



COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

<http://co.humboldt.ca.us/CDS/Planning>

DATE: June 1, 2007
TO: Forestry Review Committee (FRC)
FROM: Martha Spencer, Senior Planner
SUBJECT: Meeting of Wednesday, June 13, 2007

**FORESTRY REVIEW COMMITTEE
JUNE 13, 2007 @ 6:00 P.M.
BOARD CHAMBERS, COUNTY COURTHOUSE
825 5th Street, Eureka**

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Forestry Review Committee
December 20, 2006 Meeting Minutes

DATE: December 21, 2006
TO: Forestry Review Committee (FRC)
FROM: Martha Spencer, Planning Staff
SUBJECT: Draft Minutes for the Forestry Review Committee (FRC) Meeting of Wednesday December 20, 2006

I. Attendance

FRC Members Present: Chris Carroll, Yana Valachovic, Steve Launi, Gary Rynearson (arriving after the approval of the minutes), and Jim Able
Staff Present: Martha Spencer and Linda Hill, Assessor (non voting member)
Public Present: Steve Horner, Julie Williams, Debbie Provolt and staff from Bill Bertain's office.

II. Public Appearances

The public members present indicated that they were attending primarily to participate in the discussion of the items on the agenda.

III. Approval of September 27, 2006 Meeting Minutes

On a motion of Chris Carroll seconded by Yana Valachovic, the Minutes were approved as written by a vote of 4-0.

IV. New Business

IVA. Roeder Joint Timber Management Plan (File No.: APN 211-383-14 Case No.: JTMP-06-04). Martha Spencer summarized the staff report and requested that the FRC adopt recommendations on the adequacy of the Joint Timber Management Plan (JTMP). The FRC discussed the details of the JTMP. Yana Valachovic indicated that there was sudden oak death occurring near the project site and recommended that this information should be included in the JTMP to alert future property owners. It was also recommended that a notation be added to contact either CDF or the Extension

Service for best management practices regarding sudden oak death. Gary Rynearson indicated that this site is in an area suitable for use by spotted owls and near watersheds containing three listed fish species. He requested that the JTMP (page 7, fish and wildlife section) be revised to reflect this information. Also, concern was expressed regarding the road easements for each parcel. It was suggested that the JTMP include a section discussing the mechanism that will provide a common road easement for all parcels that allows for the movement of timber products through the property to the county road. On a motion by Gary Rynearson, seconded by Jim Able, the FRC recommended approval of the Joint Timber Management Plan with the three following additions:

- A discussion of sudden oak death and its occurrence in the proximity with a recommendation to contact CDF and/or the Extension Service for current information on best management practices.
- Page 7 (Fish and Wildlife section) include a discussion indicating that this site is in an area suitable for use by spotted owls and near watersheds with three listed fish species.
- A section discussing the mechanism that will provide a common road easement for all parcels that allows for the movement of timber products through the property to the county road.

The motion was approved on a vote of 5-0.

B. IVB. JTMP requirement under section 51119.5 of the Government Code - discussion item with presentation by Linda Hill, Assessor

During the September meeting, the FRC members requested that requirements for a JTMP (per section 51119.5 of the Government Code) be placed on the next agenda for review and that the Assessor be invited to the next meeting in order to discuss the state law requiring the preparation of JTMP's. Linda Hill was present to answer committee member's questions during the December FRC meeting.

The members requested clarification from staff of what type of "division" triggers the need for a JTMP. Discussion ensued regarding the difference between an "assessor" parcel versus a "legal" parcel and the usage of the term parcel within the TPZ Act. Input from the public included a request to return to the legislature for reconciliation between the usage of assessor parcel and legal parcel within the TPZ Act. Also, questions concerning how the Assessor assigns assessor parcels numbers were addressed by Ms. Hill. Chairman Launi presented a synopsis of what he believed was the core discussion for the evening which included:

"If you are subdividing, conveying smaller portions of or implementing a lot line adjustment on a TPZ parcel of 160 acres or greater such that any new assessor parcel becomes less than 160 acres, than you need a JTMP. This includes subdivision to less than 160 acres of TPZ, conveyance of less than 160 acres of TPZ, Lot Line Adjustment to less than 160 acres of TPZ and adding to the existing TPZ parcel resulting in less than 160 acres of TPZ".

