

AGENDA ITEM NO.



COUNTY OF HUMBOLDT

For the meeting of: August 13, 2012

Date: July 27, 2012

To: Board of Supervisors

From: Martha Spencer, Interim Director, Planning and Building Department

Subject: Continued Board Review of the Planning Commission Approved Draft General Plan

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing and receive a staff report.
2. Receive public comments.
3. Close public comments.
4. Continue deliberation and straw votes on outstanding issues for Chapter 4, Land Use Element, focusing on Sections 4.5, Agricultural Resources; 4.6 Forest Resources; 4.7, Public Lands; 4.8, Land Use Classifications.
5. Begin deliberation and straw votes on Chapters 5 (Infrastructure) and Chapter 6 (Telecommunications).
6. Continue the public hearing to August 27th.

Prepared by _____
Martha Spencer, Interim Director, Planning and Building

CAO Approval _____

REVIEW:

Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

_____ Consent
 _____ Departmental
 XX _____ Public Hearing
 _____ Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor _____ Seconded by Supervisor _____

Ayes _____
 Nays _____
 Abstain _____
 Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. H-2, D-1, C-1, L-1, C-1, C-1, L-3

Meeting of: June 12, June 18, June 25, July 10, July 16, July 23, July 24, 2012

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

The cost of preparing this staff report was borne by the General Fund through the Planning and Building Department – Advance Planning Division's FY 2012-2013 budget and the General Plan user fees.

DISCUSSION:

At the July 24, 2012 meeting, the Board continued the deliberation and straw voting on Chapter 4, the Land Use Element of Planning Commission Approved Draft General Plan (Draft Plan). In particular, the Board discussed Sections 4.5, Agricultural Resources, 4.6 Forest Resources, 4.7, Public Lands and 4.8, Land Use Classifications. The Board was not able to finish the straw voting for these sections and continued the outstanding items to the regularly scheduled August 13th meeting. The Board also requested staff to revise the review schedule to accommodate this additional policy deliberation. Following is a summary of the items discussed, those policies with outstanding issues returning to the Board for further discussion and those proposed to be introduced for Board discussion/deliberation at the August 13th meeting.

The Board provided straw votes on the following policies:

- AG-S2. Agricultural Grazing (AG) Land
- AG-S4. Planned Rural Development Program Clustering Incentive Options,
- FR-P2. Timber Harvest Plan Review
- FR-P3. Timber Management Regulations
- FR-P15. Conservation Easements and Management
- FR-P19. Maintain Public Roads
- FR-IM3. Support Voluntary Conservation Programs
- PL-P7. Public Access

The Board requested staff return with additional information on the following policies (which are discussed in greater detail below):

- AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands (outstanding issues)
- FR-P2. Timber Harvest Plan Review (new Implementation Measure)
- FR-P8. Protection of High Quality Timberlands (outstanding issues)
- PL-P2. In-holdings (outstanding issues)

The Board proposes to begin deliberation on the following policies/Chapters during the August 13th meeting:

- FR-P9. Residential Construction on TPZ Zoned Parcels
- FR-P10. Substandard Lots and TPZ Rezoning
- FR-P17. Forestland-Residential Interface (FRI)
- FR-S2 Forestland-Residential Interface (FRI)
- FR-IMxx. Substandard Lots
- AG - Agricultural Grazing Land Use Designation
- IT - Industrial Timberland Land Use Designation
- T – Timber Land Use Classification (houses as primary versus compatible use)
- IS-P17. Law Enforcement
- IS-S4. Subdivisions Outside of Fire District Boundaries
- IS-S5. Other Development Outside of Fire District Boundaries
- IS-IM16. Sheriff's Office Funding Sources
- T-IM15. Research Possible Monitoring Policy

In addition, Supervisors Bass and Sundberg requested the following items be added for discussion:

FR-P11. Lot Line Adjustments
FR-S1. Planned Rural Development Program Clustering Incentive Options
AG-Pxxxx. Second Dwellings
FR-Sx. Second Units
UL-P4. Support for Micro and Small Business Development
UL-P12. Design Review

At the conclusion of the of July 24th meeting, the Board requested that staff prepare a revised schedule that adopts a "one week on, one week off" timeline for consideration by the Board (see Attachment A). This revised schedule also proposes to "shift" the Circulation and Economic Development policies originally proposed to be reviewed during the August 13th meeting, to the meeting of August 27th. The dates proposed to review the draft maps would "shift" to October. If the proposed schedule is approved by the Board, staff will provide notice in the newspaper, on the Department's website and through the GPU email distribution list.

