



AGENDA ITEM NO.

# COUNTY OF HUMBOLDT

For the meeting of May 19, 2014

Date: May 21, 2014

To: Board of Supervisors

From: Kevin Hamblin, Director of Planning and Building Department

Subject: Continued Board review of the Planning Commission Approved Draft General Plan. In particular, begin deliberations on Chapter 10 Conservation and Open Space Element.

### RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing.
2. Begin deliberations on Chapter 10 Conservation and Open Space Element.
3. Deliberate as necessary regarding the Board's review schedule for the Draft General Plan.
4. Continue deliberation to June 2, 2014 beginning at 1:30 or as soon after as possible.

### 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.

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

#### DISCUSSION:

At the Board's direction, Staff worked with a subcommittee of the General Plan Ad Hoc Committee to redefine terms in the Conservation and Open Space Element. The subcommittee and staff aligned the Element's terms with Federal and State law. After the amendments to the definitions were made, the subcommittee agreed that the previous concerns regarding the terms in the draft Element had been addressed.

The Board subsequently voted to refer the Open Space Element to the Planning Commission for review on January 13, 2014, with a 45 day timeline. The Planning Commission held a series of eight (8) meetings from January 28 through February 25, 2014 to discuss the Element. Attachment 1 of this staff report provides the standard large-format worksheet comparing the 2012 and 2014 Planning Commission's recommendations on the Conservation and Open Space Element 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.

The worksheet includes other items in Section 10.2 modified by the 2014 Planning Commission in addition to the above list. Attachment 2 is the introductory Report #1 PowerPoint presentation for the Open Space Element, and Attachment 3 is the updated draft schedule for completion of the remaining GPU tasks.

#### 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 1: Board worksheet for Chapter 10, Section 10.2 – Open Space

Attachment 2: Report #1 for Chapter 10, Section 10.2 – Open Space

Attachment 3: Updated Draft Schedule for Completion of the Remaining GPU Tasks

**Attachment 1**

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

Conservation & Open Space, 10.2 Open Space – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Staff Recommendation & Notes
<p><b>2014 Planning Commission Version</b>  <b>CO-G1. Conservation of Open Spaces.</b> Open spaces that distinguish and showcase the county’s natural environment, <del>for the enjoyment of residents and visitors, including working resource lands while not impacting the ability to that provide livelihoods, and profitable economic returns, and while maintaining open space and ecological values.</del> <i>Approved 5-0 (2-13-14)</i></p> <p><b>2012 Planning Commission Version</b>  <b>CO-G1. Conservation of Open Spaces.</b> Open spaces that distinguish and showcase the county’s natural environment <u>for the enjoyment of residents and visitors, including working resource lands that provide livelihoods and profitable economic returns while maintaining open space and ecological values and rural lands and provide attraction and enjoyment to residents and visitors.</u>  <i>Final Vote Unanimous 3-19-114</i></p>	<p><b>NCHB RECOMMENDATION (3/24/14)</b>  <b>CO-G1. Open Spaces.</b> Humboldt County shall continue to support and maintain County owned public open spaces that distinguish and showcase the county’s natural environment for the enjoyment of residents and visitors. <b>M – Modify as shown.</b> This item should only apply to publicly owned parks and lands and not apply to private property.</p>	<p><b>Support the 2014 Planning Commission version.</b></p>
<p><b>2014 Planning Commission Version</b>  <b>CO-G3. Conservation and Open Space.</b> An Open Space and Conservation Program that implements <b>Encourage</b> this Element’s policies <del>and is to be</del> complimentary to the conservation and open space lands and programs of cities, tribes, and state and federal agencies. <i>Approved 3-2 (Levy, Ulansey) 2-13-14</i></p> <p><b>2012 Planning Commission Version</b>  <b>CO-G3. Conservation and Open Space Program.</b> 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.  <i>Final Vote Unanimous 3-19-12</i></p>	<p><b>HAR RECOMMENDATION (10/21/13)</b>  <b>CO-G3. Conservation and Open Space Program.</b> An Open Space and Conservation Program that <b>respects private property rights</b> 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><b>NCHB RECOMMENDATION</b>  <b>CO-G3. Conservation and Open Space.</b> Humboldt County encourages private landowners to enter into voluntary Open Space and Conservation programs that respect the rights and wishes of the private property owner and are complimentary to the conservation and open space programs of cities, tribes, and state and federal agencies. <b>M – Modify as shown.</b></p> <p>The County has no role in voluntary conservation easements; other resource land management agencies and private landowners do. Conservation easements are very complicated and are meant to be a voluntary process. We believe conservation easements should be between a willing buyer and a willing seller, and such easement should be based on their own goals and objectives including the terms of the conservation itself.</p> <p>Conservation easements should not be used in such a broad brush manner for zoning or restrictions. What is meant by a "program"? Is this a new County department? The County has no resources available to create, staff, administer a new 'program'. There are already voluntary programs in place. Is it a committee? Is it a regulatory process? Where are the specific definitions for these terms?</p>	<p><b>Support the 2012 Planning Commission version.</b></p> <p>The 2014 Planning Commission version uses the term "Encourage", which is appropriate as a policy but less so as a goal.</p> <p>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>

