

GOALS
<p>CO-G1. Open Spaces. Humboldt County shall continue to support and maintain County owned public open spaces that distinguish and showcase the county's natural environment for the enjoyment of residents and visitors. M – Modify as shown. This item should only apply to publicly owned parks and lands and not apply to private property.</p>
<p>CO-G2. Private Working Lands. Humboldt County encourages owners of resource lands that support and provide for livelihoods. M - Modify as shown.</p>
<p>CO-G3. Conservation and Open Space. Humboldt County encourages private landowners to enter into voluntary Open Space and Conservation programs that respect the rights and wishes of the private property owner and are complimentary to the conservation and open space programs of cities, tribes, and state and federal agencies. M – Modify as shown.</p> <p>The County has no role in voluntary conservation easements; other resource land management agencies and private landowners do. Conservation easements are very complicated and are meant to be a voluntary process. We believe conservation easements should be between a willing buyer and a willing seller, and such easement should be based on their own goals and objectives including the terms of the conservation itself.</p> <p>Conservation easements should not be used in such a broad brush manner for zoning or restrictions. What is meant by a "program"? Is this a new County department? The County has no resources available to create, staff, administer a new 'program'. There are already voluntary programs in place. Is it a committee? Is it a regulatory process? Where are the specific definitions for these terms?</p>
<p>CO-G4. Parks. Humboldt County shall continue to provide well maintained and accessible public county parks offering a range of popular recreation opportunities as a priority as fiscal resources allow. M – Modify as shown.</p> <p><i>Note: Public resources Code section 5076 calls for the county to consider trail oriented recreational use in the open space element; it does not mandate its inclusion. Further, there are trails policies the circulation chapter of the plan.</i></p>
<p>CO-G5. Open Space and Residential Development. Per the adopted motions by the Humboldt County Board of Supervisors, the Forestry Review Committee, the Forest Practices Act, and per the Williamson Act and other applicable state laws, Humboldt County will support residential development of open space lands that protects natural resources, sustains resource harvest and production, and minimizes exposure to public safety hazards. M- Modify as shown.</p>
POLICIES
<p>CO – P1 Williamson Act and Timber Production Zone Programs. The County shall maintain Williamson Act and TPZ incentive programs and support continued resource production on open space lands. M- Modify as shown.</p>
<p>CO-P1x. Transfer of Development Rights. The County shall manage a transfer of development rights program to transfer subdivision rights from high value open space and resource lands to urban development areas. D – Delete. Not implementable.</p> <p>NCHB does not support a Transfer of Development Rights program. If an area has a higher density, wouldn't it already be zoned as such? Define "high value open space"; who determines that, and how is it determined? Where are the receiving areas, specifically and why are they not already zoned for that higher density? Has the County already acquired landowners' permission to use their property for such purposes? Has that permission already been processed via a public hearing and recorded on the properties in question?</p> <p>We agree with HAR's comments that any such program would reduce property values, make it virtually impossible to subdivide land and would create substantial constraints on housing</p>

development increasing housing development costs.
<p>CO-P1xx. [A] Open Space Acquisition. The County shall seek opportunities to purchase high value open space lands and open space conservation easements. D – Delete.</p> <p>NCHB does not support this item! How and why and whose idea was it to include this language in the General Plan document? In the conversation deciding to include this language in the General Plan, was the concept of balanced budgets discussed? Was the concept of a new department discussed? Was the notion of how this would be paid for discussed? Was the option of putting such a notion on a ballot even discussed?</p>
<p>CO-P2. Working Resource Lands. The County shall support policies that maintain profitable resource production on private timber and agricultural lands as a means to secure long-term protection and sustainability of working resource lands through programs such as the Williamson Act and TPZ incentive programs. M – Modify as shown.</p>
<p>CO-P3 Conservation Easements. Support conservation easement programs that protect natural resource and open space assets. M – Modify as shown. There is no need to develop a new program; other resource land management agencies already do this. Permanent easements should never be required. The Williamson Act fulfills this policy.</p>
<p>CO-P4. Greenbelts. Maintain separation of urbanized communities through appropriate land use designations and zoning density. Avoid merging urban development boundaries of adjacent communities. D – Delete. Redundant. No need for a greenbelt overlay zone since the community planning areas, AG and TPZ zones already between all the communities do this.</p>
<p>CO-P5. Planning for Recreational Needs within Communities. Policies addressing community recreational needs shall be prepared as part of planning efforts within each community via the community plans. M – Modify as shown.</p> <p>It is our understanding that there are already hundreds of acres of community recreational parks under the jurisdiction of the County Public Works Department, and maintenance is already done by them when money is available. State and federal parks are maintained by the state, federal government.</p>
<p>CO-P6. Develop and Maintain County Parks. The Humboldt County Department of Public Works shall maintain county parks and recreation areas that are highly accessible to the public in order to serve the present and future needs of county residents. M – Modify as shown.</p>
<p>CO-P7. Encourage Private Outdoor Recreation. Encourage private acquisition, development, and management of outdoor recreational services and facilities as a means to generate economic returns for the landowner from conservation and open space lands. M- Modify as shown.</p> <p>Modification assumes that the County is not in the real estate business, that this item refers to private property, and that any revenue goes to the land owner and not to the county.</p>
<p>CO-P8. Development Review. Development proposed on conservation and open space lands shall be reviewed for consistency with Conservation and Open Space Element. D- Delete. NCHB does not support this item. All development has to be reviewed for consistency with the General Plan per CEQA. Redundant. Language may be construed as requiring a discretionary permit where a ministerial permit is allowed; thereby affecting property values, and costs of housing as well as property rights.</p>
<p>CO-Px4. Public Recreation. Support acquisition, development and management of parklands and trails primarily in locations that are highly accessible to the public in order to serve the outdoor recreation and ADA needs of current and future residents, and where such uses do not reduce the agricultural capability, timber productivity and ecological services on open space lands. D – Delete. See CO-P5. This item goes way beyond the requirements of state law. Existing parks have ADA access facilities incorporated in their design.</p>
<p>CO-Px5. Access on Private Open Space Lands. Work with willing landowners to develop public access to appropriate open space lands. Support development and management of multi-use trails and other outdoor recreational facilities where such uses do not reduce the agricultural</p>

