

Forest Review Committee  
Humboldt County Planning Department  
Eureka, California 95501

Dear Committee Members:

Re: General Plan Land Use Element Chapter 5 - Forest Resources 5.3 Segment (June 13, 2007 review meeting)

As I read the General Plan's often manipulative and pretty rhetoric, I keep asking myself, what are we trying to do? In the case of forest lands, I assume we want to retain forest lands in an open space forested condition. Digging deeper, it becomes obvious many folks are buying into more regulatory restrictions as being a good way to retain open space land in private ownership. My review of the open space situation including Williamson Act and General Plan discussions has convince me a push for more regulations is actually a push towards losing more privately owned open space land.

As Glen Beck would say, here's how I got there.

Like a lot of folks, I bought into the spin and trap of thinking houses across the land are a bad thing. We are routinely barraged with all the county listed concerns, wildlife being disrupted, watersheds being destroyed, and the need to be jealous of those living in open space rural areas.

My read of county planners' write-ups finds them perpetuating the idea rural residential development is a bad thing causing a loss of forest resource and open space lands, and more regulation is needed. Phase III, Guiding Principles shows county (1) discouraging ".....low density residential conversion of resource lands and open space.", and county wants to (7) increase ".....restrictions on resource land subdivisions and patent parcel development." Also in Phase III, county wants a "reduction in existing large lot residential subdivision potential outside of community planning areas", incentives for cluster development, and "conservation easements and regulatory reform." Phrases like "driving trends in timberland conversion", "conflict between residential and resource land uses", and "continuing, stable forest resource land base" are used to promote the tone that open space lands are disappearing because of development.

Is there really a loss of forested open space acreage?

The write-up says (page 5.3-16) "....conversions..... Constitute a relatively minor portion of lands lost to timber production." Others have recognized this situation as (Phase IV) "Planning Commission and members of the public questioned .....whether the resource land base was in fact threatened by putting houses on timberlands."

To start with, this issue is not about growing trees. Trees will return with or without help if the land is left in a growing condition. There is an argument about what kind and type of trees society wants to have across the land, but this should not be a General Plan issue.

Many existing regulations already prevent the loss of land to growing trees. Timber preserve zoning (pages 5.3-1 and 5.3-9) when properly applied restricts residential use and prevents the loss of forested areas. When fully applied, California approved conversion permits which are required for "any" activity (house site, swimming pool, patio, etc.) that will prevent any piece of forest land from growing a commercial tree are only provided after extensive review, cost, and consternation, and this permit process has slowed the loss of commercial timberland to a trickle. State and other regulatory harvest permit regulations promote retention and replacement of forest lands through application of all kinds of environmental, scenic view, and adjacency regulations. Many other agencies (Water Quality, California Department of Fish and Game,

Federal Species Agencies, and others) apply regulatory requirements that prevent the loss of forested areas. When properly applied, development restrictions in conjunction with physical limitations prevent development on the lion's share of the land that grows trees.

Real loss only occurs when space is physically occupied by things like houses, patios, and roads. In the real world, existing regulatory and physical constraints won't let large losses of open space happen. There are more houses, patios, and roads, which bothers me, but there is a lot of bare open space around those things.

The real world, logic, and common sense tell us a loss of commercial forest land is just not occurring.

Some say economic and nuisance realities are causing a loss of areas that can be timber harvested. This is true, but most of this loss is small and mainly occurs on lands not zoned for timber harvesting. This makes a discussion about economic parcels irrelevant in a discussion about lands placed under Forest Resource (Chapter 5.3) zoning.

Additionally, attempting to define an economically viable forest parcel is an attempt to do the impossible. This is an idea that needs to be dropped. As experienced professionals know, economic conditions are derived from many ever-changing factors: markets, tree species, logging conditions, future conditions, environmental conditions, regulatory factors, personal goals, and on and on.

Some cry that environmental damage is occurring due to development on forest lands. This cry is routinely out of place. Name a problem situation, and a real world, open minded review will find it is either not a big deal, happened because experienced professional input was not applied, will go away if corrective actions by humans or Mother Nature are allowed to occur over time; or, it has been invented to promote some self-serving agenda.

Trying to use forest resources zoning regulations to handle environmental problems is an unnecessary duplication of regulatory processes already in place. Experienced professional input coupled with current existing regulations involving timber preserve zoning (pages 5.3-1 and 5.3-9), state approved conversion permits, state harvest permits, Water Quality permits, California Department of Fish and Game permits, and Federal Species restrictions more than does the job of retaining and promoting forest lands as verified by the write-up we are reviewing.

Saying open space lands are being lost because of development shows a focus on the result and not the cause.

When you look for reasons a landowner, large or small, sells, you have to think like a landowner. They get little help as they struggle with the elements, life's problems, and regulatory B.S. When many could be millionaires, why do they put up with the problems of owning land, especially open space land? I see many of them wanting to hold onto a certain way of life, and this feeling combined with other factors provides a sense of satisfaction that keeps landowner's wanting to own the land.

When would you say, I have had enough and want to sell out? While greed is not a small factor, I believe things that destroy the sense of satisfaction that keeps landowners wanting to own the land is the overall determining factor in deciding to sell out. The loss of income from the land, inability to obtain sustainable finances, regulatory B.S. and life's rough spots are factors that create a loss of satisfaction and desire to sell.

More regulations and more restrictions are not incentives to retention of privately owned open space lands, and development does not come before the loss of satisfaction and selling out.

