

Forest Resource Policies
FRC Meeting:

If it ain't broke, don't fix it! Existing policies work well.

Every TPZ property owner should have been provided public notice directly by mail!

General Comments:

Under the current General Plan polices **less than 1000 acres** have been removed from TPZ since 1985 and **over 900 of those acres** were done as part of the Eureka Community Plan. Most, if not all of the 900 acres remains undeveloped.

Most conversions of timberland are the result of government or conservation organizations acquiring the land. I personally believe that the County should pursue some sort of conversion or acquisition impact fee when the timberland is removed from production and property taxes are no longer assessed.

Staff believes that recognizing existing legal parcels and substandard parcels, whether Patent Parcels or not, is a conversion of timberland. **NOT TRUE!**

Staff is concerned **"...over the unregulated transfer..."** of existing, legal substandard parcels without regard to general plan policies. I'm not sure what staff means by the **"...unregulated transfer..."** statement. It is the County who creates every legal substandard parcel in the County. More regulations are the last thing the timberland owners need. In fact, more regulations are the last thing **all** residents of the County need.

I'm very concerned regarding the brief and hollow discussion of **"Patent Parcels and Open Space"** found on page 5.3-19 of the June 13th Staff Report. Staff infers that the Department cannot issue Building Permits on legally created parcels, **"...if the issuance of the permit is contrary to General Plan Policies"**. Staff indicates this will be addressed during the General Plan Update process. HELLO... We are in the General Plan Update process! I think it's critical that the Department inform the FRC and the stakeholders of the potential impacts of Section 65567 of the Government Code. **Staff needs to identify under what circumstances the Department would not be able to issue Building Permits on existing legal parcels.**

Staff refers to the cost of maintaining roads and providing public services to rural development as a reason to increase minimum parcel sizes. The only time improvements are made to existing roads, including County roads, is when they are part of a subdivision or other project. Under CEQA and the Map Act, it is the applicant/property owner that is responsible for the cost of the improvements (mitigation).

Staff refers to the cost of providing Sheriff services to resource lands. Staff indicates that it would cost the County an additional \$2 million dollars a year for providing services for 5,000 **rural residences**. Basically, staff is implying that rural residential development generates a greater demand for police/sheriff services than urban development. **NOT TRUE!** A review of the Garberville Sheriff's log indicates that well over 90% of all services/calls occur in the urban areas or local communities.

The proposed **Right to Harvest** acknowledgement does not limit a property owner's right to make it difficult on the timberland owner regarding management practices and harvesting activities. The County currently has a **Right to Farm** acknowledgement, which is a local

disclosure required for all real estate transactions in the County. This existing required disclosure does reference timber. I would encourage the FRC to review and expand the reference to timber rather than create *another* required disclosure form.

Alternative Comparison Matrix:

Merger: Again, the County has created every substandard parcel in the County. TPZ was applied to all timberland parcels regardless of parcel size. Due to property owners concerns, shortly after the Forest Taxation Reform Act (FTRA) of 1976 was enacted and the pending application of TPZ to timberlands, the County adopted provisions for residential development of TPZ parcels, including substandard parcels (Former Sections 314-10, 314-11 and 314-64 of the Humboldt County Code).

Recommendation: Rescind mandatory merger provisions for all lands in the County.

Land Use Designations: The Department is recommending a new Industrial Timberland (IT) land use designation for those TPZ lands owned by timber companies. Land use designations should not be applied based on who owns the property. Whether or not the timberland is owned by a timber company, a ranch, an investment group or individual property owners, the rules and regulations should be consistently applied.

Recommendation: Do not create a separate and distinct land use designation for industrial timberlands.

Minimum Parcel Size: Options A and B include 160 acre minimum parcel sizes. State law does NOT require a minimum parcel size to zone land into TPZ. In fact, State law (Section 51115(d) (1) CGC) limits the amount of acres needed to not exceed 80 acres. The idea is to encourage property owners into TPZ zoning. Current County regulations require an 80 acre minimum parcel size in order to rezone the parcel into TPZ. Therefore, Options A and B are not only inconsistent with State Law, but they discourage and in fact eliminate the opportunity to zone parcels less than 160 acres into TPZ.

