

Spencer, Martha

From: Mark Andre [mandre@cityofarcata.org]
Sent: Wednesday, April 29, 2009 3:56 PM
To: mandre@arcatacityhall.org; carroll@timberlandresource.com; bhawk@hrcllc.com; grynearson@greendiamond.com; jable@ableforestry.com; jeff.schimke@fire.ca.gov; Valachovic, Yana; Girard, Kirk; Hill, Linda; Hayes, Kathy
Cc: Spencer, Martha
Subject: Letter to Planning Commission requested by FRC in March 2008 --with attachments

Humboldt County Planning Commission

April 28, 2009

Dear Chairman Smith,

The Humboldt County Forestry Review Committee (FRC) serves in an advisory role to the Planning Commission, Board of Supervisors and staff on technical forest related matters. The FRC consists of seven Registered Professional Foresters who are committed to serve the County in this advisory capacity. Please feel free at any time to refer forestry related technical and policy issues to our Committee as needed.

On March 18, 2009, the FRC unanimously approved a motion to direct the Chair of the FRC to draft a letter to the Planning Commission summarizing the actions taken by the FRC pertaining to the General Plan update during the past two years. The attached sheet lists the action items including the vote tally. Additionally, we have provided a comparison chart that shows the comparison of plan alternatives Section 4.6 Forest Resources, released March 2009 with Forestry Review Committee General Plan update recommendations. Both of these documents were provided to the Board of Supervisors in 2008.

During the course of our evaluation and analysis of forest resources related to the General Plan update, the FRC has strived to consider long term issues and trends that could impact the productive timberland resource base in the County.

If you have any questions regarding our input to the General Plan update, myself and other members of the FRC would be happy to appear before your Commission.

Regards,

Mark Andre, Chair Humboldt County Forestry Review Committee
RPF # 2391

cc. Martha Spencer- Staff Liaison to the Forestry Review Committee

4/29/2009

SUMMARY OF FRC MOTIONS

(June 27, 2007)

Merger: Motion to recommend the Planning Commission and Board of Supervisors modify proposed Alternatives A and B to include rescinding the merger ordinance. Ryneerson motion, Fassler second, motion passed unanimously.

JTMP's: Motion to recommend the Planning Commission and Board of Supervisors support the continued use of the Joint Timber Management Plan process for subdivisions less than 160 acres in size, and to direct the Forestry Review Committee be directed to review standards and guidelines for consideration. Motion by Ryneerson, seconded by Able, motion passed unanimously.

Clustered Development: Explore the clustered development option pending some clarification of the process and legal issues pertaining to TPZ lands and recognize that it may be an attempt to facilitate orderly development and protection of resource lands. We also request the final language of the clustered development policies be brought back to the Committee for review. Motion by Valachovic, seconded by Able, motion passed unanimously

Reduce the Regulatory Burden: Motion to support reduced overlap of regulations, maintain property values, implement a Right to Harvest Ordinance, support the JTMP process, and support longer THP's. Motion made by Ryneerson, seconded by Able, motion carried unanimously.

Other Topics in the Forest Resources Chapter

Move to let the Commission know that if we aren't able to meet and complete our review of the chapter before they have a hearing on it, we will be providing additional comments. Motion by Ryneerson, seconded by Able, motion carried unanimously.

(August 8, 2007)

Second Units: Second units should be taken out of the list of permitted uses on substandard TPZ parcels and should be allowed only within the 3 acres converted already, or intended to be converted. (Motion by Mark Andre, seconded by Jim Able and approved unanimously)

(November 13, 2007)

TPZ Ordinance:

- 1) That the draft TPZ ordinance should not be enacted; and
- 2) Residential uses should remain as a ministerial compatible use for legal TPZ parcels 160 acres or larger; and
- 3) The FRC requests that the Committee and staff work together to develop objective standards for legal TPZ parcels that are < 160 acres in size to ensure residential development is consistent with the definition of "compatible use"(any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber); and
- 4) The FRC recommends that the development of these standards should be incorporated into the General Plan Update process; and
- 5) The FRC requests that the Board of Supervisors hold a study session on January 15, 2008. (or another suitable date) with the Planning Commission and the FRC to discuss TPZ issues. Motion by Gary Ryneerson, seconded by Jim Able. The motion was approved by a vote of 4 to 2 with Yana Valachovic and Mark Andre opposed

SUMMARY OF FRC MOTIONS

(December 18, 2007)

Designation of building sites in JTMP's. FRC recommends that the JTMP be amended to include the designation of potential building sites and ancillary improvements, if known, so as to ensure compatibility with Forest Management Plan by the RPF. Yana Valachovic moved, seconded by Gary Ryneerson; passed unanimously.