capability, timber productivity and ecological services on open space lands. **D. – Delete.**

NCHB does not support this item! Any efforts by staff via language in the General Plan to broadly and openly discuss imposing public access onto private lands also imposes restriction of development of private property by the owner on his or her own property and can be construed as a taking of property rights that will expose the County to potential risk of legal action by landowners.

STANDARDS

CO-S1. ~~[A][B] The County's local open space plan consists of the goals, policies, standards, and implementation measures of the following sections of this general plan:~~

- ~~A. Preservation of Natural Resources:
 - 1) Sections 10.1 and 10.2 – Conservation and Open Space
 - 2) Section 10.3 – Biological Resources
 - 3) Chapter 11 – Water Resources Element~~
- ~~B. Managed Production of Resources:
 - 1) Section 4.5 – Agricultural Resources
 - 2) Section 4.6 – Forest Resources
 - 3) Section 10.4 – Mineral Resources
 - 4) Chapter 12 – Energy Element~~
- ~~C. Outdoor Recreation, and Cultural and Scenic Values:
 - 1) Section 4.7 – Public Lands
 - 2) Section 10.6 – Cultural Resources
 - 3) Section 10.7 – Scenic Resources
 - 4) Section 10. – Circulation~~
- ~~D. Public Health and Safety:
 - 1) Chapter 14 – Safety Element
 - 2) chapter 15 – Air Quality Element.~~

D. – Delete. NCHB Supports the deletion of this item. We agree with HAR's comments that include the County's own definition of a Standard: A specific, often quantified, guideline defining the relationship between two or more variables. Standards can often translate directly into regulatory controls.

We also agree with HAR's remarks that they are concerned that future development under any of these zone designations would require the property owner to 'trade' property rights to the County in order to get a building permit ... that you may not be able to do anything but give up the use of your un-developed land.

It is our understanding the former Director's intent was to use this table of contents for the entire General Plan as a list of what constitutes his idea of an Open Space Plan. We are also of the understanding that the naming of the list as the so-called open space plan in addition to its incorporation into the Plan would effectively shut down all development in the county without direct knowledge of the property owners or due process. This language also imposes restriction of development of private property by the owner on his or her own property and can be construed as a taking of property rights that will expose the County to potential risk of legal action by landowners.

CO-S2. ~~[A][B] Identification of the Open Space Action Program.~~ The specific programs which are intended to implement the open space plan:

- ~~A. The following land use designations classifications:~~

~~CF, CFR, NR, OS, PR, P, MR/, T, TC, AE, AG, AGR, and AEG.~~

~~B. The following zoning classifications designations:~~

- ~~1) Agriculture Exclusive (AE)~~
- ~~2) Timber Production Zone (TPZ)~~
- ~~3) Commercial Timber (TC)~~
- ~~4) Natural Resources (NR)~~
- ~~5) Public Recreation (PR)~~

~~C. The following combining zone classifications designations:~~

- ~~6) Archaeological Resource Combining Zone (A)~~
- ~~7) Alquist Priolo Combining Zone (G)~~
- ~~8) Streams and Riparian Corridors Protection Combining Zone (R)~~
- ~~9) Flood Hazard Combining Zone (F)~~
- ~~10) Alquist Priolo Fault Hazard (G)~~
- ~~11) Mineral Resources Combining Zone~~
- ~~12) "T" Combining Zone (Coastal)~~

~~D. The following plan overlay areas:~~

- ~~1) FEMA mapped flood hazard zones~~
- ~~2) Sensitive cultural resource area~~
- ~~3) Special biological areas~~
- ~~4) Streamside Management Areas and Other Wet Areas~~
- ~~5) Areas mapped of geologic instability~~
- ~~6) Areas mapped as Very High Fire Severity hazard~~
- ~~7) Critical Water Supply~~
- ~~8) Critical Watersheds~~

~~E. The implementation measures of the chapters and sections listed in CO-S1.~~

D – Delete. Again, NCHB Supports the deletion of this item. We agree with HAR's comments that include the County's own definition of a Standard: A specific, often quantified, guideline defining the relationship between two or more variables. Standards can often translate directly into regulatory controls.