Conservation & Open Space, 10.2 Open Space – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Staff Recommendation & Notes
<p>2014 Planning Commission Version</p> <p><b>CO-G4. Parks and Recreation.</b> <del>Consider</del> well maintained and accessible parks <u>and trails</u> offering a range of popular recreation opportunities. <del>and a countywide trail system that meets future recreational and non-motorized transportation demands.</del> <i>Approved 4-2 (Levy, Masten) 2-18-14</i></p> <p>2012 Planning Commission Version</p> <p><b>CO-G4. Parks and Recreation.</b> Well maintained and accessible parks offering a range of popular recreation opportunities <u>and a countywide trail system that meets future recreational and non-motorized transportation demands.</u> <i>Final Vote Unanimous 3-19-12</i></p>	<p><b>HCRLWG RECOMMENDATION (3/18/14)</b> If the most recent language from the Planning Commission is to be retained we recommend the following additions. <b>CO-G4. Parks and Recreation.</b> <del>Consider</del> well maintained and accessible parks <u>and regional trails</u> offering a range of popular recreation opportunities. <del>and a countywide trail system that meets future recreational and non-motorized transportation demands.</del></p> <p><b>HCRLWG COMMENTS:</b> The group did not originally input on this goal. We are generally supportive of trails in higher population areas and support a regional trail system. In light of the ongoing community conversation, we wanted to request that the Board of Supervisors be aware of and consider the negative impacts to private rural landowners when trail users stray from the trail and trespass on private property.</p> <p>The emphasis for expanding regional trails should be on public lands. Impacts on resource production should be considered and addressed as a part of trail development.</p> <p>There is also the concern about creating trails in conjunction with the substandard roads that exist in many parts of the County.</p> <p><b>NCHB RECOMMENDATION</b> <b>CO-G4. Parks.</b> Humboldt County shall continue to provide well maintained and accessible public county parks offering a range of popular recreation opportunities as a priority as fiscal resources allow. <b>M – Modify as shown.</b> Note: Public resources Code section 5076 calls for the county to consider trail oriented recreational use in the open space element; it does not mandate its inclusion. Further, there are trails policies the circulation chapter of the plan.</p>	<p><b>Support the 2012 Planning Commission version.</b></p> <p>By linking together trails in a countywide trail system, the County will maximize recreation opportunities, which is a primary goal of the Open Space Element.</p>
<p>2014 Planning Commission Version</p> <p><b>CO-G5. Open Space and Residential Development.</b> Orderly residential development of open space lands that protects natural resources, <u>and</u> sustains resource production, <del>minimizes exposure to public safety hazards, and minimizes the costs of providing public services while allowing compatible uses.</del> <i>Approved 3-2 (Levy, McKenny) 2-13-20</i></p> <p>2012 Planning Commission Version</p> <p><b>CO-G5. Open Space and Residential Development.</b> Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to public safety hazards, and <del>recovers</del> <u>minimizes</u> the costs of providing public services. <i>Split vote 3-1-1-1</i></p>	<p><b>HCRLWG RECOMMENDATION:</b> <u>The group is fine with either version of CO-P5</u> The group can support Version B sent forward to the Board of Supervisors from the (2012) Planning Commission</p> <p><b>HAR RECOMMENDATION:</b> Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to public safety hazards, and <del>recovers</del> <u>minimizes the costs of providing public services. sustains resource production.</u></p> <p><b>NCHB RECOMMENDATION</b> <b>CO-G5. Open Space and Residential Development.</b> Per the adopted motions by the Humboldt County Board of Supervisors, the Forestry Review Committee, the Forest Practices Act, and per the Williamson Act and other applicable state laws, Humboldt County will support residential development of open space lands that protects natural resources, sustains resource harvest and production, and minimizes exposure to public safety hazards. <b>M- Modify as shown.</b></p>	<p><b>Support the 2012 Planning Commission/HCRLWG version.</b></p> <p>Including the goal of minimizing health and safety hazards reflects one of the state requirements for Open Space Elements and an appropriate goal. Minimizing the costs of providing public services is also an appropriate goal.</p>

