

Comments from the
Humboldt County Resource Lands Working Group (HCRLWG)
regarding issues for discussion at the
September 10, 2012
Humboldt County Board of Supervisors' meeting

- Agricultural Resources (Section 4.5)
- Forest Resources (Section 4.6)
- Public Lands (Section 4.7)
- Land Use Classifications (Section 4.8)

The structure for this document is as follows:

Chapter or Section

Title of the Goal, Standard, Policy, or Implementation Measure

HCRLWG RECOMMENDATION: Recommended language for that section from the Humboldt County Resource Lands Working Group in blue.

HCRLWG COMMENTS: Rationale for the changes and other comments in blue.

August 28, 2012

Section 4.5 Agricultural Resources

AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands.

HCRLWG COMMENTS:

The Working Group does not disagree with the changes that the Planning Department staff presented to the Board of Supervisors on August 13, 2012 regarding this Standard.

Section 4.5 Agricultural Resources

AG-S2. Agricultural Grazing (AG) Land.

HCRLWG COMMENTS:

The Board of Supervisors has taken a straw vote on this issue and the Working Group agrees with the position the Board of Supervisors took on this Standard.

Section 4.5 Agricultural Resources

AG-S4. Planned Rural Development Program Clustering Incentive Options.

HCRLWG COMMENTS:

The Board of Supervisors has taken a straw vote on this issue and the Working Group agrees with the position the Board of Supervisors took on this Standard

Section 4.6 Forest Resources

FR-P2. Timber Harvest Plan Review.

HCRLWG RECOMMENDATION:

FR-P2. Timber Harvest Plan Review. Recognize CAL FIRE as the lead agency for review of Timber Harvesting Plans (THPs); provide comments on proposed Timber Harvesting Plans (THPs) only where county land use patterns have significantly contributed to use conflicts.

Section 4.6 Forest Resources

FR-P3. Timber Management Regulations.

HCRLWG RECOMMENDATION:

The Board of Supervisors has taken a straw vote on this issue and the Working Group agrees with the position the Board of Supervisors took on this Policy.

Section 4.6 Forest Resources

FR-P8. Protection of High Quality Timberlands.

HCRLWG RECOMMENDATION:

FR-P8. Protection of High Quality Timberlands. Timberlands **planned and zoned for timber production** shall should be retained for timber production, harvesting and compatible uses, and reclassification of the Timberland Production Zones (TPZ) shall be done in accordance with the statutory requirements.

HCRLWG COMMENTS:

The Working Group's recommended change takes into account the fact that some timberlands are not planned and zoned for timber production.

Section 4.6 Forest Resources

FR-P9. Residential Construction on TPZ Zoned Parcels.

HCRLWG RECOMMENDATION

FR-P9. Residential Construction on TPZ Zoned Parcels. Recognize the right to construct a residence under a ministerial permitting process subject to physical standards set by the County. Second units: may be allowed on TPZ parcels greater than 160 acres; And, may be allowed on TPZ parcel less than 160 acres as a conditional use only in the area already converted, intended to be converted, or that does not meet the definition of timberlands. Seconds units may be allowed on TPZ parcels less than 40 acres within Community Planning Areas.

HCRLWG COMMENTS:

This option parallels the recommendation of the Forestry Review Committee (FRC motions of 11/13/07 and 5/28/08). This version integrates FR-Sx.

Section 4.6 Forest Resources

FR-P10. Substandard Lots and TPZ Rezoning.

HCRLWG RECOMMENDATION:

FR-P10. Substandard Lots and TPZ Rezoning. The County supports **rezoning ~~correction~~** of land from the Timberland Production Zone when it can be found that:

- A. The original inclusion was in error or inappropriate; or
- B. The conversion is necessary to provide for the logical expansion of an existing community; or
- C. The conversion and rezoning is necessary to provide for the reconfiguration of parcels in order to utilize development unit credits for cluster housing; or
- D. The parcel is three acres or less.

