



COUNTY OF HUMBOLDT

For the meeting of January 13, 2014

Date: January 3, 2014
 To: Board of Supervisors
 From: Kevin Hamblin, Director of Planning and Building Department *KH*
 Subject: Continued Board review of the Planning Commission Approved Draft General Plan. In particular, discuss a proposal and timeline to remand portions of General Plan to Planning Commission, review a draft work plan for public notification of the land use map meetings, continue to review Chapters 2 & 3 (Public Guide and Governance Policy), and begin deliberations on the Conservation and Open Space Element (Chapter 10).

Recommendations

That the Board of Supervisors:

1. Open the public hearing.
2. Discuss a proposal and timeline to remand portions of General Plan to the Planning Commission and direct staff based on the outcome of that discussion.
3. Review a draft work plan for public notification of the land use map meetings and direct staff based on the outcome of that review.
4. Continue deliberation on Chapters 2 & 3 (Public Guide and Governance Policy).
5. Begin deliberations on the Conservation and Open Space Element (Chapter 10).
6. Deliberate as necessary regarding the Board's review schedule for the Draft General Plan.
7. Continue deliberation to January 27, 2014 starting at 1:30 p.m.

Prepared by *Michael Richardson*
 Michael Richardson, Senior Planner

CAO Approval _____

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

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
 Upon motion of Supervisor
 Seconded by Supervisor

Ayes
 Nays
 Abstain
 Absent

PREVIOUS ACTION/REFERRAL:

Board Orders No. C-1

Meetings of: beginning June 12, 2012, and continuing through December 2, 2013.

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 2013-2014 budget, and the General Plan user fees.

Discussion:

Economic Development Element

At the December 16, 2013 meeting, the Board of Supervisors straw-voted the following new implementation measure presented by the ad hoc group and modified by staff:

- ED-IM3X Business License for Ownership Transfer.** Through a public process, including representatives of real estate and insurance and in consultation with business owners and affected agencies, streamline review of applications for a new business license resulting from the transfers of ownership by ordinance and other measures.
[Straw Vote 5-0 12-16-13]

Proposal and timeline to remand portions of General Plan to the Planning Commission

At the December 16, 2013 meeting, the Board of Supervisors discussed remanding portions of the General Plan back to the Planning Commission. As this item was not a part of the agenda for that meeting, no action was taken except to direct staff to place an item on the agenda for the next meeting, and develop a proposal and timeline.

Based upon the Board's deliberations at the December 16th meeting, and in discussion of previous Board meetings, staff identified two options for consideration:

- **Option 1 (staff's recommendation): Remand the definitions for critical habitat, essential habitat, sensitive habitat, Special Treatment Area and sensitive species to the Planning Commission.** This option remands to the Commission the definitions for critical habitat, essential habitat, sensitive habitat, Special Treatment Areas and sensitive species in Biological Resources Section (10.3) of the Conservation and Open Space Element and in the Glossary (Appendix B of the Draft Plan). A draft resolution initiating Planning Commission review pursuant to this option is in Attachment A of this staff report.

This option is justified by public testimony from the ad hoc working group at the Board meeting on October 26, 2013 that the definition for these terms should be clarified before the Board begins deliberating the goals, policies, standards and implementation measures in the Biological Resources Section which rely upon these definitions.

In summary, the ad hoc group believes the terms "critical habitat", "essential habitat", and "sensitive habitat" are inappropriately mixed together, the definition for Special Treatment Area fails to account for the range of the definition in the Forest Practice Rules (Title 14, California Code of Regulations Chapter 4) and the definition of sensitive species ("Plants or animals which are dependent on a sensitive habitat") is inconsistent with how the term is used at the state and federal level. The ad hoc group testified the potential confusion of what the terms mean prevent meaningful discussion of policy that uses these terms.

- **Option 2: Remand the Biological Resources Section (10.3) to the Planning Commission.** Justification of this option would need to rely on other factors or future discussion by the Board to be determined. Aside from the definitions described in Option 1, the Board has yet to deliberate or otherwise discuss this section, so it is less clear why further review by the Planning Commission is required. The Board may refer any section of the Draft Plan back to the Planning Commission for further review and recommendations at its discretion, Guidance from the Board by a resolution would be helpful to the Planning Commission in their review.

The Board may also remand portions of the Draft Plan to the Planning Commission based on substantial changes to the Draft Plan. Section 65356 of the California Government Code allows the Board to approve, modify, or disapprove the recommendation of the Planning Commission, and it states,

“any substantial modification proposed by the (Board of Supervisors) not previously considered by the commission during its hearings, shall first be referred to the planning commission for its recommendation. The failure of the commission to report within 45 calendar days after the reference, or within the time set by the (Board of Supervisors), shall be deemed a recommendation for approval.”

An analysis to determine whether additional Planning Commission review is required for the modifications straw-voted by the Board is scheduled to occur after the Board has tentatively completed review of the Draft Plan and is preparing for a final vote.

Similarly an analysis to ensure the internal consistency of the Board’s straw vote modifications will occur once the Board has reviewed the entire Draft Plan before a final vote is taken.

The expanded timeframe, increased project cost, and impacts on staff resources needed for remanding portions of the Draft Plan to the Planning Commission, and whether review by both the Board and the Commission proceed concurrently are important considerations for the Board moving forward. The current workload of the Planning Commission is also an important factor; other items scheduled for review by the Planning Commission in the near future may interfere with their ability to return recommendations on the Draft Plan to the Board in an acceptable time period. Projects already tentatively scheduled for Planning Commission review include the 2014 Housing Element, the Phase 2 Multifamily Rezoning Program of the current Housing Element, the draft medical marijuana ordinance, permits for Reggae on the River and Reggae Rising, and various other projects including special permits, agricultural preserves, and subdivisions, all expected to come before the Planning Commission in the next few months.

In the past, the Board has expressed interest in completing review of the Draft Plan as quickly as possible; delaying the project for additional Planning Commission review of portions of it will need to be factored into the overall timeframe for the Board’s action on the project. Also, funds to support the overall cost and staff resources for review of the Draft Plan by the Board and Planning Commission are limited; overextending those resources may delay other priority programs such as the Housing Element and Local Coastal Plan updates, or may further delay the Board’s timeline for adoption of the Plan. Regardless which option is selected by the Board, staff recommends a resolution similar to the draft in Attachment A be prepared for initiating additional Planning Commission review of the Draft Plan so the Board maintains certainty over the cost and timeframe for review.

Draft work plan for public notification of the land use map meetings

At the December 2, 2013 meeting, the Board directed staff to return at a future date with a work plan reflecting the most robust form of public notification (Option 5 - *Letters to All Property Owners with Plan Changes*). Staff prepared an outline of a work plan (Attachment B) for map noticing and related meetings. Compared to earlier schedules reviewed by the Board, this work plan extends the amount of time required for adoption of the GPU, which is realistic given the extra effort toward public notification selected by the Board.

The general concept reflected in the workplan is that your Board would meet every 3-4 weeks on a different area. The areas would be divided into supervisorial districts. This would allow staff to work closely with each Supervisor prior to and during the meetings for their constituents.

Staff would prepare district-specific maps and provide them to each Supervisor prior to notices being released for that area. This would allow for questions and deeper understanding of the issues. Subsequent to that meeting the notices would be sent, approximately 30 days prior to the meeting. Meeting notices will go to all affected owners, be advertised in at least one newspaper, and be sent as a press release to the media.

During the ensuing weeks staff would be answering calls specific to that area, while preparing maps for the next district. Maps of each district would be available from the Supervisor, the Planning Department, online, and at public venues such as libraries, etc. Staff would also be available to conduct a workshop in any district upon request.

The proposal includes a pre-meeting the day of the public hearing where staff and the Supervisor would have time to answer any additional questions or address concerns. The meetings would then occur from 5:30 pm – 9:00 pm; they would be held in Eureka in the Board Chamber except for one (1) special meeting tentatively scheduled to be held on April 29, 2014 at South Fork High School in Miranda.

Staff continues to gear up for this marathon set of meetings, and is prepared to start the meetings after April 1st. We will need two (2) months of advance notice and direction from your Board prior to the first meeting.

The Board also directed staff to bring back a sample of the type of notice that would go out. Staff prepared a sample land owner notice for review (also in Attachment B).

Public Guide and Governance Policy (Chapters 2 and 3)

At the December 16th meeting the Board directed staff to provide a clean copy of staff's recommendation for Chapters 2 and 3 (the Public Guide and Governance Policy) for review by the Board and the Public Participation Working Group (PPWG) and the public (Attachment C). At the time this report was prepared, staff did not have comments from the PPWG; any comments from that group or any other comments received will be reviewed during the January 13 meeting.

The general direction from your Board was to incorporate Section 1500 of the Framework Plan as submitted to staff in early November. Staff added the information to Chapter 2 and 3 but made changes in to formatting and language to make it more cohesive with this general plan and not conflict with Chapter 3. The following are broad examples:

- Formatting was changed by eliminating the "Findings" heading and listing them as bullet points. In addition each of the items was sorted into the sections as formatted in this General Plan (Goals, Policies, Standards, and Implementation Measures).
- Each item was cross referenced with Chapter 3 for continuity. A few sections were updated to reflect what was said in Chapter 3. An example is that the media list which was modified to include items from Chapter 3, which are more reflective of current means of communication. Another example is the Citizen Guide Chapter list, which was detailed in Chapter 3 and referenced in Chapter 2.
- The Fairness Section was adapted to reflect current non-discrimination laws: the laws by which fairness is judged.
- For consistency some words were changed, for instance goals that had "maximize" became "maximum".
- Sentences or terms which were awkward were changed, examples:

- o "The County shall provide for the education of the public to activate them to participate in the planning process," became "The County shall provide education and information to the public to encourage them to participate in the planning process,"
- o "The planning process, then, must provide for the education of the public. Armed with knowledge of the process, the citizen can have meaningful access..." became "The planning process will provide for the education of the public. Knowledge of the process allows citizens to have meaningful access..."
- Typo's or incorrect language, examples:
 - o "insure" became "ensure". Online dictionary said these terms were used interchangeably in the past but current usage is that "insure" is related to money and "ensure" is make sure something happens.
 - o "pubic" became "public". Corrected typo.