Outstanding Issues

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

The Board discussed possible revisions to AG-S1 that combined the suggested language of Growers Association and the Resource Lands Working Group (RLWG). Supervisor Sundberg was concerned about new lands being designated AE and how this might affect their development rights, and requested additional information on how often this exception had been used in the past.

Staff did a quick review of the records and found that the policy had only been used twice since 1983 for subdivision, but had been used 5 times for lot line adjustments. It should be noted that many parcels in the Eel River and Arcata Bottoms are less than 60 acres, and without the allowance for parcels as small as 20 acres in the General Plan, these lot line adjustments would not be possible. In light of this, staff recommends this exception be continued. While staff appreciates the RLWG's efforts to tighten up the exception language, some of their suggested revisions may have the unintended effects. As Yana Valachovic's testimony indicated, "to provide for a family member" does not constitute a valid specific agricultural purpose, so staff prefers the original example be retained in its entirety "(e.g., to provide for a separate starter farm for a family member)". Also, the exception provision for historic resources and public acquisition as contained in the RLWG's subsection 2 is not necessary as it is provided for in AG-P5, AG-S5 and AG-S6.

The North Coast Growers Association recommended the Planning Commission version but was open to the possibility of clustering.

The PC, B/C, A and RLWG Alternatives policy language currently read:

Planning Commission Version

AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands. Within areas designated AE, no agricultural land division will be approved whereby any parcel thusly created will be less than 60 acres.

Alternative B/C Version

AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands. Within areas designated AE, no agricultural land division will be approved whereby any parcel thusly created will

be less than 60 acres. However, divisions of these agricultural lands to a minimum size of 20 acres may be approved if the Planning Commission finds that the division is necessary for a specific agricultural purpose (e.g., to provide for a separate starter farm for a family member), and the division will not adversely affect the area's agricultural economy or environmental resources. The rezoning and parcel map may be approved only upon satisfaction of all of the following conditions:

- A. Conveyance of a permanent agricultural easement to the County of Humboldt or other public entity or private non-profit corporation, having as its chief goal the preservation of agricultural or open space lands.
- B. Conveyance of development rights beyond those necessary for agricultural purposes.
- C. Recorded acknowledgment that, although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, except to other open space or habitat restoration use, will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.

Alternative A Version

AG-S1. Subdivision of Ranchlands (AGR) and Agricultural Exclusive (AE) Lands. No further subdivision of lands planned AGR and AE unless the subdivision is necessary for the protection of cultural resources or to mitigate impacts of public acquisition.

The RLWG version (additions in blue):

AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands. No further subdivision of lands planned AE except as follows:

STANDARDS TO THE EXCEPTIONS TO THE SUBDIVISION PROHIBITION

1. Within areas designated AE, no agricultural land division will be approved whereby any parcel thusly created will be less than 60 acres. ~~However, divisions of these agricultural lands to a minimum size of 20 acres may be approved if the Planning Commission finds that the division is necessary for a specific agricultural purpose (e.g., to provide for a separate starter farm for a family member), and the division will not adversely affect the area's agricultural economy or environmental resources. The rezoning and parcel map may be approved only upon satisfaction of all of the following conditions:~~ **except that a single, one time creation of a substandard parcel of at least 20 acres, and a remainder of at least 40 acres**

- A. Conveyance of a permanent agricultural easement **covering both the new substandard parcel and remainder parcel** to the County of Humboldt or other public entity or private non-profit corporation, having as its chief goal the preservation of agricultural or open space lands.
- B. Conveyance of **residential** development rights beyond those necessary for agricultural purposes.
- C. Recorded acknowledgment that, although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, except to other open space or habitat restoration use, will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.

2. The subdivision is necessary for the protection of historic structures or cultural resources or to mitigate impacts from acquisitions by public agencies.

