

FOREST REVIEW COMMITTEE MEETING – JUNE 13, 2007**STATEMENT OF ROBERT MORRIS**

I AM ROBERT MORRIS, I AM AN RPF AND A TIMBERLAND OWNER. I WAS BORN IN SCOTIA AND RAISED IN HUMBOLDT COUNTY.

I HAVE ATTENDED FRC MEETINGS BEFORE (AS WELL AS OTHER PUBLIC MEETINGS) WHERE TONIGHT'S TOPIC (THE FUTURE OF HUMBOLDT COUNTY TIMBERLANDS) WAS THE FOCUS OF THE MEETING. IT IS HARD FOR ME TO SEE ANY MEANINGFUL INCORPORATION OF THE COMMENTS AND CONCERNS THAT I HEARD AT THESE MEETINGS FROM THE MOST AFFECTED STAKEHOLDER –**THE LANDOWNER**

THE SUBMISSION, AND RESUBMISSION, OF ESSENTIALLY THE SAME DOCUMENT, WOULD MAKE ONE BELIEVE THAT A HIGHER POWER (PERHAPS STAFF) IS TRYING TO TELL YOU –

**YOU ARE GOING TO RECOMMEND WHAT WE WANT YOU TO WHETHER
YOU LIKE IT OR NOT**

I AM AN RPF, AND HAVE BEEN INVOLVED IN THE FOREST PRODUCTS INDUSTRY FOR MORE THAN 30 YEARS. IT IS OBVIOUS TO ME THAT THIS

DOCUMENT WAS NOT PREPARED BY AN RPF, OR ANYONE KNOWLEDGEABLE IN FORESTRY AFFAIRS. THE PRIORITIZATION, BY STAFF, OF THE TOPICS SOMEONE BELIEVES SIGNIFICANT TO THE FOREST RESOURCE LAND BASE (SEE P. 5.3- 15 & 16) IS EVIDENCE OF THEIR IGNORANCE OF WHAT IS REALLY AFFECTING THE STATE OF THE INDUSTRY. **THE MOST IMPORTANT CONCERN (REGULATORY CONSTRAINTS) IS LISTED DEAD LAST.**

THREE OF THE TOP FOUR CONCERNS DON'T EVEN SHOW UP ON THE HORIZON OF FORESTRY PROFESSIONALS AND LANDOWNERS.

AS ALL OF YOU ON THIS COMMITTEE ARE AWARE, FORESTRY ADVICE IN CALIFORNIA CAN ONLY BE GIVEN BY A LICENSED, PROFESSIONAL FORESTER, HENCE THE NEED FOR YOU TO SIGN OFF ON A DOCUMENT SUCH AS THIS.

AS A LANDOWNER, I READ THIS DOCUMENT SEVERAL TIMES. I COULD NOT REALLY PUT MY FINGER ON THE TENOR OF WHAT IN THIS DOCUMENT REALLY SETS ITS TONE. THEN I CAREFULLY READ THE **STAFF ANALYSIS (P. 5.3-12)**(THE PART THAT WILL **"FALL OUT"** OF THE FINAL VERSION) IN PARAGRAPH 3, P. 5.3-17, ONE FINDS THE WORDS (AND I QUOTE) "...SUPPORT FOR THE PROPERTY RIGHTS **ASSUMED** TO BE ASSOCIATED WITH LAND OWNERSHIP". THE LIGHT CAME ON. THE

COMMON THREAD THROUGHOUT THIS DOCUMENT IS THAT WHOEVER DRAFTED THIS DOCUMENT SUBSCRIBED TO THE VIEWPOINT **“YOU CAN BE A LANDOWNER BUT DON’T ASSUME YOU HAVE ANY PROPERTY RIGHTS.**

THAT IS MY OVERVIEW OF THIS DOCUMENT, HERE ARE SPECIFIC AREAS OF CONCERN THAT I FEEL ARE SIGNIFICANT:

1. SUBSTANDARD TPZ PARCELS

THERE IS NOT A SMALL TPZ PARCEL PROBLEM – THERE IS A ZONING PROBLEM! 99% OF ALL SUBSTANDARD TPZ PARCELS WERE CREATED BY THE COUNTY.