(January 29, 2008)

Rezoning out of TPZ. This Committee does not support the rollout of properties from TPZ; however, we recognize there are conditions in some instances where TPZ rollouts may be logical. We therefore move to accept the list for rezoning out of TPZ found in proposed policy FRP14 and recommend adding section D to the following list:

FR-P14. Support rezoning of land from the TPZ when it can be found that:

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

“D. TPZ parcels three acres or less.”

Gary Ryneerson moved, seconded by Steve Launi; motion passed unanimously.

Conversion permits. On TPZ lands, prior to the issuance of a ministerial building permit from Humboldt County, the owner must obtain, where necessary, a conversion permit or conversion exemption from the state lead agency. Gary Ryneerson moved, seconded by Jim Able; motion passed unanimously.

(March 18, 2008)

TPZ Implementing Ordinance. The Committee recommends that the draft TPZ implementing ordinance language should be brought to the FRC for review of the development standards for ministerial permits on TPZ parcels less than 160 acres prior to Board adoption. Yana Valochovic moved, seconded by Gary Ryneerson; motion passed unanimously.

(May 28, 2008)

Minimum parcel size (revision of the motion previously made on November 27, 2007 with changes noted in bold). The FRC recommends that 160 acres, or a quarter section, is the minimum TPZ parcel size, and allow subdivisions down to 40 acres, **or quarter, quarter section**, with an approved Joint Timber Management Plan, and to initiate a review of the current JTMP standards to ensure their consistency with the definition of compatible use. (Gary Ryneerson moved, seconded by Mark Andre, motion passed unanimously)

Second Unit (revision of the motion previously made on November 27, 2007 with addition noted in bold, deletions noted by strikethrough). Second units should be **allowed** ~~taken out of the list of permitted uses on TPZ parcels less than 160 acres (or quarter section) as a conditional use, and should be allowed only in the 3-acre area already converted, already, or intended to be converted, or does not meet the definition of timberlands~~. Gary Ryneerson moved, seconded by Jim Able Motion, passes with 4 Ayes, 3 no's – (Yana Valachovic, Mark Andre and Joe Fassler dissenting).

SUMMARY OF FRC MOTIONS

Presentation of motions to Planning Commission. The FRC will present a summary of all the motions completed to date at a regularly scheduled Planning Commission meeting and invite the Commissioners to hold a study session with the FRC on forest policy issues. Gary Rynearson moved, seconded by Mark Andre; motion passed unanimously.

General Plan Update Process

Comparison of Plan Alternatives Section 4.6 (Forest Resources) Released March 2009 With Forestry Review Committee General Plan Update Recommendations

Section 4.6 Plan Alternative (Forest Resources)	FRC Recommendations	Comments
<p>FR-P3. Timber Management Regulations. (A, B, C): Support fewer, more effective and lower-cost timber management regulations as a strategy to maintain timber production as the primary use of forestlands. Coordinate County policies so they are compatible with the State Forest Practice Act and State Forest Practice Rules.</p>	<p>Reduce the Regulatory Burden: Motion to support reduced overlap of regulations, maintain property values, implement a Right to Harvest Ordinance, support the JTMP process, and support longer THP's. 6/27/07</p>	
<p>FR-P4. (A, B, C) Broader Use of Non-industrial Timber Management Plan(s) (NTMP). Support broader use of NTMPs, including increasing the maximum acreage allowable under such plans and encouraging multiple landowner cooperative plans.</p>	<p>Reduce the Regulatory Burden: Motion to support reduced overlap of regulations, maintain property values, implement a Right to Harvest Ordinance, support the JTMP process, and support longer THP's. 6/27/07</p>	
<p>FR-P10 (C): Substandard Lots and TPZ Rezoning. The County supports zoning correction of land from the Timberland Production Zone when it can be found that:</p> <ul style="list-style-type: none"> A. The original inclusion was in error or inappropriate; or B. The conversion is necessary to provide for the logical expansion of an existing community; or C. The conversion and rezoning is 	<p>Rezoning out of TPZ. This Committee does not support the rollout of properties from TPZ; however, we recognize there are conditions in some instances where TPZ rollouts may be logical. We therefore move to accept the list for rezoning out of TPZ found in proposed policy FRP14 and recommend adding section D to the following list:</p> <p>FR-P14. Support rezoning of land from the TPZ when it can be found that:</p>	