**Comment [CoH1]:** What is the difference between P and G?

Conservation & Open Space, 10.2 Open Space – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Staff Recommendation & Notes
<p><b>2014 Planning Commission Version</b></p> <p><b>CO-P1. Conservation and Open Space Program.</b> The County shall inventory and appropriately zone conservation, <u>resource</u> and open space lands and work to <del>protect</del> <u>maintain</u> these lands through <u>development</u> review; of Williamson Act programs; TPZ zoning designations; conservation easement and recreation programs; and support for continued resource production. <i>Approved 4-2 (Levy, Masten) 2-18-14</i></p> <p><b>2012 Planning Commission Version</b></p> <p><b>CO-P1. Conservation and Open Space Program.</b> The County shall inventory and appropriately zone conservation and open space lands and work to protect these lands through <u>development</u> review; Williamson Act programs; TPZ zoning designations; conservation easement and recreation programs; and support for continued resource production. <i>Final Vote Unanimous 3-19-12</i></p>	<p><b>The Ad Hoc Working Group RECOMMENDATION:</b></p> <p><b>CO-P1. Conservation and Open Space Program.</b> The County shall inventory and appropriately zone conservation, <u>resource</u> and open space lands and work to <del>protect</del> <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><b>HCRLWG RECOMMENDATION:</b> <b>The group is fine with either version of CO-P1</b> The group can support Version A/B sent forward to the Board of Supervisors from the Planning Commission</p> <p><b>HAR RECOMMENDATION:</b> <b>CO-P1. Conservation and Open Space Program.</b> 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><b>NCHB RECOMMENDATION</b> <b>CO - P1 Williamson Act and Timber Production Zone Programs.</b> The County shall maintain Williamson Act and TPZ incentive programs and support continued resource production on open space lands. <b>M- Modify as shown.</b></p>	<p><b>Support the Ad Hoc Working Group version, which is very similar to the 2014 Planning Commission version.</b></p> <p>The 2014 Planning Commission version deletes one of the most effective ways the County maintains conservation, resource and open space <u>lands</u> - review of development through building permits and discretionary permits.</p>
<p><b>2014 Planning Commission Version</b></p> <p><b>CO-P1x. Transfer of Development Rights.</b> <u>Research and develop, if feasible, The County shall manage a voluntary transfer of development rights program. to transfer subdivision rights from high value open space and resource lands to urban development areas as a method of protecting resource lands and open space, based on community input.</u> <i>Approved 6-0 (2-18-14)</i></p> <p><b>2012 Planning Commission Version</b></p> <p><b>CO-P1x. Transfer of Development Rights.</b> The County shall manage a transfer of development rights program to transfer subdivision rights from high value open space and resource lands to urban development areas. <i>Final Vote Unanimous 3-19-12</i></p>	<p><b>NCHB RECOMMENDATION</b> <b>CO-P1x. Transfer of Development Rights.</b> <del>The County shall manage a transfer of development rights program to transfer subdivision rights from high value open space and resource lands to urban development areas.</del> <b>D - Delete.</b> Not implementable.</p> <p>NCHB does not support a Transfer of Development Rights program. If an area has a higher density, wouldn't it already be zoned as such? Define "high value open space"; who determines that, and how is it determined? Where are the receiving areas, specifically and why are they not already zoned for that higher density? Has the County already acquired landowners' permission to use their property for such purposes? Has that permission already been processed via a public hearing and recorded on the properties in question?</p> <p>We agree with HAR's comments that any such program would reduce property values, make it virtually impossible to subdivide land and would create substantial constraints on housing development increasing housing development costs.</p>	<p><b>Support the 2014 Planning Commission version.</b></p>

