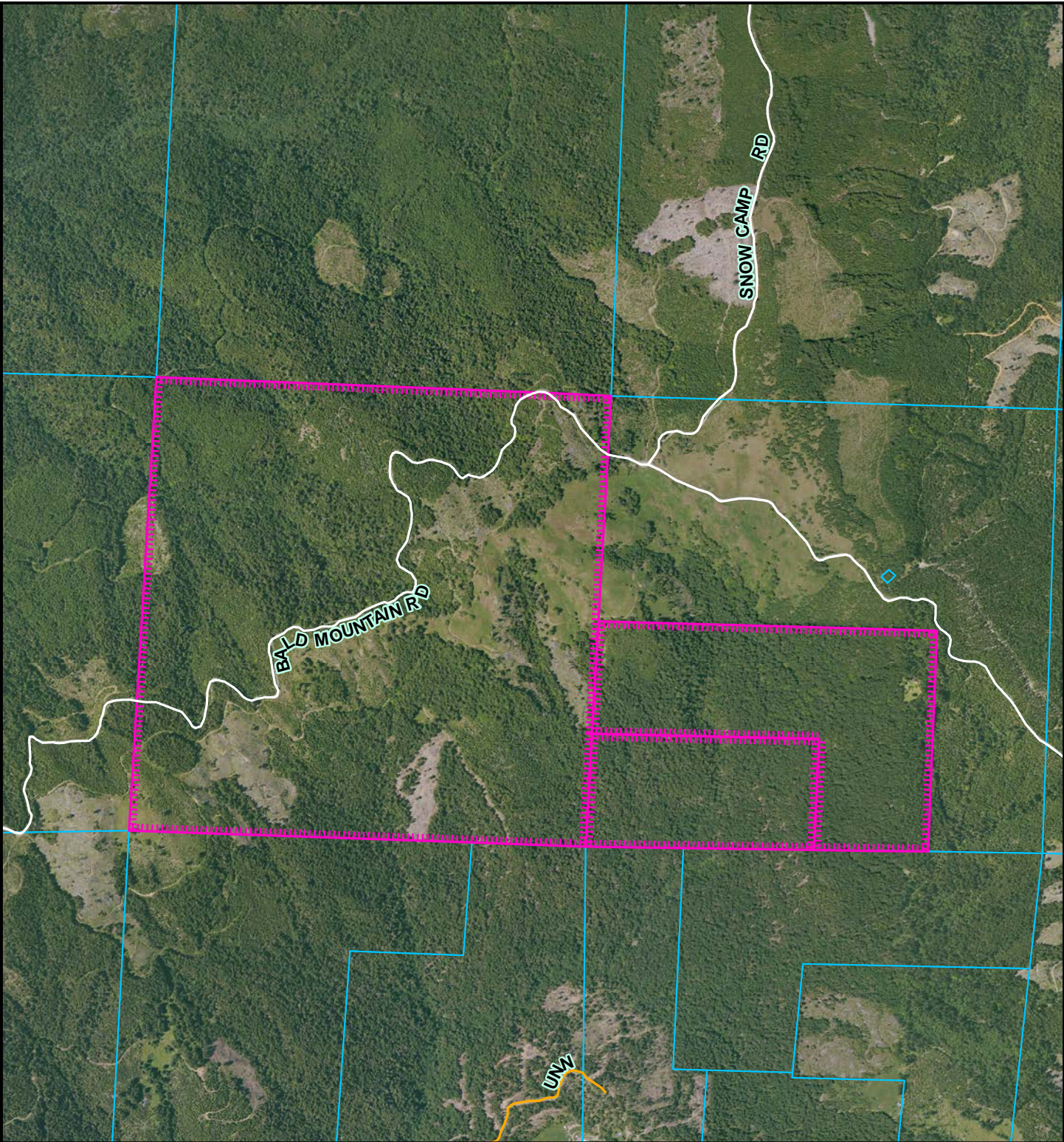
**PROPOSED WRIGHT
LOT LINE ADJUSTMENT &
ZONE BOUNDARY ADJUSTMENT
KORBEL AREA
PLN-2023-18059**

**APN: 316-134-005, 316-135-004 & 316-135-005
T06N R03E S29, 30 HB&M**

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.



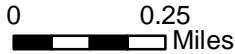
AERIAL MAP

**PROPOSED WRIGHT
LOT LINE ADJUSTMENT &
ZONE BOUNDARY ADJUSTMENT
KORBEL AREA
PLN-2023-18059**

**APN: 316-134-005, 316-135-004 & 316-135-005
T06N R03E S29, 30 HB&M**

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.



JAMES L. ABLE
FORESTRY CONSULTANTS, INC.

1410 Second Street
Eureka, CA 95501

(707) 445-4130

December 8, 2022

Current Planning Division
Planning and Building Department
County of Humboldt
3015 H Street, Eureka, CA 95501

To Whom it May Concern,

In conjunction with this Joint Timber Management Plan, prepared to facilitate a proposed Lot Line Adjustment, please accept a petition to rezone 1 acre of Agriculture Exclusive (AE) zoned land to Timberland Production Zone (TPZ) pursuant to C.G.C. 51113.5. The proposal is to rezone approximately 1 acre of Agriculture Exclusive land, associated with an area of residential development within the Wright Property (APN: 316-135-004-000), to Timber Production Zone (TPZ). This 1-acre area lies adjacent and contiguous to approximately 39 acres of Timber Production Zone land on the property that has been managed under an existing Non-Industrial Timber Management Plan (1-99NTMP-048 HUM). The 1-acre area is a mix of pasture, garden area, and orchard that surrounds a residence and is surrounded on all sides by TPZ zoned land. The margins of the area are made up of a mix of large Douglas-fir seed trees and smaller regeneration that is encroaching on the 1-acre area. This request is being made in conjunction with a Lot Line Adjustment and the associated Joint Timber Management Plan mentioned above. The rezoning of this 1 acre to TPZ will help meet the minimum 40-acre zoning requirement for splitting of parcels as stipulated in the proposed Lot Line Adjustment and Joint Timber Management Plan.

The area proposed to be rezoned to TPZ meets all of the requirements detailed in C.G.C. 51113.5. to be rezoned into Timber Production Zone as follows:

1. The non-TPZ land is of the same ownership and is contiguous to the TPZ zoned timberlands that it is to be added to.
2. The non-TPZ land is devoted to and used for growing and harvesting timber, and associated compatible uses (Residence and Grazing). The area is also capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

Please refer to the attached Joint Timber Management Plan for maps of the timberland to be rezoned as well as the guidelines for the management of timber on the property.

If you have any questions, please feel free to contact me at our office.

Sincerely,



Carter D. Krewson, R.P.F. #3110
James L. Able Forestry Consultants Inc.



Received 2/8/2023 HCP&B

JOINT TIMBER MANAGEMENT GUIDE
FOR
CHARLES WRIGHT, ET AL.
FOR
PARCELS B
IN
PORTIONS OF SECTION 29 AND 30, T6N, R3E, H. B. & M.

Prepared by
Carter D. Krewson, RPF #3110
James L. Able Forestry Consultants, Inc.
1410 2nd Street
Eureka, CA 95501

February 3, 2023

**Charles Wright, et al. and Green Diamond Resource Company JTMP
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I. Introduction:

The Wright Property and Green Diamond Resource (GDRC) Property are located east of Korbel, California, near the junction of Bald Mountain Road and Snow Camp Road. This timber management guide was prepared to facilitate a lot line adjustment between two existing patent parcels in order to improve parcel configurations following this lot line adjustment and a land transfer. Following the lot line adjustment, Parcel A will be approximately 280 acres (see note below). Parcel B will be approximately 40 acres. Currently, Parcel B has approximately 1 acre of land zoned Agricultural Exclusive (AE) around a residential home-site. This area will be rezoned as TPZ to meet the minimum 40-acre zoning requirement. This timber management guide was prepared in order to satisfy the county assessors requirement that certificates of compliance containing TPZ zoned land have a management guide prior to the granting of assessor parcel numbers.

Note: The S ½ of the SW ¼ of Section 29 and the S ½ of the SE ¼ of Section 30 is currently owned by Green Diamond Resource Company.

Landowner's Name and Address:

Charles Wright, et al.
P.O. Box 163
Korbel, CA 95550

Green Diamond Resource Company
1301 5th Avenue, STE 2700
Seattle, WA 98101

Parcel B

Parcel to be owned by Charles Wright, et al.

Parcel A

Parcel to be owned by Green Diamond Resource Company

I. Stocking

The property consists of three age classes of timber; regeneration, pole and small merchantable timber, and large saw timber. Parcel B currently has 100% of the area stocked with conifers (to state standards) with the rest of the property containing hardwood species (see below). The hardwoods present on the subject property (Parcel B) are predominantly tan oak, madrone, pepperwood, white oak, black oak, red alder, big-leaf maple, and other miscellaneous hardwoods. The predominant conifer species are Douglas-fir, grand fir, and western hemlock, with some incidental western red cedar. The species composition, including the dominance of hardwood over portions of the parcels, is a result of historic harvests that targeted predominantly conifer species with minimal reforestation post-harvest.

Parcel B – 100% Stocked with Conifers

Note: Stocking percentages represent the timbered portions of the parcel.

II. Access

The parcels may be accessed by way of Snow Camp Road and Bald Mountain Road (County Roads) with various existing seasonal and permanent roads located within and adjacent to the parcel utilized in accessing the interior of the parcel.

Currently, both Parcel A and B have the same primary access, utilizing a permanent rocked road off of Snow Camp Road, which crosses through a neighboring parcel utilizing an established right-of-way (Road Section 1). Any rights to these established rights-of-way will be maintained following the split of the parcels. The primary access road crosses through Parcel B before entering Parcel A (Road Section 2). This access shall be granted in the form of a right-of-way to Parcel A, following the split. Two other reaches of this same road, move off and then cross back onto Parcel B briefly, before returning to Parcel A (Road Sections 3 & 4). Access to Road Section 3 shall be retained in the form of a right-of-way for Parcel B, and access to Road Section 4 shall be retained as a right-of-way for Parcel A, following the split. Another portion of this same road (Road Section 5) shall have a right-of-way granted to the owner of Parcel B following the split, as it provides access to the lower portion of Parcel B. Additional seasonal and proposed roads provide access to the interior of Parcel A (Please see Project Area Zoning Map for depictions of right-of-way road segments.)

III. Management Statement

These parcels are located approximately 5 miles east of Korbel, CA along the southwest side of Snow Camp Road.

The Zoning is Timber Production Zone (TPZ) and approximately 1 acre of Agriculture Exclusive (AE), which upon splitting of the parcels, will be rezoned as TPZ to meet the minimum 40-acre zoning requirement for Parcel B.

Parcel B is made up of site III timberland (100%). This parcel is located below a large north-south trending ridge, and contains multiple benches and flats scattered on either side of a moderately sized draw at the headwaters of Canon Creek. It is timbered with intermediate to older, mixed stands of predominantly Douglas-fir, tan oak, pepperwood, red alder, and big-leaf maple. Approximately 3% of Parcel B (1 acre) is currently considered agricultural lands (Agriculture Exclusive zoning). This area will be rezoned as TPZ to meet the minimum 40-acre zoning requirement, upon the splitting of the parcels.

The Management Objectives for the parcels are:

1. Improve timber growth through future selective harvests.
2. Create and maintain productive timber stands utilizing multiple harvests.
3. Maximize recreational, aesthetic, and wildlife values through controlled harvests.
4. Maximize timber production by restocking under stocked areas.