The Chapter 3 goal and related standard proposed by the PPWG to address continual evaluation of the public process was amended to be a goal and an implementation measure. In addition the implementation measure was made more general. This is more cost effective and allows the County to be flexible with methods of evaluating. For example the County could use the "Open Door" software which provides a web-based platform for accepting and publishing public comments on the County's Website. This would be a cost-effective way public comments could be collected and published on any special or regular public meeting.

In contrast, handing out paper evaluation forms, which would be required to be different at every land use meeting (Board, Planning Commission, Workshops, etc.), would be costly both in terms of staff time and supplies. The proposal from the PPWG was to include an evaluation form at every planning meeting that included the specific meeting subject, place, time, with presenter and moderator names. Staff time would therefore be involved: preparing, printing, distributing, collecting, summarizing, and reporting out these evaluations for every meeting, which would demand substantial staff effort and resources. Preparing adequate copies for each meeting, when it is difficult to evaluate how many people would attend a meeting could result in unnecessary copies. In today's era with increased accessibility to computers and smartphones, a web-based evaluation system is more environmentally friendly and less costly once it is up and running. Of course any member of the public would be welcome to submit written comments at any time.

Staff reviewed, for a second time, the PPWG correspondence from 10-21-13, 11-19-13, and 11-25-13, and correspondence from Virginia Damron on 12-06-13. In addition staff reviewed the new correspondence from Northern California Association of Home Builders on 12-16-13. The comments were similar in nature, except for two: one advocated for the dissolution of the Planning Commission. Your Board has not considered this, nor directed staff to include this option. The other comment was that the final GPU would look better without redundancy. Your Board has not asked staff to review Chapters 2 & 3 for redundancy, and in fact stated that redundancy is a good thing.

Open Space and Conservation (Chapter 10)

Below is the short list of items selected by the Board in July, 2012 for that first section of the Conservation and Open Space Element.

Chapter 10, Conservation and Open Space

Section 10.2, Open Space

- CO-G3. Conservation and Open Space Program.

- CO-G5. Open Space and Residential Development.
- CO-P1. Conservation and Open Space Program
- CO-P3. Conservation Easements.
- CO-P4. Greenbelts.
- CO-P7. Encourage Private Outdoor Recreation.
- CO-S4. Open Space Consistency Determination on Substandard Parcels.
- CO-S5. Lot Line Adjustments on Resource Lands.
- CO-IM1. Conservation and Recreation Easement Program.

Attachment D contains the worksheet comparing the Planning Commission recommendations with those from others.

Attachment E is the introductory Report #1 for the Mineral Resources section of the Chapter, which is the next section to be reviewed by the Board. Attachment F contains the worksheet comparing the Planning Commission recommendations for the one shortlist item: **MR-P11. Permit Conditions to Reduce Impacts**, along with the proposed mitigation measures from the Draft Environmental Impact Report applicable to this section.

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: Staff recommendations for revisions to the definitions for critical habitat, essential habitat, sensitive habitat, Special Treatment Areas, critical species and sensitive species in Biological Resources (10.3) and the Glossary and draft resolution remanding these revisions to the Planning Commission). (pp. 7 – 14)

Attachment B: Proposed work plan for public notification of the land use map meetings and template notice. (pp. 15 – 18)

Attachment C. Recommended Changes to Chapter 2 and 3 of the Draft Plan based on PPWG input, December 18, 2013 (pp. 19 – 27)

Attachment D. Board worksheet for Chapter 10, Section 10.2 – Open Space. (pp. 28 – 37)

Attachment E. Report #1 for 10.4 Mineral Resources. (pp. 38 – 42)

Attachment F. Board Worksheet for 10.4 Mineral Resources. (pp. 43 – 45)

Attachment A

Staff recommendations for revisions to the definitions for critical habitat, essential habitat, sensitive habitat, Special Treatment Areas, critical and sensitive species in Biological Resources (10.3) and the Glossary and draft resolution remanding these revisions to the Planning Commission

(Text in yellow highlight shows the items recommended for Planning Commission review; the other modifications are not recommended for Planning Commission review)

Modifications to Biological Resources (10.3)

Sensitive, ~~and~~ Critical, ~~and Essential~~ Habitats

When habitat requirements for a specific species of plant or wildlife are in short supply because either the habitat is limited to a small geographical area or is threatened by rapidly changing conditions, then the habitat is designated in this Plan as sensitive. A ~~critical~~ ~~or essential~~ habitat is a type of sensitive habitat that is presently threatened, and reduction or loss would cause the extinction of a federal or state listed threatened, rare, or endangered species.

Sensitive Habitats

The protection of sensitive habitats is an important part of planning and environmental assessment for land use development. Impacts to sensitive habitats must be assessed under the California Environmental Quality Act (CEQA), and the Open Space and Conservation elements of the General Plan (Government Code, Sections 65302(d) and (e) and 65560-65567).

10.3.3 Goals and Policies

Goals

- BR-G1. Threatened and Endangered Species.** Sufficient recovery of threatened and endangered species to support de-listing.
- BR-G2. Sensitive, ~~and~~ Critical, ~~and Essential~~ Habitat.** A mapped inventory of sensitive, ~~and~~ Critical, ~~and Essential~~ habitat where biological resource protection policies apply.
- BR-G3. Benefits of Biological Resources.** Fish and wildlife habitats protected on a sustainable basis to generate long-term public, economic, and environmental benefits.

Policies

- BR-P1. Compatible Land Uses.** Land containing sensitive and critical habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive and critical habitats shall be conditioned to prevent significant habitat degradation or harm to rare, threatened, or endangered species.
- BR-P2. Critical Habitat.** Discretionary projects that have the potential to impact critical habitat shall be conditioned to avoid significant habitat modification or destruction consistent with federally adopted Habitat Recovery Plans or interim recovery strategies.
- BR-P3. ~~Essential Habitat. Sensitive Habitat.~~** Discretionary projects that have the potential to impact ~~essential sensitive~~ habitat shall be conditioned to avoid significant habitat modification or destruction consistent with Department of Fish and ~~Game~~ Wildlife guidelines or recovery strategies. ...

...

10.3.4 Standards

Sensitive ~~and~~ Critical ~~and Essential~~ Habitats

- BR-S1. Development Excluded from Sensitive Habitat Policies.** Proposed development occurring within areas containing sensitive habitats shall be subject to the conditions and requirements of this chapter except for these exclusions (which do not preempt other County regulations or those of other agencies):
- A. Timber management and harvest activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(f). These standards shall not be used to reduce buffers specified under the State Forest Practice Act.
 - B. Any area proposed for development, which upon examination of the biological resource maps and field inspection is not actually within or does not contain the indicated habitat.
 - C. Forest management activities that are needed to improve timber productivity regulated by CAL FIRE, which are otherwise consistent with this chapter.
- BR-S2. Agency Consultation.** For discretionary projects with potential to impact critical, ~~or~~ sensitive ~~or essential~~ habitats, the County will seek specific recommendations from the California Department of Fish and ~~Game~~ Wildlife, NOAA Fisheries and Fish and Wildlife Service, as applicable to the specific project location, class of development, or natural resource involved.
- BR-S3. Critical ~~and Essential~~ Habitat Defined.** Critical habitats are habitats necessary for the protection of threatened or endangered species listed under the Federal Endangered Species Act. Designation, mapping and enforcement of critical habitat is the responsibility of federal agencies ~~Essential habitats are habitats necessary for the protection of threatened or endangered species listed under the California Endangered Species Act.~~
- BR-S4. Sensitive Habitat Defined.** Sensitive habitats are defined as a unique, limited, or an especially valuable habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change to the species population and may include the following:
- A. Critical ~~and essential~~ habitat for rare, unique, threatened and endangered species
 - B. Migratory deer winter range
 - C. Roosevelt elk range
 - D. Sensitive avian species rookery and nest sites (e.g osprey, great blue heron and egret)
 - E. Streams and streamside areas

- F. Natural ponds, springs, vernal pools, marshes, and wet meadows exhibiting standing water all year long or riparian vegetation.
- G. Rare and endangered vascular plant communities as compiled by the California Native Plant Society or the Department of Fish and ~~Game~~ Wildlife.
- H. Other sensitive habitats and communities as listed in the Department of Fish and ~~Game~~ Wildlife's California Natural Diversity Data Base, as amended periodically.

BR-S5. Streamside Management Areas Defined. Streamside Management Areas (SMA) are identified and modified as follows:

- A. Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures.
- B. For areas along fish-bearing streams not specifically mapped as SMA and Wetland (WR) Combining, the outer boundaries of the SMA shall be defined as:
 - 1) Forest Practice Rule stream buffer widths.
 - 2) 150 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams.
 - 3) 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.
- C. For areas along non fish-bearing streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA shall be defined as:
 - 1) 75 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams.
 - 2) 25 feet, measured as the horizontal distance from the, stream transition line on either side of intermittent streams.
- ~~E~~ D. The width of Streamside Management Areas shall be expanded:
 - 1) as necessary to include significant areas of riparian vegetation adjacent to the buffer area, or
 - 2) as necessary to include slides, and areas with visible evidence of slope instability.
- ~~H~~ E. Where Forest Practice Rules designate wider stream buffer areas, the width of the SMA shall be expanded to be consistent with those regulations when they are applicable.
- F. The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that the mapping of the SMA is not accurate, and there are no in-channel wetland characteristics or off-channel riparian vegetation. *added from the Planning Commission record on 12/19/13
- G. SMAs do not include watercourses consisting entirely of a man-made drainage ditch, or other man-made drainage device, construction, or system. *added from the Planning Commission record on 12/19/13

Modifications to the Glossary (Appendix B)

Critical Habitat: Critical habitats are sensitive habitats essential for a Federal or State designated endangered, threatened or rare species (listed as high priority by the Department of Fish and Game California Natural Diversity Data Base.) This includes the portion of the species habitat which is essential to the existence of that species. See definition in §10.3.4 BR-S3.

