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Forestry Review Committee
November 27, 2007 Meeting Minutes

DATE: December 10, 2007

TO: Forestry Review Committee (FRC)

FROM: Martha Spencer, Planning Staff

SUBJECT: Draft Minutes for the Forestry Review Committee (FRC) Meeting of Wednesday November 27, 2007

I. Attendance

FRC Members Present: Yana Valachovic, Mark Andre, Steve Launi, Chris Carroll, Jim Able, Joe Fassler and Gary Rynearson.

Staff Present: Martha Spencer, Tom Hofweber and Michael Richardson (Planning).

II. Public Appearances: None

III. Approval of November 13, 2007 Meeting Minutes

Minutes should be modified to correct a statement made by Steve Launi on Page 1 of the FRC comments to change the word “parcels” to “**services**” and Mark Andre’s comments regarding parcels “less than 60 acres” should read “**160 acres**”. The reference from Committee Member Andre’s to the “100’ setback from Park lands” should include “**other TPZ parcels where there are timber activities**” also. There was also a clarification that the synopsis of FRC comments would be included in the minutes under V.B “summary of committee comments”. (Jim Able moved/Chris Carroll seconded with Joe Fassler abstaining - unanimous approval).

IV. New Business: None

V. Old Business:

A. General Plan Update – Continued discussion of the Draft Forest Resources Policies from August 8, 2007 meeting (Policy document distributed prior to June 14 FRC meeting)

Chairman Launi informed the audience that the public comment period had been closed during the June 27th meeting. At this time, it was not anticipated that it would be re-opened as the FRC needed time to discuss the issues and provide recommendations to the Planning Commission and Board of Supervisors. The Committee members continued the discussion (see attached

summary of committee comments) on the remaining policy guidance issues that were originally identified during the June 27th FRC meeting. These included:

- Compatible density in TPZ areas;
- Creation of new parcels; and
- Patent parcels.

Committee member Andre requested revision of a motion he made at the August 8, 2007 FRC meeting to read as follows:

*“Second units should be taken out of the list of permitted uses on ~~substandard~~ TPZ parcels **less than 160 acres**, and should be allowed only in the 3 acres converted already, or intended to be converted”.*

Motion by Mark Andre, second by Joe Fassler, passes with 4 ayes and 3 no's (Able, Carroll, Rynearson).

Discussion ensued on what was the appropriate parcel size in TPZ lands. The FRC took the following action:

The FRC recommends that 160 acres, or a quarter section, is the minimum TPZ parcel size, and allow subdivisions down to 40 acres 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”.

Motion by Gary Rynearson, seconded by Mark Andre. Motion passes with 5 Ayes, 2 no's – (Yana Valachovic and Joe Fassler)

Due to the late hour, the Committee members agreed to continue this item to Tuesday, December 18th at 7:00 pm in the Board of Supervisors or the Ag Extension Office, depending upon availability, to discuss rezoning of TPZ properties.

VI. Adjournment: Meeting adjourned at 10:23 pm.

Synopsis of Comments
Forest Resources Chapter Review
Forestry Review Committee Meeting November 27, 2007
Discussion on Item VA (General Plan Update Forest Policies)