IV. Property Description

A. Legal Description:

Parcel A

The entire SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, T6N, R3E, H. B. & M.

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 30, T6N, R3E, H. B. & M.

Assessor's Parcel Numbers: 316-135-004-000, 316-135-005-000, and portions of 316-134-005-000

Parcel B

The NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, T6N, R3E, H. B. & M.

Assessor's Parcel Number: 316-135-004-000

B. Location and legal status of Right-of-Way and Easements:

The property is accessed from a county road (Snow Camp Road).

Parcel A is accessed by way of an existing permanent and seasonal road which begins at Snow Camp Road and crosses through neighboring parcels utilizing established rights-of-way (Road Section 1), which will be maintained following the split. The existing seasonal road splits into multiple seasonal and proposed roads within the interior of the parcel. Sections of both the permanent and seasonal road cross through Parcel B before getting to Parcel A, this includes sections that move off and then cross back onto Parcel B briefly, before returning to Parcel A. The access route, which includes Road Sections 1, 2 & 4, shall be maintained in the form of a right-of-way following the split. Refer to the General Location Map and Project Area Zoning Map for road locations.

Parcel B is also accessed by way of the existing permanent and seasonal road which begins at Snow Camp Road and crosses through neighboring parcels utilizing an established right-of-way (Road Section 1), as well as by an existing seasonal road which crosses through Parcel A to access the lower portion of the parcel. Sections of the road move off and then cross back onto Parcel B briefly, before returning to Parcel A. The access route, which includes Road Sections 3 & 5, shall be maintained in the form of a right-of-way following the split. The existing right-of-way over Road Section 1 will be maintained following the split. Refer to the General Location Map and Project Area Zoning Map for road locations.

C. Location of Improvements and Non-Timber Production Uses:

As indicated above, a portion of Parcel B is zoned Agriculture Exclusive (3%) This small area (approx. 1 acre) has been partially developed as a homesite. The balance of the parcels are zoned TPZ.

Domestic Water, Aspect, and Soils:

Parcel B

There is one domestic water supply located within the parcel. There are no known domestic water supplies within 1,000 feet downstream of the parcel boundary.

This parcel is located below a large north-south trending ridge, and contains multiple benches and flats scattered on either side of a moderately sized draw at the headwaters of Canon Creek. Elevation ranges from approximately 2,360 feet to approximately 2,800 feet. The temperature extremes on the parcel are moderated by the proximity to the ocean but are characteristically hot and dry during the summer and cold and wet during the winter.

Based on the USDA Web Soil Survey, the soils within the parcel are primarily classified as Burrion-Redtop Complex (445) and Bagaul-Burroin-Redtop Complex (446), with a small component of the Coppercreek-Slidecreek-Tectah Complex (581) at the southwestern edge of the parcel. The Burrion-Redtop Complex is composed of gravelly clay loam to clay loam with depths ranging from 20 to 61 inches. The Bagaul-Burroin-Redtop Complex is composed of gravelly clay loam to clay loam and loam, with depths ranging from 20 to 61 inches. The Coppercreek-Slidecreek-Tectah Complex is composed of loam/clay loam with increasing gravel content deeper in the soil profile, and depths ranging from 63 to 79 inches. All of these soil classifications are considered moderately deep to deep and are well-drained, exhibiting moderate to high permeability. Although unspecified on the USDA's soil survey database, these soils are well suited for timber production. The Soil-Vegetation Maps of California show the parcel contains site III timberland designation.

The following Stand and Stock Table was based on a variable plot cruise performed by James L. Able Forestry Consultants, Inc., in 2021 in which plots were systematically placed on a 2 ½ X 5 chain grid over the entire property. At each plot, data was collected to determine the growth and yield of the parcel. Current stand tables were generated utilizing the data collected during this variable plot cruise and a stand table projection growth model. These calculations were field verified utilizing basal area sampling and ring count growth evaluation.

Parcel B – 2022 Stand Table

DBH	Douglas-fir	Tanoak	Other Hardwood
6	0	0	0
8	0	467	0
10	0	598	206
12	0	1037	72
14	571	305	0
16	437	117	81
18	173	0	32
20	0	299	52
22	231	62	0
24	243	0	18
26	248	133	0
28	36	0	0
30	155	0	0
32	82	0	0
34	73	0	0
36	65	0	0
38	58	0	0
40	35	0	0
42	48	0	0
44	29	0	0
46	26	0	0
48	0	0	0
50	11	0	0
52	10	0	0
54	0	0	0
56+	8	0	0
Total	2545	3017	460

Note: The above table indicates total number of trees on Parcel B as a whole. Other hardwoods include red alder, big-leaf maple, and pepperwood.

CONIFER GROWTH PER ACRE PER YEAR
(Douglas-fir) 1,110 BOARD FEET

Conifer Stocking – 100%

Note: Conifer Growth and Conifer Stocking represents the timbered portion of the parcel.

VI. Management Description

Management History:

The property was clear cut in the late 1950's after much of the surrounding areas had been used primarily as range land for grazing. Burning was a management tool that was also utilized on the property. A portion of the property (Portions of NE ¼ of the SW ¼ of Sec. 29, T6N, R3E, H. B. & M.) was thinned in 2000. The most recent harvests have occurred under Non-Industrial Timber Management Plan 1-99NTMP-048 HUM. This plan included a mix of conifer and hardwood management prescriptions using the selection method (single tree/group) in order to attain unevenaged stands of timber. The main private road system has been maintained and upgraded at various times following the harvest.

Recommended Silviculture:

Due to the overall moderate to steep slopes, aspect, stocking, species mix, age classes present and site conditions (moderate to good) of the parcels, moderate amounts of timber management have taken place over the past 20 years. With the conditions present, and the desires of the owners, the timber would be best managed under unevenaged management. This type of silviculture would utilize single tree and group selections and would remove the hardwood as it becomes merchantable while increasing the conifer component over the area. Regeneration of the area would utilize artificial conifer regeneration in conjunction with natural conifer regeneration to ensure adequate site occupancy. Group selection units can be no larger than 2.5 acres in size and must be separated by areas of like size. This would mean that only a portion of the area would be harvested at any one time. The use of unevenaged management on these parcels will mean that merchantable volume could be harvested periodically, while maintaining a forested component. The retention of standing timber will act as shade and a seed source. This will be beneficial on the harsher sites.

The proposed unevenaged management recommendation is based upon the current landowner's management objectives and the current NTMP in place on the parcels, which limits silvicultural methods to uneven aged. These recommendations do not preclude the potential of an even aged management regime on the parcels. Assuming that the proper permitting steps are taken as defined by the Forest Practice Rules and harvesting is done on a Sustained Yield Basis, even aged management is a feasible alternative for future landowners.

Cutting Cycle, Stand Regulation and Regeneration, and Intermediate Treatments:

Due to the current species composition, with much of the area having a large hardwood component and the size and age of the current stands, the initial entry (single tree/group selection) should occur within 5 – 10 years (by year 2032) on the various parcels. On Parcel B, there is approximately 75% of the area that has merchantable Douglas-fir, and hardwood which could be harvested within the next 5 to 10 years as well. This merchantable volume is present over the majority of the parcel. These areas could be harvested under a selection type harvest (single tree/group selection). This type of harvest would remove about one fourth to one third of the merchantable timber available at the time of harvest. Such harvests should be done favoring retention of conifer growing stock and removal of some of the larger hardwood component. Artificial regeneration should be used (conifer seedlings, Douglas-fir and/or redwood) to capture the site. If artificial regeneration is used, the seedlings will be planted to approximately 300 seedlings per acre.

The second entry would occur when more of the timber, both conifer and hardwood, has become merchantable and where the crowns have closed out in the area that was previously harvested. A single tree or group selection type harvest should be used to remove more of the hardwood component and incidental conifers. This should take place approximately 10 to 15 years following the first entry. Artificial regeneration should be used (conifer seedlings, Douglas-fir and/or redwood) to capture the site. Seedlings should be planted to approximately 300 seedlings per acre.

The third entry should be anticipated on all of the parcels within 10 to 15 years following the second entry. This entry will be a single tree and/or group selection with a focus on removing merchantable hardwood and incidental conifers. After this entry much of the merchantable hardwood on the parcel should have been harvested. In areas where seedlings are planted, approximately 300 trees will be planted per acre.

The fourth entry should be anticipated for all of the parcels within 10 to 15 years following the third entry. This harvest would be a single tree selection and/or thinning on the first area harvested and those areas that were young regeneration during the initial entry. The thinning will favor the best growing, most wind firm trees as leave trees. Approximately 30% of the basal area would be removed. The scattered residual conifers in the harvest area would also be removed in conjunction with the thinning of the new age class.

The fifth entry should be anticipated for all of the parcels 10 to 15 years following the fourth entry. The harvest would be primarily a single tree selection and/or thinning on the second area harvested, favoring the best growing, most wind firm trees as leave trees. Approximately 30% of the basal area would be removed. The scattered residual conifers associated with the selection area would also be removed in conjunction with this harvest. Group selection harvest could be done on these larger scattered residual conifers and hardwoods and poorly stocked areas as well.

This type of harvesting would allow for an area to be entered while still maintaining growth and a forested component. The entries would be staggered due to the initial harvest dates. The initial thinning harvests would occur on an area over a possible 10-to-15-year period beginning at age 45 - 55 years with selections occurring at approximately age 60.

The cutting cycles above are part of a recommended Unevenaged Silvicultural Regime, these recommendations do not preclude the potential of alternative management methods taking place on the parcels, given that management is carried out within the confines of the California Forest Practice Rules and on a sustained yield basis.

Expected Yields:

Parcel B -

The present growth rate for the parcel is approximately 1,110 board feet per acre per year. This parcel is fully stocked and is therefore indicative of the potential for this property. A fully stocked stand would have a growth rate of approximately 965 board feet per acre per year at the current average stand age of approximately 50 years. This would indicate, according to published Yield Tables, Site III lands should have between 27,900 – 42,500 board feet per acre at 70 years of age. These published tables were calculated for evenaged stands. Unevenaged stands are the recommended management objective for the parcel, and so the average volume per acre should be less than the projected volumes.

Condition of Access System:

The appurtenant access is made up of two county roads (Bald Mountain Road and Snow Camp Road) and a permanent access road that crosses neighboring parcels to the east and west, as well as various permanent and seasonal roads within the parcels. Future owners of Parcel A will have the right to access the parcel via the existing permanent and existing seasonal roads that run from Snow Camp Road to Parcel B and through the southeast corner of parcel B. Future owners of Parcel B will have the right to access the parcel from snow camp road through the neighboring parcel and from the existing seasonal roads that cross through Parcel A to access the lower portion of the property. Any rights to existing rights-of-way on either parcel will be maintained into the future. The county road has a mix of paved surface and gravel that is in very good condition, allowing for year-round use. Parcels A and B contain various existing permanent and seasonal roads within their boundaries, with Parcel A containing the majority of the road system. These roads are in generally good condition. The majority of the roads are usable for vehicular traffic at this time. Some of the seasonal road system requires minor reconstruction and surface blading. There are a number of proposed roads, requiring construction, that are part of the approved Non-Industrial Timber Management Plan for the property (1-99NTMP-048 HUM). This proposed road network provides access to all parts of the property required for timber management activities (Refer to the Harvest system Map).