Staff recommends a modified version of the RLWG (staff changes in red) to read as follows:

AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands. No further subdivision of lands planned AE except as follows:

~~STANDARDS TO THE EXCEPTIONS TO THE SUBDIVISION PROHIBITION~~

1. Within areas designated AE, no agricultural land division will be approved whereby any parcel thusly created will be less than 60 acres. ~~However, divisions of these agricultural lands to a minimum size of 20 acres~~ **except that a single, one time creation of a ~~substandard~~ parcel of at least 20 acres, and a remainder of at least 40 acres** may be approved if the Planning Commission finds that the division is necessary for a specific agricultural purpose (e.g., to provide **for a separate starter farm** for a family member), and the division will not adversely affect the area's agricultural economy or environmental resources. ~~The zoning and~~ parcel map may be approved only upon satisfaction of all of the following conditions:

- A. Conveyance of a permanent agricultural easement **covering both the new ~~substandard~~ parcel and remainder parcel** to the County of Humboldt or other public entity or private non-profit corporation, having as its chief goal the preservation of agricultural or open space lands.
- B. Conveyance of **residential** development rights beyond those necessary for agricultural purposes.
- C. Recorded acknowledgment that, although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, except to other open space or habitat restoration use, will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.

~~2. The subdivision is necessary for the protection of historic structures or cultural resources or to mitigate impacts from acquisitions by public agencies.~~

2. FR-P2. Timber Harvest Plan Review – New Implementation Measure

The Board modified FR-P2 to provide additional clarification of their desired involvement for County review of Timber Harvest Plans (THP's) and requested an Implementation Measure be drafted for FR-P2. Staff prepared FR-IMX for consideration by the Board that recommends limiting Board consideration of those THP's that would be within the mapped FRI area (in and around Community Planning Areas and Rural Community Centers). Staff also recommends utilizing the expertise of the Forestry Review Committee to help develop standard comment responses and a process for staff to use for determining when a comment letter is appropriate, in order to reduce redundancy between agency review.

The Board modified FR-P2 reads as follows:

FR-P2. Timber Harvest Plan Review. Defer to CAL FIRE on timber harvest reviews; comment only where county land-use patterns have significantly contributed to use conflicts ~~at issue and where the County can assist in dispute resolution~~ as directed by the Board.

Proposed new Implementation Measure to read as follows:

FR-IMX. Implementation of Timber Harvest Plan Review. Establish a process for County review of Timber Harvest 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. Work with the Forestry Review Committee for guidance on the development of standard response comments and process, in order to reduce redundancy between agencies and provide meaningful County assistance.

3. FR-P8. Protection of High Quality Timberlands

The Board discussed possible revisions to FR-P8 that addressed conservation of timberland in a general manner, eliminating the specific reference to timberlands in Community Planning Areas (CPA's). Other policies relevant to protection/conversion of resource lands within CPA's are found in the Growth Planning section of the Land Use Element (in particular, GP-P10).

The PC, A, C and Framework Alternatives policy language currently read:

Planning Commission Version

FR-P8. Protection of High Quality Timberlands. Parcels of Timber Site Quality III or higher outside Community Planning Areas shall be ~~planned~~ conserved to maintain timber production as ~~the~~ a primary use.

Alternative A Version

FR-P8. Protection of High Quality Timberlands. Parcels of Timber Site Quality III or higher shall be planned to maintain timber production as the primary use. Residential uses shall be limited to individuals employed on the premises for lands planned Industrial Timber (IT) or necessary for the management of timberlands on lands planned Timber Production (T).

Alternative C Version

FR-P8. Protection of High Quality Timberlands. Parcels of Timber Site Quality III or higher should be planned to maintain timber production as the primary use.

FWRK Version

2514.1 Timberlands shall be retained for timber production, harvesting and compatible uses, and reclassification of Timberland Production Zones (TPZ) shall be done in accordance with statutory requirements.

2514.3 Encourage the long-term management of timberlands.

During the meeting of July 24th, Supervisor Lovelace proposed the following language:

FR-P8. Protection of High Quality Timberlands. Parcels zoned TPZ ~~of Timber Site Quality III or higher~~ outside Community Planning Areas shall be ~~planned~~ conserved to maintain timber production as the primary use. Reclassification of Timberland Production Zones (TPZ) shall be done in accordance with statutory requirements.

Staff continues to recommend the Framework Plan version as it provides clear policy direction for the protection of Timberlands for uses described in the Forest Practices Act. If the Board prefers more general policy direction, staff prepared an alternative version of the Framework Plan language with additional flexibility, as described below:

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

4. PL-P2. In-holdings

The Board was concerned that PL-P2 may impose too strict a requirement on private property rights and allowable uses, and asked for a revision to address this concern.