Critical Species: Plants or animals which are dependent on a critical habitat.

Sensitive and Critical Habitat: Those natural resource areas providing habitat to plant and animal species limited or impacted in their range or numbers.

Sensitive Habitats: Unique, limited, or economically important habitat for a species whose habitat requirements, if significantly changed would cause a threatening change to the existence of that species. See Standard in Plan. See definition in §10.3.4 BR-S4.

Sensitive Species: Plants or animals which are dependent on a sensitive habitat.

Special Treatment Area Standards: Those criteria and requirements found in Title 14, Chapter 4 of the California Code of Regulations, regarding the harvesting of timber in designated environmentally sensitive habitat areas. As intended in this Plan, only those performance standards for the protection of Streamside Management Areas associated with non-commercial, personal use firewood cutting apply (i.e., retention of snags and live trees with visible evidence of nesting by eagles, osprey, herons, egrets or any endangered species, as identified by the Department of Fish and Game; minimized ground disturbance and erosion; avoidance of watercourse siltation and sedimentation). Standards regarding timber re-stocking, silvicultural practices, ground preparation, slash treatment, pre-harvest inspection and monitoring by a registered professional forester do not apply.

DRAFT RESOLUTION

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____

RESOLUTION NO. _____

RESOLUTION REMANDING PORTIONS OF THE DRAFT PLAN TO THE PLANNING COMMISSION

WHEREAS, the Planning Commission approved the recommended Draft Plan on March 19, 2012; and

WHEREAS, members of the ad hoc working group who are experts in the field of biological resources testified at the Humboldt County Board of Supervisors meeting on October 26, 2013 that the definition for critical habitat, essential habitat, sensitive habitat, Special Treatment Areas and sensitive species in Biological Resources Section (10.3) of the Conservation and Open Space Element and in the Glossary should be clarified before the Board begins deliberating the goals, policies, standards and implementation measures in Biological Resources which rely upon these definitions; and

WHEREAS, the ad hoc group provided testimony that the terms critical habitat, essential habitat, and sensitive habitat are inappropriately mixed together, the definition for Special Treatment Area fails to account for the range of the definition in the Forest Practice Rules (Title 14, California Code of Regulations Chapter 4) and the definition of sensitive species ("Plants or animals which are dependent on a sensitive habitat") is inconsistent with how the term is used by state and federal agencies; and

WHEREAS, the ad hoc group provided testimony the potential confusion of what these terms mean prevents further review of policy that uses these terms, making them incapable of providing recommendations; and

WHEREAS, at the meeting on December 2, 2013 the Board of Supervisors directed staff to work with the ad hoc group to develop proposed modifications to clarify these terms; and

WHEREAS, on December 16, 2013 the Humboldt County Board of Supervisors directed staff to place on the agenda for the January 13, 2014 meeting an item to deliberate on a proposal and timeline to remand portions of General Plan to the Planning Commission:

IN WITNESS WHEREOF, I have
hereunto set my hand and affixed the
Seal of said Board of Supervisors.

KATHY HAYES
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By:

Attachment B

Proposed Work Plan for Public Notification of the Land Use Map Meetings

GPU Map Noticing Work Plan

Pre-Work for Map Noticing		
Comparative LU Tables <ul style="list-style-type: none"> • Research Framework Plan LU classification uses • Extract current GPU LU classifications • Create comparative Tables 	Advanced Planning Staff	12/23/13 – done
Discuss what to include in Draft Notices <ul style="list-style-type: none"> • Will there be one notice or are there various • How much detail to include • How will it read to the average homeowner (layperson) • How many pages is affordable 	Advanced Planning Staff	12/23/13 – done
Draft Notice prototype(s) <ul style="list-style-type: none"> • Review recommended ideas • Select the best options • Circulate internally for comment • Complete recommendations for Board Report 1/13 	Advanced Planning Staff	12/30/13 – done
Determine Best (cost/time) method of Distribution <ul style="list-style-type: none"> • Draft Newspaper Notice • Determine how to format of mailer, and how best to communicate with the mailing company 	Central Administration	TBD after 1/13/14
Re-do Calendar to reflect additional Time <ul style="list-style-type: none"> • Meet with CAO & Chair to expand “bubble calendar” • Prepare for entire Board to Review at 1/27 meeting 	Advanced Planning Staff	TBD after 1/13/14
Enter Proposed New LU Classifications (if changed) <ul style="list-style-type: none"> • Review LU Classification changes as amended by the Board • Enter new LU Classifications 	Advanced Planning Staff	11/6/2013 - 2/28/2014
Staff to Prepare Maps & Presentation by District <ul style="list-style-type: none"> • Review maps for accuracy • Prepare detailed maps 	Advanced Planning Staff	Rotating by District, TBD

<ul style="list-style-type: none"> • Prepare presentation for Supervisor 		
Concept Map Noticing/Board Meetings – By District (multiply this by 5)*		
<p>Meet with District Supervisor</p> <ul style="list-style-type: none"> • Meet in Chamber to have a “feel” for presentation • Present information regarding mapping. • Discuss any anomalies • Discuss constituent concerns as known at time of meeting. • Answer Supervisor questions • Provide a copy of maps to Supervisor 	Advanced Planning Staff, Supervisor of designated District	Initial 2-4 hour meeting
<p>Release Notice</p> <ul style="list-style-type: none"> • Send owner notices • Send media notices 	Central Administration	Within one week
<p>Staff to Answer Questions</p> <ul style="list-style-type: none"> • It is estimated that there will be approximately 450 hours of phone calls & research. (Different districts have different loads.) • Three staff people will be assigned to work 5-25 hours/week on this task. (Most calls come in the first few weeks.) 	Advanced Planning Staff	As needed throughout the month
<p>Staff & Supervisor to be available for individual Q&A</p> <ul style="list-style-type: none"> • Location to be determined. • Detailed maps and staff will be available for consultations. • Supervisors will be there to listen to concerns. 	Advanced Planning Staff, Supervisor of designated District	Day of Meeting 2-4 hours
District Mapping Board Meeting	Full Board Meeting	Day of Meeting 5:30 – 9:00
OPTIONAL: SUPERVISORY WORKSHOPS IN DISTRICTS	District Supervisor, with Advanced Staff	TO BE DETERMINED BY SUPERVISOR
* Detailed Dates and Staff Assignments will follow after the 1/13/14 meeting.		

Proposed Notice Template

(insert letterhead)

Date: (fill in date)

(fill in owner name, mailing address)

Re: Upcoming Humboldt County Board of Supervisors meetings to discuss proposed changes to the Land Use Maps/Designations for your property (or properties)

" Dear Property Owner,

Humboldt County is currently in the process of revising the General Plan which includes changes to the Land Use Maps and Land Use Designations for many properties in Humboldt County. You are receiving this notice because the Land Use Maps/Designations for your property are proposed to change as described below. The Humboldt County Board of Supervisors invites you to a hearing on the draft General Plan Land Use Maps/Designations for your area on (fill in date) (fill in location) starting at (fill in time).

The Maps and Land Use Designations together with General Plan policy govern the kinds, locations, and intensities of land uses within the unincorporated areas of the County. Your property may be affected by these proposed mapping changes.

The following table lists the current and proposed Land Use Designation for your property, including parcel number and address (if available). You can view your property and the Land Use Maps using the on-line mapping system at www.planupdate.org.

Parcel	Address	Current Land Use Designation	Proposed New Land Use Designation
xxx-xxx-xxx	XX Street	(fill in current land use designation)	(fill in proposed land use designation)
xxx-xxx-xxx	XY Street	(fill in current land use designation)	(fill in proposed land use designation)

Please note that Zoning for your property is not changed by the General Plan, but may be changed in the future to be consistent with the Plan designation. A separate notice will be provided at the time of those public meetings.

Further information regarding the meeting schedule, Land Use Maps/Designations and the Draft Plan is available on the Internet at www.planupdate.org. If you have questions about the Land Use Maps/Designations please call the Planning Division dedicated phone line at 707-268-3779 or email questions to (fill in email address).

Sincerely,

Michael Richardson
Senior Planner

Attachment C

Recommended Changes to Chapter 2 and 3 of the Draft Plan based on PPWG input, December 18, 2013

Note: To minimize the potential for confusion that was expressed at the December 16, 2013 meeting, the text shown on the following pages is exactly what is proposed to appear in the Plan. It does not show differences from the Planning Commission recommendations, nor does it distinguish between Public Participation Working Group (PPWG) text and that proposed by staff. It also does not include all the recommendations of the PPWG, only those that are proposed to be accepted are included. Highlighted text shows the modifications from the December 16, 2013 meeting.

Chapter 2. Public Guide

2.1 Purpose

This chapter provides a guide for reading and using the Plan. It describes the organization of the Plan, the layout of a typical chapter, and the relationship of this document to other planning documents.

To maximize the public participation in land use decision-making and to educate the public about the broad public participation opportunities, this chapter describes the history of public participation from the beginning of the 1984 Framework Plan, and outlines ways in which the public may continue to be involved. This chapter emphasizes the public participation policies and programs in the Governance Policy presented later in Chapter 3. Additionally, this Public Guide provides guidance on the maintenance of the Citizens Handbook, a resource for those who want to participate in local land use decision-making.