Harvesting System:

Parcel B-

The slopes on the parcel range from 0% to 70% with about half the area in the 15-20% range and half in the 50% or more range. There are numerous existing skid trails and truck roads that would provide access into the majority of the parcel. The proposed yarding system is tractor-cable option. A tractor/rubber-tired skidder would be used on the gentle to moderate slopes present within the parcel and a skyline cable yarding system could be used on the steeper slopes. There is an existing truck road and skid road system on the parcel (Refer to Harvest System Map).

Protection from Fire:

During the summer months, the project area is hot and dry. During this season, fire may pose a serious threat, particularly in rural settings such as this one. Any housing structures should be constructed in accordance with PRC 4290 which mandates landowners to provide adequate access for fire trucks, the use of fuel brakes and fire-resistant structures and building materials. The landowner should also strive to keep fuel loads to a minimum.

Logging slash should be treated as follows:

Within 100 feet of the edge of public roads, and within 50 feet of the edge of the traveled surface of permanent and seasonal private roads open for public use, where permission to pass is not required, slash created by timber operations or road construction should be treated by lopping for fire hazard reduction, piling and burning, chipping, burying or removal from the zone.

All woody debris created by timber operations greater than one inch but less than eight inches in diameter within 100 feet of permanently located structures maintained for human habitation should be removed or piled and burned. All slash created between 100-200 feet of permanently located structures maintained for human habitation should be lopped for fire hazard reduction, removed, chipped or piled and burned.

Local fire protection agencies are listed as follows:

Primary Agency: CALFIRE
923 Patricks Point Drive
Trinidad, CA 95570
(707) 677-3638

Or

Blue Lake Volunteer Fire Department*
111 First Ave.
Blue Lake, CA 95525
(707) 668-5765

**Parcels are within State Responsibility Area (SRA), and within the response area of the Blue Lake Volunteer Fire Department.*

Emergency Vehicle Access and Emergency Egress:

The parcels can be accessed from the north (Snow Camp Road) by the county road system for emergency vehicles (See Project Area Map). Roads constructed on the parcel should be in accordance with PRC 4290, which mandates road widths, turn around areas and other physical characteristics, which would accommodate emergency vehicles.

Protection from Insects and Disease:

Disease and insect epidemics are not common in the area, and the parcels do not appear to have significant insect or disease problems. However, the proposed harvest should promote healthy, vigorous trees while eliminating those trees which might be the least resistant to attack by insects or diseases. The promotion of a healthy stand should decrease the chances of insect or disease problems.

It should be noted that these parcels are within the Sudden Oak Death "Zone of Infestation" declared by the California Board of Forestry. Any harvest or removal of timber or forest products must comply with the limitations set forth at the time of harvest by the California Department of Forestry and/or the California Department of Food and Agriculture to prevent the spread of the pathogen.

Erosion:

The parcels do not exhibit any existing erosion problems. However, given the steep terrain and presence of watercourses, there is potential to create problems if care is not taken. As a means to prevent erosion problems, adequate drainage facilities such as waterbars, rolling dips and culverts should be installed wherever needed on the existing/proposed road system. Road cuts should be kept to a minimum and located in areas which will require the least amount of excavation. Tractors should be excluded from any watercourses and skid trails and roads should have waterbars, rolling dips and/or cross drains placed in accordance to the Forest Practice Rules.

VII. Management Organization

There is currently a NTMP on portions of this property (1-99NTMP-048 HUM). Any future timber harvest operations must conform to the Forest Practice Rules in place at the time of NTMP approval and will require the services of a Registered Professional Forester to prepare and review the management and harvest activities proposed in the Non-Industrial Timber Management Plan. The California Department of Forestry, California Department of Fish and Game and the Water Quality Control Board must approve this plan. The NTMP may also contain input from neighbors, the general public, and agencies or organizations with concerns about timber harvests. The cost to activate the NTMP can range from approximately \$5,000 to \$10,000. Once an approved NTMP is activated, logging costs, road reconstruction and trucking can range from \$250 to \$350 or more per thousand board feet harvested. Another option is to cancel the NTMP and apply for a THP, which can range from approximately \$20,000 to \$40,000. The Department of Fish and Game and Water Quality also require a fee for review and issuance of permits for the project. If the current NTMP is canceled, any future timber harvest activities must conform with current Forest Practice Rules in place at the time of harvest permit approval.

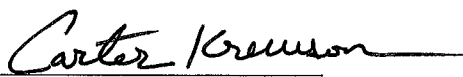
VIII. Management Schedule

As previously outlined in the Management Description, the first harvest could occur within approximately 5 to 10 years on both of the parcels. Harvesting should be conducted during the normal operating season (April 1st - October 15th). Planting activities should take place after November 1st or after at least 2" of rainfall has been recorded, whichever occurs first. Fire protection facilities should be installed before the commencement of fire season, or directly after harvesting or road building activities are complete.

The proposed unevenaged management recommendation is based upon the current landowner's management objectives and the current NTMP in place on the parcels, which limits silvicultural methods to uneven aged. These recommendations do not preclude the potential of an even aged management regime on the parcels. Assuming that the proper permitting steps are taken as defined by the Forest Practice Rules and harvesting is done on a Sustained Yield Basis, even aged management is a feasible alternative for future landowners.

The previously described management recommendations were provided to achieve high quality, conifer timber by maximizing their growth rate and growth potential. The recommended unevenaged management should provide protection for wildlife and watershed concerns. These parcels could be managed in a number of different ways to promote different types of wood products or it could be left unmanaged. The landowner should participate in every aspect of land management decision making. Management decisions should be based on the landowner's needs and desires. These decisions should be amended into this management guide.

This management plan must be updated every five years. Updates should reflect any changes in the Forest Practice Rules, current ownership's, stand conditions, or recommended treatments.

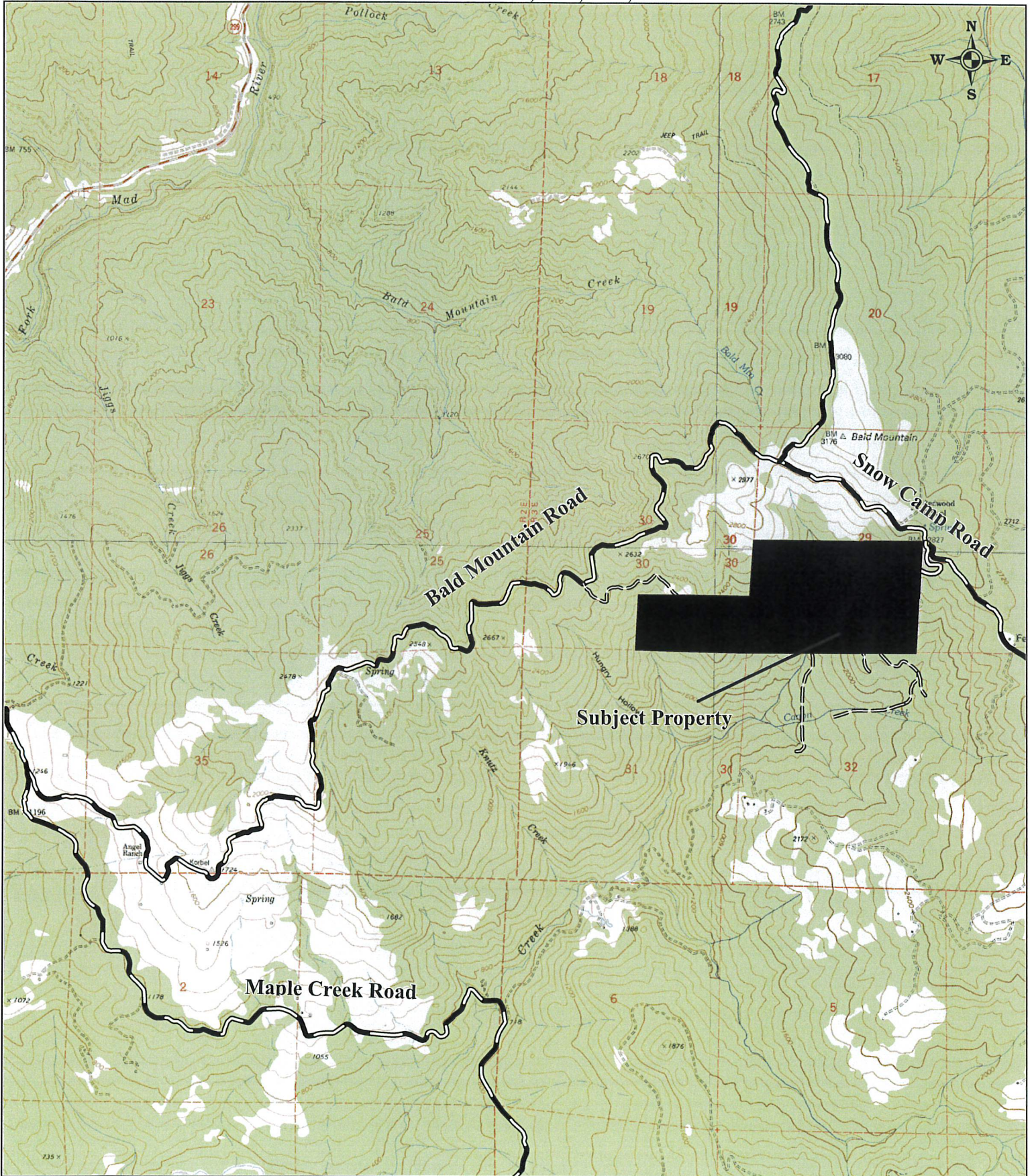

Carter D. Krewson, R.P.F. #3110

2/3/2023
Date


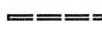


Charles Wright, et al. and Green Diamond Resource Company
 Joint Timber Management Plan
 General Location Map

Portions of Sections 29 and 30, T6N, R3E, H. B. & M.



