

RCVD 6/10/10
Debbie Provost

Section 4.6 Forest Resources

FR-IM4 Merger Ordinance

IM-4 says "Revise Merger Ordinance to delete the requirement of merger of substandard TPZ lands, not CURRENTLY under a Williamson Act CONTRACT, from Article II"

Staff prepared a draft revision of the Merger Ordinance to provide guidance to the revisions. The Note says that changes are made in Section 327.5-1 purpose and 327.5-3(b) regarding new merger.

Section 327.5-1 (which is a part of Article I) is as follows:

Old language: Article II of this Chapter shall only be implemented on parcels WITHIN THE COUNTY WHICH ARE ZONED TIMBERLAND PRODUCTION ZONE AND PARCELS WHICH ARE enforceably restricted by a Williamson Act Contract.

The portion in CAPS is deleted in the new version which reads:

Article II of this Chapter shall only be implemented on parcels enforceably restricted by a Williamson Act Contract, INCLUDING THOSE LANDS ZONED TIMBERLAND PRODUCTION ZONE CONTAINED WITHIN WILLIAMSON ACT PRESERVE BOUNDARIES.

The distinction between "CURRENTLY under CONTRACT" in IM4 and "WITHIN WILLIAMSON ACT PRESERVE BOUNDARIES" in the Merger revision is tremendous.

Historically in Humboldt County each Contract is under a Preserve which only covers that Contract, but that is not the only option. Govt Code Section 51230 authorizes Counties to establish an Agricultural PRESERVE defining the boundaries of those areas within which the County will be willing to enter into contracts.

I have been told that about 3 years ago a proposal was brought by staff to the Williamson Act Committee to establish a very large PRESERVE encompassing much of the County. I have tried to obtain a copy of the proposal, staff report and minutes but I am unable to find the agenda's and minutes for the Williamson Act Committee on the County website. When I asked staff for a copy, my request for 3 year old information was not clear, and I was told that "There is no official proposal, just a rumor at this time. It would need to go to the Board first for them to direct staff to work on it." This leads me to wonder if there is, in fact, an unofficial proposal to create such a preserve in the future in the works. I have yet to receive the copies I requested.

Is this a simple clerical error? If so, it is critical that we find out now which word was intended. Which represents the recommendation of staff, IM4 or the revision to the Merger Ordinance?

No change was made to 327.5-3(b) in Article II as stated in the Note.

I support Staff's recommendation in the earlier draft of the Forest Resource Section which was to repeal the existing merger ordinance. The Summary of Key Issues still states that staff recommends repeal.

In the event that the Alternative A version of IM4 were adopted, and the merger ordinance were implemented, it would affect all TPZ land within the County, as well as all Williamson Act lands. The merger ordinance makes reference to parcels which might be merged because they fail to conform to the standards for minimum parcel size under the applicable zoning designation. Proposals have been made to increase the minimum parcel size to many resource lands to 600 acres. If both proposals are adopted, the results would be devastating to land owners in Humboldt County. As you have heard time and again from many people, land values will be cut by up to half, and the ability to sell only a portion of your land, or divide it among your children, would disappear.

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