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2.8 History & Overview of Public Participation in Land Use

“Broadened public participation at all levels of the decision making process; including education, study, workshops, hearings, and plan revisions” (1984 Framework Plan §1231.4) was a Major Plan Policy of the earlier General Plan for the County, the 1984 Framework Plan. The goal was to maximize the opportunity for individuals and groups to have meaningful participation in the planning process (1984 Framework Plan §1343).

This goal was developed from the understanding that the public would be more able to support policies guiding the development of the County when given an opportunity to participate in the development and review of the general plan. Through this exposure, and the contributions it made to the process and the product, the public gained greater understanding of the plan. Participation not only in the review of that document, but also in subsequent revisions improved what was adopted and ensured the Plan remained a current statement of public policy (1984 Framework Plan §1343).

As part of the Work Program authorized in October 1980 the Citizens Participation Advisory Committee (CPAC) was formed and charged with the responsibility of developing goals, policies and standards for public participation.

The material developed by the CPAC was reviewed by the Planning Commission and the Board of Supervisors. The Board approved these policies as direction for developing the Hearing Draft, as well as reviewing it. These goals, policies, and standards were again reviewed by the Planning Commission in their preparation of the Commission Rules of Procedure. Revisions made for those Rules of Procedure were also recommended for inclusion in the Hearing Draft General Plan on September 30, 1982.

The Board of Supervisors, following the 26 month review and public hearing process of the Hearing Draft, adopted the Rules of Procedure as the Planning and Coordination for Public Participation

§1500 policies for inclusion as an integral part of the Humboldt County General Plan adopted on December 10, 1984.

The County recognizes the need for public involvement in the land use planning process. The successful application of any law depends to a great extent on the citizens' understanding and support of that law.

The most successful land use planning process, then, will provide for the education of the public. Knowledge of the process allows citizens to have meaningful access to the decision makers, evaluate alternative proposals, and make specific recommendations on hearing draft land use proposals.

In the most successful local determination of the future character of Humboldt County, the residents will understand the land use planning process, and the alternatives and reasons for decisions made that affect our County and our neighborhoods.

Besides, the individual residents and property owners, other citizens in the form of corporate, municipal and special district entities may also participate. In Humboldt County there are seven incorporated cities, more than fifty special districts providing varied services plus school and street lighting districts that will be affected by this plan. Much of the resource land of the County is in corporate and other forms of business interests and 28% of the County is in public ownership. This section of the plan provides direction for public participation in the planning process.

It is an essential function of a democratic society that public policy reflects the needs of the citizenry as expressed by the citizens themselves. Citizens will participate when they feel their participation will have an effect. But the large size of the County can make it difficult for citizen involvement. Plus, there are conflicting land uses and interests within the County which points to the need for creative solutions and a forum for resolution. The following goals and policies seek to provide the opportunities needed to overcome these challenges.

2.9 Goals and Policies

Goals

- PG-G1. Comprehensive Planning Documents.** A set of planning documents that is a comprehensive statement of public policy concerning land use and the provision of public services. (Chapter 3, GP-Gx)
- PG-G2. Community Plans.** Coordinated regional plans that include more than one incorporated city, community, special district, and/or unincorporated area. (Chapter 3, GP-P12)
- PG-G3. Accessible General Plan.** A comprehensive General Plan written in **plain English** which is readily accessible to the public and encourages citizen participation throughout the planning process. (Chapter 3, GP-Gx1)
- PG-G4. Meaningful Participation.** Maximum opportunity for individuals and groups to have meaningful participation in the planning process. (More detail, Chapter 3, GP-IM-5)

- PG-G5. Process Education.** Maximum opportunities to educate the public about the planning process and the citizen's role in it. (More detail, Chapter 3, GP-P10(G))
- PG-G6. Direct Access to Decision Making Process.** Maximum public access to the decision making process. (More detail, Chapter 3, GP-P10(F))
- PG-G7. Outreach Program.** Aggressive solicitation of input of the public through an "outreach" program of public participation. (More detail, Chapter 3, GP-P10(A))
- PG-G8. Direct Access to Decision Makers.** The Planning Commission and Board of Supervisors provide the most direct relationship between the public and the decision makers. (More detail, Chapter 3, GP-P10(F))
- PG-G9. Budgetary Constraints.** Funding to provide opportunities for public participation in the land use planning process is maximized consistent with the budgetary constraints of the County.

Policies

- PG-P1. Planning Process Education.** The County shall provide education and information to the public to encourage participation in the planning process-prior to public hearings on the plan proposals in adequate time to insure informed participation. (Chapter 3, GP-P10(G))
- PG-P2. Method of Education.** The education of the public shall be provided through, but not limited to: Citizens Handbook, print and electronic media, and public meetings. (More detail, Chapter 3, GP-S4)
- PG-P3. Procedures for Fairness.** The Planning Commission shall treat people fairly regardless of income, race, religion or religious creed, color, age (over 40), sex (including gender identity and expression, pregnancy, childbirth and related medical conditions), sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, marital status, medical condition (including cancer and genetic characteristics), mental or physical disability (including HIV status and AIDS), military service, or any other arbitrary factor.
- PG-P4. Access to Procedures.** Planning Commission procedures shall be prepared in a format and language that is clear and readily available to the public. (More detail, Chapter 3, GP-P3)
- PG-P5. Citizen Committees.** The County shall encourage the formation of citizen organizations and citizen committees to provide input on specific matters in a format consistent with the adopted policies and procedures. (More detail, Chapter 3, GP-P10(B))
- PG-P6. Community Plans.** The County shall encourage the development of Community Plans consistent with overall County policies in the General Plan.
- PG-P7. Community Input.** The County shall encourage a variety of views be taken into consideration in the development of Community Plans.

- PG-P8. Public Notification of Planning Commission Meetings.** The Planning Commission shall provide notification of meetings adequate to insure public participation consistent with the goals of this program. (Chapter 3, GP-P10(D))
- PG-P9. Planning Commission Meeting Accessibility.** The meetings of the Planning Commission whenever practical, shall be held in the geographic areas under consideration or, where the meetings of the Commission concern county-wide issues, as addressed in the General Plan, such meetings shall be held in the regional centers most representative of the issues to be addressed. (Chapter 3, GP-P10(C))
- PG-P10. Public Hearings.** Public hearings shall be organized to provide public opportunities to evaluate alternative proposals and participate in the choice of the preferred alternative. (Chapter 3, GP-P10(H))
- PG-P11. Cost.** The costs of review shall be minimized consistent with the requirements of this section by the following:
- Review on an exception or "consent calendar" approach
 - Focusing testimony and comments on specific issues being addressed.
- PG-P12. Planning Commission Committees.** The Planning Commission should be authorized to create subcommittees or recommend the creation of ad hoc committees from their membership, and to create joint committees for the conduct of planning matters. (Similar to Chapter 3, GP-P10 (B))

2.10 STANDARDS

- PG-S1. Planning Advisory Committees.** Planning Advisory Committees (PAC) may be created to help educate and facilitate public participation, review and prepare recommendations concerning special or technical planning matters that may have county-wide significance. Such PAC's should:
- A. Be established and appointed, subject to Board concurrence, by the Planning Commission;
 - B. Report directly to the Commission;
 - C. Be charged with a specific list of tasks and a schedule for completion;
 - D. Not be created as a standing committee;
 - E. Be composed of lay citizens and technical advisors. (Chapter 3, GP-S5)
- PG-S2. Community Advisory Committees.** Community Advisory Committees (CAC) should be created to review and prepare recommendations on planning matters that affect their individual communities. Such CAC's should:
- A. Be formed in the Community
 - B. Be representative of the community make-up, report on the selection process used to form the CAC and be confirmed by the Board based on a recommendation by the Commission;
 - C. Contain not less than five (5) nor more than eleven (11) members;

- D. Adhere to common CAC organizational guidelines adopted by the Board;
- E. In cooperation with County staff, direct all comments and questions on planning matters to the Planning Commission; CAC's will be provided County staff for answering questions, and making recommendations to the Planning Commission and Board of Supervisors;
- F. Establish a work program, regular meeting schedule and completion date;
- G. Prepare a map showing the limits of the community's area of interest and all such limits should be approved by the Planning Commission;
- H. Designate a contact person who will communicate with the Commission and inform the public;
- I. Hold local workshops and public meetings to receive public comments.
- J. Educate the public about its community plan and other planning programs that affect the community;
- K. Provide a forum for citizen comments, and provide a mechanism for relaying those comments to the Planning Commission;
- L. Advise the Planning Commission on planning matters that affect the community;
- M. Provide input to the Commission on specific matters in a format consistent with the adopted policies and procedures;
- N. Develop hearing drafts of Community Plans consistent with overall county policies in the Framework Plan;
- O. Community Advisory Committees should be included in all planning notification procedures that affect their area.
- P. Be advised of the CAC's role and responsibility, and, in addition to the education of the public, to listen to community members, bring forward their preferences and concerns in order to facilitate consensus building. (Chapter 3, GP-S6)

PG-S3. Public Education. The education of the public shall be provided through, but not limited to:

- Citizens Handbook
- Print and electronic media
- Public meetings
- Community Advisory Committees
- Public workshops, charettes, and facilitated discussions
- Direct mailings and email notices
- Internet Web pages
- Technical reports
- Interactive live remote (Chapter 3. GP-S4)

2.11 Implementation Measures

PG-IM1. Documents in County Library. The County will maintain an updated electronic library with Planning Regulatory documents, and provide a computer URL address to each branch in the County Library System.

PG-IM2. Orientation for Planning Commissioners. The County should continue to familiarize new Planning Commissioners with their job, and to explain new programs and regulations to existing Commissioners by providing them all the following:

- Providing a Handbook which includes Planning Commissions Operational Procedures, League of Cities Procedures,
- Providing copies to the General Plan and Development Codes,
- Periodic training by County Counsel.