THE COUNTY UNILATERALLY PLACED A 160 ACRE MINIMUM PARCEL SIZE DESIGNATION ON THOUSANDS OF PARCELS THAT WERE BELOW THAT MINIMUM SIZE IN THE FIRST PLACE. THE COUNTY IS NOW ACTING AS IF TPZ LANDOWNERS ARE , WITH MALICE AND FORETHHOUGHT, CONCOCTING PLANS TO CIRCUMVENT THE 160 ACRE PARCEL SIZE. THE VAST MAJORITY OF THESE SUBSTANDARD TPZ LANDOWNERS, DIDN’T OWN 160 ACRES PARCELS TO BEGIN WITH AND DON’T OWN 160 ACRES NOW! **THE COUNTY ERRED IN APPLYING THE ORIGINAL TPZ ZONING TO THESE PARCELS IN THE FIRST PLACE.**

THE SOLUTION IS TO NOW OFFER ALL OWNERS OF THESE PARCELS THE OPPORTUNITY TO HAVE THESE PARCELS REZONED TO A ZONE CLASSIFICATION APPROPRIATE FOR THEIR SIZE AND USE – LIKE A FOREST RECREATION ZONE – 40 ACRE MINIMUM PARCEL SIZE.

THIS SHOULD BE ONE OF THE RECOMENDATIONS OF THIS COMMITTEE.

2. WITHDRAWAL OF LAND FROM THE COUNTY TIMBERLAND BASE
TIMBERLAND WITHDRAWALS FROM THE COMMERCIAL LAND BASE IS OCCURRING DUE, ALMOST EXCLUSIVELY, TO GOVERNMENTAL ACTIVITIES. THESE ARE (IN ORDER OF SIGNIFICANCE):

- A. USFS LANDS PRODUCING AT 10% OF THEIR CAPABILITIES
- B. GOVERNMENTAL ACQUISITION FOR NON TIMBER USES
- C. GOVERNMENTAL POLICIES THAT GIVE FAVORABLE TAX TREATMENT TO MONIES (DONATIONS) USED TO ACQUIRE LANDS FOR PRESERVATION SET ASIDES.
- D. COUNTY INITIATED REZONING FROM TPZ LANDS TO FACILITATE COMMUNITY PLANNING EFFORTS.

STAFF GLOSSES OVER THESE ACTIVITIES (SAYS THESE ACRES HAVE BEEN REMOVED TO A “RESERVE” STATUS (P.5.3-16) –MORE REALISTICALLY A PRESERVE STATUS) AND ATTEMPTS TO JUSTIFY THEM BY SAYING THE COUNTY RECEIVED “MITIGATION VIA COMPENSATION” CITING THE

HEADWATERS ACQUISITION. DESPITE POLICY LANGUAGE IN THE EXISTING GENERAL PLAN TO THE CONTRARY, THE BOS TOOK THE MONEY AND IGNORED COUNTY POLICY.

LETS SEE – THE HEADWATERS PURCHASE PRICE WAS 480 MILLION. THE COUNTY RECEIVED 20 MILLION – MY MATH SAYS THE COUNTY WAS ABLE TO JUSTIFY THE REMOVAL OF THESE TPZ LANDS FOR 4.1% OF THE PURCHASE PRICE. EQUITABLE TREATMENT SHOULD BE AFFORDED ALL LANDOWNERS- SO 4.1% SHOULD BE THE NUMBER REQUIRED FROM OTHERS FOR THE REMOVAL OF TPZ LANDS FROM PRODUCTIVE STATUS.

IF WITHDRAWAL OF LANDS FROM TPZ (AND THE LOCAL TAX BASE) VIA PUBLIC ACQUISITION (FOR A FEE) IS ACCEPTABLE TO THE BOS, THEN CERTAINLY A REZONE OF LANDS FOR PRIVATE PARTIES (LANDS THAT WOULD STILL BE IN THE LOCAL TAX BASE) SHOULD BE LOOKED AT IN A SIMILAR AND EQUITABLE MANNER.

A POLICY RECOMMENDATION IN THIS MANNER SHOULD BE FORTHCOMING FROM THIS COMMITTEE.

3. PARCELIZATION AND FRAGMENTATION

PARCELIZATION OR FRAGMENTATION CONCERNS ARE NOT EVEN ON THE RADAR OF THOSE KNOWLEADGEABLE WITH INDUSTRY CONCERNS RELATIVE TO THEIR FUTURE VIABILITY. FORESTERS SUCH AS YOURSELVES DON'T WAKE UP EVERY MORNING THINKING – GEE,

ANOTHER DAY OF FIGHTING PARCELIZATION BATTLES. NO, YOU PROBABLY WAKE UP WITH THP CONCERNS IN YOUR HEAD (EVEN JOE FASSLER).