**Comment [CoH2]:** Maybe we should state this after we recommend the 2012 PC or ad hoc working groups versions?

Conservation & Open Space, 10.2 Open Space – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Staff Recommendation & Notes
<p>2014 Planning Commission Version</p> <p><b>CO-P1xx. Open Space Acquisition.</b> The County shall seek <del>may consider</del> opportunities to purchase acquire high value open space lands, including community forests, and open space conservation easements from willing sellers at market price. Full fee acquisitions shall only be from willing sellers. <i>Approved 6-0 (2-18-14)</i></p> <p>2012 Planning Commission Version</p> <p><b>CO-P1xx. Open Space Acquisition.</b> The County shall seek opportunities to purchase acquire high value open space lands, including community forests, and open space conservation easements. Full-fee acquisitions shall only be from willing sellers. <i>Final Vote Unanimous 3-19-12</i></p>	<p><b>HCRLWG RECOMMENDATION:</b> The group is fine with either version of CO-P1xx</p> <p><b>HCRLWG COMMENTS:</b> The group originally recommended deleting this Policy. The group thinks that the County should not be in the business of seeking acquisition of open space resource lands.</p> <p><b>NCHB RECOMMENDATION</b> <del>CO-P1xx. [A] Open Space Acquisition.</del> The County shall seek opportunities to purchase high value open space lands and open space conservation easements. <b>D – Delete.</b></p> <p><b>NCHB does not support this item!</b> How and why and whose idea was it to include this language in the General Plan document? In the conversation deciding to include this language in the General Plan, was the concept of balanced budgets discussed? Was the concept of a new department discussed? Was the notion of how this would be paid for discussed? Was the option of putting such a notion on a ballot even discussed?</p>	<p>Support a modified 2014 Planning Commission version.</p> <p><b>CO-P1xx. Open Space Acquisition.</b> The County shall seek <del>may consider</del> opportunities to purchase acquire high value open space lands, including community forests, and open space conservation easements from willing sellers <b>at market price.</b></p> <p>The policy should not limit the County’s and the seller’s options to “market” price. Requiring acquisitions from “willing sellers” is sufficient to discourage the County from acquiring open space lands without the consent of the property owner.</p>
<p>2014 Planning Commission Version</p> <p><b>CO-P2. Support for Working Lands.</b> The County shall support policies that maintain profitable resource production on timber and agricultural lands as a means to secure long-term protection and sustainability of open space lands through programs such as the Williamson Act and Timber Production Zone <del>incentive</del> programs. <i>Approved 6-0 (2-18-14)</i></p> <p>2012 Planning Commission Version</p> <p><b>CO-P2. Support for Working Lands.</b> The County shall support policies that maintain profitable resource production on timber and agricultural lands as a means to secure long-term protection and sustainability of open space lands through programs such as the Williamson Act and TPZ incentive programs. <i>Final Vote Unanimous 3-19-12</i></p>	<p><b>HCRLWG RECOMMENDATION:</b> The group is fine with either version CO-P2 The group continues to support the version sent forward to the Board of Supervisors from the Planning Commission</p> <p><b>NCHB RECOMMENDATION</b> <b>CO-P2. Working Resource Lands.</b> The County shall support policies that maintain profitable resource production on private timber and agricultural lands as a means to secure long-term protection and sustainability of working resource lands through programs such as the Williamson Act and TPZ incentive programs. <b>M – Modify as shown.</b></p>	<p>Support the 2014 Planning Commission version.</p>