Legend

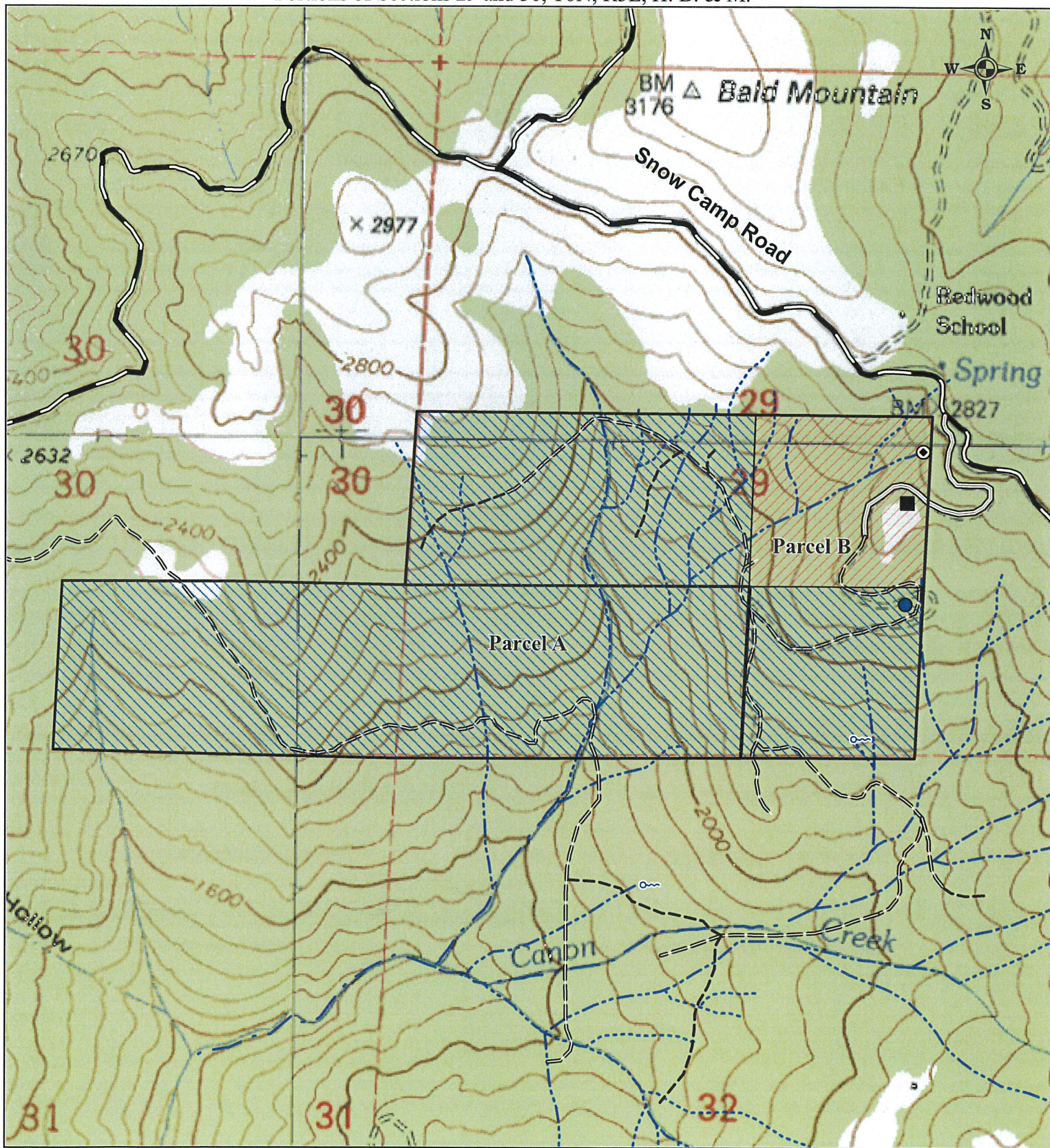
-  County Road
-  Permanent Rocked Road
-  Seasonal Road

USGS 7.5' Quadrangles: Lord Ellis Summit, Maple Creek, Korbel, and Blue Lake.




Scale: 1" = 3,000'

Charles Wright, et al. and Green Diamond Resource Company
 Joint Timber Management Plan
 Project Area Map (USGS Quadrangle)






Portions of Sections 29 and 30, T6N, R3E, H. B. & M.







Legend



-  Current Patent Parcel Boundaries
-  Parcel A Boundary (Post LLA)
-  Parcel B Boundary (Post LLA)

Watercourses

-  Class I Watercourse
-  Class II Watercourse
-  Class III Watercourse
-  Pond
-  Spring

Roads

-  County Road
-  Permanent Road
-  Proposed Road
-  Existing Seasonal

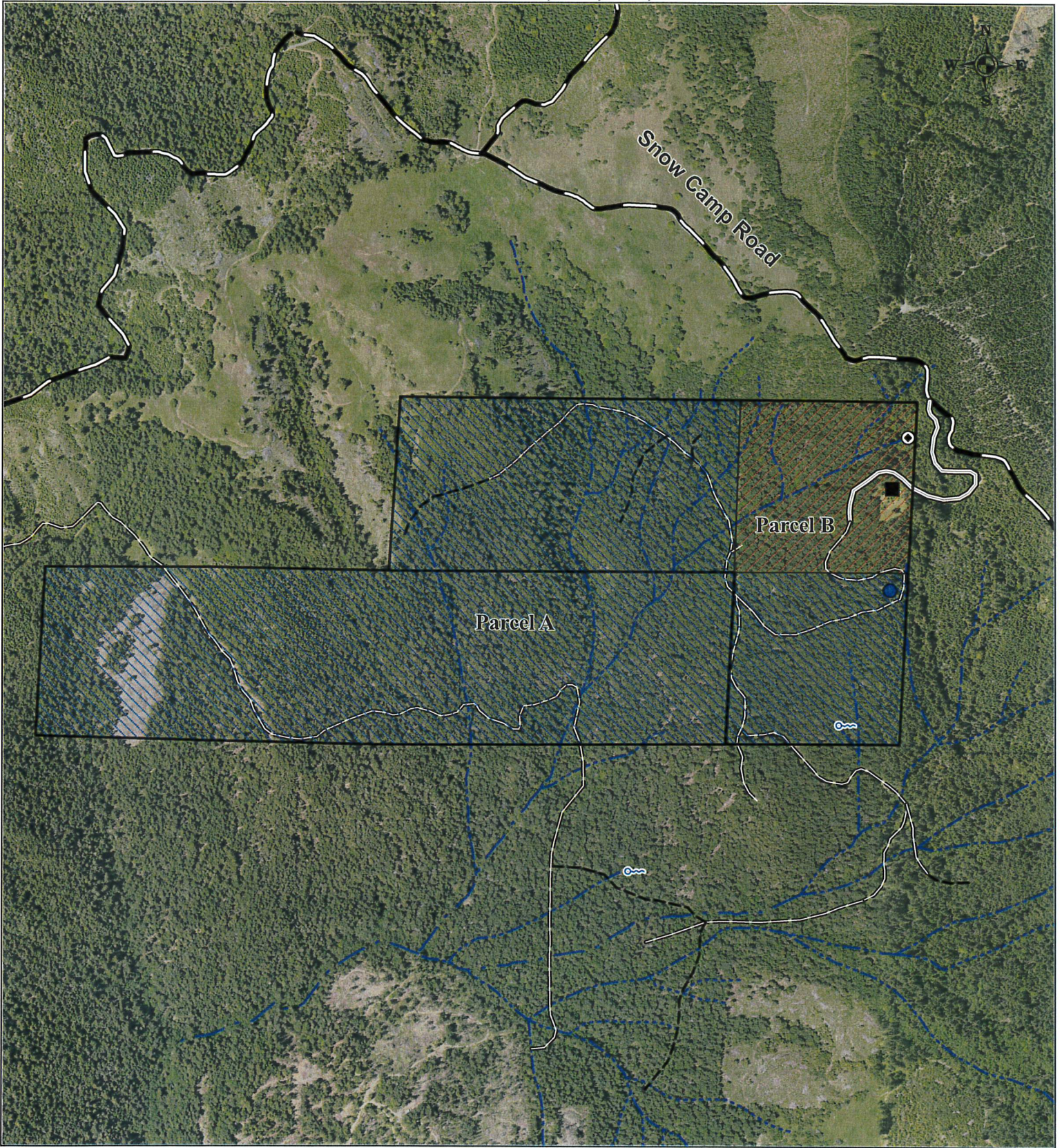
-  Domestic Water Supply
-  Residence

USGS 7.5' Quadrangles: Lord Ellis Summit, Maple Creek, Korbel, and Blue Lake.

Scale: 1" = 1,000'

Charles Wright, et al. and Green Diamond Resource Company
 Joint Timber Management Plan
 Project Area Map (USGS Quadrangle)















Portions of Sections 29 and 30, T6N, R3E, H. B. & M.



Aerial Imagery: USDA, NAIP, 2022, Humboldt County

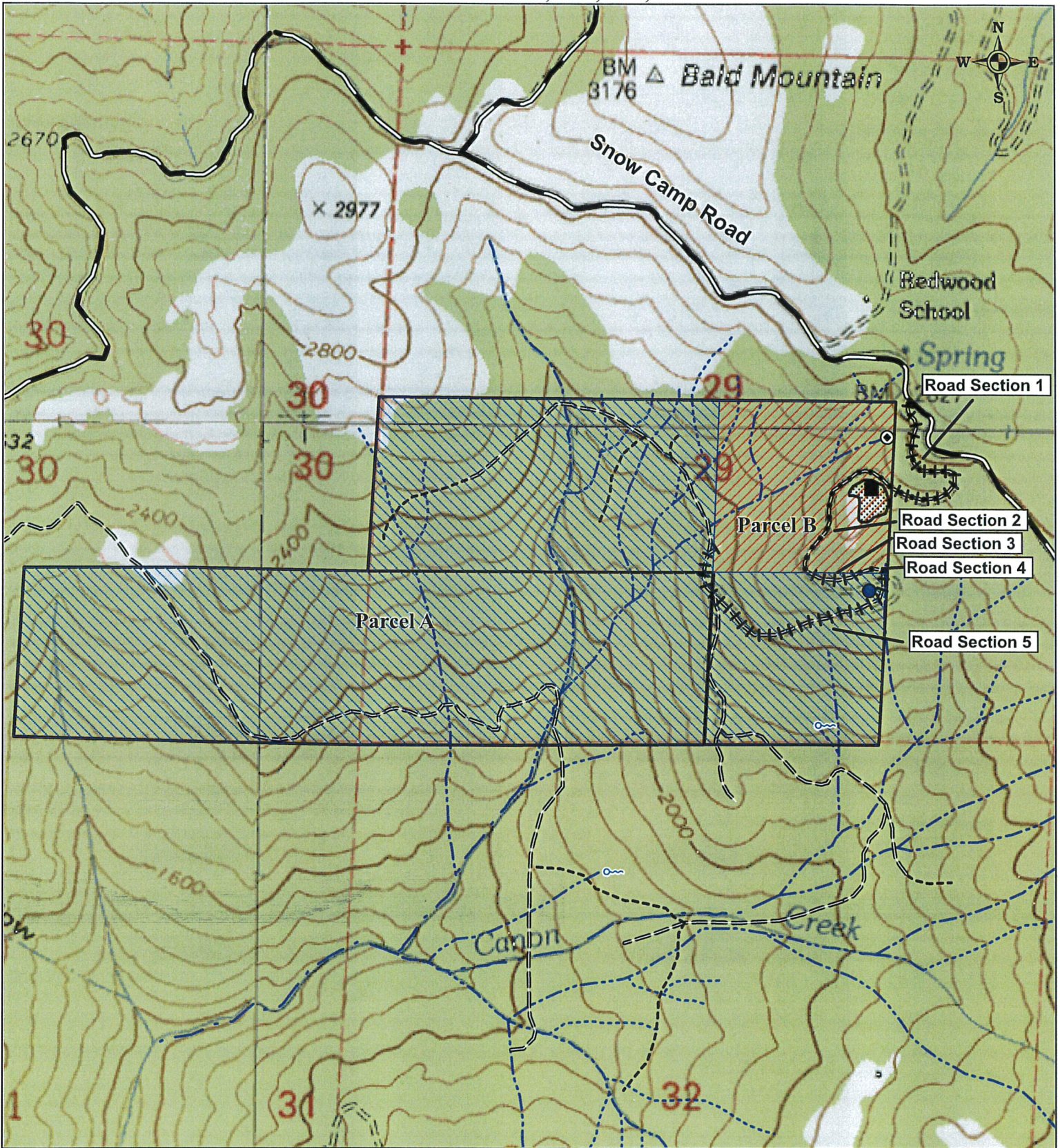
Scale: 1" = 1,000'

Legend

	Current Patent Parcel Boundaries		Class I Watercourse		County Road		Domestic Water Supply
	Parcel A Boundary (Post LLA)		Class II Watercourse		Permanent Road		Residence
	Parcel B Boundary (Post LLA)		Class III Watercourse		Proposed Road		
			Pond		Existing Seasonal		
			Spring				

Charles Wright, et al. and Green Diamond Resource Company
 Joint Timber Management Plan
 Project Area Zoning Map

Portions of Sections 29 and 30, T6N, R3E, H. B. & M.