HCRLWG COMMENTS:

The group supports the Planning Commission version **WITHOUT** the word "correction" as that does not appropriately apply to the conditions included here (bullets B-D). The HCRLWG change is consistent with the Forestry Review Committee's recommendation on 1/29/08

Section 4.6 Forest Resources

FR-P11. Lot Line Adjustments.

HCRLWG RECOMMENDATION:

FR-P11. Lot Line Adjustments. Lot line adjustments of TPZ parcels may be approved in order to consolidate logical timberland management units or facilitate clustered residential development. Such adjustments shall be in keeping with the spirit and intent of TPZ and shall not result in a net reduction of the area of TPZ available for forest management.

HCRLWG COMMENTS:

Lot line adjustment is a valuable and important tool that landowners use to resolve real property issues. The Working Group recommends deletion of the last portion of the second sentence in order for this policy to continue to be beneficial. Lot line adjustment is a useful practice to facilitate efficient management and avoid boundary conflicts. This is significant tool for resource landowners and managers.

Section 4.6 Forest Resources

FR-P15. Conservation Easements and Management.

HCRLWG RECOMMENDATION:

The Board of Supervisors has taken a straw vote on this issue and the Working Group agrees with the position the Board of Supervisors took on this Policy.

Section 4.6 Forest Resources

FR-P17. Forestland-Residential Interface (FRI).

HCRLWG RECOMMENDATION:

The Working Group's first choice would remain deletion of this Policy. However, if the Board of Supervisors decides to retain this Policy the group has the following recommended changes to the language:

FR-P17. Forestland-Residential Interface (FRI). Identify FRI lands ~~within~~ ~~around~~ Community Planning Areas where residential uses adjacent to forestlands create the potential for use conflicts and fire safety hazards.

HCRLWG COMMENTS: We continue to be opposed to the creation of FRI due to redundancy with State requirements and lack of definition. How is FRI defined? How will FRI be mapped? What is the intent? How does this relate to State Wildland-Urban interface?

Section 4.6 Forest Resources

FR-P19. Maintain Public Roads.

HCRLWG RECOMMENDATION:

The Board of Supervisors has taken a straw vote on this issue and the Working Group agrees with the position the Board of Supervisors took on this Policy.

Section 4.6 Forest Resources

FR-S1. Planned Rural Development Program Clustering Incentive Options.

HCRLWG RECOMMENDATION:

The Planning Commission recommended deletion of this Standard. The Working Group does not disagree with that position. However, if the Board of Supervisors decides to retain this Standard the group has the following recommended changes to the language:

FR-S1. Planned Rural Development Program Clustering Incentive Options: The Planned Rural Development Program shall be a voluntary incentive based program. To qualify, identified homesite parcels must be clustered to minimize conflicts with timber harvesting and impacts to water resources, biological resources, wildland fire potential. Right-to-harvest agreements shall be secured on lands proposed for conversion to residential uses. The remaining lands most suitable for continued timber production shall be retained for permanent commercial timber production.

Tier I clustering program:

Density credit: Twice the existing entitlements **for a given parcel** when 90% of **the timberlands on the affected parcel is are** protected

Protection instrument: **B7 zoning (no further subdivision)** ~~or permanent conservation easement~~ on remainder

Rezone homesite parcels: **Cluster Housing is determined by the County to conform to the requirements of Section 51133 of the Timber Yield Tax Law and PRC 4621.2.** County to conduct **an immediate** re-zone in **conjunction with subdivision.**

JTMP ~~or~~ NTMP: Required for all **remainder TPZ parcels less than 160 acres. Not required for the rezoned parcel(s) or a remainder TPZ parcel of 160 acres or greater.**

Tier II clustering program:

Density credit: 3 times existing entitlements **for a given parcel** when 95% of **the timberland on the affected parcel is** ~~timberlands are~~ protected

Protection instrument: **B7 zoning (no further subdivision)** ~~Permanent conservation easement~~ on remainder

Rezone homesite parcels: **Cluster Housing is determined by the County to conform to the requirements of Section 51133 of the Timber Yield Tax Law and PRC 4621.2.** County to conduct **an immediate** re-zone in **conjunction with subdivision.**

JTMP ~~or~~ NTMP: Required for all **remainder TPZ parcels less than 160 acres. Not required for the rezoned parcel(s) or a remainder TPZ parcel of 160 acres or greater.** ~~Required for all parcels~~

HCRLWG COMMENTS: The County reevaluates its position concerning the General Plan each 20 years. The General Plan is only good for 20 years at which time all Goals, Policies, Standards and Implementation Measures are up for revision to conform to the unforeseen and unknown circumstances existing at that future date.