Staff clarified that a JTMP is necessary when the TPZ portion of an assessor parcel is divided below 160 acres. Gary Rynearson requested that staff ask for an opinion from the State Board of Equalization regarding the County's interpretation of this section. After discussion by the Committee, on a motion of Gary Rynearson seconded by Jim Able, the Committee requested that

staff would research the necessary process for the County or the Committee to request clarification from the State Board of Equalization regarding section 51119.5 of the Government Code and the interpretation of “assessor” versus “legal” parcels in the TPZ Act. The motion was approved by a vote of 5-0.

V. Old Business: None

VI. Adjournment:

The meeting was adjourned by 8:30pm.

AGENDA ITEM IVA

For Meeting of June 13, 2007

DATE: June 1, 2007

TO: Forestry Review Committee (FRC)

FROM: Kirk Girard, Director of Community Development Services
Prepared By: Martha Spencer, Senior Planner

SUBJECT: Draft Forest Resources Policies for the General Plan Update

Staff Recommendations

1. Review the proposed draft Forest Resources Policies, and
2. Open the meeting to public comments; and
3. Provide recommendations to the Planning Commission and Board of Supervisors on the draft Forest Resources policies concerning forest related issues.

Background

The Board of Supervisors approved the General Plan Update project on November 9, 1999, and established two principal goals for the Update: 1) Create a long-range vision and implementation plan for the County, and 2) Improve the General Plan use as a guide for project design and decision making. In October 2000, the Board approved the following six phase work plan:

- I. Critical Choices – determine the most important issues for the Plan Update
- II. Technical Background Reports – research and publish information important for decision-making
- III. Selection of Preferred Alternative – choose an alternative for the hearing draft of the Plan and EIR
- IV. Draft Preliminary Plan – prepare a hearing draft of the Plan and EIR including a range of alternatives
- V. Public Review and Adoption of Final Plan – receive input and adopt the Final Plan and EIR
- VI. Write Implementing Ordinances – prepare ordinance revisions necessary to implement the Plan

The County is currently in the process of writing the Draft Preliminary Plan as outlined in Phase IV above. Numerous public meetings have been held to help guide staff in the preparation of this draft policy document. The development of the Draft Forest Resource Policies, therefore, has not been created by staff in a vacuum. Following is a brief description of the process that has guided staff to develop the policy set currently before the FRC.

Phase I - Critical Choices Report.

The **Critical Choices Report** issued in final form in March, 2001 summarized the first phase of public input for the General Plan Update process, and identified the range of policy choices that would be further pursued. Some choices were eliminated from further consideration, such as development and implementation by the County of local timber harvest rules. Some of the key policy questions identified in the Critical Choices report included:

- *Is the current forest land base protected under existing policies?*
- *What are the needs of small-scale forest land managers and timber operators?*
- *What role should the County play in the management of forest resources?*

The FRC identified many of the key timberland policy issues during the November 15, 2000 meeting for the Critical Choices Report. The complete description of issues identified by the FRC is provided in Attachment A.

Phase II – Technical Background Reports

General plan consultants Dyett & Bhatia produced a **Natural Resources and Hazards Report** in September, 2002 that included background information and a discussion of the forest resource policy issues identified in the Critical Choices Report. The Forestry Review Committee found the chapter on forest resources in that document short on discussion and analysis, and recommended a more detailed treatment of forest resource and potential policy options.

Following that recommendation and significant additional input from the FRC, planning staff prepared a revised draft **Forest Resources Policy Report** that was issued in October 2003, addressing forest resource policy issues in more depth.