Legend

- Current Patent Parcel Boundaries
- Parcel A Boundary (Post LLA)
- Parcel B Boundary (Post LLA)
- Agricultural Exclusive Zoning to Be Rezoned to TPZ

*Remainder of area in both parcels is zoned TPZ.

Roads

- County Road
- Permanent Road (Rocked)
- Proposed Road
- Existing Seasonal Road

Easements

- Road Easement to Parcel A
- Road Easement to Parcel B

Watercourses

- Class I Watercourse
- Class II Watercourse
- Class III Watercourse
- Spring
- Pond

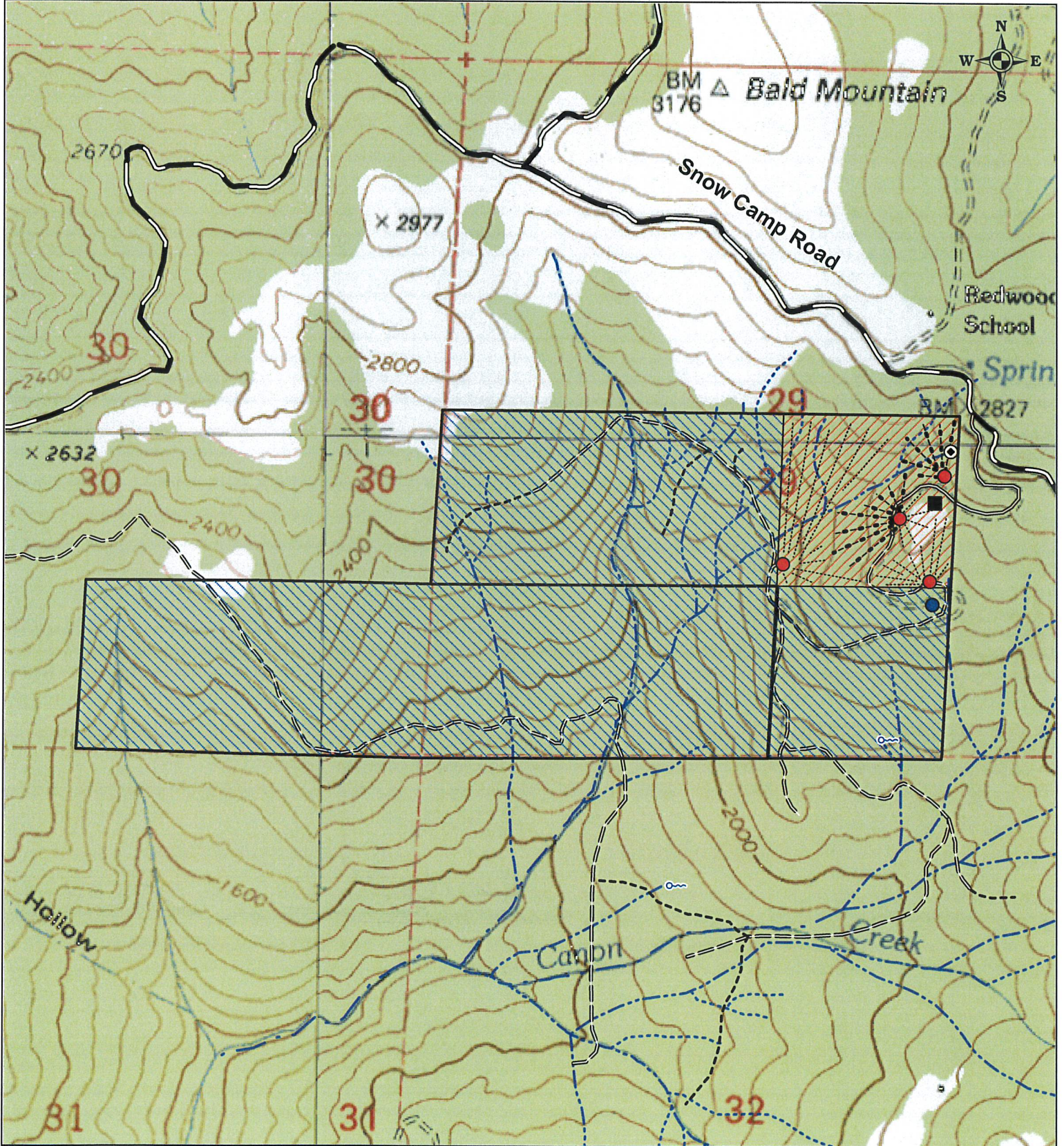
USGS 7.5' Quadrangles: Lord Ellis Summit, Maple Creek, Korbel, and Blue Lake.

Scale: 1" = 1,000'

- Residence
- Domestic Water Supply

Charles Wright, et al. and Green Diamond Resource Company
 Joint Timber Management Plan
 Harvest System Map

Portions of Sections 29 and 30, T6N, R3E, H. B. & M.



Legend

- Current Patent Parcel Boundaries
- Parcel A Boundary (Post LLA)
- Parcel B Boundary (Post LLA)
- Residence
- Domestic Water Supply

Roads

- County Road
- Permanent Road (Rocked)
- Proposed Road
- Existing Seasonal Road

USGS 7.5' Quadrangles: Lord Ellis Summit, Maple Creek, Korbel, and Blue Lake.

Watercourses

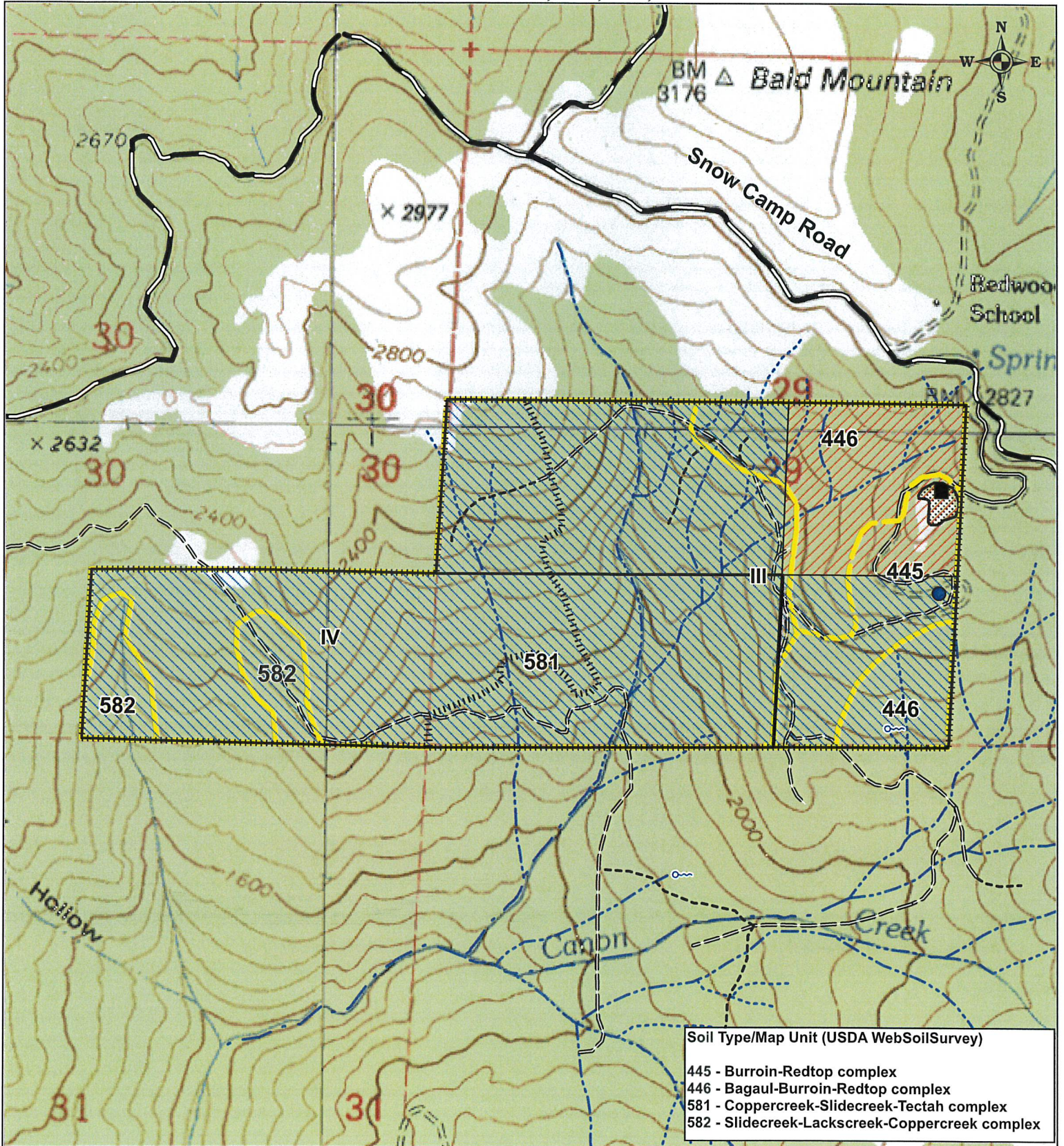
- Class I Watercourse
- Class II Watercourse
- Class III Watercourse
- Pond
- Spring

Scale: 1" = 1,000'

- Skyline Cable Yarding Layout
- Ground-based Skidding Layout
- Landing Location

Charles Wright, et al. and Green Diamond Resource Company
 Joint Timber Management Plan
 Soils and Site Map

Portions of Sections 29 and 30, T6N, R3E, H. B. & M.



Soil Type/Map Unit (USDA WebSoilSurvey)
 445 - Burroin-Redtop complex
 446 - Bagaul-Burroin-Redtop complex
 581 - Coppercreek-Slidecreek-Tectah complex
 582 - Slidecreek-Lacks creek-Coppercreek complex

Legend

- Current Patent Parcel Boundaries
- Parcel A Boundary (Post LLA)
- Parcel B Boundary (Post LLA)
- Agricultural Exclusive Zoning to Be Rezoned to TPZ

- Soil Type Boundary
- Site Class Boundary
- IV** Site Class
- Residence

- Watercourses**
- Class I Watercourse
 - Class II Watercourse
 - Class III Watercourse
 - Pond
 - Spring

- Roads**
- County Road
 - Permanent Road (Rocked)
 - Proposed Road
 - Existing Seasonal Road

USGS 7.5' Quadrangles: Lord Ellis Summit, Maple Creek, Korbel, and Blue Lake.

Scale: 1" = 1,000'

Draft Minutes

February 8, 2023 Meeting

I. Attendance

FRC Members Present: Jim Able, Mark Andre, Thomas Blair, Mark Distefano, Mike Lommori, Kurt McCray, Erin Kelly.

FRC Members Absent: Chris Carroll, Yana Valachovic.

Staff Present: Howard LaHaie, Assessor, Trevor Estlow, Planning and Building Department, Cade McNamara, Planning and Building Department, Jacob Dunn, Planning and Building Department, Michael Holtermann, Planning and Building Department, Rodney Yandell, Planning and Building Department.

The Committee welcomed guests: Karla Knapek, Ben Cohoon, Carter Krewson, Eric Taft, Craig Compton.