Forestry Review Committee Questions and Comments and Staff Responses
Attendance: Steve Launi, Chris Carroll, Gary Rynearson, Mark Andre, Joe Fassler, Yana Valachovic, Jim Able
The last three remaining items for discussion include: Density, Creation of New Parcels & Patent Parcels
Staff guidance on Density, Patent Parcels and Creation of new parcels: 1. Density versus parcel size - They're different. Density refers to the number of housing units per acre, and parcel size refers to the amount of minimum acreage per parcel, without a necessary reference to the allowable housing units per parcel. It often gets confused that they are interchangeable. - We're talking about legal parcels, not tax parcels, correct? (yes) - Question about whether the FRC passed a motion about standards to allow for rezoning out of TPZ adjacent to community – (two members recalled this action) - Should we keep the minimum parcel size as 40 acres? - We're talking about subdivisions, right?
2. Patents – The state law sets the process for recognizing patents as legal lots and the issuances of Certificates of Compliance. Since the FRC has recommended the rescission of the merger ordinance, there really is no reason to discuss patents as it is already regulated by state and county ordinances. Gary Rynearson - The only time we get involved with a patent is when the patent breaks up an assessor parcel below 160 acres – a JTMP is required. We don't need to make a motion on this because it is out of our hands. (It was agreed that the members did not need a motion on patent parcels due to the previous motion on merger).
3. Creation of new parcels – The issue for consideration by the FRC is do we need to create more parcels under the subdivision regulations?
Committee Discussion
Staff: Density – there have already been motions adopted that guide the allowed density for second units. No second units on substandard parcels – (40 acres at this point). Should density be one unit per 20 – 160 acres? One unit per 40 – 160? It would be good to have this motion clarified. Yana Valachovic - Is density different in different parts of the County? Staff Response: there are areas where 1 unit per 20 acres is allowed by the Plan, and there are generalized findings that apply to the other areas that would allow one unit per 40 acres. What is a second unit? Staff Response: another residence on the same assessor's parcel. What's a substandard parcel? Staff Response: one way to look at it is: a substandard parcel is less than the zoning minimum (40 acre for TPZ); another way you could go is to say that a parcel that's less than 160 acre, without a JTMP, is substandard for the purpose of review of second units. Density is looked at on a per parcel basis, right? Staff Response: No, it's broader than that – you're looking at all the areas zoned TPZ.
Steve Launi - Suppose there was a person who actively manages their property for timber and wanted to burn slash on their TPZ parcel – and you're surrounded on 4 sides by residences on TPZ parcels, and you end up smoking them out? You get complaints and it makes it more difficult to manage for timber. Gary Rynearson – Why burn? You could deal with the slash some other way.

Steve Launi - Too expensive

Joe Fassler - That's one thing you've got to look at, but there are others – roads, bridges – as you allow development, you start creating potential for conflicting land use – increases cost of THP development, review, etc. It's more expensive.

Jim Able - Let's step back – what's the problem. We're supposed to make sure the timberlands are growing and harvesting timber. Historically, residences, barns, it's been going on for 100 years or better. 3 acres out of production, maybe less, we're not losing that much to production. Regulations are so difficult – maybe 9 of ten units get building permits – What's the problem? – The taxes are taken care of – we still have all the other acreage producing timber. We shouldn't duplicate or make more onerous than State or federal law.

Yana Valachovic - We've already got a position on reducing government constraints, right?

(Right). The issue isn't whether the land can produce trees; we can end up with 8 units per 160 acres with second units. When residential uses become the highest value and not growing trees, it should roll out of TPZ.

Gary Rynearson – we're not talking about illegal buildings here. We should take a strong stand to encourage compliance with development regulations.

Jim Able – Say you're want to buy 40 acres of TPZ and you want to put a house on it and follow all the regulations, you should get the tax benefit for managing for trees. Society gets the benefit of you not taking down the trees. The tax incentive helps pay the cost of increased property values and allows you to manage the trees and not harvest to pay these extra costs. If you don't get the reduced taxes, the market will force you to harvest prematurely. Why are we so worried about the house? The only way to eliminate the trees would be to develop a strip mall on it.

Joe Fassler- it erodes the timber base.

Mark Andre - It's a matter of chipping away at the forest. A house on 40 acres that's not stocked and not being managed for timber, why should they be rewarded for that? A second unit should only be allowed if it can meet certain performance standards. Why would we want to allow lots of residential development – more traffic, more schools, and not the tax base to support them?

Yana Valachovic – Do we evaluate whether they meet the guidelines/intent when they get a building permit? (No) We don't have anything that ensures people continue to use their property for timber production.

Gary Rynearson - We've already said we want to beef up the JTMP process to require that we have some follow up. We need to develop additional standards for this review process. People voluntarily went into TPZ with the understanding they could build a house (List B) – we shouldn't take that away from them.

Jim Able - TPZ is a zone that allows all the compatible uses equally.