It is appropriate that landowners be given the same opportunity to re-evaluate their circumstances after one General Plan Update cycle (20 years). The commercial viability of the retained TPZ parcel is unknown given that regulatory and policy changes continue to occur. The B7 zoning will protect the remainder parcel from further subdivision during the 20-year life of the General Plan.

A time horizon of 20 years (one General Plan Update cycle) is placed on the B7 zoning that applies to the remainder TPZ parcel in order for the standard FR-S1 to conform to other parts of the General Plan update. Chapter 3 Governance Policy under the heading Sustainable Development on page 3-4 states: "Meeting the needs of the present without compromising the ability of future generations to meet their own needs is the essence of sustainable community development." A permanent conservation easement would compromise the ability of future generations to meet their own needs. Chapter 4 Land Use Element under 4.1.1 Purpose on page 4-1 it states: "These land use policies guide growth and development and use of land through 2025." FR-S1 needs to be within the time horizon specified in the Land Use Element.

Delete NTMP because a NTMP does not meet the same legal requirements as a JTMP for this purpose.

Section 4.6 Forest Resources

FR-S2. Forestland-Residential Interface (FRI).

HCRLWG RECOMMENDATION:

The Working Group's first choice would remain deletion of this Standard. However, if the Board of Supervisors decides to retain this Standard the group has the following recommended changes to the language:

FR-S2. Forestland-Residential Interface (FRI). For areas identified as the FRI, reduce use conflicts via the following:

- A. Require subdivisions in these areas to include forested buffers and building setbacks between residential uses and adjacent timberlands, in consultation with CALFIRE.
- B. **† Upon application for subdivision, applicant shall, in consultation with adjacent timberland owners,** identify preferred and necessary log haul routes to be maintained and acknowledged by residential users.
- C. Require recordation of "Right to Harvest" acknowledgements (and other timber management activities such as prescribed burns) in the subdivision approval process. **[Note—"Right to Harvest" per the "Right to Farm" ordinance.]**
- D. ~~Support protection of residential drinking water supplies.~~
- E. For residential development, require **disclosure** ~~demonstration~~ of structural fire response capabilities, compliance with fire safe standards, and ongoing fire protection management programs.
- F. ~~Support noticing via North Coast Unified Air Quality Management District requirements of affected property owners for prescribed burn activities.~~ **[Not necessary – follow current Air Quality permit requirements.]**
- G. ~~For hilltop development, require a fire break and open space adjacent to forestlands, with houses internal to the fire break, to ensure defensible space.~~ **[Not necessary – follow current CAL FIRE requirements for defensible space.]**

HCRLWG COMMENTS: We are very concerned regarding the necessity of the creation of the FRI. Issues pertinent to the need for FRI fall under CAL FIRE and Air Quality jurisdiction. Key issues we have regarding FRI include: What is the definition of FRI? What are the locations of the FRI (they are currently unmapped)? How wide are they? How do they relate to State clearance requirements?