PG-IM3. Citizens Handbook. The County shall develop and maintain a Citizens participation handbook to explain the planning process to Community Advisory Committee members and the general public. To maximize the education of the public, and as a guide and reference for informed citizen and community involvement in the planning process, the Handbook, at minimum, should contain the following topics: planning law, the history of land use planning in Humboldt County, General Plan revisions, and public participation options. (More detail, Chapter 3, GP-IM16)

Chapter 3. Governance Policy

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Amendments

As a long-term policy document with a 20-year planning horizon, the General Plan will likely undergo course corrections and refinements. While planning is a continuous process and periodic review to consider changes in circumstances is necessary, the Plan must also represent a sufficiently solid vision for long-term implementation such as infrastructure investments.

The Plan should strike a balance between the flexibility needed to respond to unique situations and the rigidity necessary to guide development decisions in a predictable and consistent manner.

Major reviews of the entire Plan are scheduled to coincide with state mandated five-year periodic review of the Housing Element. Major plan amendments should be responsive to changed circumstances, such as deviations from anticipated population growth, or address strategic needs, such as updates to community plans.

Apart from County-initiated amendments, there will be requests from private property owners for amendments to the land use designation for individual parcels. While this amendment process is critical to the flexibility of the Plan, the General Plan is a policy document for the entire county and may only be amended "in the public interest" as determined by the Board of Supervisors. In other words, the Plan can only be amended when the change has broad community consensus not merely because the change would benefit a particular property owner. Every General Plan amendment must also be consistent with the rest of the Plan or ...

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3.4 Goals and Policies

GP-PX. Evaluations. Public participation in any general planning legislative amendment and revision process shall be evaluated on a regular basis.

3.5 Standards

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GP-SX. Citizens Handbook. The Citizens Handbook is intended to serve as a self help tutorial and syllabus to facilitate individuals, communities and special interest groups in the understanding of the Humboldt County planning process. The handbook shall provide a user friendly format with figures and flowcharts and a reference index to locate specific topics and a glossary of definitions for commonly used general planning and zoning nomenclature. The Handbook, at minimum, shall contain the following specific chapters:

CHAPTER ONE: PLANNING LAW

1. California Legislative History - Milestones in Planning Laws
2. Present State Statutes

3. Office of Planning and Research Guidelines (OPR) Summary of What is Required of the County

CHAPTER TWO: COUNTY HISTORY OF PLANNING

1. 1965 Adoption of Original Plans
2. Subsequent Planning Activity
3. Humboldt County General Plan Documents
 - a. Regional Plans
 - b. City/Community Plans
 - c. Plan Elements

CHAPTER THREE: GENERAL PLAN REVISION PROGRAM

1. 1980 - 1984: County General Plan Revision Program
2. 1980: Twelve Policy Background Studies
3. 1980 -1982: Citizen Participation Program Development
4. 1981-1982: Public Participation Policy Adopted (\$1500)
5. 1982: Citizens Handbook Adopted
6. 1984: Framework Plan Adopted
7. 1982 - 2002: County Community Plans Adopted
8. 1999 - Forward: General Plan Update Process

CHAPTER FOUR: PUBLIC PARTICIPATION

1. Citizens Handbook, Maintenance and Updating
2. Opportunities for participation
3. Citizen Participation: Individuals; Planning Advisory Committees; Community Advisory Committees; Ad-hoc Workgroups; Special Interest & Stake Holder Workgroups;
4. Hearing Drafts and Environmental Assessments
5. Draft Plan Review and Adoption
6. Mapping & Zoning
7. General Plan Amendments

APPENDIX:

1. Glossary
2. Bibliography

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3.6 Implementation Measures

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GP-IMX. Evaluation of Public Participation Programs. Evaluate the effectiveness of citizen participation programs, including public workshops and planning meetings including public hearings before the Planning Commission and the Board of Supervisors.

Definition of Citizen's Handbook (included in the Glossary of the Draft Plan)

Citizen's Handbook: A comprehensive reference work for educating and guiding the County citizenry about the development and application of California planning law, Humboldt County planning law, and the rights of individuals, groups and communities to have meaningful participation in any County legislative process of amending, revising or implementing general plan goals, policies, standards or implementation measures.

Attachment D

**Board Worksheet for
Chapter 10, Section 10.2 – Open Space**

Attachment D

Planning Commission Draft	Proposed Changes Based Comments	Staff Recommendation & Notes
<p>Planning Commission Version (Alternative A/B Version)</p> <p>CO-G3. Conservation and Open Space Program. An Open Space and Conservation Program that implements this Element’s policies and is complimentary to the conservation and open space lands and programs of cities, tribes, and state and federal agencies.</p>	<p>HAR RECOMMENDATION: CO-G3. Conservation and Open Space Program. An Open Space and Conservation Program that <u>respects private property rights</u> and implements this Element’s policies and is complimentary to the conservation and open space lands and programs of cities, tribes, and state and federal agencies.</p> <p>NCHB RECOMMENDATION [relates to Alternatives considered by the Planning Commission in March 2011– not to the Planning Commission Version] CO-G3. [A][B] Conservation and Open Space Program. Humboldt County encourages An voluntary Open Space and Conservation Program easements that respects the rights and wishes of the private property owner. implements this Element’s policies and is complimentary to the conservation and open space lands and programs of cities, tribes, and state and federal agencies.</p> <p>M – Modify as shown. The County has no role in voluntary conservation easements; other resource land management agencies and private landowners do. The County has no resources available to create, staff, administer a new ‘program’. There are already voluntary programs in place. 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. 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? Is it a committee? Is it a regulatory process? Where are the specific definitions for these terms?</p>	<p>Support the Planning Commission version. The Open Space and Conservation Program respects and supports many public and private interests, including private property rights. To accurately describe all of those varied interests in the goal is unworkable. Prioritizing any one interest would limit the goal. Private property “rights” could not be affected by a general plan goal.</p>
<p>Planning Commission Version (Modified Alternative A/B/C Version)</p> <p>CO-G5. Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to public safety hazards, and recovers <u>minimizes</u> the costs of providing public services. Split vote 3-1-1-1</p>	<p>HCRLWG RECOMMENDATION: The group can support Version B sent forward to the Board of Supervisors from the Planning Commission</p> <p>HAR RECOMMENDATION: Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to public safety hazards, and recovers <u>minimizes</u> the costs of providing public services. <u>sustains resource production.</u></p> <p>NCHB RECOMMENDATION [relates to Alternatives considered by the Planning Commission in March 2011– not to the Planning Commission Version] CO-G5. [B] Open Space and Residential Development. Orderly Per the adopted motions by the Humboldt County 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, minimizes exposure to public safety hazards. and recovers the costs of providing public services. M- Modify as shown. Humboldt County Planning Division is not a service provider. Roads, and on site water and septic, and water for fire suppression are completed by the landowner at the time of</p>	<p>Support the Planning Commission/HCRLWG version.</p>

Conservation & Open Space, 10.2 Open Space – Planning Commission Draft, Proposed Changes Recommended by Various Groups, and Staff Recommendations

Planning Commission Draft	Proposed Changes Based Comments	Staff Recommendation & Notes
	development to the satisfaction of Public Works Land Use Division, Humboldt County Environmental Health Division and the appropriate Fire District or CalFire.	
<p>Planning Commission Version (Alternative A/B Version)</p> <p>CO-P1. Conservation and Open Space Program. The County shall inventory and appropriately zone conservation and open space lands and work to protect these lands through development review; Williamson Act programs; TPZ zoning designations; conservation easement and recreation programs; and support for continued resource production.</p>	<p>The Ad Hoc Working Group RECOMMENDATION:</p> <p>CO-P1. Conservation and Open Space Program. The County shall inventory and appropriately zone conservation, <u>resource</u> and open space lands and work to protect <u>maintain</u> these lands through development review; Williamson Act programs; TPZ zoning designations; conservation easement and recreation programs; and support for continued resource production.</p> <p>Discussion: What is the “program”? Open space designations for working lands gets confusing. If intent is to prioritize the value of resource lands, adding more reasons to protect them, clarify.</p> <p>HCRLWG RECOMMENDATION: The group can support Version A/B sent forward to the Board of Supervisors from the Planning Commission</p> <p>HAR RECOMMENDATION: CO-P1. Conservation and Open Space Program. The County shall <u>maintain Williamson Act and TPZ incentive programs</u> inventory and appropriately zone conservation and open space lands and work to protect these lands through development review; Williamson Act programs; TPZ zoning designations; conservation easement and recreation programs; and support for continued resource production <u>on open space lands.</u></p> <p>Comment: HAR supports fiscal responsibility. The PC’s recommended version requires the County to spend money inventorying and developing a review process. Inadequate funding (budget issues) available to inventory and review could create a roadblock for good land use practices.</p> <p>NCHB RECOMMENDATION [relates to Alternatives considered by the Planning Commission in March 2011- not to the Planning Commission Version] CO-P1. [A][B] Conservation and Open Space Program. The County shall inventory and appropriately zone conservation and open space lands and work to protect these lands through development review; Williamson Act programs; TPZ zoning designations; conservation easement and recreation programs; and support for continued resource production. -D - Delete. Who could pay for this? To implement this, would there need to be a “new” department formed? How would the county pay for that, staffing and administering of this “program”? Where are the details of this program found? Humboldt County does not have the fiscal resources to implement this item.</p> <p>CO - P1 [C] Conservation and Open Space Williamson Act and Timber Production Zone Program. The County shall maintain Williamson Act and TPZ incentive programs and support continued resource production on open space lands <u>on lands either zoned TPZ or on lands under a Williamson Act Contract and within a Williamson Act preserve per State law.</u> M- Modify as shown.</p>	<p>Support the Planning Commission/HCRLWG version.</p>

Conservation & Open Space, 10.2 Open Space – Planning Commission Draft, Proposed Changes Recommended by Various Groups, and Staff Recommendations