Yana Valachovic - I don't read the law that way; the intent of the law provides that the predominant use is for the growing and harvesting of timber, not compatible uses.

Jim Able - Tax code allows compatible uses – is conversion of 3 acres of 40 acres going to be a problem?

BREAK

Steve Launi - Let's say I'm managing for timber production on my TPZ parcel, my neighbor (also zoned TPZ) wants to build his dream house. If I get notified about his development, and I say it's going to limit my ability to continue to harvest timber on my lot, do I have any say?

Staff Response: You do not get notified for a building permit for a house, (you might see the orange placard that they put up for the building inspector to find the property). If it's a second unit, a use permit would be required, you would be mailed a notice, and you could approach the Planning Commission with your concerns. We don't get involved in regulation of timber harvesting on TPZ lands.

Steve Launi - With a THP, we have to notify downstream owners 300' away, so they'd be able to influence my timber operation, but I couldn't say anything about a neighbor's house affecting my ability to harvest?

Mark Andre - Could we deal with parcel size? I'd say 160 acres is substandard for second units. If I were to make that motion again, I would preclude second residences on lots smaller than 160 acres. Where does the 3 acres come in? (The second unit needs to be within the 3 acres converted).

Mark Andre – I would like to amend my motion to address this.

Jim Able - Why are we doing this? What is the advantage of having second units within the 3 acre conversion area?

To keep more residences out of TPZ where they're not necessary.

Steve Launi - I'd like us to require that a person that builds a house can't come back and tell his neighbor he can't harvest timber – “proponent shall also warrant that increased density will not affect the timber harvesting ability of the parcel”.

Yana Valachovic – How do you measure that? Who gets to determine that it's not impacting your ability to harvest?

Jim Able - How do we define a second residence?

Staff Response: a residence has a kitchen in it, and everything else to make it a living unit.

Gary Ryneanson – Why do we care if we have 1 Or 2 in the 3 acre conversion area?

Mark Andre – I think it speaks to the principal land use and additional impacts. The number of people, the number of services demanded, increased traffic. We want larger parcels.

Joe Fassler - The point is there's going to be someone living there, and as you increase residences, you get more conflicts with timber uses. You add more people there, you have more conflicts. It's cumulative. There are areas that aren't being harvested because they're so difficult. Population of the State is increasing, and that's going to put pressure to use it for residential use.

Gary Ryneanson – “significantly inhibit”

Jim Able - I'm concerned about unintended consequences.

Steve Launi - We already have a motion. We would need to rescind it and pass another motion.

Mark Andre – move to clarify my motion (take out “substandard” and clarify this to parcels “less than 160 acres”)-

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Motion by Mark Andre, second by Joe Fassler, passes with 4 ayes and 3 nos (Able, Carroll, Ryneanson)

Can we tie it to a geographic area where there is more pressure for development?

It's a countywide issue, not tied to specific geographic areas – Mattole, Southern Humboldt, Right now we're talking about second units, not density.

Approval of Minutes -

Are we taking patent parcels off our list? (general agreement that they should)

Density –

Do we support 40 acres with a JTMP – 160?

Motion by Gary Ryneanson -

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Seconded by Mark Andre. Motion passes with 5 Ayes, 2 no's – (Yana Valachovic and Joe Fassler)

Steve Launi - The essence of our past two motions is one unit per 40 acres, right?

Staff Response: you've said one unit per 160 acres, and with a use permit, could have second units .

Criteria for zone amendments.

Motion by Gary Rynearson, “Support rezone out of TPZ when it’s in error, when it was inappropriate in 1973, and for the allowance of clustered housing”.

Why do we want to encourage people to rezone out of TPZ? The only advantage I see, is to make it easier to do something other than timber harvesting. Are you doing it for tax purposes?

Just to recognize there are some people caught in the middle.

Also, there are TPZ parcels in urban study areas that will need to be rezoned to promote the orderly development of communities.

Motion to adjourn to December 18th to discuss zone amendments. Consideration of objective standards for legal parcels for development of a home.