Section 4.6 Forest Resources

FR-S4. Timberland Subdivisions. (Not currently on Short List. Included due to comments on FR-Sx)

FR-S4. Timberland Subdivisions. Subdivision of lands designated as Timberland (T) to the minimum parcel size may be permitted if the project meets the following criteria:

- A. The subdivision will **not result in significantly detract from continued forest management activities such as, improvements (including but not limited to stocking and conifer release) in site productivity, timber growth, and harvest through intensive management or long-term harvest volume (timber management);** and
- B. Adequate access, water, and geologic stability can be demonstrated for the proposed use and the land division meets all other regulatory requirements, including the General Plan standards and policies for rural lands; and
- C. On each parcel, the residential site is located, to the fullest practical extent, in areas of the lowest productivity.
- D. Access to the remainder is consistent with the uses of the remaining property.
- E. A joint timber management plan (JTMP) is prepared for divisions below 160 acres.
- F. **Second units; may be allowed on TPZ parcels greater than 160 acres; And, may be allowed on TPZ parcels less than 160 acres as a conditional use only in the area already converted, intended to be converted, or that does not meet the definition of timberlands. Second units may be allowed on TPZ parcels less than 40 acres within Community Planning Areas.**

Section 4.6 Forest Resources

FR-Sx. Second Units.

HCRLWG RECOMMENDATION:

The Working Group agrees with the second unit language and suggests that instead of standing on its own that it be integrated into both FR-P9 & FR-S4 as shown in those respective sections above.

Section 4.6 Forest Resources

FR-IM3. Support Voluntary Conservation Programs.

HCRLWG RECOMMENDATION:

The Board of Supervisors has taken a straw vote on this issue and the Working Group agrees with the position the Board of Supervisors took on this Implementation Measure.

Section 4.6 Forest Resources

FR-IM4. Merger Ordinance Revisions.

HCRLWG RECOMMENDATION (Planning Commission recommendation):

FR-IM4. Merger Ordinance Revisions. Revise Merger Ordinance to delete the requirement of merger of substandard TPZ lands, not currently under a Williamson Act Contract, from Article II.

HCRLWG COMMENTS: The Working Group is in full support of the Planning Commission's decision on this issue and fully supports the rescinding of Article II of the merger ordinance as forwarded to the Board of Supervisors by the Planning Commission.

Section 4.6 Forest Resources

FR-IMx. Implementation of Timber Harvesting Plan Review.

HCRLWG RECOMMENDATION:

FR-IMX. Implementation of Timber Harvesting Plan Review. Establish a process for County **comment on review** of Timber Harvesting Plans received ~~within the mapped FRI zone only.~~ Develop ~~standard response comments for Board consideration~~ where county land-use patterns have significantly contributed to use conflicts in **residential/forest interface areas**. Work with the Forestry Review Committee for guidance on **process and** the development of **appropriate standard response comments and process**, in order to reduce redundancy between agencies and provide meaningful County assistance.

HCRLWG COMMENTS:

Standardized comments, suggested by the staff, are difficult to develop for Timber Harvesting Plans (THPs) due to the site-specific and technical nature of the development of THPs. The proposed approach the working group provided above aims to focus County comments to those issues that are not already covered by existing law or regulation.

Section 4.6 Forest Resources

FR-IMxx. Substandard Lots.

HCRLWG RECOMMENDATION:

Delete this Implementation Measure

FR-IMxx. Substandard Lots. The County shall ~~initiate support rezoning the removal~~ of substandard lots (under 40 acres in size) from the TPZ designation when residential use becomes the primary use of the property and timber production cannot be sustained on a commercial basis.

HCRLWG COMMENTS:

This needs to be consistent with FR-P10.

Section 4.7 Public Lands

PL-P2. In-holdings.

HCRLWG RECOMMENDATION and COMMENTS:

The Working Group's first choice would remain deletion of this Policy since it is inappropriate to apply the laws of Public lands to any private lands – regardless of the property owner outside of the ownership (public or private). Applicable County, State, and federal laws apply to development and use of the properties that are part of the inholdings.

If the Board of Supervisor would prefer to retain this Policy the group's recommended changes are as follows:
PL-P2. In-holdings. Principally Permitted uses within the management boundaries of the Six Rivers National Forest and the King Range National Conservation Area shall be consistent with the County plan and zoning.
When reviewing Conditionally Permitted uses and other uses within the management boundaries of the Six Rivers National Forest and the King Range National Conservation Area County staff shall notice the public agencies and consider the applicable public land agency's management plan.