The PC recommended policy language currently reads:

Planning Commission Version

PL-P2. In-holdings. Ensure the use of private lands (in-holdings) within the management boundaries of the Six Rivers National Forest and the King Range National Conservation is consistent with the applicable public land agency's management plan.

Staff recommends the following revision:

PL-P2. In-holdings. ~~Ensure~~ ~~the~~ use of private lands (in-holdings) within the management boundaries of the Six Rivers National Forest and the King Range National Conservation ~~is~~ should be consistent to the maximum extent practicable with the applicable public land agency's management plan.

FINANCIAL IMPACT:

Awarded grants, General Plan user fees, and the General Fund contribution to the Advanced Planning Division has paid for the costs of the General Plan Update Program to date.

This project fits into the County's Strategic Framework in several ways.

- The project is consistent with the Mission Statement; the General Plan Update will serve the needs and concerns of the community, and enhance their quality of life. It provides a framework for strategically pursuing a broad range of services provided by the County and other agencies, and guiding new development toward the goals presented in the Plan.
- The General Plan Update supports the self reliance of the community by clarifying County policy and regulations in a broad number of subject areas, and presenting them in a format that is easy to understand and available on the internet.
- The General Plan Update will safeguard the public trust by establishing clear County policy and regulations guiding new development.
- The proposed implementation measures of the General Plan Update ensure its sustainability over time.
- The General Plan Update increases the transparency, accessibility, and accountability of the services provided by the County by establishing clear roles and procedures, using

language that is easy to understand and available on the internet. The General Plan Update promotes interjurisdictional and regional cooperation.

- The General Plan Update is intended to be “an effective voice for our community in areas outside traditional mandates”. The General Plan Update includes provisions for public involvement that extend far beyond the requirements of state law. Public involvement encouraged by the General Plan Update will include discussions of natural resource and the County's economic future. The General Plan Update also intends to engage new partners through its implementation measures.

OTHER AGENCY INVOLVEMENT:

The General Plan Update program has been a multi-year project. Multiple agencies have been involved in the review and preparation of the Planning Commission approved Draft General Plan. The County has been in communication with the Planning Commissioners, County Counsel and the County Administrator's office on the transmittal of these draft documents.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board's discretion.

ATTACHMENTS:

Attachment A Board Approved Key Issues List for August 13th and revised Board schedule

Attachment B Board Worksheet with staff recommended policy changes

Attachment A
Board Approved Key Issues List for policy review by the Board
August 13, 2012 (revised July 24, 2012)

Key

- Items added at the July 10, 2012 by Priority ranking
- Items from the June 25, 2012 Key Issues List

August 13th Board meeting:

(Continued deliberation from July 24th):

Chapter 4: Land Use Element

Section 4.5 Agricultural Resources

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

Section 4.6 Forest Resources

- FR-P2. Timber Harvest Plan Review (new Implementation Measure)
- FR-P8. Protection of High Quality Timberlands (outstanding issues)
- FR-P9. Residential Construction on TPZ Zoned Parcels
- FR-P10. Substandard Lots and TPZ Rezoning
- FR-P17. Forestland-Residential Interface (FRI)
- FR-S2 Forestland-Residential Interface (FRI)
- FR-IMxx. Substandard Lots

Section 4.7 Public Lands

- PL-P2. In-holdings (outstanding issues)

Section 4.8 Land Use Classifications

- AG - Agricultural Grazing Land Use Designation
- IT - Industrial Timberland Land Use Designation
- T – Timber Land Use Classification (houses as primary versus compatible use)

Chapter 5, Infrastructure

- IS-P17. Law Enforcement
- IS-S4. Subdivisions Outside of Fire District Boundaries
- IS-S5. Other Development Outside of Fire District Boundaries
- IS-IM16. Sheriff's Office Funding Sources

Chapter 6, Telecommunications

- T-IM15. Research Possible Monitoring Policy

Additional policy items added during the Board meeting of July 23rd:

- FR-P11. Lot Line Adjustments
- FR-S1. Planned Rural Development Program Clustering Incentive Options
- AG-Pxxxx. Second Dwellings
- FR-Sx. Second Units
- UL-P4. Support for Micro and Small Business Development
- UL-P12. Design Review

Please note that the Board will address these items on the date specified as time allows. It is possible the Board may move certain items to a future meeting.