Phase III – Sketch Plan Alternatives

In December, 2003 **Sketch Plan Alternatives** were introduced presenting three broad and distinct General Plan land use alternatives. The Alternatives underwent public review at 24 separate meetings during 2004. The *Sketch Plan Alternatives Report* included new timber land use classifications including industrial timber and urban fringe timber designations.

In September, 2004, **Sketch Plan Alternatives: Summary of Planning Commission and Board of Supervisors Recommendations** laid out policy guidance to be used in drafting the general plan and its alternatives. Included in the recommendations were:

- *A set of Guiding Principles*
- *Policy option development recommendations*
- *Directives for developing a range of Plan Alternatives (Sketch Plans A, B, and C)*

Ten **Guiding Principles** for developing the “proposed project” were provided as part of policy guidance developed in the September 2004 recommendations. Five of those Guiding Principles that are particularly relevant for this policy section are listed below (their numbers below refer to the position in the list of ten principles):

- 1) *The proposed project must ensure efficient use of water and sewer services and focus development in those areas and discourage low density residential conversion of resource lands and open space.*
- 4) *The proposed project must support the County’s economic development strategy and work to retain and create living wage job opportunities.*
- 7) *The proposed project must contain long-term agriculture and timber land protections such as increased restrictions on resource land subdivisions and patent parcel development.*
- 8) *The proposed project must include unambiguous natural resource protections; especially for open space, water resources, water quality, scenic beauty and salmonids.*
- 10) *Development of the proposed project and alternatives must involve stakeholders and be supported with accurate and relevant data.*

Policy options were developed based on the September 2004 recommendations which included:

- *Additional policies to ensure adjacent uses are compatible with industrial timber operations*
- *A policy statement to support for long term continued timber production*
- *A policy statement to protect beneficial uses of sensitive watersheds and critical water supply areas*
- *A policy to address urban interface / timber issues in urban fringe areas*

Recommendations also included directives for developing plan alternatives, with characteristics of the preferred plan alternative to include:

- *reduction in existing large lot residential subdivision potential outside of community planning areas*
- *increased resource land protection from residential and other conversion using a range of planning tools such as; clustered development incentives, minimum lot-sizes, patent parcel development standards, conservation easements and regulatory reform.*
- *a plan for alternative land use on large resource production lands proven to be no longer economically viable.*

The preferred Plan Alternative (B) is one of a range of plan alternatives. Thus, **Plan Alternatives A, B and C**, with their associated policy options provide a “menu” of Plan Alternative choices that can be used in developing the project ultimately chosen by the Board of Supervisors.

Phase IV – Draft Preliminary Plan

The themes contained in the guiding principles, policy option recommendations, and plan alternative development direction outlined above were used in the development of a **Draft Forest Resources Land Use Element** document for timberlands and agricultural lands policies which was presented to the Planning Commission in June of 2005. During the June 2005 meeting where this document was considered, the Planning Commission and members of the public questioned several aspects of the draft Element including whether the resource land base was in fact threatened by putting houses on timberlands.

The June 2005 Draft Land Use Element included policies that proposed an Industrial Timber (IT) land use classification. The proposed IT designation made residential uses conditionally permitted, where necessary for timber management, at a density of one unit per 600 acres maximum, and allowed clustered development on portions of the land that might be suitable for residential development, with the remainder retained in timber production.

In response to input received on the Draft Land Use Element, the Planning Commission subsequently requested planning staff to:

- *re-visit forestry issues with the public and the FRC, providing more opportunities for stakeholder input;*
- *provide a discussion of the impacts of residential development on the resource land base; and*
- *provide a broader range of alternatives for resource lands which would include an alternative that provides a greater supply of developable lands for residential development.*

Subsequent meetings with stakeholders and the development of this document fulfill this Planning Commission request.

Discussion

California Government Code Section 65302 requires that a general plan “designate in a land use category that provides for timber production for those parcels of real property zoned for timber production pursuant to the California Timberland Productivity Act of 1982.” Sections 51101 and 51102 of the California Timberland Productivity Act provides specific policy guidance in developing the land use designation associated with timberlands, at least those timberlands classified as TPZ. Also, California Government Code Section 65302(e) requires that a general plan include an open-space element, as provided in Article 10.5, commencing with Section 65560. Section 65560(b) describes open-space land as including “open space used for the managed production of resources, including but not limited to forest lands.”