Conservation & Open Space, 10.2 Open Space – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Staff Recommendation & Notes
<p><b>2014 Planning Commission Version</b></p> <p><b>CO-P3. Conservation Easements.</b> Support conservation easement programs that protect natural resource and open space assets. <del>Where private and/or non-profit options do not exist, the County may consider</del> <del>Develop mechanisms to accept</del> <del>accepting</del> voluntary offers of conservation easements. <del>associated with permissible development on open space lands.</del> 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. <i>Approved 6-0 (2-18-14)</i></p> <p><b>2012 Planning Commission Version</b></p> <p><b>CO-P3. Conservation Easements.</b> Support conservation easement programs that protect natural resource and open space assets. <del>Promote and</del> <del>Develop mechanisms to accept</del> voluntary offers of conservation easements <del>associated with permissible development on open space lands.</del> <del>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.</del> <i>Final Vote Unanimous 3-19-12</i></p>	<p><b>The Ad Hoc Working Group RECOMMENDATION:</b></p> <p><b>CO-P3. Conservation Easements.</b> Support <u>voluntary</u> conservation easement programs that protect natural resource and open space assets. <del>Develop mechanisms to County will consider</del> 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 &amp; IM4. New IM: Develop mechanisms to accept voluntary offers of conservation easements associated with permissible.</p> <p><b>HCRLWG RECOMMENDATION:</b> The group prefers Alternative C from the Planning Commission options with a slight modification: <b>CO-P3. Conservation Easements.</b> Support <u>voluntary</u> conservation easements <del>programs</del> that protect natural resource and open space assets. Promote <del>and develop</del> voluntary easement programs that generate economic returns to the landowners and continued resource production, in exchange for long-term protection of natural resource and open space values <b>HCRLWG COMMENTS:</b> No need to develop a new program. The flexibility of long-term versus permanent is preferred.</p> <p><b>HAR RECOMMENDATION:</b> <b>Conservation Easements.</b> Support conservation easement programs that protect natural resource and open space assets. <del>Develop mechanisms to accept voluntary offers of conservation easements associated with permissible development on open space lands.</del></p> <p><b>HAR COMMENTS:</b></p> <ul style="list-style-type: none"> <li>• Making Conservation easements permanent should not be required.</li> <li>• Conservation easements must be voluntary and not extorted as a condition of development approval.</li> <li>• Conservation easements should not be used as a broad brush approach to zoning or for purposes of restricting property rights.</li> <li>• Conservation easements should always be created between a willing buyer and willing seller.</li> </ul> <p><b>NCHB RECOMMENDATION</b> <b>CO-P3 Conservation Easements.</b> Support conservation easement programs that protect natural resource and open space assets. <b>M – Modify as shown.</b> There is no need to develop a new program; other resource land management agencies already do this. Permanent easements should never be required. The Williamson Act fulfills this policy.</p>	<p><b>Support 2014 Planning Commission version</b></p> <p>The 2014 Planning Commission version reflects current County efforts toward establishing the McKay Community Forest and 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 Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Staff Recommendation & Notes
<p><b>2014 Planning Commission Version</b>  <b>CO-P4. Greenbelts. Community Separation.</b> Maintain separation of urbanized communities through appropriate land use designations and zoning density. Avoid merging urban development boundaries of adjacent communities.  <i>Approved 4-1 (Bongio) 2-13-14</i></p> <p><b>2012 Planning Commission Version (Modified Alternative A Version)</b></p> <p><b>CO-P4. Greenbelts.</b> 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.  <i>Split vote – Alternative A Policy: 3/3</i></p> <p><b>2012 Planning Commission Version (Alternative B Version)</b></p> <p><b>CO-P4. Greenbelts.</b> Maintain separation of urbanized communities through appropriate land use designations and zoning density. Avoid merging urban development boundaries of adjacent communities. <i>Split vote – Alternative B Policy: 3/3</i></p>	<p><b>The Ad Hoc Working Group RECOMMENDATION:</b></p> <p><b>Option 1: Retain PC version, Alternative A.</b>  <b>Option 2: Retain PC version, Alternative B.</b></p> <p><i>Regardless: Add IM to develop a program to implement, including mapping and public review process.</i></p> <p>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.</p> <p><b>HCRLWG RECOMMENDATION:</b>  <b>The group is fine with this change.</b>  <b>New PC version</b></p> <p><b>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.</b></p> <p><b>NCHB RECOMMENDATION [Greenbelts. Maintain separation of urbanized communities through appropriate land use designations and zoning density. Avoid merging urban development boundaries of adjacent communities. D – Delete. Redundant. No need for a greenbelt overlay zone since the community planning areas, AG and TPZ zones already between all the communities do this.</b></p>	<p>Support the 2014 Planning Commission version.</p>