<p>necessary to provide for the reconfiguration of parcels in order to utilize development unit credits for cluster housing; or</p> <p>D. The parcel is three acres or less.</p>	<p>A. The original inclusion was in error or inappropriate; or</p> <p>B. The conversion and rezoning is necessary to provide for the logical expansion of an existing adjacent community.</p> <p>C. The conversion and rezoning is necessary to provide for the reconfiguration of parcels in order to utilize development unit credits for cluster housing.</p> <p><i>“D. TPZ parcels three acres or less.”</i> 1/29/08</p>	
<p>FR-P13. Planned Rural Development (A, B, C): The County shall provide a Planned Rural Development (PRD) program that allows voluntary clustering of home sites at a density above what would otherwise be allowed when lands most suitable for timber production are retained for permanent continued production.</p>	<p>Clustered Development: Explore the clustered development option pending some clarification of the process and legal issues pertaining to TPZ lands and recognize that it may be an attempt to facilitate orderly development and protection of resource lands. We also request the final language of the clustered development policies be brought back to the Committee for review. 6/27/07</p>	
<p>FR-S3. State Clearance (A, B, C): Prior to the issuance of a building permit on lands regulated by the Forest Practices Act, the owner must obtain, where necessary, a timber conversion permit or timber conversion exemption from the state lead agency.</p>	<p>Conversion permits. On TPZ lands, prior to the issuance of a ministerial building permit from Humboldt County, the owner must obtain, where necessary, a conversion permit or conversion exemption from the state lead agency. 1/29/08</p>	
<p>FR-Sx. Second Units (C): Second units may be allowed on TPZ parcels less than 160 acres as a conditional use only in the area already converted, intended to be converted, or that does</p>	<p>Second Unit: Second units should be allowed on TPZ parcels less than 160 acres (or quarter section) as a conditional use, only in the area already converted, intended to be converted, or</p>	

not meet the definition of timberlands.	does not meet the definition of timberlands”. 5/28/08	
FR-IM4. Merger Ordinance Revisions (B,C): Revise Merger Ordinance to delete the requirement of merger of substandard TPZ lands, not currently under a Williamson Act Contract, from Article II.	Merger: Motion to recommend the Planning Commission and Board of Supervisors modify proposed Alternatives A and B to include rescinding the merger ordinance. 6/27/07	(Staff used “revise” instead of “rescind”)
FR-IM10. Review Standards and Process of Joint Timber Management Plans (JTMP) (A, B, C): Review and provide recommendations to the Board of Supervisors on the standards for JTMPs and guides for subdivisions of TPZ lands below 160 acres. Establish a process for review of all previously approved JTMPs every 5 years for compliance. Work to reduce redundancy between NTMP and JTMP requirements in cases where NTMPs have been prepared.	JTMP’s: Motion to recommend the Planning Commission and Board of Supervisors support the continued use of the Joint Timber Management Plan process for subdivisions less than 160 acres in size, and to direct the Forestry Review Committee be directed to review standards and guidelines for consideration. 6/27/07	
	Other FRC Recommendations not incorporated into the GPU Alternatives: 11/13/07: Residential uses should remain as a ministerial compatible use for legal TPZ parcels 160 acres or larger; and The FRC requests that the Committee and staff work together to develop objective standards for legal TPZ parcels that are < 160 acres in size to ensure residential development is consistent with the definition of “compatible use”(any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber); and The FRC recommends that the development of these standards should be incorporated into the	

	<p>General Plan Update process.</p> <p>12/18/07: Designation of building sites in JTMP's. FRC recommends that the JTMP be amended to include the designation of potential building sites and ancillary improvements, if known, so as to ensure compatibility with Forest Management Plan by the RPF.</p> <p>3/18/08: TPZ Implementing Ordinance. The Committee recommends that the draft TPZ implementing ordinance language should be brought to the FRC for review of the development standards for ministerial permits on TPZ parcels less than 160 acres prior to Board adoption.</p> <p>5/28/08: Minimum parcel size (revision of the motion previously made on November 27, 2007 with changes noted in bold). The FRC recommends that 160 acres, or a quarter section, is the minimum TPZ parcel size, and allow subdivisions down to 40 acres, or quarter, quarter section, with an approved Joint Timber Management Plan, and to initiate a review of the current JTMP standards to ensure their consistency with the definition of compatible use.</p>	
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