Planning Commission Draft	Proposed Changes Based Comments	Staff Recommendation & Notes
<p>Planning Commission Version (Modified Alternative B Version)</p> <p>CO-P3. Conservation Easements. Support conservation easement programs that protect natural resource and open space assets. Promote and Develop mechanisms to accept voluntary offers of conservation easements associated with permissible development on open space lands. easement programs that generate economic returns to the landowners and continued resource production, in exchange for permanent protection of natural resource and open space values. Split vote – Alternative B Policy</p>	<p>The Ad Hoc Working Group RECOMMENDATION:</p> <p>CO-P3. Conservation Easements. Support <u>voluntary</u> conservation easement programs that protect natural resource and open space assets. Develop mechanisms to County will consider acceptance of voluntary offers of conservation easements associated with permissible development on open space lands.</p> <p>AHWG Discussion: Past scenario: County didn't have a mechanism to accept Forster-Gill open space gulches. Second sentence should be a separate IM. Also goes w/IM1 & IM4.</p> <p>New IM: Develop mechanisms to accept voluntary offers of conservation easements associated with permissible.</p> <p>HCRLWG RECOMMENDATION: The group prefers Alternative C from the Planning Commission options with a slight modification</p> <p>CO-P3. Conservation Easements. Support conservation easement programs that protect natural resource and open space assets. Promote and develop voluntary easement programs that generate economic returns to the landowners and continued resource production, in exchange for <i>long-term</i> protection of natural resource and open space values.</p> <p>HCRLWG COMMENTS: No need to develop a new program. The flexibility of long-term versus permanent is preferred. The Williamson Act fulfills this policy.</p> <p>HAR RECOMMENDATION: Conservation Easements. Support conservation easement programs that protect natural resource and open space assets. Develop mechanisms to accept voluntary offers of conservation easements associated with permissible development on open space lands.</p> <p>HAR COMMENTS:</p> <ul style="list-style-type: none"> • Making Conservation easements permanent should not be required. • Conservation easements must be voluntary and not extorted as a condition of development approval. • Conservation easements should not be used as a broad brush approach to zoning or for purposes of restricting property rights. • Conservation easements should always be created between a willing buyer and willing seller. <p>NCHB RECOMMENDATION [relates to Alternatives considered by the Planning Commission in March 2011– not to the Planning Commission Version] CO-P3. [B] Conservation Easements. Support conservation easement programs that protect natural resource and open space assets. Promote and develop voluntary easement programs that generate economic returns to the landowners and continued resource production, in exchange for permanent protection of natural resource and open space values.D. – Delete. Arbitrary. Permanent easements should not be required.</p>	<p>Support a modified HCRLWG version:</p> <p>CO-P3. Conservation Easements. Support conservation easement programs that protect natural resource and open space assets. Promote <u>and develop</u> voluntary easement programs that generate economic returns to the landowners and continued resource production, in exchange for <i>long-term</i> protection of natural resource and open space values.</p> <p>The modified HCRLWG version better reflects current County efforts toward establishing the McKay Community Forest, including drafting a Conservation Subdivision Ordinance.</p> <p>The word “voluntary” ensures the concerns of HAR are addressed.</p>

Conservation & Open Space, 10.2 Open Space – Planning Commission Draft, Proposed Changes Recommended by Various Groups, and Staff Recommendations

Planning Commission Draft	Proposed Changes Based Comments	Staff Recommendation & Notes
	<p>CO-P3. [C] Conservation Easements. Support conservation easement programs that protect natural resource and open space assets. Promote and develop voluntary easement programs that generate economic returns to the landowners and continued resource production, in exchange for <i>long-term</i> protection of natural resource and open space values. M – Modify as shown. No need to develop a new program. The terms of any and all easements need to remain voluntary and permanent should never be required. The Williamson Act fulfills this policy.</p>	
<p>Planning Commission Version (Modified Alternative A Version)</p> <p>CO-P4. Greenbelts. Maintain separation of urbanized communities through appropriate land use designations, zoning density <u>and greenbelt overlay zones</u>. Avoid merging urban development boundaries of adjacent communities.</p> <p><i>Split vote – Alternative A Policy: 3/3</i></p> <p>Planning Commission Version (Alternative B Version)</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.</p> <p><i>Split vote – Alternative B Policy: 3/3</i></p>	<p>The Ad Hoc Working Group RECOMMENDATION:</p> <p>Option 1: Retain PC version, Alternative A. Option 2: Retain PC version, Alternative B.</p> <p><i>Regardless: Add IM to develop a program to implement, including mapping and public review process.</i></p> <p><i>Discussion: Purpose is to maintain separation between urbanized communities. Other tools exist to provide this protection. Terminology is confusing w/similarity to Eureka’s use for different purpose. Without it, concern for parcel-by-parcel decision-making.</i></p> <p>HCRLWG RECOMMENDATION: The group continues to support Version B sent forward to the Board of Supervisors from the Planning Commission.</p> <p>HCRLWG COMMENTS: In response to the discussion at the Planning Commission regarding overlay zones: There is no need for a greenbelt overlay zone since the community planning area does this.</p> <p>HAR COMMENTS: Recommend deletion. Establishment of greenbelts is unnecessary. There are Ag or TPZ zones currently between all the communities These will prevent communities from merging.</p> <p>NCHB RECOMMENDATION [relates to Alternatives considered by the Planning Commission in March 2011– not to the Planning Commission Version] CO-P4. [B] 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. See discussion to the right from the Preliminary Hearing Item CO-P1. Delete. Inconsistent with infill. Redundant. Arbitrary. Subjective. There is already regulation over the all lands between communities including open space areas. Greenbelts already exist in Humboldt County naturally as a result of our topography and streams, and are already regulated as habitat, wetlands etc. through zoning and CEQA, Ag and TPZ. Fish and Game, the Coastal Commission for those lands within the Coastal Zone, and the Water Quality Control Board all maintain regulatory authority over these lands; the “community separators” or greenbelt concept would impose a duplicate layer of regulation on private property. This would result in more regulations that place additional restrictions on resource lands resulting in reduced income and lower land values. Inconsistent with Economic viability</p>	<p>Support the Planning Commission Alternative B version/HCRLWG version.</p>

Conservation & Open Space, 10.2 Open Space – Planning Commission Draft, Proposed Changes Recommended by Various Groups, and Staff Recommendations

Planning Commission Draft	Proposed Changes Based Comments	Staff Recommendation & Notes
	<p>CO-P4. [A] Greenbelts. Maintain separation of urbanized communities through appropriate land use designations, zoning density and greenbelt overlay zones. Avoid merging urban development boundaries of adjacent communities. D – Delete. Redundant. See discussion to above and to the right from the Preliminary Hearing Item CO-P1. No need for a greenbelt overlay zone since the community planning area does this.</p>	
<p>Planning Commission Version (Modified Alternative A Version)</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 from conservation and open space lands <u>where such recreational uses do not reduce the agricultural capability or timber productivity of lands planned and zoned for agriculture or timber.</u></p> <p>Split vote – Modified Alternative A Policy: 3/3</p> <p>Planning Commission Version (Modified Alternative B Version)</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 from conservation and open space lands <u>where such recreational uses remain subordinate and do not significantly detract from the agricultural capability or timber productivity of lands planned and zoned for agriculture or timber and are designed to the maximum extent feasible to protect agricultural capability and timber productivity.</u></p> <p>Split vote – Modified Alternative B Policy: 3/3</p>	<p>The Ad Hoc Working Group RECOMMENDATION:</p> <p>CO-P7. Encourage Support Private Outdoor Recreation. Encourage Support private investment acquisition, development, and management of outdoor recreational services and facilities as a means to generate economic returns from conservation and open space lands where such recreational uses remain subordinate and do not significantly detract from the agricultural capability or timber productivity of lands planned and zoned for agriculture or timber and are designed to the maximum extent feasible to protect agricultural capability and timber productivity.</p> <p>Discussion: Concern that “acquisition” infers conversion of use of public lands.</p> <p>HCRLWG RECOMMENDATION: Version B from the Planning Commission to the Board of Supervisors.</p> <p>HAR COMMENT: HAR does not support either the PC version of CO-P&. We support the following for CO-P7</p> <p>HAR RECOMMENDATION: 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. where such recreational uses remain subordinate and do not significantly detract from the agricultural capability or timber productivity of lands planned and zoned for agriculture or timber and are designed to the maximum extent feasible to protect agricultural capability and timber productivity.</p> <p>NCHB RECOMMENDATION [relates to Alternatives considered by the Planning Commission in March 2011– not to the Planning Commission Version] CO-P7. [B][C] Encourage Private Outdoor Recreation. Encourage private acquisition, development, and management of outdoor recreational services and facilities as a means to generate economic returns from conservation and open space lands <i>where agricultural and timber production remain the primary use.</i> M- Modify as shown. 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>Support the ad hoc group version (which is very similar to the Planning Commission Alternative B version, which is also the recommendation from the HCRLWG).</p>
<p>Planning Commission Version (Modified Alternative B Version)</p> <p>CO-S4. 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</p>	<p>The Ad Hoc Working Group RECOMMENDATION:</p> <p>Remove phrase “has not previously been merged.”</p> <p>O-S4. Open Space Consistency Determination on Substandard Parcels. Require an open space consistency determination, based upon the conformance with General Plan density and open space</p>	<p>Support a modified HCRLWG version:</p> <p>CO-S4. 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</p>

Conservation & Open Space, 10.2 Open Space – Planning Commission Draft, Proposed Changes Recommended by Various Groups, and Staff Recommendations