Conservation & Open Space, 10.2 Open Space – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Staff Recommendation & Notes
<p>2014 Planning Commission Version</p> <p><b>CO-P7 Encourage Private Outdoor Recreation.</b> Encourage private acquisition, development, and management of <u>compatible</u> outdoor recreational services and facilities as a means to generate economic returns <u>for the landowner</u> from conservation and open space lands where such recreational uses <u>remain subordinate and do not reduce significantly detract from</u> the agricultural capability or timber productivity of lands planned and zoned for agriculture or timber <u>and are designed to the maximum extent feasible to protect agricultural capability and timber productivity.</u>  <i>Approved 4-1 (Ulansey) 2-13-14</i></p> <p>2012 Planning Commission Version (Modified Alternative A Version)</p> <p><b>CO-P7. Encourage Private Outdoor Recreation.</b> 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> <i>Split vote – Modified Alternative A Policy: 3/3</i></p> <p>2012 Planning Commission Version (Modified Alternative B Version)</p> <p><b>CO-P7. Encourage Private Outdoor Recreation.</b> 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>  <i>Split vote – Modified Alternative B Policy: 3/3</i></p>	<p><b>The Ad Hoc Working Group RECOMMENDATION:</b></p> <p><b>CO-P7. Encourage Support Private Outdoor Recreation.</b> Encourage <u>Support</u> private <u>investment acquisition</u>, 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><b>HCRLWG RECOMMENDATION:</b>  <b>The group recommends the Version B from the original Planning Commission to the Board of Supervisors with few additional changes</b></p> <p><b>CO-P7. Encourage Private Outdoor Recreation.</b> Encourage private acquisition, development, and management of <u>compatible</u> outdoor recreational services and facilities as a means to generate economic returns <u>for the landowner</u> from conservation and open space lands. <u>where sSuch recreational uses shall not convert the land, will remain subordinate and de will not significantly detract from the agricultural capability/capacity 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><b>HAR COMMENT:</b> HAR does not support either the PC version of CO-P&amp;. We support the following for CO-P7</p> <p><b>HAR RECOMMENDATION: CO-P7 Encourage Private Outdoor Recreation.</b> Encourage private acquisition, development, and management of outdoor recreational services and facilities as a means to generate economic returns <u>for the landowner</u> 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><b>NCHB RECOMMENDATION</b>  <b>CO-P7. Encourage Private Outdoor Recreation.</b> 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. <b>M- Modify as shown.</b></p> <p>Modification assumes that the County is not in the real estate business, that this item refers to private property, and that any revenue goes to the land owner and not to the county.</p>	<p>Support the 2014 Planning Commission version.</p>