We also agree with HAR's remarks that they are concerned that future development under any of these zone designations would require the property owner to 'trade' property rights to the County in order to get a building permit ... that you may not be able to do anything but give up the use of your un-developed land.

It is our understanding the former Director's intent was to use this table of contents for the entire General Plan as a list of what constitutes his idea of an Open Space Plan.

We are also of the understanding that the naming of the list as the so-called open space plan in addition to its incorporation into the Plan would effectively shut down all development in the county without direct knowledge of the property owners or due process. This language also

imposes restriction of development of private property by the owner on his or her own property and can be construed as a taking of property rights that will expose the County to potential risk of legal action by landowners.

~~CO-S3. [A][B] Conservation and Open Space Element Consistency Determination.~~ New development requiring a building permit or discretionary review for the areas noted in subsections A and B below shall not be approved unless consistent with Conservation and Open Space policies and standards: ~~unless the proposed action is consistent with the local open space plan as identified in CO-S1 and CO-S2 above.~~ **D. - Delete.**

The NCHB supports deletion of this item. We continue to advocate that It is imperative that open space and conservation easements remain VOLUNTARY. Any zoning of Opens Space or Conservation without property owner's approval would constitute a property "Taking", and would open the County up to political action. The value of land and compensation to owner's for such easements would be reduced.

~~CO-S4. [B] Open Space Consistency Determination on Substandard Parcels.~~ Require an open space consistency determination, based upon the conformance with General Plan density and open space development policies, for the development of residential structures based upon the following standards:

1) ~~For substandard residentially designated lots:~~

- ~~Substandard lots may be developed with a residential structure if the lot was lawfully created and has not been previously merged, regardless of whether or not development of the lot would be consistent with the density of the General Plan. A Special Permit is required for the development of a residential structure on a substandard lot located wholly within a flood hazard zoned or a Streamside Management Area (SMA) or Other Wet Area (OWA).~~

2) ~~Substandard Resource production, open space, and public land designated lots may be developed with a residential structure if:~~

- ~~the lot was lawfully created for uses other than utility or right of way purposes; and,~~
- ~~has not been previously **voluntarily** merged.;~~
- ~~and, plan density can be met; or,~~
- ~~the lot is planned for agricultural production and found necessary for an agricultural operation;~~
- ~~the lot is zoned TPZ and it is found necessary for the management of timber, and if less than 20 acres, a use permit and/or rezone out of TPZ is required.~~

D- Delete. NCHB supports deletion of this item.

Property owners have the right to place a residence on a legal parcel subject only to the physical development standards of the County. Not only is this language is internally inconsistent, (the Board of Supervisors voted to support principally permitted development of 2 residences on all legal parcels in the Forest Resources and Agricultural Elements), state law guarantees the right to build regardless of parcel size as long as the parcel is legally created.

<p>CO-S5. Lot Line Adjustments on Resource Lands. Lot line adjustments for lands planned for resource production may be allowed. M- Modify as shown to be consistent with the Subdivision Map Act.</p>
<p style="text-align: center;">IMPLEMENTATION MEASURES</p>
<p>CO-IM1. Williamson Act Program and TPZ Program. Provide staffing and secure continued funding from the State Department of Conservation to support the Williamson Act and the TPZ Programs in Humboldt County. M- Modify as shown. We support the Williamson Act and the TPZ program and their implementation.</p>
<p>CO-IM2. Working Lands. Advocate for state and federal regulatory policy that protects property rights, sustains profitable resource production. Support market development efforts that maximize financial returns to the landowner for agriculture and timber products. M- Modify as shown. Changed term to Working Lands as defined in glossary for consistency.</p>
<p>CO-IM3. Review of New Development for Impacts on Recreational Resources. Seek input from Parks and Recreation Division staff regarding land use planning decisions related to recreational opportunities in the county. D. - Delete. The language in the item is inconsistent with the title of the item. The language in the item is redundant, as all projects must be found to be consistent with the General Plan.</p>
<p>CO-IM4. Pursuit of Funding. The County shall maintain its Parks and Recreation Program, within Public Works, and shall pursue state and federal grant funding for the maintenance of recreational facilities, trails, and other programs consistent with this Plan. M- Modify as shown.</p>
<p>CO-IM5. Zoning Ordinance Revision for Open Space Consistency Determinations. Revise the Zoning Regulations governing development in open space lands to guide development consistency determinations pursuant to Government Code Section 65567.</p> <p>D. - Delete. NCHB supports deletion of this item. It does not make sense. Government Code section 65567 says the following: No building permit may be issued, no subdivision map approved, and no open-space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open space plan."</p>