II. Public Appearances: None.

III. Approval of Minutes from the May 11, 2021.

On a motion by Kurt McCray, seconded by Thomas Blair, the minutes of the May 11, 2021 meeting were approved by a vote of 7-0.

IV. New Business:

1. Election of Officers

The Committee discussed the Chair and Vice-Chair positions. Kurt McCray was nominated as chair and Thomas Blair was nominated as Vice-Chair. Both accepted the positions.

2. Green Diamond Resource Company Lot Line Adjustment and Joint Timber Management Plan Record Number: PLN-2021-17513; Assessor Parcel Numbers 510-011-016, 511-111-056, 511-161-005; McKinleyville area.

Cade McNamara provided the staff report and staff recommendations. The project involves a Lot Line Adjustment (LLA) between four parcels resulting in four parcels, all of which contain less than 160 acres. These are vacant parcels used for timber production. The purpose of the LLA is to facilitate the acquisition of a community forest and conservation easement.

At this time, the Chair opened the meeting to public comments. There were questions regarding the future use of the adjusted parcels. Cade McNamara indicated that the LLA was to facilitate future conveyance to McKinleyville Community Services District as a community forest. Kurt McCray indicated that CALFIRE cannot support development of timberlands. The Committee discussed the layout of the LLA and agreed that using the road as a boundary was beneficial. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Kurt McCray, seconded by Mark Distefano, the Green Diamond Resource Company project was approved by a vote of 7-0.

3. Knapek Zone Reclassification Record Number: PLN-2022-17796; Assessor Parcel Number 107-091-007; Honeydew area.

Jacob Dunn provided the staff report and staff recommendations. The project involves a zone reclassification of approximately 115 acres of Agriculture Exclusive with a special building site combining zone of 160 acres (AE-B-5(160)) to Timber Production Zone (TPZ). The properties consist of two separate legal parcels of approximately 115 acres in total. The areas proposed for rezoning have been managed for timber and grazing for over 100 years.

At this time, the Chair opened the meeting to public comments. The Committee had questions regarding the small AE zoned portion to remain. Ben Cohoon indicated that the area to remain was not forested and contained the residence and other ancillary structures. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Kurt McCray, seconded by Thoma Blair, the Knapek project was approved by a vote of 6-0 (Jim Able abstained).

4. Moore Lot Line Adjustment and Joint Timber Management Plan Record Number: PLN-2022-18031; Assessor Parcel Numbers 205-011-007, 205-011-037, 205-031-005, 205-081-012; Rio Dell area.

Michael Holtermann provided the staff report and staff recommendations. The project involves a Lot Line Adjustment (LLA) between two parcels of approximately 169 acres and 43 acres resulting in two parcels of 81 and 131 acres. The LLA will adjust the boundary between the two parcels to Blue Slide Road to provide more logical management units for both timber and grazing. One parcel is developed with a single-family residence and a barn, and the other parcel is vacant.

At this time, the Chair opened the meeting to public comments. Kurt McCray asked if there was any overall change to the TPZ acreage. There were also questions regarding access. Michael Holtermann indicated that the amount of TPZ land will remain unchanged and both resultant parcels will have access to Blue Slide Road. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Mark Andre, seconded by Kurt McCray, the Morris project was approved by a vote of 6-0 (Jim Able abstained).

5. Wright Lot Line Adjustment, Zone Reclassification and Joint Timber Management Plan Record Number: PLN-2023-18059; Assessor Parcel Numbers: 316-135-004, 316-142-001; Korbel Area.

Rodney Yandell provided the staff report and staff recommendation. The project involves a Lot Line Adjustment (LLA) between two parcels, made up of APNs 316-134-005 (portion), 316-135-004 & 316-142-001, resulting in two parcels. The application includes the rezoning of the approximately one acre of AE zoned land into TPZ. One of the resulting parcels will be approximately 40 acres in size and is developed with a house and associated residential development. The other resultant parcel will be 283.7 acres in size.

At this time, the Chair opened the meeting to public comments. There were questions regarding access through Parcel B and if the intent was to keep the NTMP active on

Parcel B. Craig Compton addressed the access and status of the NTMP. Kurt McCray indicated that the Fire Protection District was incorrect in the JTMP and should include CALFIRE as the responsible agency for wildland fire. Rodney Yandell indicated that the JTMP could be amended and a contact made to Blue Lake Fire Department. The Chair then closed the meeting to public comments and returned the discussion to the Committee.

On a motion by Mark Andre, seconded by Thomas Blair, the Green Diamond Resource Company project was approved by a vote of 6-0 (Jim Able abstained).

There was further discussion on the project and Mark Andre subsequently struck his previous motion and made a new motion to require that the JTMP clarified that the parcels were not within any Fire Protection District and are within the Blue Lake Fire response area and CALFIRE responsibility area. Thomas Blair seconded the new motion and the Green Diamond Resource Company project was conditionally approved by a vote of 6-0 (Jim Able abstained).

V. Future Agenda Items

Kurt McCray recommended meeting more regularly, even for just one item. Mark Andre asked for an update of the zoning implementation of the General Plan as it relates to timberlands.

VII. Adjournment

The meeting was adjourned at 4:10 p.m.

Applicant's Evidence in Support of the Required Findings

Attachment 6 includes a listing of all written evidence that has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division unless otherwise noted:

- Application Form (On File)
- Lot Line Adjustment Map (Attachment 1B)
- Present Owners' Deeds (On File)
- Preliminary Title Reports (On File)
- Creation documents (On File)
- Purpose Statement (On File)
- TPZ Inclusion Letter (Attachment 3)
- Joint Timber Management Plan (Attachment 4)

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
PG&E	✓	Approval and standard comments	On file
CALFIRE	✓	No comment at this time	On file
CDFW	✓	Conditional approval	Attached
Forestry Review Committee	✓	Conditional approval	Attachment 5
NWIC	✓	Consult with tribes	On file
Bear River Band of the Rohnerville Rancheria			
Wiyot Tribe			
Blue Lake Rancheria	✓	Approval	On file
Blue Lake VFD			
County Building Inspection Division	✓	Approval	On file
County Public Works, Land Use Division	✓	Conditional approval	Attached
County Division of Environmental Health	✓	Approval	On file

From: [Rian, Kathryn\(Katie\)@Wildlife](mailto:Rian,Kathryn(Katie)@Wildlife)
To: [Yandell, Rodney](mailto:Yandell,Rodney)
Subject: Wright LLA PLN-2023-18059
Date: Wednesday, February 01, 2023 8:50:04 AM
Attachments: [Trout-Unlimited.-A-Guide-to-CA-Water-Rights-final.pdf](#)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi Rodney,

Thank you for giving CDFW the opportunity to review and comment on the Wright Lot Line Adjustment (PLN-2023-1809; APN 316-135-004 & 316-142-001) in the Korbel area. Although the project itself is unlikely to have a significant impact on biological resources, the apparent water diversion identified as an existing domestic water supply should be properly permitted to minimize potential impacts to fish and wildlife. Maps in the Joint Timber Management Guide place the water supply at the head of a Class II stream. The Department could find no record of an existing Lake and Streambed Alteration Agreement (LSAA); we therefore request the project proponent be required – as a condition of approval – to notify CDFW to obtain authorization pursuant to Fish and Game Code section 1602. Applications may be submitted through our online permitting portal, available through the Lake and Streambed Alteration Program webpage. We also advise the landowner to consult with the State Water Resources Control Board’s Division of Water Rights to satisfy any other reporting and permitting requirements for water diversion. The attached brochure may be shared with the applicant and is intended as an introduction to California water rights; other resources are available through the Division of Water Rights and elsewhere online. Please feel free to contact me if you have any questions.

Sincerely,
Katie

Kathryn M. Rian

Environmental Scientist
Coastal Conservation Humboldt/Del Norte
California Department of Fish and Wildlife
619 2nd St, Eureka, CA 95501
Kathryn.Rian@Wildlife.ca.gov

A GUIDE TO
CALIFORNIA
WATER
RIGHTS
FOR SMALL
WATER USERS





INTRODUCTION

This brochure is intended as an introductory guide to California water right law for smaller water users that meet their own water needs without relying on a larger entity to deliver water to them.

Typically, these will be rural residents or farmers who divert water from wells, springs, or streams located on or near their property. While these types of small-scale water use are common in California, the legal rights and obligations surrounding them can be rather complex, largely because California recognizes a number of different types of water rights. The type of water right needed to allow a given water use depends on several factors including the source from which the water is taken, how the water is to be used, and where it is to be used. Adding to this complexity, some types of water rights are regulated by the State Water Resources Control Board (the “Water Board”), while others

are not. In some cases, a water user may already have the necessary water right and not realize it. In other cases, the user may be able to modify the proposed water use to fit within an existing right, or else obtain a new water right from the Water Board.

The following discussion of California water law is organized around helping small water users answer a basic practical question:

Do I have a water right covering my existing or proposed water use, and if not, do I need to obtain one from the Water Board?

While this brochure is intended to provide a helpful approach to that question, it is not intended as legal advice. Water users are encouraged to seek the advice of a qualified attorney. They may also consult with Water Board staff by calling (916) 341-5300.

AN OVERVIEW OF **CALIFORNIA** WATER LAW

The requirements for diverting and using water vary depending upon several facts, including the user’s location, the source of the water, the method by which the user pumps or diverts water, and the method by which water is used. This brochure walks through the types of water rights that exist and discusses which types of diversion and use may need to be established through the Water Board.



Groundwater

As the name implies, groundwater is water that is located beneath the ground surface. It is perhaps the most common source of water supply for small water users. The type of water right needed to extract and use groundwater in a given situation depends upon the category of the groundwater source.

The two legally-recognized categories of groundwater are:

- **Percolating groundwater.** Most groundwater is of this type, which is defined as all groundwater not flowing in “subterranean streams” (see below). Landowners generally may extract percolating groundwater beneath their property without a permit or approval from the state. However, this right is subject to the same rights held by other landowners overlying the same aquifer, and any disputes over the amount to which each is entitled must be resolved in state court. In some Southern California counties, the state requires certain larger-scale extractors of percolating groundwater to report the amount of their extraction. In addition, with adoption of the Sustainable Groundwater Management Act in 2014, local agencies have established requirements for sustainable management of percolating groundwater in certain areas. Landowners should contact

their county government to get more information about local requirements for extracting percolating groundwater.

■ **Subterranean streams.**

This is a subset of groundwater that is treated for legal purposes as surface water, even though it is below the surface of the ground. Courts have defined subterranean streams as groundwater flowing in underground channels with relatively impermeable beds and banks whose course can be determined. Groundwater flowing in subterranean streams is considered “surface water” by the state, and is subject to the same requirements as if the water was located above the ground surface. Those requirements are discussed in the following sections of this brochure.

In practice, it is often unclear whether a given well is extracting from percolating groundwater or a subterranean stream. Making this determination with any certainty can require site-specific data and the opinion of qualified experts. In practice, landowners should be aware that the closer a given well is to a surface stream, and the more influence it has on surface streamflow, the more likely it is to be determined to draw from a subterranean stream and thus be subject to surface water permitting requirements. That said, the Water Board will presume groundwater to be percolating groundwater until sufficient evidence is developed to show that it is, in fact, a subterranean stream.