Conservation & Open Space, 10.2 Open Space – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Staff Recommendation & Notes
<p>2012 Planning Commission Version</p> <p><b>CO-S4. Open Space Consistency Determination on Substandard Parcels.</b> 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>A. For substandard residentially designated lots:</p> <ul style="list-style-type: none"> <li>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).</li> </ul> <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"> <li>the lot was lawfully created for uses other than utility or right of way purposes; and,</li> <li>has not been previously merged; and,</li> <li>plan density can be met; or,             <ul style="list-style-type: none"> <li>the lot is planned for agricultural production and found necessary for an agricultural operation, or</li> <li>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.</li> </ul> </li> </ul> <p>Split vote – Modified Alternative B Policy: 4/2</p>	<p><b>The Ad Hoc Working Group RECOMMENDATION:</b></p> <p>Remove phrase “has not previously been merged.”</p> <p>...A. For substandard residentially designated lots:</p> <ul style="list-style-type: none"> <li>Substandard lots may be developed with a residential structure if the lot was lawfully created and <del>has not been previously merged,</del> 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).</li> </ul> <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"> <li>the lot was lawfully created for uses other than utility or right of way purposes; and,</li> <li>has not been previously merged; and,</li> <li>plan density can be met; or,             <ul style="list-style-type: none"> <li>the lot is planned for agricultural production and found necessary for an agricultural operation. <b>Or</b></li> <li>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.</li> </ul> </li> </ul> <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” &amp; Forest Resources Chapter &amp; 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><b>HCRLWG RECOMMENDATION:</b>  <b>Modifications to the Planning Commission version as indicated below by the blue:</b>  <b>CO-S4. Open Space Consistency Determination on Substandard Parcels.</b> 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:</p> <p>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</p> <ul style="list-style-type: none"> <li>substandard lot located wholly within a flood hazard zoned or a Streamside Management Area (SMA) or Other Wet Area (OWA).</li> </ul> <p>2) <b>Substandard R</b>esource production, open space, and public land designated lots may be developed with a residential structure if:</p> <ul style="list-style-type: none"> <li>the lot was lawfully created for uses other than utility or right of way purposes; and,</li> <li>has not been previously <b>voluntarily</b> merged. <del>and,</del></li> </ul>	<p>Support a modified HCRLWG version:</p> <p><b>CO-S4. Open Space Consistency Determination on Substandard Parcels.</b> 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:</p> <p>Substandard lots may be developed with a residential structure if the lot was lawfully created <del>and has not been previously merged,</del> 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) <b>Substandard R</b>esource production, open space, and public land designated lots may be developed with a residential structure if:</p> <ul style="list-style-type: none"> <li>the lot was lawfully created for uses other than utility or right of way purposes; <del>and,</del></li> <li><del>has not been previously voluntarily merged.; and,</del></li> <li><del>plan density can be met; or,</del> <ul style="list-style-type: none"> <li><del>the lot is planned for agricultural production and found necessary for an agricultural operation.</del></li> <li><del>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.</del></li> </ul> </li> </ul> <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>

Comment [CoH3]: And what?