LAND USE OWNERSHIP PATTERNS (A MORE APPROPRIATE NAME FOR PARCELIZATION) ARE DYNAMIC AND EVER CHANGING. THEY HAVE BEEN SINCE THE FIRST FEDERAL LAND PATENT WAS ISSUED IN THE COUNTY. THEY ARE DYNAMIC BECAUSE OF THE FREE MARKET SYSTEM. THE COUNTY'S OWN FIGURES SAY THAT 17,400 PATENTS EXIST ON THE PATENT PLAT MAPS (P. 5.3-18). THE AVERAGE PATENT SIZE IS APPROXIMATELY 153 ACRES (GEE – AWFUL CLOSE TO THE HOMESTEAD ACT'S 160 ACRE SIZE). NOT A COINCIDENCE –THE MAJORITY OF PATENTS WERE ISSUED UNDER THIS ACT. THERE WERE HOUSES AND FARMS ON THESE PARCELS. OVER TIME MARKET FORCES PROMPTED PEOPLE TO MOVE ON. OVER TIME PARCELS SOLD TO NEIGHBORS, NEIGHBORS HAD CHILDREN – DIED AND SPLIT THE PARCELS AMONGST THE HEIRS AND SO THIS “PARCELIZATION” ORIGINALLY OCCURRED YEARS AGO. THE BOOM AND BUST CYCLES ALONG THE WAY (1929 DEPRESSION, WWI & II) ALLOWED SOME CONSOLIDATION OF THESE PARCELS INTO LARGER OWNERSHIPS. MARKET FORCES MAY SOMEDAY FAVOR THE UNCONSOLIDATION OF THESE OWNERSHIPS. **SHOULD THESE LANDOWNERS BE PENALIZED FOR BEING LARGE AND IS IT REALISTIC TO THINK THAT IN A CAPITALISTIC ECONOMY ONE IS GOING TO STOP MARKET FORCES?**

THE PARCELIZATION AND FRAGMENTATION CONCERN IS A FACTOR PRIMARILY OF THOSE WHO DO NOT OWN TIMBERLAND AND OF THE COUNTY PLANNERS. THE PLANNERS ARE DISTRAUGHT THAT PRIOR TO THE EARLY 1900'S LIFE COULD GO ON WITHOUT THEM. THOSE INDIVIDUALS THAT ARE NOT LANDOWNERS ARE NOT IMPACTED AND FIND IT VERY EASY TO "TAX THE MAN BEHIND THE TREE".

THE PARCELIZATION AND FRAGMENTATION "CONCERN" COULD ALSO BE ADDRESSED BY THE RECOMMENDATION IN #1 ABOVE (REZONE TO FIT THE PARCEL SIZE – DON'T CHANGE THE PARCEL SIZE TO FIT THE ZONE)

4. CONDITIONAL USE PERMITS

CURRENTLY A SINGLE FAMILY RESIDENCE IS A COMPATIBLE USE ON LANDS ZONED TPZ. RESIDENCES ARE ALLOWED AS LONG LESS THAN 2 ACRES IS IMPACTED BY THE HOUSE SITE. IT APPEARS TO ME THAT STAFF IS ATTEMPTING TO **REDEFINE** SUCH A USE, AND MAKE ANY RESIDENCES SUBJECT TO A CONDITIONAL USE PERMIT. CONVERSATIONS THAT I HAVE HAD RECENTLY WITH STAFF LEAD ME TO BELIEVE THAT THEIR POSITION WILL BE **NO** RESIDENCES WILL BE ALLOWED BECAUSE ANY GROUND DEVELOPED WILL BE GROUND REMOVED FROM TIMBER PRODUCTION

AND THEREFORE IS INCOMPATIBLE WITH "THE GROWING AND HARVESTING OF TREES".

TWO ACRES OUT OF A 40 ACRE PARCEL IS 5% OF THE TOTAL ACREAGE. ON A 160 ACRE PARCEL IT IS 1.25%/. AS RPF'S, YOU ALL KNOW THAT A REDUCTION OF THE GROWTH RATE/ACRE OF 1-5% IS NOT A SIGNIFICANT VARIATION AND MOST GROWTH AND YIELD STUDIES ARE NOT THIS ACCURATE. VARIATIONS IN RAINFALL, INSECT OUTBREAKS, BEAR DAMAGE, UNAUTHORIZED VEHICLE ACCESS, EARLY DETECTION OF FIRE AND A HOST OF OTHER EVENTS ARE POTENTIALLY MUCH MORE IMPACTIVE UPON THE PRODUCTIVE NATURE OF TIMBERLAND THAN A RESIDENCE LIMITED TO TWO ACRES. LANDS OWNED BY ABSENTEE LANDOWNERS ARE NOT AS SECURED AND ARE SUBJECT TO MUCH MORE UNAUTHORIZED ENVIRONMENTAL IMPACTS THAN THOSE LANDS WITH A CARETAKER ON THE PREMISES.