The broader category of forestlands includes a subset of lands classified as timberlands. Some forestlands are reserved or not capable of meeting timberlands standards and, as such, are not classified as timberlands. All forestlands are of interest in terms of this larger planning effort, which includes open space and other land use planning considerations.

It should be noted that managing timber harvest practices is primarily the domain of the State and frustrations regarding specific regulations are best addressed by the agency that administers those regulations. In the context of the General Plan update, the County’s role in timberlands management lies largely in ensuring a continuing stable land base, limiting incompatible uses, and managing land uses generally where houses meet or intermingle with undeveloped forestlands (currently identified in the attached policies as the Forestland-Residential Interface).

During the 2005 Planning Commission meeting, there was much discussion regarding the impacts of residential uses on timberlands and the timber industry as a whole. The Commission requested that this item be given further treatment and a range of policy options be provided for discussion by both the stakeholders and the FRC. Staff has provided a discussion in the policy document and a range of alternatives that addresses this request. During subsequent FRC meetings it was asked of staff to provide additional information based upon surrounding Counties treatment of residences on timberlands. Although an exhaustive survey has not been completed for all timber producing Counties, it should be noted that Lassen County prohibits residential development in TPZ areas altogether, Shasta County only allows “living quarters for person’s fully employed on the premises” and Mendocino allows residences by right on 160 acres or greater.

Attached for your review are the draft policies for Alternative B (the preferred alternative as designated by the Board of Supervisors). I have also attached a Policy Chart that shows proposed policies for all plan alternatives (Alternatives A, B, C and D) for comparison, an example of what a Planned Rural Development buildout scenario would look like, the Readers Guide that describes how we are preparing all the chapters for the General Plan (of which this is one) and a “cheat sheet” matrix that briefly compares how each alternative falls out on the various land use decisions (i.e. merger, houses, subdivisions, etc). The draft policies before you do not include the CEQA analysis nor the definitions section which will be prepared by the time we get to the Planning Commission (August 16th).

As a reminder, we are trying to present a range of alternatives to the decision makers. In general, Plan Alternative A is the most environmentally protective, and most restrictive of development in resource lands. Plan Alternative C is the least restrictive of development, and the least environmentally protective. Plan Alternative B is designed to balance protections with regulations, using incentive approaches and program assistance to landowners.

Staff Recommendation:

This is a decision-making document to be used by the public, the Forest Review Committee and ultimately the Planning Commission and Board of Supervisors. As a first step, staff will capture recommendations for changing this document so that it contains a reasonable range of viable policy alternatives. Once finalized, the document will be used to guide deliberations on the policy alternatives. Staff will record these deliberations and the policy recommendations expressed by the public, the Forest Review Committee and finally, the Planning Commission. Minority and majority recommendations from the Forest Review Committee and the Planning Commission will be presented to the Board of Supervisors to make the final policy decisions and approve the final text for the Forest Resources section of the General Plan.

ATTACHMENTS

Attachment A: Timberland Issues Identified by FRC for Critical Choices Report, November 15, 2000

Attachment B: Readers Guide to Draft Policy Documents

Attachment A

Forest Review Committee Timberland Issues

At their November 15, 2000 meeting the Humboldt County Forest Review Committee (FRC) identified the following timberland issues:

Public Service Issues

- Law enforcement needs to address public safety, vandalism, trespass, theft, toxic dumping, and public and private costs associated with protests in timberland areas.
- A Fire Safe Element needs to be prepared which uses the State fire safe standards as a model
- Recreation opportunities on timberlands need to be reviewed for compatibility with timber production.