Section 4.8 Land Use Classification

Resource Production Land Use Designations

Timberland (T)

HCRLWG RECOMMENDATION:

Timberland (T)

The Timber Production designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed. Density range is 40 – 160 acres/unit.

Policy and designation should recognize currently existing substandard parcels within TPZ as compliant.

Allowable Use Types:

Agricultural

General Agriculture

Timber

Timber Production

Timber-Related Recreation

Commercial

Timber-Related Visitor-Serving

Industrial/Extractive

Agriculture & Timber Products Processing

Oil & Gas Drilling & Processing

Metallic Mining

Surface Mining

Natural Resource

Fish & Wildlife Habitat Mgt

Public Access Facilities

Resource-Related Recreational

Watershed Management

Wetland Restoration

Residential

Single Family Residence

Other

Labor Camps

Public Recreation

Residence Incidental to Principal Use

Utilities & Energy Facilities³

Similar Compatible Uses

Development Standards

Minimum Parcel Size: 40 – 160 acres

Ground Coverage:

Additional Provisions – per zoning

Policy and designation should recognize currently existing substandard parcels within TPZ as compliant.

HCRLWG COMMENTS:

This change recognizes the ministerial right to build a single family residence.

Section 4.8 Land Use Classification

Resource Production Land Use Designations

Industrial Timberland (TI)

HCRLWG RECOMMENDATION and COMMENTS:

Recommend deletion of classification. This land use is covered by T. We are opposed land use classifications based on who owns the land. Land use classification should be based on suitability and not ownership.

Section 4.8 Land Use Classification

Resource Production Land Use Designations

Agricultural Grazing (AG)

HCRLWG RECOMMENDATION: the only additional recommendation is to add Residential: Single Family Residence to the Allowable Use Types.

Allowable Use Types:

Agricultural

- Agriculture-Related Recreation
- Feed Lot/Slaughter House
- General Agriculture
- Hog Farming
- Intensive Agriculture
- Stables & Kennels

Timber

- Timber Production
- Timber-Related Recreation

Commercial

- Agriculture-Related Visitor-Serving¹
- Timber-Related Visitor-Serving

Industrial/Extractive

- Agriculture & Timber Products Processing
- Aquaculture
- Oil & Gas Drilling & Processing
- Metallic Mining
- Surface Mining

Natural Resource

- Fish & Wildlife Habitat Mgt
- Public Access Facilities
- Resource-Related Recreational
- Watershed Management
- Wetland Restoration

Residential

Single Family Residence

Other

- Cottage Industry
- Farm Employee Housing
- Labor Camps
- Public Recreation
- Residence Incidental to Principal Use
- Second Agriculture Residence
- Utilities & Energy Facilities³
- Similar Compatible Uses

HCRLWG COMMENTS:

This change recognizes the ministerial right to build a single family residence.

Section 4.8 Land Use Classification

Resource Production Land Use Designations Ranchland (AGR)

HCRLWG RECOMMENDATION and COMMENTS:

Recommend deletion of classification. This land use is covered by AG. The Resource Lands Working Group favors the uses of voluntary and incentive based tools, such as the Williamson Act. The majority of the ranches proposed to be designated AGR are currently under Williamson Contracts and their owners are receiving reduced property taxes in exchange for waiving some of their property rights. The application of AGR would mimic the Williamson Act on lands that are currently contracted and effectively weaken the need for the Act itself while providing no compensation to the landowner for the lost property rights. This increases the burden and pressure on the landowners. Using regulation rather than reward for conservation of open space and agricultural production is philosophically the wrong approach.

The owners of these affected lands have kept them 'whole' through good and bad economic times. By maintaining existing levels of density and current minimum parcel sizes, land owners can capitalize on other tools such as conservation easements. Obviously, the largest challenges to maintaining these ranches are financial; adding additional land use regulation does not assist land owners in meeting economic challenges.

One of the options available for keeping the lands whole in the past has been borrowing against the land. This option diminishes as a result of decreased land value due to regulation. Additionally, we can foresee an unintended consequences of such a regulation to be larger parcels removed from the "whole" when the landowner needs to use other options such as selling off a piece of land.