Planning Commission Draft	Proposed Changes Based Comments	Staff Recommendation & Notes
<p><u>policies, for the development of residential structures based upon the following standards:</u></p> <p>A. <u>For substandard residentially designated lots:</u></p> <ul style="list-style-type: none"> • <u>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).</u> <p>B. <u>Resource production, open space, and public land designated lots may be developed with a residential structure if:</u></p> <ul style="list-style-type: none"> • <u>the lot was lawfully created for uses other than utility or right of way purposes: and,</u> • <u>has not been previously merged; and,</u> • <u>plan density can be met; or,</u> <ul style="list-style-type: none"> ○ <u>the lot is planned for agricultural production and found necessary for an agricultural operation, or</u> ○ <u>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.</u> <p>Split vote – Modified Alternative B Policy: 4/2</p>	<p>development policies, for the development of residential structures based upon the following standards:</p> <p>A. For substandard residentially designated lots:</p> <ul style="list-style-type: none"> • 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). <p>B. Resource production, open space, and public land designated lots may be developed with a residential structure if:</p> <ul style="list-style-type: none"> • the lot was lawfully created for uses other than utility or right of way purposes: and, • has not been previously merged; and, • plan density can be met; or, <ul style="list-style-type: none"> ○ the lot is planned for agricultural production and found necessary for an agricultural operation. Or ○ 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. <p>Discussion: Unsure why “not been previously merged” is necessary.</p> <p>Needs to be consistent w/substandard parcel policy (P10), with “necessary for the management of timber” & Forest Resources Chapter & related Designations: “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.”</p> <p>HCRLWG RECOMMENDATION: Modifications to the Planning Commission version as indicated below:</p> <p>CO-S4. 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:</p> <p>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).</p> <p>2) Substandard Resource production, open space, and public land designated lots may be developed with a residential structure if:</p>	<p>following standards:</p> <p>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 zone or a Streamside Management Area (SMA) or Other Wet Area (OWA).</p> <p>2) Substandard resource production, open space, and public land designated lots may be developed with a residential structure if:</p> <ul style="list-style-type: none"> ○ 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, <ul style="list-style-type: none"> ○ 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. <p>The above version is consistent with the Board’s tentative modifications to the Land Use Element. The Board straw voted changes to the resource land use designations to allow single family residential uses on resource lands whether or not they are “Incidental to the Principal Use”.</p>

Planning Commission Draft	Proposed Changes Based Comments	Staff Recommendation & Notes
	<p> <ul style="list-style-type: none"> o the lot was lawfully created for uses other than utility or right of way purposes: and, o has not been previously <u>voluntarily</u> merged.; and, o plan density can be met; or, o the lot is planned for agricultural production and found necessary for an agricultural operation. <p>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.</p> <p>HCRLWG COMMENTS: The group wants to make sure that the Supervisors understand the treatment of substandard parcels in this section. The treatment of substandard parcels is a very large issue and it is important for the Supervisors to understand the effects on the landowners of this type of policy -- that could essentially prohibit single family residence construction in most circumstances.</p> <p>HAR RECOMMENDATION: Delete CO-S4.</p> <p>HAR COMMENT: this is not consistent with the Board of Supervisors straw votes on the Forest Resources and Agricultural Elements.</p> <p>NCHB RECOMMENDATION [relates to Alternatives considered by the Planning Commission in March 2011- not to the Planning Commission Version] CO-S4. [B] Open Space Consistency Determination on Substandard Parcels. <u>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:</u></p> <p>1) <u>For substandard residentially designated lots:</u></p> <ul style="list-style-type: none"> • <u>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).</u> <p>2) <u>Substandard Resource production, open space, and public land designated lots may be developed with a residential structure if:</u></p> <ul style="list-style-type: none"> • <u>the lot was lawfully created for uses other than utility or right of way purposes: and,</u> • <u>has not been previously voluntarily merged.;</u> • <u>and, plan density can be met; or,</u> • <u>the lot is planned for agricultural production and found necessary for an agricultural operation.</u> • <u>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.</u> <p>M- Modify as shown. Under what practice or protocol is the County going to determine that a parcel has not been previously merged (under #2)?</p> </p>	

Conservation & Open Space, 10.2 Open Space – Planning Commission Draft, Proposed Changes Recommended by Various Groups, and Staff Recommendations

Planning Commission Draft	Proposed Changes Based Comments	Staff Recommendation & Notes
	<p>Property owners have the right to place a residence on a legal parcel subject only to the physical development standards of the County.</p> <p>This is internally inconsistent. Concerning substandard lots, state law guarantees the right to build regardless of parcel size as long as the parcel is legally created.</p> <p>CO-S4. [C] 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:</p> <p style="padding-left: 40px;">1) For residentially designated lots and lots planned for resource production:</p> <p>Lots may be developed 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. R- Retain. Property owners have the right to place a residence on a legal parcel subject only to the physical development standards of the County</p>	
<p>Planning Commission Version (Alternative A/B Version) deleted</p> <p>CO-S5. Lot Line Adjustments on Resource Lands. Lot line adjustments for lands planned for resource production may be allowed to create logical management units where densities are met and there is no resulting increase in the number of building sites.</p>	<p>The Ad Hoc Working Group RECOMMENDATION:</p> <p><u>CO-S5. Lot Line Adjustments on Resource Lands. Lot line adjustments for lands planned for resource production may be allowed to create logical management units where densities are met and there is no resulting increase in the number of building sites.</u></p> <p>Option 1: terminology "Resource Lands" needs to be consistent with Forest Resources Chapter.</p> <p>NCHB RECOMMENDATION [relates to Alternatives considered by the Planning Commission in March 2011– not to the Planning Commission Version] <u>CO-S5. [A][B] Lot Line Adjustments on Resource Lands. Lot line adjustments for lands planned for resource production may be allowed to create logical management units where densities are met and there is no resulting increase in the number of building sites. legal parcels. -M- Modify as shown to be consistent with state law.</u></p>	<p>Support the Planning Commission version (delete). This standard would be an unnecessary duplication of the lot line adjustment standard in the Forest Resources section:</p> <p>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 <u>unless a finding is made by the Board of Supervisors that it is in the public interest.</u> [BOS tentative action 6-17-2013: Straw Vote 5-0]</p>
<p>Planning Commission Version (Alternative A/B/C Version)</p> <p>CO-IM1. Conservation and Recreation Easement Program. Provide staffing and secure continued funding to support the Williamson Act Program and expand the County's Conservation and Recreation Easement Program as a means to protect working landscapes, priority open space lands, and outdoor recreational opportunities.</p>	<p>The Ad Hoc Working Group RECOMMENDATION:</p> <p>Option 1: CO-IM1. Conservation and Recreation Easement Program. Provide staffing and secure continued funding to support the Williamson Act Program and expand the County's Conservation and Recreation Easement Program as a means to <u>maintain and</u> protect working landscapes, priority open space lands, and outdoor recreational opportunities.</p> <p>Discussion: Is there a current CRE program? Past scenario: failed effort to create separate parcel for wetlands in McKinleyville (Grange Road).</p> <p>HCRLWG RECOMMENDATION: Modifications to the Planning Commission version</p> <p>CO-IM1. Conservation and Recreation Easement Program. Provide staffing and</p>	<p>Support the ad hoc working group version, which better reflects the County's efforts toward establishing the McKay Community Forest.</p>

Conservation & Open Space, 10.2 Open Space – Planning Commission Draft, Proposed Changes Recommended by Various Groups, and Staff Recommendations

Planning Commission Draft	Proposed Changes Based Comments	Staff Recommendation & Notes
	<p>secure Secure continued funding to support the Williamson Act Program and expand the County's Conservation and Recreation Easement Program as a means to protect working landscapes, <u>and</u> priority open space lands, and outdoor recreational opportunities.</p> <p>HCRLWG COMMENTS: We support the Williamson Act program and its implementation. We do not agree with the expansion of the County staffing and programs.</p> <p>HAR RECOMMENDATION: Conservation and Recreation Easement Program. Provide staffing and secure continued funding to support the Williamson Act Program <u>and TPZ Program.</u> expand the County's Conservation and Recreation Easement Program as a means to protect working landscapes, priority open space lands, and outdoor recreational opportunities.</p> <p>NCHB RECOMMENDATION [relates to Alternatives considered by the Planning Commission in March 2011– not to the Planning Commission Version] CO-IM1. [A][B][C] Conservation and Recreation Easement Program. Provide staffing and sSecure continued funding to support the Williamson Act Program and expand the County's Conservation and Recreation Easement Program as a means to protect working landscapes, <u>and</u> priority open space lands, and outdoor recreational opportunities. and outdoor recreational opportunities. M-Modify as shown. We support the Williamson Act program and its implementation. We do not agree with the expansion of the County staffing and programs.</p>	

Attachment E

Report #1

10.4 Mineral Resources

Supplemental Report #1

Section 10.4 – Mineral Resources

1) Legal basis or requirements

Public Resources Code §2762 requires general plans to recognize minerals of statewide and regional significance in land use classifications to help ensure their continued availability by managing surrounding land uses. It is supposed to identify the type, location, quality, and extent of mineral resources, including oil and gas, and the location of significant mineral resource areas classified and designated by the State Mining and Geology Board. State law also requires jurisdictions to adopt policies that emphasize the conservation and extraction of identified mineral deposits. The General Plan Guidelines suggest these policies and programs be placed in the Land Use or Conservation and Open Space Elements, although some jurisdictions have opted to place them in their own stand alone element.

The stated purpose of this Mineral Resources section is to identify the county's known mineral resources and support the conservation, development, and utilization of these resources. A closely related set of policies is the inventory and continued availability of oil and gas production; these topics are discussed in the Energy Element.

2) Key planning issues

There are three (3) Key Planning Issues addressed by the Mineral Resources Section discussed below; (1) the County's In-Stream Gravel Mining Regulatory Coordination, (2) Environmental Protection and Reclamation of Mined Land, and (3) Land Use Compatibility.