Surface water

Surface water includes all water above the surface of the ground, plus water flowing below the surface in subterranean streams (see above). Most surface water flows in some kind of watercourse, which is a natural channel (or under certain conditions, an artificial channel) which conveys natural flows of water such as a river, stream, or even a ditch. (For more detail on the definition of “watercourse,” see the Fact Sheet linked under “Resources,” on page 14.) Diverting water from a watercourse requires some kind of water right (usually a riparian or an appropriative right, as discussed below). However, there are several types of surface water not found in watercourses, which can be taken without a water right.

Types of surface water that can be used without a water right

There are some types of surface water that are not within watercourses and may generally be taken and used without approval from the Water Board.

These include:

Rainwater

Rainwater may be captured before it reaches a watercourse – for example by collecting runoff from rooftops – without a water right. This is an increasingly popular source of water for small, rural landowners.

Sheetflow

Some reservoirs are constructed in areas where they do not receive any water from a watercourse. These reservoirs may be filled by collection of diffused surface water usually originating from rain events, also known as sheetflow. In situations where sheetflow fills a reservoir, and the reservoir does not receive any water from a watercourse, then a water right is not needed. These types of reservoirs can be difficult to construct and require careful documentation and planning.

Water users should be cautious when concluding that a reservoir receives only sheetflow and not water from a watercourse. Even small, unnamed seasonal creeks and streams that might have surface flow only a few days a year or less are considered watercourses, and therefore any water collected from them requires a water right. Water users are encouraged to consult with Water Board staff or an experienced professional (see resources listed on page 14).

Fully contained springs

Springs are another common water source for landowners. If a spring does not flow off the landowners’ property under natural conditions at any time of the year, then the owner may use it without a water right. Landowners should be cautious in applying this rule, as “true” springs that are fully isolated from other waterbodies are rare in many parts of the state.

Surface waters requiring a water right

Surface water flowing in a watercourse (i.e., a river, stream, non-contained spring, or certain ditches), cannot be taken without some type of water right. Two of the most common types of water right – riparian and pre-1914 appropriative rights – do not require approval from the Water Board and are discussed first below. A third type – post-1914 appropriative rights – does require Water Board approval.

Riparian water rights

Water users who divert water from a watercourse should start by considering whether they can do so under a claim of **riparian water right**. Riparian rights generally come with the ownership of property that touches some type of watercourse. The owner of a parcel adjoining a watercourse has the right to use a reasonable amount of the natural flow of that watercourse for beneficial use within the parcel. In general, two basic rules apply to riparian rights: (1) water must be used

within parcels that are riparian to the watercourse (i.e., that touch it), and (2) water cannot be stored during a wet time for use during a drier time.

In general, the Water Board does not have control over the amount or timing of water diverted or used under riparian rights. However, anyone who diverts water under a claim of riparian right should be aware of two important requirements:

- **Reporting.** All riparian claimants are required to report their diversion and use of water each year to the Water Board by filing a Statement of Diversion and Use (see discussion below).
- **Reasonable use.** The Water Board may issue rules defining what is considered “reasonable use” of water under riparian rights, and riparian claimants must be sure to comply with any such rules.

Appropriative water rights

In some cases, small water users will find that a riparian right does not provide a sufficient legal basis for their existing or proposed water use. Most commonly, this is because they want to do either or both of two things:

- Use water on a parcel that is **not adjacent to the watercourse** from which the water is diverted, or
- Store water, which is defined as diverting it during a wet time of year and holding it for later use during a drier time.

To do either of these things, they must establish an **appropriative water right**. Appropriative water rights come in two types, depending on the date they were first established.

Pre-1914 appropriative rights

In cases where water has been diverted and used for a long time, the user should consider whether it is possible to claim a **pre-1914 appropriative water right**. To establish such a right, the user must be able to show that water was put to beneficial use prior to December 19, 1914 (the effective date of the law establishing the Water Board), and has been used without substantial interruption since that time. The water does not necessarily have to be used for the same purpose, or at the same location, throughout that time. Periods of non-use lasting 5 years or more may defeat the claim of right, but in some circumstances will not.

An advantage of pre-1914 rights is that the right holder does not need to obtain approval from the Water Board to exercise them, or to change the point of diversion or place or purpose of use. But in a sense, this can also be a disadvantage, because the right holder does not get the certainty that comes with a Board-issued permit or license. A claim of pre-1914 water right can be challenged by other water users in court, and if that happens the right holder may be required to prove water has been continuously used since 1914, plus other elements such as the amount and season of the use.

For this reason, anyone considering claiming a pre-1914 appropriative right is encouraged to contact a qualified attorney to assess the strength of their claim.

Finally, as in the case of riparian rights, all persons claiming pre-1914 water rights must report their diversion and use to the Water Board annually by filing a Statement of Diversion and Use (see below), and are subject to the requirement of reasonable use (see below).

Post-1914 appropriative rights

Water users who are unable to claim a riparian or pre-1914 appropriative right to cover all aspects of their water use will need to obtain a post-1914 appropriative water right from the Water Board.

The state has established two methods for acquiring new post-1914 appropriative water rights: registrations and applications.

Registrations

For certain types of relatively small-scale water use, by far the easiest way to obtain an appropriative right is through a water right registration. Registrations provide water users a means of obtaining a water right to divert enough water to meet their needs without incurring the time and expense required to obtain a full appropriative license (see below).



There are four types of registrations:

- **Small Domestic Use Registrations** allow the holder to obtain the right to directly divert up to 4,500 gallons per day, and to store up to 10 acre-feet per year. The registration is primarily used for domestic use in a home or similar establishment but may also include certain related uses, such as non-commercial irrigation of up to a half-acre of lawn, landscaping, and garden.
- **Livestock Stockpond Use Registrations** can provide the right to directly divert up to 4,500 gallons per day, and to store up to 10 acre-feet per year, to provide water for commercial livestock.
- **Small Irrigation Use Registrations** can provide the right to store up to 20 acre-feet per year for irrigation, frost protection, and heat control of cultivated crops. Currently, this type of registration is only available in certain portions of Marin, Napa, Sonoma, Mendocino, and Humboldt counties. This type of registration cannot be used to irrigate commercial cannabis.



■ **Cannabis Small Irrigation Use Registrations** allow the holder to obtain the right to store up to 6.6 acre-feet per year for irrigation, frost protection, and heat control of commercially cultivated cannabis, and are subject to the Water Board’s Cannabis Cultivation Policy (see page 10).

Registrations are obtained by completing a registration form and paying a filing fee to the Water Board. All non-cannabis registrations are reviewed by the California Department of Fish and Wildlife (CDFW), which may place site-specific conditions on them to protect fish and wildlife. In addition, all registrations will contain standard conditions issued by the Water Board, including the requirements to report annual use and pay fees. Once approved, registrations remain in effect for a term of five years, which is subject to renewal.

Permits/ Licenses

The second way to obtain an appropriative water right from the Water Board is by filing an **application** to appropriate water. If approved, this will result in an appropriative water right **permit**, and ultimately, a license. While a license is arguably the most secure and permanent form of post-1914 appropriative water right, it is also the most difficult to obtain in terms of time and expense. Before filing an application, water users should carefully consider whether any of the pathways discussed above – e.g., registrations, riparian rights, rainwater collection, etc. – can be used to enable their planned water use, or whether they can modify their plans to fit within those pathways.

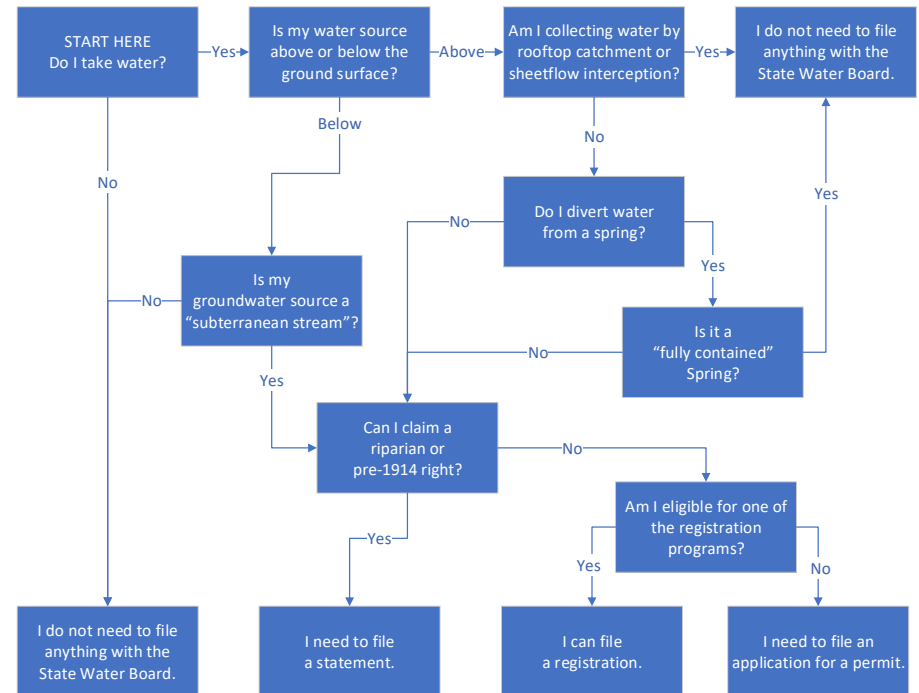
A water right application must be accompanied by supporting information, including a technical document known as a **water supply report** demonstrating that sufficient water remains available to supply the new right after considering the needs of existing water right holders and the environment. The process of considering an application requires the Water Board to conduct an extensive review and also allows other parties to protest the issuance of a permit. In order to issue a permit, the Water Board must ensure that any protests are resolved, there is water available to supply the permit, effects to **public trust resources** (see below) are considered, the requirements of the

California Environmental Quality Act are met, and it is in the public interest to issue the permit. For these and other reasons, the process can be lengthy; after filing an application, an applicant may have to wait five or more years for a decision.

After a permit is issued and has been in effect for a period of time (typically several years), and the permittee has been in compliance with its terms, the Water Board inspects the project and

confirms the amount of water that has actually been put to beneficial use. This is sometimes less than the amount stated in the permit. The Water Board then issues a water right **license** for the amount beneficially used. A license is considered a final vested water right. The holder of a permit or license must comply with the conditions contained within the permit or license, and must submit annual reports and pay annual fees to the Water Board.

Flow chart for a simplified water rights compliance process





SPECIFIC ISSUES RELATED TO WATER RIGHTS

Storage

One of the most common reasons water users apply for appropriative water rights is that they want to **store** water and lack the right to do so – for example, because they currently divert under a riparian right. Storage is defined as collecting water in a tank or reservoir during a time of higher streamflow for use during a time of lower streamflow. It is important to be aware that many smaller tanks and reservoirs do not provide “storage” in the legal sense, but rather are considered to provide “regulation of flow” over shorter time periods so that water can be used at a higher rate than it is diverted from a watercourse. This is often the case when the storage facility is small enough to hold only a limited supply of water – typically a few weeks’ supply or less.

In regions of the state with a Mediterranean climate, small-scale storage offers multiple potential benefits. It can provide landowners with a more secure supply of water during the summer and fall dry season months. Storage can also enable users to reduce or eliminate their diversions from the stream during these months,

leaving more water instream for fish and wildlife. This practice, often called “storage and forbearance,” is becoming increasingly common in coastal areas, and is legally required in the case of water diverted for cannabis cultivation. In most cases, the easiest permitting pathway for obtaining a water right for small-scale storage projects will be via a **registration** (see above).