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Planning Commission Draft	Public Comments	Staff Recommendation & Notes
	<ul style="list-style-type: none"> <li>• <del>plan density can be met; or,</del> <ul style="list-style-type: none"> <li>o <del>the lot is planned for agricultural production and found necessary for an agricultural operation. Or</del></li> <li>o <del>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.</del></li> </ul> </li> </ul> <p><b>HCRLWG COMMENTS:</b> 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><b>HAR RECOMMENDATION:</b> Delete CO-S4.</p> <p><b>HAR COMMENT:</b> this is not consistent with the Board of Supervisors straw votes on the Forest Resources and Agricultural Elements.</p> <p><b>NCHB RECOMMENDATION</b> <del>CO S4. [B] Open Space Consistency Determination on Substandard Parcels. Require an open space consistency determination, based upon the conformance with General Plan density and open space development policies, for the development of residential structures based upon the following standards:</del></p> <p><del>2) For substandard residentially designated lots:</del></p> <ul style="list-style-type: none"> <li>• <del>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).</del></li> </ul> <p><del>2) Substandard Resource production, open space, and public land designated lots may be developed with a residential structure if:</del></p> <ul style="list-style-type: none"> <li>• <del>the lot was lawfully created for uses other than utility or right of way purposes; and,</del></li> <li>• <del>has not been previously voluntarily merged;:</del></li> <li>• <del>and, plan density can be met; or,</del></li> <li>• <del>the lot is planned for agricultural production and found necessary for an agricultural operation;</del></li> <li>• <del>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.</del></li> </ul> <p>D- Delete. NCHB supports deletion of this item.</p> <p>Property owners have the right to place a residence on a legal parcel subject only to the physical development standards of the County. Not only is this language is internally inconsistent, (the Board of Supervisors voted to support principally permitted development of 2 residences on all legal parcels during their review of the Forest Resources and Agricultural Elements), state law guarantees the right to build regardless of parcel size as long as the parcel is legally created.</p>	

Conservation & Open Space, 10.2 Open Space – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Staff Recommendation & Notes
<p>2012 Planning Commission Version (delete)</p> <p><del>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.</del></p>	<p><b>The Ad Hoc Working Group RECOMMENDATION:</b></p> <p><del>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.</del></p> <p>Terminology "Resource Lands" needs to be consistent with Forest Resources Chapter.</p> <p><b>NCHB RECOMMENDATION</b></p> <p>CO-S5. Lot Line Adjustments on Resource Lands. Lot line adjustments for lands planned for resource production may be allowed. <b>M- Modify as shown to be consistent with the Subdivision Map Act.</b></p>	<p><b>Support the 2012 Planning Commission version (delete).</b> This standard would be an unnecessary duplication of the lot line adjustment standard in the Forest Resources section:</p> <p><b>FR-P11. Lot Line Adjustments.</b> 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>2012 Planning Commission Version</p> <p>CO-IM1. <b>Conservation and Recreation Easement Program.</b> 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><b>The Ad Hoc Working Group RECOMMENDATION:</b></p> <p>Option 1: <b>CO-IM1. Conservation and Recreation Easement Program.</b> 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 <b>maintain and protect</b> working landscapes, priority open space lands, and outdoor recreational opportunities.</p> <p>Discussion: <b>Is there a current CRE program?</b> Past scenario: failed effort to create separate parcel for wetlands in McKinleyville (Grange Road).</p> <p><b>HCRLWG RECOMMENDATION:</b></p> <p><b>Modifications to the Planning Commission version as indicated below by the blue:</b></p> <p><del>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, and priority open space lands, and outdoor recreational opportunities.</del></p> <p><b>HCRLWG COMMENTS:</b></p> <p><b>We support the Williamson Act program and its implementation. We do not agree with the expansion of the County staffing and programs.</b></p> <p><b>HAR RECOMMENDATION:</b></p> <p><del>Conservation and Recreation Easement Program. Provide staffing and secure continued funding to support the Williamson Act Program and TPZ Program. expand the County's Conservation and Recreation Easement Program as a means to protect working landscapes, priority open space lands, and outdoor recreational opportunities.</del></p> <p><b>NCHB RECOMMENDATION</b></p> <p>CO-IM1. <b>Williamson Act Program and TPZ Program.</b> Provide staffing and secure continued funding from the State Department of Conservation to support the Williamson Act and the TPZ Programs in Humboldt County. <b>M- Modify as shown.</b> We support the Williamson Act and the TPZ program and their implementation.</p>	<p><b>Support the ad hoc working group version,</b> which better reflects the County's efforts toward establishing the McKay Community Forest.</p>

**Attachment 2**

**Report #1 PowerPoint Presentation  
10.2 Open Space**

### Attachment 3

#### Updated Draft Schedule for Completion of the Remaining GPU Tasks