Public Improvement Issues

- Public roads need to be improved to reduce hauling costs and address traffic safety. Costs of maintaining public roads in timberland areas should be apportioned based on use.
- Drainage facilities need to be maintained on public and private roads to protect roads and water quality.
- Public water systems need to be developed to minimize water withdrawals from sensitive habitats and land use conflicts between timber producers and residential users who are concerned about erosion and water quality.
- Public roads need to be improved to minimize erosion and water quality problems.
- Materials for road building from quarries and surface mining need to remain available in adequate quantities to keep construction costs down.
- Utility companies should support timber production on adjacent timberlands

Public Powers/Land Use Issues

- Dwellings on residential lots are not compatible with timber production on adjacent or nearby lots because residential landowners have concerns about: traffic safety, dust, erosion control, slope stability, noise, smoke, water quality, sensitive habitats, views and aesthetic values. Litigation costs increase in the interface between timberland and residential lots.
- Utility companies manage their easements in ways that are not always compatible with timber production on adjacent lands. They have concerns about impacts to utility lines.
- Subdivisions to create small lots in or adjacent to timberlands increase the land use conflicts between timberland and non-timberland property owners.
- Allowing small lots into TPZ may discourage timber production because these lots are purchased and used primarily for residential purposes and adjacent to small parcels with landowners who may object to timber harvesting activities. These lots would also benefit from tax relief that could encourage excessive harvesting rotation periods. Note: the Humboldt Watershed Council may support including smaller lots into TPZ to discourage timber harvesting driven by increased taxes.

Reader's Guide to the Preliminary Planning Commission Hearing Draft of the General Plan Update

This guide describes the overall format of the individual chapters in the Preliminary Planning Commission Hearing Draft of the General Plan to help make it more user-friendly and easy to understand. All the chapters have a consistent layout that includes the following sections:

Introduction

This section presents an overview of the purpose of the chapter, and explains its relationship to other components of the plan.

Background

This section discusses key findings from the technical background studies and other research supporting the proposed policy direction. Depending on the complexity of the particular topic, this section may be broken into subchapters.

Goals and Policies

This section presents the goals and policies of the preferred Plan alternative. Goals and policies for the other alternatives are in later sections. In concert with the land use maps, the goals and policies help establish the kinds, locations and intensities of land use. Goals and policies are sometimes also used to direct County resources. Goals set direction toward an ideal future related to public health, safety, welfare while policies are specific statement that guides decision-making.

Standards and Implementation Measures

The next two sections in a typical chapter identify the performance standards and implementation measures that come from the goals and policies. They define the goals and policies in more concrete terms. Implementation measures describe actions, procedures, programs or plans used to carry out general plan policy.

Staff Analysis and Alternatives

This section will be removed from the draft after the Plan is adopted. This section explains staff's recommendations and discusses alternatives. It is shown in a different font to help distinguish it from the parts of the chapter that will be retained. It also includes a Plan Alternatives Comparison Chart that condenses all the options into a single table with columns for the reader to provide feedback. The policy alternatives are flagged to indicate with which alternative they are associated. A "Vote" column is provided for the user to indicate a policy preference: enter a **Retain**, **Delete** or **Modify**. Staff is providing this "voting card" to be used as an aid for review and discussion purposes. The County will accept all written comments regardless of format.

Table 1-1. Plan Alternatives Comparison Chart

Plan Alternative			Principle	Staff Remarks	Vote: R, D, M
A	B	C	1. The plan must work to preserve the unique character of Humboldt and the quality of life we enjoy.		
A	B	C	2. The plan must provide sufficient developable commercial, industrial, and residential land, and policies to address the current scarcity of affordable housing and prevent scarcity under a range of population growth scenarios.		
A	B		3. The plan must ensure efficient use of water and sewer services and focus development in those areas and discourage low density residential conversion of resource lands and open space.	See revised wording for Alt. C	
		C	3. The plan must ensure efficient use of water and sewer services and focus development in those areas.	Revised wording for Alt. C	

The last part of the section provides a preliminary environmental impact (CEQA) analysis of the alternatives. These impacts will also be discussed in the Environmental Impact Report (EIR) being prepared concurrently.