Options C and the existing Framework Plan allow parcel sizes and density to range from 20 acres to 160 acres. This is a good idea. The Department is recommending that densities (minimum parcel sizes) be based on road constraints. This is a good idea. However, staff is recommending densities (minimum parcel sizes) be based from the distance of a project to/from a public road. *This is crazy.* The distance from a public road has no bearing whatsoever on the access roads' condition, carrying capacity, existing traffic, level of service etc... The County's current subdivision regulations specify design standards based on the number of lots served. That's sound engineering. Below are the potential densities based on current County design standards and road requirements.

Roadway/Density Constraints			
Road Category	ADT*	TGF**	Potential Parcels
1	0-20	5	4
2	0-50	5	10
3	0-100	5	20
4	0-800	5	160

*Average Daily Traffic. ** Trip Generation Factor per parcel

Minimum parcel sizes for TPZ should not be based on road constraints alone. Timber site quality should also be a determining factor. Current General Plan policies allow for 20 acre parcels in areas of Site II and above.

Recommendation: Allow 20 acre minimum parcel sizes based on road constraints, timber site quality and evidence (Management Plan) that the proposed parcels are viable timber management units. Allow the use of lot size modification provisions on TPZ land.

Homesite Development: Options A and B allow for homesite development *only* if it is "**Necessary for management of timber**". We all know trees grow on their own and that homesite development can **NEVER** be found "**Necessary for management of timber**".

Option C and the existing General Plan allow one single family residence on TPZ parcels.

Recommendation: Retain existing General Plan Policies regarding primary homesite development on TPZ lands.

Second Residence: Options A and B *do not allow homesite development*, either primary or second units. Option C and the existing Framework (General) Plan allows second units through Conditional Use Permit (CUP) and Special Permit (SP) application processes. The second unit must be consistent with the applied density. Both permit processes are costly and time consuming and I know of no instances where the permit process created a "better" project. Residential development whether it's the primary unit or the second unit must demonstrate site suitability (i.e. adequate buildings site, leachfields, water supply, parking, setbacks, etc...) and compliance with the Fire Safe Regulations. State law allows up to 3 acres of homesite development per parcel.

Recommendation: Amend the General Plan and Zoning Regulations to allow second units on all TPZ parcels as a principally permitted use.

Zone Amendments: First of all, staff needs to identify whether the referenced Zone Amendments are immediate rezones or 10 year slideouts. When TPZ was applied, property owners were told that it is a *voluntary* zone that ran for 10 years and is renewed (extended) yearly. The only reason property owners would want out of TPZ is if you change the rules. I believe Options A and B will actually result in more conversions (rezone requests).

Options A, B and C support rezones out of TPZ when it could be found that the original inclusion was in error or inappropriate. Staff *needs to identify the criteria* needed determine if the original zoning was in error or inappropriate. Otherwise it's a guessing game and subjective.

Options B and C would allow rezones for (1) expansion of an existing community; or (2) reconfiguration for cluster housing. In regards to an "...expansion of an existing community" staff needs to clarify. Does this means lands within a Community Planning Area (CPA) or lands adjacent to a CPA? My comments regarding clustering will follow.

Recommendation: Support 10 year slideout (rezones) on all TPZ lands. The new zone should be based on road constraints, topography, availability of services, adjacent zoning and proximity to community centers. Support immediate rezones for TPZ lands within CPA's where it can be demonstrated that additional housing opportunities are needed.

Clustering: Options A, B and C include clustering provisions for TPZ subdivisions for homesite development. However, Options A and B only allow homesite development if it is "...necessary for management of timber". Again, we all know trees grow on their own and that homesite development can **NEVER** be found "**Necessary for management of timber**". Therefore, if you can't make the findings for homesite development, it can't be subdivided to facilitate homesite development.

Under the two clustering examples provided by staff, the subdivisions **would result in the removal of 96 acres from TPZ**. These two examples alone are almost 10% of the total lands removed from TPZ during the past 20 plus years under the current General Plan policies. The result is just the opposite of what the Department is trying to achieve: retention of timberlands and conflicts between small rural parcels and large adjacent timberland operations.

Clustering small parcel development within or adjacent to large holdings of TPZ or timberland could actually create potential conflicts between timberland management operations and adjacent smaller residential parcels. Larger, 20 to 40 acre size parcels are actually more compatible with adjacent timberland operations. Because of the larger parcel sizes, residential homesite development is typically much further from the property lines than on smaller parcels. Furthermore, most of these property owners are intensively managing their property. Furthermore, I have to believe that the Board of Forestry will not support creating small TPZ parcels and/or their immediate rezone.