HUMBOLDT COUNTY IS IN A CRISIS WHEN IT COMES TO AFFORDABLE HOUSING. TO TAKE THE POSITION THAT **NO RURAL HOUSING UNITS** WILL BE ALLOWED ON TPZ LANDS IS OUTRAGEOUS. THE LAW OF SUPPLY AND DEMAND HAS NOT BEEN SUSPENDED IN HUMBOLDT COUNTY. ANY HOUSING UNIT INCREASE IS A STEP IN THE RIGHT DIRECTION IN OFFSETTING THIS HOUSING PROBLEM WE HAVE. IT IS EVEN MORE OF AN AFFRONT TO THE CITIZENS OF THE COUNTY TO TALK ABOUT APPLYING CONDITIONAL USE PERMITS TO HOUSING UNITS. CUP'S ARE

DISCRETIONARY PERMITS (THEY ARE NOT ENTITLEMENTS) AND AS SUCH MAKE THE ACTIVITY SUBJECT TO CEQA. IS THIS A CAN OF WORMS WE WANT OPENED UP?

THERE ARE PLENTY OF SAFEGUARDS ALREADY IN PLACE TO ADDRESS BUILDING AND DEVELOPMENT PERMIT CONCERNS (CDF, PUBLIC WORKS, DEPT. OF HEALTH, WATER QUALITY) TO NAME A FEW. WE DO NOT NEED CEQA INVOLVEMENT OVER WHAT HISTORICALLY WAS A MINISTERIAL ACTION.

I BELIEVE IT IS APPROPRIATE FOR THIS COMMITTEE TO TAKE THE POSITION, AND MAKE A **RECOMMENDATION, THAT AN ONSITE RESIDENCE AND /OR CARETAKER IS A POSITIVE ATTRIBUTE TO THE MANAGEMENT OF TPZ LANDS.**

5. OVERLAPPING REGULATIONS

THE REGULATORY CONSTRAINTS UPON THE TIMBERLAND OWNER ARE MANY, VARIED AND ONEROUS. MOST KNOWLEDGEABLE EXPERTS PUT CALIFORNIA TIMBERLANDS AT A \$50-100/MBF "REGULATORY DISADVANTAGE" TO OTHER PNW TIMBER PRODUCING AREAS.

THE COUNTY NEEDS A POLICY STATEMENT OF **NO OVERLAPPING OR DUPLICATIVE REGULATIONS RELATIVE TO TIMBERLANDS AND/OR TIMBER RELATED ACTIVITIES THAT ARE ADDRESSED BY STATE OR FEDERAL AGENCIES.**

THIS RESULTS OF THIS GENERAL PLAN UPDATE WILL ENDURE FOR 20 YEARS, A FIRM “NO OVERLAP” POLICY MAY HEAD OFF FUTURE ATTEMPTS TO FURTHER CONSTRAIN RESOURCE LANDS.

AFTER REVIEWING THIS DOCUMENT, AND APPLYING MY INSIGHT AS A FORESTER, LANDOWNER AND LIFELONG RESIDENT OF THE COUNTY IT APPEARS TO ME THAT THIS COMMITTEE COULD LOOK AT RECOMMENDATIONS IN FOUR AREAS AND ADDRESS THE BULK OF THE CONCERNS WITH COUNTY TIMBERLANDS.

THESE RECOMMENDATIONS ARE:

A. REZONING OF SUBSTANDARD (LESS THAN 160 ACRES) TPZ PARCELS TO ZONING WHICH DOESN'T PRECLUDE THE GROWING OF TREES AND WHICH RECOGNIZES THE HISTORICAL USES AND PROPERTY RIGHTS ASSOCIATED WITH THESE PARCELS (FOREST RECREATION ZONE?)

B. REDUCING REGULATORY OVERLAP AND NOT ENCOURAGING MORE REGULATIONS

C. POLICIES ENCOURAGING PUBLIC LANDS PRODUCTIVE CONTRIBUTION TO THE TIMBER ECONOMY (USFS)

D. ADHERING TO A POLICY OF NO INCREASE IN LANDS REMOVED FROM THE LOCAL TAX BASE.