Cannabis

All water diversion and use for the cultivation of commercial cannabis – even if conducted under an existing water right – must comply with the rules contained in the Water Board’s **Cannabis Cultivation Policy**. These rules include a ban on diversion of water between April 1 and October 31 to protect dry season streamflow, as well as a limitation on winter diversions to times of high streamflow. The ban on summertime diversion effectively forces all commercial cannabis cultivators that rely on surface water to seasonally store water, which requires an appropriative water right. See: https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html.

Reporting

All holders of riparian and appropriative rights must **report** the amounts of water they divert and use each year to the Water Board. Holders of post-1914 appropriative rights – i.e., those issued by the Water Board – do this by filing annual reports as required by the terms of their license, permit, or registration. These reports are due by April 1 each year and are filed online at <http://www.waterboards.ca.gov/rms>.

Holders of pre-1914 and riparian rights must report their use by filing a **Statement of Diversion and Use** form online (https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/). These forms are due by July 1 every year. Although many riparian and pre-1914 right holders are unaware of this reporting requirement, it is extremely important to comply with it for two reasons. First, water users can be fined \$1,000 for failure to file, plus \$500 per day after being notified by the Water Board. Second, reporting annual use protects holders of pre-1914 and riparian rights by ensuring the Water Board is aware of these rights, and will take them into account when issuing new water rights in the same stream system. This prevents the over-allocation of water.



Changes

For appropriative rights, there are limits on the right holder’s ability to change the amount, rate, timing, and manner in which water is diverted and used. Neither the amount of water diverted nor the amount of water put to beneficial use may be increased above the amount established when the right was created. Likewise, the rate of diversion may not be increased, and the season in which water is diverted may not be expanded.

The point of diversion, place of use, or purpose of use of an appropriative right may all be changed, provided the change will not injure the rights of any other legal user of water. For post-1914 rights, the right holder must seek approval for such changes by filing a Petition for Change with the Water Board, which notifies other water users and the public and resolves any protests. For pre-1914 rights, the holder may implement these changes without approval, and other users may challenge the changes in state court.



PRINCIPLES THAT APPLY TO ALL WATER USE

California law establishes several overarching principles that apply to all water used under any type of right – whether riparian, appropriative, groundwater, or some other type. These principles are rooted in Article X of the California Constitution, which provides that the ownership of water lies with the people of the state, and that water rights convey only the right to use water at certain times and places.

Beneficial use

Water cannot be used for just any purpose; rather, it must be for some legally recognized beneficial use. Some of the most common beneficial uses are:

- Irrigation
- Domestic
- Municipal
- Industrial
- Stockwatering

- Fire protection
- Frost protection
- Power generation
- Heat protection

Although this list is not exhaustive, there are some activities that have been expressly found not to be beneficial uses. For example, one court has held that diverting water in the winter to kill gophers is not a beneficial use.

Reasonable use

The amount of water diverted, and the manner of diversion, must be reasonable in light of the beneficial use to be achieved. For example, irrigators cannot apply water in excess of the reasonable demands of the crop being grown on the place of use. The Water Board has authority to make rules defining specific practices that do (and do not) constitute reasonable use. For example, in 2014 the Water Board issued a rule defining diversion of water from certain salmon-bearing streams for frost protection to be unreasonable unless it complies with approved management plans designed to prevent dewatering that harms endangered fish.

The public trust doctrine

The public trust doctrine is a longstanding principle of water law providing that all water rights are subject to a duty to leave sufficient flow instream to meet public trust uses, including fish and wildlife, navigation, and recreation. The legislature and state agencies can define and implement minimum flow standards to protect public trust uses in several ways, including:

- By inserting bypass flows and other terms into water right permits and Lake/ Streambed Alteration Agreements (see right).
- By enacting and enforcing statutes such as Fish and Game Code Sections 5937 (which requires dam owners to release sufficient water to keep fish in good condition) and 1602 (discussed at right).
- By implementing minimum streamflow requirements through ongoing regulatory processes such as water quality control plans, or regulations defining reasonable use.



Fish and Game Code Section 1602 (Lake/ Streambed Alteration Agreements)

In addition to a water right, many surface water diversions also require approval from CDFW under Fish and Game Code Section 1602, which provides that no one may “substantially divert . . . the natural flow of . . . any river, stream, or lake” without a Lake/ Streambed Alteration Agreement (LSAA) signed by CDFW.

Such an agreement often contains terms such as minimum bypass flows and season requirements to ensure a diversion will not unreasonably harm fish and wildlife. Whether a diversion is “substantial,” and therefore requires an LSAA, is a case-by case determination that should be made in consultation with CDFW. See: <https://www.wildlife.ca.gov/Conservation/LSA>.



ONLINE RESOURCES REGARDING CALIFORNIA WATER RIGHTS

General Information

The Water Board maintains a web page with general water rights information and resources here:

https://www.waterboards.ca.gov/waterrights/board_info/water_rights_process.html

Attorneys and Consultants

The Water Board maintains a list of attorneys and consultants that have indicated they perform services in the area of California water law or water rights consulting. The Division of Water Rights does not recommend or endorse any particular firm or consultant.

Attorneys

https://www.waterboards.ca.gov/waterrights/board_info/docs/attorneylist.pdf

Consultants

https://www.waterboards.ca.gov/waterrights/board_info/docs/consultantslist.pdf

Fact Sheet on Water Courses and On- and Off-Stream Reservoirs

https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/onstream_reservoir_factsheet.pdf

Program Web Pages for Prospective Water Right Holders

Statements of Water Diversion and Use

Each person or organization, with certain exceptions, that diverts and uses surface water or pumped groundwater from a known subterranean stream must file with the Water Board a Statement of Water Diversion and Use by July 1 of the year following the year when water was diverted.

https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/

Applications for Permits

The Water Board manages a program to issue certain types of water rights for larger projects.

https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/

Registrations (Domestic, Stockpond, Irrigation)

The Water Board manages a program to issue certain types of water rights for domestic, stockwatering, and irrigation uses for small projects. Larger projects that need to apply for a water right must file an Application for a Permit.

https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/

Registrations (Cannabis)

The Water Board manages a special program to issue water rights for commercial cannabis cultivation.

https://www.waterboards.ca.gov/water_issues/programs/cannabis/

Program Web Pages for Current Water Right Holders

Reporting

https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.html

Measurement

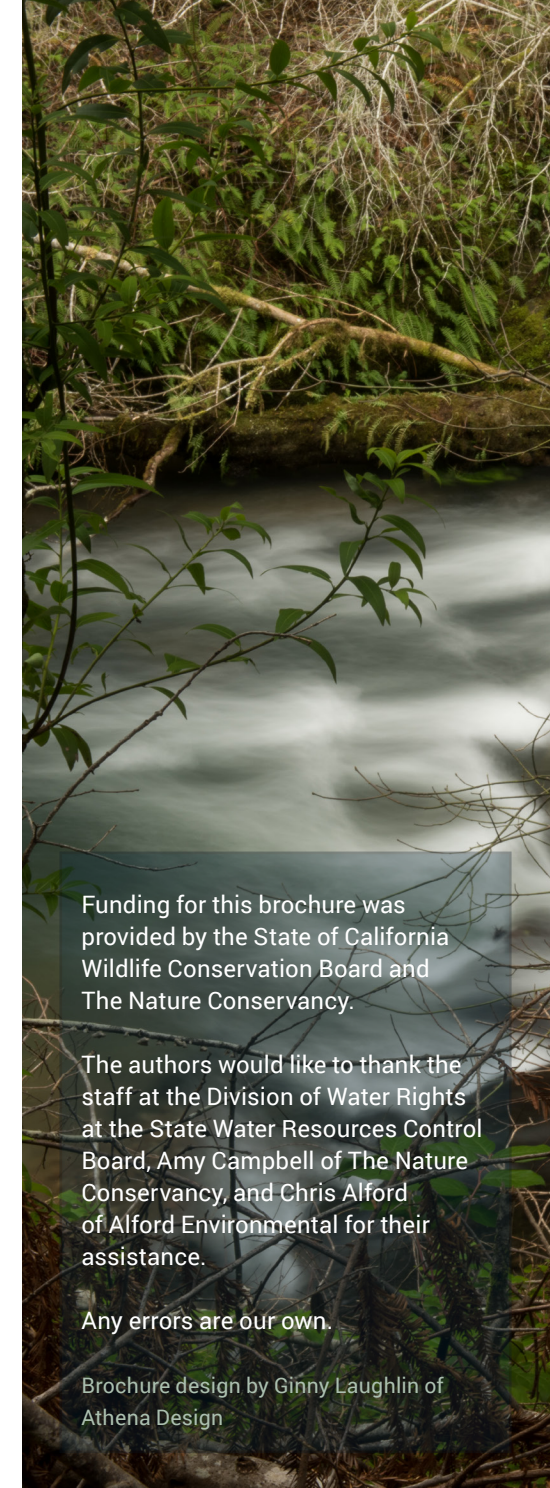
https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.html

Fees

https://www.waterboards.ca.gov/resources/fees/water_rights/

Forms

https://www.waterboards.ca.gov/waterrights/publications_forms/forms/



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Any errors are our own.

Brochure design by Ginny Laughlin of Athena Design





DEPARTMENT OF PUBLIC WORKS
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ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Rodney Yandell, Senior Planner, Planning & Building Department

FROM: Ken Freed, Assistant Engineer 

DATE: 01/12/2023

RE: **WRIGHT, APN 316-135-004 & 316-142-001, APPS# PLN-2023-18059-LLA**

Lot Line Adjustment: The proposed lot line adjustment does not affect any facilities maintained by the Department.

Record of Survey: The corners of the new property lines shall be monumented, pursuant to Section 325.5-9 of the Humboldt County Code. A Record of Survey shall be filed unless this requirement is waived by the County Surveyor. The requirement for a Record of Survey may be waived if, in the opinion of the County Surveyor, any one of the following findings can be made:

- (a) The new boundary line(s) are already adequately monumented of record.
- (b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
- (c) The new boundary line(s) can be accurately described and located from existing monuments of record.
- (d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

The applicant should ensure that the resulting parcels of the lot line adjustment will not result in any land locked parcels and that access easements are established as necessary. Pursuant to Section 4, Appendix A of the Subdivision Ordinance (County Code Section 321-1, et seq.), a 50 foot wide easement is required when a subdivision is proposed. In order to preserve subdivision potential, the Department recommends that a 50 foot wide easement be established as part of the project.

In addition, applicant shall provide the necessary access easements between the upper and lower parcel A sections.

Informational Notes:

1. Lot frontage improvements to the roadway (such as paved driveway aprons, sidewalk, curb & gutter, parking lanes, lane widening, shoulder widening, road paving, curb returns, curb ramps, etc.) are typically not required as part of a lot line adjustment project. Lot frontage improvements are typically required when building permits (or other development permits) are requested.
2. The subject property is located within the State Responsibility Area and is subject to the County's Fire Safe Regulations (FSR) as set forth in County Code. Development of the subject property must comply with the FSR. The Department is involved with ensuring that roads meet minimum FSR. The most common issues with roads not conforming to the FSR are: the maximum length of dead-end road is exceeded; the width of road is not wide enough; the grade of the road is too steep; and curve radii are too small. Development of the subject property may require extensive on-site and off-site road improvements in order to meet minimum standards.

The applicant should be advised that approval of the Lot Line Adjustment does not imply that the FSR have been met or can be met.

// END //