Key Planning Issue #1 - In-Stream Gravel Mining Regulatory Coordination

River deposits are the main source of sand and gravel, which are critical to local property owners as a source of the raw materials for concrete, asphalt, and road base. Should there be new policies to address in-stream gravel mining regulatory coordination?

A) How/where addressed in the 1984 Framework Plan

The Framework Plan contains a policy limiting in-stream extraction to annual bedload levels (2533.9). Otherwise, the Framework Plan is largely silent on in-stream mining.

B) How/where addressed in the Planning Commission Draft Plan

The Draft Plan adds a goal addressing in-stream sand and gravel extraction, **MR-G2. In-stream Sand and Gravel Extraction**. It adds policies addressing sustainable extraction levels through:

- **MR-P4. Sand and Gravel Extraction and Mean Annual Recruitment,**
- **MR-P5. Over-subscribed River Segments and New Permit Applications.**

It supports scientifically based extraction through the County of Humboldt Extraction Review Team (CHERT) in **MR-PX** and **MR-IM1. Scientific Review of In-stream Mining,**

C) Reason for the changes

The existing Framework Plan does not satisfy the minimum requirements of the General Plan Guidelines.

D) Notable items from the Planning Commission discussions

The Planning Commission asked questions of staff to clarify the purpose of CHERT.

E) Consequences - intended / unintended

The Mineral Resources section of the Conservation and Open Space Element represents a continuation of the policies, standards and implementation measures of the 1984 Framework Plan. Plus, it would add new policies specifically addressing in-stream gravel mining, and these new policies are essentially based on the way that the CHERT process has developed over the years since the 1985 Framework Plan was adopted.

Key Planning Issue #2 – Environmental Protection and Reclamation of Mined Lands.

What should be the general plan policies that address environmental protection and reclamation?

A) How/where addressed in the 1984 Framework Plan

SMARA established state standards for mining activities and the reclamation of mined lands. These standards require that local governments obtain reclamation plans and set operational standards in granting permits for surface mining. Humboldt County is the local SMARA lead agency and administers the County's Surface Mining and Reclamation Act Ordinance (#1373 as amended) to comply with this state requirement.

B) How/where addressed in the Planning Commission Draft Plan

It is a high priority of this Plan to protect fisheries habitat, riparian vegetation, and snowy plovers from in-stream mining impacts in order to maintain watershed health and the viability of in-stream mining. This goal will be accomplished for in-stream gravel mining operations primarily through the CHERT review process, interagency cooperation, and continued CEQA environmental review. The alternative to in-stream mining is mining off-river terrace deposits, which can be expensive and negatively impact agricultural lands or importation of sand and gravel, which is prohibitively expensive. To further address this issue, the General Plan Update adds a policy (MR-P7) addressing reclamation for alternatives and calls out surface mining standards (MR-S1).

C) Reason for the changes

To further specify the goals for environmental protection and reclamation.

D) Notable items from the Planning Commission discussions

The Planning Commission revised policy MR-P7 to require that mined lands subject to SMARA shall be environmentally restored and reclaimed to a usable condition for uses allowed by the site's General Plan and zoning designations.

E) Consequences - intended / unintended

The new policy would specifically require that mined lands subject to SMARA shall be environmentally restored and reclaimed to a usable condition for uses allowed by the site's General Plan and zoning designations.

Key Planning Issue #3 - Land Use Compatibility; Terrace Mining for Sand and Gravel Deposits on Agricultural Lands.

Mineral extraction can conflict with residential use. Given the increased construction of housing near mineral extraction sites, should there be additional measures added to the plan to address land use compatibility? Off-channel terrace mining of historical gravel deposits can avoid in-stream mining effects but can result in agricultural and other impacts. Should the County establish policies on commercial terrace mining, given increased regulatory pressure on in-stream mining?

A) How/where addressed in the 1984 Framework Plan

The Framework Plan does not specifically address the potential for conflicts between adjacent uses as increased construction of housing occurs near mineral extraction site. The Framework Plan contains a general policy to plan future development to avoid interference with mineral deposits (2533.2). The Framework Plan is silent on terrace mining in particular but would seem to support agricultural land conversion through reclamation for alternative land uses (2533.3).

B) How/where addressed in the Planning Commission Draft Plan

The Planning Commission Draft Plan adds a new policy to protect existing surface mining extraction sites by addressing the right to mine in **MR-P2, Right to Mine** and adds an implementation measure to establish a mineral resource combining zone in **MR-IM4, Combining Zone** to ensure compatibility with adjacent uses.

It maintains the Framework Plan policies to identify mineral deposits in **MR-P3, Identify Mineral Deposits** and adds a requirement that mining sites be mapped as well.

It maintains the Framework Plan policy to ensure that future development does not interfere with mineral deposits in **MR-P8, Future Development Planning**.

It maintains the Framework Plan policy to design haul routes to avoid incompatible areas in **MR-P9, Location of Mineral Haul Routes**.

It would prohibit terrace mining on lands planned for agriculture **MR-P12, Off-Channel Terrace Mining**.

C) Reason for the changes

The existing Framework Plan contains a general policy to plan future development to avoid interference with mineral deposits, but did not contain specific policies. A number of these permits have recently come up for renewal, and through the renewal notification and hearing process it has become apparent that there are currently a greater number of concerned neighboring property owners than there were when the permits were first being issued. In one instance, it was found that over 70% of parcels adjacent to an active extraction operation or haul route had changed ownership since the initial permit issuance. In order to ensure the continued production of essential mineral resources, all mining operations and haul routes need to be identified and recognized in land use decision making and disclosed during real estate transactions to promote land use compatibility.

D) Notable items from the Planning Commission discussions

The Planning Commission added policy MR-PX, Scientific Review of In-Stream Mining (further formalizing the CHERT process); strengthened the language of policy MR-P7 (Reclamation) for greater environmental restoration; and revised policy MR-P12 to prohibit off-channel commercial terrace mining of sand and gravel deposits on lands planned for agriculture (AG and AE).

E) Consequences - intended / unintended

The Mineral Resources section of the Conservation and Open Space Element represents a continuation of the policies, standards and implementation measures of the 1984 Framework Plan. Plus, it would add new policies proactively addressing the need for identification of mineral deposits and haul routes, developing Right to Mine notices to adjacent property owners, and utilization of a mineral resources combining zone to facilitate implementation of the County's regulations for surface mining, conservation and reclamation. Further it would prohibit off-channel commercial terrace mining of sand and gravel deposits on lands planned for agriculture (AG and AE).

3) What are the Board's options?

The Open Space and Conservation Element is a required Element of the General Plan, so the Board does not have the option of eliminating it or moving its policies and programs to other Elements. The Mineral Resources section is a key part of the Open Space and Conservation Element, so it should remain in that Element

Attachment F

**Board Worksheet for
10.4 Mineral Resources**

Planning Commission Draft	Proposed Changes Based on Ad Hoc Working Group Comments	Staff Recommendation & Notes
<p>Planning Commission Version (Modified Alternative A/B Version)</p> <p>MR-P11. Permit Conditions to Reduce Impacts. Permit conditions for mineral extraction operations shall address allowable dust and noise levels, hours of operation, fencing, traffic, access, setbacks, and other performance standards necessary to minimize <u>reduce</u> significant environmental impacts <u>to less than significant</u> and reduce conflicts with adjacent development <u>land use</u>.</p>		<p>Support the Planning Commission version</p>
	<p>MRED-IM2X: Use permits shall renew if there are no significant changes made to a business.</p> <p>Note: from ad hoc working group subcommittee on Economic Development</p>	<p>Staff Recommendation: Delete</p> <p>During the October 21st Board meeting your board requested that a new measure relating to Use Permits proposed by the Ad Hoc Working Group for the Economic Development Element be brought back for consideration with the Mineral Resources Chapter of the Conservation and Open Space Elements. The term for Use Permits for mining operations is established by Division 9, Title III of the County Code, Mining Operations. These regulations provide the Zoning Administrator with the authority to reissue permits for a period equal to the original use permit if operations have been consistent with the permit.</p> <p>Under Section 391-4.B.6.: "Mining permits shall be granted for a period of not less than three (3) years and not more than fifteen (15) years...Upon written request to the Zoning Administrator, before expiration of the original permit, the permit may be reissued for a period equal to that grant of the original permit so long as the permit holder establishes to the satisfaction of the Zoning Administrator, or on appeal to the Board of Supervisors, that the use has been conducted in compliance with permit conditions."</p>
<p>Draft Environmental Impact Report (DEIR): (SCH# 2007012089)</p> <p>Mitigation 3.9.3.2a. In order to reduce conflicts with adjacent land uses and minimize environmental impacts from mineral operations, the following policies shall be revised to read:</p> <p>MR-P9. Location of Mineral Haul Routes. Design mineral haul routes to avoid incompatible areas such as landslides, highly erodible soils, residential areas, and schools, when feasible.</p> <p>MR-P11. Permit Conditions to Reduce Impacts. Permit conditions for mineral extraction operations shall address allowable dust and noise levels, hours of operation, fencing, traffic, access, setbacks, and other performance standards necessary to reduce significant environmental impacts <u>to a less than significant level</u> and reduce conflicts with adjacent land use.</p>		<p>Support the DEIR version</p>

Planning Commission Draft	Proposed Changes Based on Ad Hoc Working Group Comments	Staff Recommendation & Notes
<p>Mitigation 3.9.3.1.a. In order to protect mineral deposit sites that have not yet been mapped, the following Implementation Measure MR-IMx shall be added to the Mineral Resources Chapter for the Conservation and Open Space Element:</p> <p>MR-IMx. Pursue Mapping of Mineral Deposits. The County shall pursue mapping of mineral deposits by the State Mining and Geology Board and request they initiate the Mineral Land Classification process to identify lands in Humboldt County that contain economically significant mineral deposits.</p>		<p>Support the DEIR version</p>