Recommendation: Provide for clustering provisions as an *alternative* and not a requirement for subdivision development.

Subdivision Standards: Again, Options A and B will not allow subdivisions because homesite development can **NEVER** be found "**Necessary for management of timber**". Therefore, if you can't make the findings for homesite development, it can't be subdivided to facilitate homesite development.

Under Options B and C staff is recommending that the cumulative impact of water withdrawals from surface and groundwater sources be assessed and found not to be significant. Whether it's urban development or rural development, all development has an impact on water supplies. In any event, it's puzzling why Option A wouldn't require the same analysis. CEQA (Initial Study, Item 8(b), Hydrology and Water Quality) already requires an analysis and finding regarding the impact of water withdrawals. Because annual rainfall levels can vary dramatically from year to year, one year the impact of the water withdrawal may not be an issue, but the next year it may. As such, in addition to the current water supply standards (450 gallons per day per parcel) I would support a policy that would require a rain water collection and storage tank capable of storing a water supply for 3 months (approximately 40,000 gallons).

Recommendation: Require a rain water collection and storage tank capable of storing a water supply for 3 months (approximately 40,000 gallons) as part of any rural subdivision.

Summary: Conversion of timberland is not an issue. Options A and B will have significant impacts on property rights and values throughout the County. Rural residential development on TPZ lands does not have a significant impact on timber production and in fact many times results in more intensive management of the resource.

I am concerned about those property owners of TPZ land who never intend on managing or harvesting timber. They are receiving tax benefits based on the assumption they are producing and eventually harvesting timber. I would encourage the Department to identify all substandard TPZ parcels and then map or overlay any present or past THP's, NTMP's, THP Exemptions, JTMP's and management plans done as part of State or Federal Forest Incentive Programs (FIP's). If there is no record of management and harvest activities, I would support the County notifying the property owners and require that a management plan, THP, NTMP be submitted within a given time (5 years for example) or the property will be rezoned to Forest Recreation (FR) or similar zone.



Real Property Solutions
Land Use Consultants
 P.O. Box 220, Miranda, CA. 95553
 707 943-1900 ♦ Fax 707 943-1626

**NOTICE OF ACKNOWLEDGMENT
 REGARDING
 AGRICULTURAL ACTIVITIES IN
 HUMBOLDT COUNTY**

Assessor Parcel Number (APN): 109-191-021
Address/Area: 162 Eileen Road, Shelter Cove, CA. 95589
Tax Rate Area (TRA): 156013

Date: June 18, 2007
Report No: NHDS 07-211
Escrow No: 303178 BP

This Notice is given pursuant to Humboldt County Code Sections 313-43.2 and 314-43.2 ("Right To Farm Ordinance"). The purpose of this notice is to inform owners and purchasers of real property that there may be an impact on their property from adjacent agricultural activities. For full information about the ordinance, please read the full text of Sections 313-43.2 and 314-43.2 of the County Code. This document is for information purposes only and confers no legal rights or obligations with respect to any particular property or agricultural activity other than those conferred by the County Code, State Law, or other applicable law or regulation. In accordance with Humboldt County Code Sections 313-43.2.4 and 314-43.2.4:

You are hereby notified that, if the property you are purchasing or developing is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry, and commercial practices performed as incident to or in conjunction with such agricultural operations, including preparation for market, delivery to storage or market, or to carriers or transportation to market. These operations may generate, among other things dust, smoke, noise and odor. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. For information concerning where agricultural operations are located in relation to your property, you may contact the Humboldt County Community Development Department at (707) 445-7541. For questions concerning specific kinds of agricultural operations in your area, including their use of fertilizers, and pesticides, you should contact the Humboldt County Agricultural Commissioner at (707) 445-7223. This Notice is given for informational purposes only and nothing in the Ordinance or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available action to remedy any unlawful or improper agricultural practice.

 Signature of Seller/Transferor Date: _____

 Signature of Seller/Transferor Date: _____

 Signature of Buyer/Transferee Date: _____

 Signature of Buyer/Transferee Date: _____

Please note that Sections 313-43.2 and 314-43.2 of the Humboldt County Code does not require recording this document. However, a seller of property may wish to record this document with other disclosure documents as proof of compliance with these Code Sections. Please contact the Humboldt County Community Development Department at (707) 445-7541 with any questions regarding this Notice.