August 27th Board meeting:

Chapter 7, Circulation

- C-G2. Balanced Transportation Opportunities
- C-P1. Orderly Development
- C-P2. Consideration of Land Uses in Transportation Decision Making
- C-P3. Consideration of Transportation Impacts in Land Use Decision Making
- C-P4. Mitigation Measures
- C-P11. Roadway Functional Classifications
- C-P14. Efficiency and Capacity
- C-P23. Public Transit Service
- C-P34. Bicycle Facilities
- C-P35. Development of Railroad Right-of-Ways for Bicycles and Pedestrians
- C-P42. Re-establishing Regional Rail Service
- C-S3. Traffic Thresholds of Significance
- C-IM5. Roadway System Construction
- C-IM6. Coordination with the Division of Environmental Health
- C-IM10. U.S. Highway 101 Safety Corridor Improvements

Chapter 9, Economic

- ED-P6. Large Format Retail
- ED-S2. Large Format Retail
- ED-IM7. Large Format Retail

August 27th Board meeting:

- Chapter 4, Land Use Element (cont'd),
- Building Communities
 - Chapter 5, Infrastructure(cont'd),
 - Chapter 6, Telecommunication (cont'd),
 - Chapter 7, Circulation' and
 - Chapter 9, Economic Development:

September 10th Board meeting:

Chapter 10, Conservation and Open Space

Section 10.2, Open Space

- CO-G5. Open Space and Residential Development
- CO-P4. Greenbelts
- CO-P7. Encourage Private Outdoor Recreation

Section 10.3, Biological Resources

- BR-P8. Oak Woodlands.
- BR-S5. Streamside Management Areas Defined
- BR-S7. Development within Streamside Management Areas
- BR-S10. Development Standards for Wetlands and Other Wet Areas
- BR-IM3. Biological Review and Referral.

Section 10.4, Mineral Resources

- MR-P11. Permit Conditions to Reduce Impacts

Section 10.6, Cultural Resources

- CU-S5. Assessment and Treatment of Impacts to Significant Historic Structures and Districts

Section 10.7, Scenic Resources

- SR-P8. Removal or Relocation of Billboards on Public Lands and Right-of-Ways in the Northwestern Pacific Railroad Right-of-Way
- SR-P9. Removal of Illegal Billboards
- SR-SXX. Permits for Billboards

Chapter 11, Water Resources

- WR-G8. Restoration of Impacted River Flows
- WR-P25. Compliance with Water Code Export Law

Chapter 12, Energy Resources

- E-P11. Energy-efficient Landscape Design

September 10th Board meeting:

- **Building Communities (continued)**
- **Chapter 10, Conservation & Open Space**
- **Chapter 11, Water Resources, &**
- **Chapter 12, Energy**

September 17th Board meeting:

Chapter 13, Noise

- N-G2. Incompatible Land Uses
- N-P2. Guide to Land Use Planning
- N-IM7x. Noise Control Ordinance

Chapter 14, Safety

- S-P21. Development Compatibility
- S-P22. Airport Land Use Compatibility Criteria
- S-P26. Hazardous Waste
- S-Imx4. Impervious Cover Limits

Chapter 15. Air Quality:

(No split votes on this chapter therefore there are no items on the Key Issues List)

Residual Policy Decisions – Split Votes

September 17th Board meeting:

- Continuation of:
 - Chapter 10, Conservation & Open Space
 - Chapter 11, Water Resources, &
 - Chapter 12, Energy
- Chapters 13, Noise,
- Chapter 14, Safety, &
- Chapter 15, Air Quality

October 1st and 15th Board meeting:

Land Use Maps
Community Plan Policies

October 1st Board meeting:

- Land Use Maps
 - Community Plan Policies
- *Extend into an evening meeting

Policy abbreviations

AG - Agricultural Resources
 BR - Biological Resources
 C - Circulation element
 CO - Conservation and Open Space
 CU - Cultural Resources
 E – Energy Element
 ED - Economic Development Element
 FR - Forest Resources
 IS - Infrastructure and Services Element

MR - Mineral Resources
 N - Noise Element
 PL - Public Lands
 RL - Rural Lands
 SR - Scenic Resources
 S - Safety Element
 T - Telecommunications
 UL - Urban Lands
 WR - Water Resources

Attachment B
Board Worksheet
(with staff recommended policy changes)