With an insignificant loss of commercial forest land occurring and regulatory restrictions actually promoting conversion of open space lands, why change the Forest Resources section of the General Plan by putting in place a lot of new, confusing, and questionably functional regulatory schemes?

The new General Plan write-up on forest lands needs to be dumped in its entirety. While not perfect, the existing wording has been working. As already stated, (page 5.3-16) "...conversions.... Constitute a relatively minor portion of lands lost to timber production." Others have recognized this fact as (Phase IV) "Planning Commission and members of the public questioned .....whether the resource land base was in fact threatened by putting houses on timberlands."

My read of the General Plan has lead me to conclude development review and permit processes do not belong in open space elements of the general plan, and these processes should be addressed in their own separate General Plan element. Mixing development review and permit processes within other zoning elements does not allow adequate review and discussion of the short-comings that are occurring. There is a need to isolate and clearly address how to require development to be properly done, properly maintained, and properly funded into the far far future. Not enough upfront funding, thought, and follow-through is the reason for many of the development messes we have today in all zoning categories.

County concerns (page 5.3-18) are the same no matter the zoning classification:

- Smaller units of land (already covered by zoning limitations)
- Adequate access
- Building site suitability
- Sewage disposal
- Water supply
- Slope stability
- Impacts on public service delivery (I assume this covers all public services)

Why is development treated separately in each zoning classification? Piece-meal development regulations applied to already heavily regulated open space lands duplicates what is already in place and increases, not slows, the conversion of open space lands out of private ownership.

Let's get real. Drop all the new Forest resource regulatory stuff, and stick with what is now working as verified in the write-up for 5.3. Drop the merger ideas as provided in Alternate A. Drop the two-tier zoning ideas and new zoning categories. Drop the unclear transfer of development scheme. Separate, upgrade, and properly apply housing and other development regulations, and work on eliminating short-comings with these processes.

Some miscellaneous items for discussion are as follows:

The General Plan needs to better emphasize how the community tax base and economic supports are affected by conversion of privately owned open space lands to lower producing conservation easements, carbon sequestering units, and tax supported public trust lands. These approaches provide a way out for those being forced to sell, and those handling these approaches are doing a bumper business; however, a good look finds these approaches routinely limit the potential of open space land to properly produce needed resource products without providing equal replacement economies. Reducing resource use means loss of marketing and manufacturing infrastructure, loss of local business, and loss of community economic supports such as tax revenues that provide for public and governmental services.

I do not want to say it and never thought I would say it but, development in rural areas is inevitable. As I have already said, I bought into houses being a plague across the land until I came to the realization humans

were going to be human. By hook or crook, development was unstoppable. Regulatory approaches are not stopping development and in many cases are aggravating the situation.

As a compromise position, I had to conclude that development properly done, properly serviced, properly maintained, and properly funded did not have to be a bad thing. Additional fire protection as required by current CDF regulations, better coverage of trespass and bad things being done to the land, and more concern for the land by those that now owned the land were beneficial results from properly located and properly done development. While houses and people's actions can be a nuisance and small parcel size can reduce economies of scale, trees will still grow, forest land will still produce, and timber harvesting can still occur. If the county properly oversees development regulations and you don't get hung up on how well the developers make out, Williamson Act arrangements and other similar arrangements do not look so bad. Allowing a few more houses across the land to bring in higher market based tax revenues and lower land taxes providing an incentive to keep the land in an open space condition can be seen as good things.

While some clustering ideas may have merit, I prefer to see scattered houses that are properly built and serviced. The cluster idea has been tried in the inner cities, and the results have not been good. I can easily see how a cluster of houses on an isolated rural hilltop with a mixed bag of people depending on some complex sewage and water system and imperfect access can be a recipe for disaster over time. In rural areas, small has a better chance of being serviced and being less impactive if it fails.

Change wording under FR-S3 (page 5.3-7) to the following:

Rural Residential Use: Land may be approved for residential use if for the long term (financially and physically)

C.(added page 5.3-8) – Adequate funding to handle current and future funding needs for county provided services (amount to be developed through county hearing and approval processes)

Unless I have missed it, the write-up mentions and then ignores the need to push for ways to increase the use of proper management techniques to increase yields and income from open space lands. 12-14 says to "Actively protect and conserve timberlands for long-term economic utilization and to actively enhance and increase county timber production capabilities." Note the mention of enhancement and increasing production capabilities. A goal for increasing the economic ability to hold lands in private ownership is needed; so, regulatory forced (so-called voluntary) conservation easements are not required to maintain open space land in private ownership?

I think a good goal would be: Encourage timber management practices allowed under timber harvesting regulations that will increase timber production on lands designated to produce commercial timber products.

A chart showing how and why the demise of privately owned open space lands is occurring accompanies this letter.

One last question. The General Plan write-up includes information (forestry related definitions, economic analysis information for forest lands, regulatory ideas applicable to forested areas, timber site classifications, etc.) that is required to be prepared and handled by a California Registered Professional Forester (RPF). Who is the RPF that participated in preparation of the General Plan write-up?

In closing, I again ask, What are we trying to do? We do not have a physical loss of forest lands. We have a bigger problem in how we are using these lands, shutting down of use natural resources, and hurting rural landowners and rural economies through use of conservation easements, carbon sequestering schemes, public trust land ownership, and through regulation. We are replacing locally produced resource products and replacing them with imports that are questionably safe and often produced in ways detrimental to third world countries. We need to re-think what we are doing..

Yours,

A handwritten signature in cursive script that reads "Charles L. Ciancio".

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cc: Humboldt County Supervisors  
Humboldt County Planning Commission Members