



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Hearing Date: May 2, 2019

To: Humboldt County Planning Commission

From: John H. Ford, Director of the Planning and Building Department

Subject: **Continued Public Hearing on the Zoning Text Amendments to Implement the General Plan**

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Please contact John Miller, Senior Planner, at 707-268-3721, or by email at jpmiller@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
March 21, 2019	General Plan Implementation Zone Text Amendments	John Miller

Project Description: Amendments to the Zoning Ordinance including New Zoning Districts and modifications to existing Zoning Districts to be consistent with the General Plan. Zoning Districts being reviewed at the May 2, 2019 meeting include:

1. Amending Section 314-7.1 "AE - Agriculture Exclusive Zone", to increase the minimum parcel size to 60 acres, allow the uses specified in the AE – Agricultural Exclusive General Plan designation, allow subdivisions to increase agricultural productivity, and to limit conversion of prime agricultural soils;
2. Amending Section 314-7.4 "TPZ - Timberland Production Zone" to allow the uses specified in the T – Timber Production General Plan designation;
3. Amending Section 314-17.1 The "B-1" Special Building Site Combining Zone to reduce the Building Site Area in the "B-1" Combining Zone from 8,000 square feet to 6,000 square feet.

Project Location: The proposed new and amended zoning regulations would apply throughout the non-coastal areas of unincorporated Humboldt County.

General Plan Land Use Designations: Various

Zoning Classifications: Various

Assessor Parcel Number: Various

Environmental Review: An addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, certified by the Board of Supervisors on October 23, 2017, has been prepared finding that there are no new impacts not previously evaluated as part of the General Plan that would be realized with adoption of the Text Amendments in accordance with Section 15168 (c)(2) and 15162 of the State CEQA Guidelines.

Major Issues: The proposed amendments have been developed to implement the General Plan. The issue is whether the changes adequately implement the General Plan.

State Appeal Status: The project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

ZONING TEXT AMENDMENTS TO IMPLEMENT THE GENERAL PLAN

Case Numbers N/A

Assessor's Parcel Number (APN): Various

Recommended Commission Action

1. Describe the zoning text amendments as a Public Hearing;
2. Request staff to present the project;
3. Open the public hearing and receive public testimony; and
4. Close the public hearing, deliberate on the proposed zoning text amendments;
5. Make the following motion to recommend approval of the zoning text amendments to the Board of Supervisors:

Consider the Addendum and the Environmental Impact Report for the Humboldt County General Plan and find that there are no new impacts not previously addressed in accordance with CEQA Guidelines 15162; make all of the required findings for approval based on evidence in the staff report and public testimony; and adopt the attached Resolution recommending adoption of the zoning text amendments to the Board of Supervisors to implement the General Plan, subject to any recommended modifications.

Executive Summary

The ultimate objective of these amendments are to achieve consistency of the Zoning Regulations with the 2017 Humboldt County General Plan, as required by the state Planning Law, Government Code section 65860 (a). The Environmental Impact Report (EIR) prepared for the General Plan requires and envisions amendments to the Zoning Regulations to implement the General Plan and achieve consistency between the Zoning Ordinance and General Plan. Implementation Measure GP-IM6 Zoning Consistency, in the Growth Planning Section of the Land Use Element requires the County to revise the Zoning Regulations to achieve consistency with the policies of the General Plan. These amendments do that by adding Principal and Combining Zones and amending existing zones to the Inland Zoning Ordinance, to be consistent with the General Plan.

At the meeting on March 21, 2019 the Planning Commission decided to continue its review of the Zoning text changes in three groups. This is the last of the proposed zoning text amendments to be reviewed by the Commission.

Following is a summary of the recommended amendments. Attachment 4 of the Resolution contains the proposed text amendments themselves.

AE - Agriculture Exclusive Zone. Amend Section 314-7.1 "AE - Agriculture Exclusive Zone" to include allowable uses specified in Land Use Element Table 4-G (Allowable Use Types for Resource Production Land Use Designations) and to implement key policies from the Agricultural Resources Section of the Land Use Element, such as to establish criteria for no net loss of ag lands and minimization of the footprint of buildings and impermeable surfaces on prime ag soils, to change the minimum lot size from 20 acres to 60 acres, and to provide an exception to the minimum parcel size for planned agricultural land for the purposes of historic preservation.

TPZ - Timberland Production Zone. Amend Section 314-7.4 "TPZ - Timberland Production Zone" to include allowable uses from Land Use Element Table 4-G and to implement key policies from the Forest Resources Section of the Land Use Element, such as requirements for secondary residential units.

B-1 (Special Building Site). Amend the "B" Special Building Site Combining Zone to change the minimum building site requirements from 8,000 square feet to 6,000 square feet. The "B-1" designation is currently applied to one Assessor's Parcel owned by Humboldt County and part of the Arcata-Eureka Airport. In the Eureka Community Plan Area, an asterisk ("*") is applied to parcel records for residentially zoned property (R-1, R-2, R-3, and R-4) to indicate that the minimum lot area is 6,000 square feet. There is no reference to this notation in the zoning regulations, only on the official Zoning Map. This action would clarify the Zoning standards in the Eureka Community Plan area and elsewhere for the public and planners.

Public Outreach and Comment on the Proposed Zoning Text Amendments

At the direction of the Board of Supervisors, Planning staff held a series of workshops to present, discuss, and gather public input on the proposed zoning text amendments:

- Farm Bureau (January 24)
- Williamson Act Advisory Committee (January 30)
- Northcoast Environmental Center, BayKeeper, Friends of the Eel River, Coalition for Responsible Transportation Priorities (February 5)
- Humboldt Association of Realtors (February 5)
- Southern Humboldt Public Workshop – Redway (February 5)
- Freshwater Public Workshop (February 6)
- Westhaven/Trinidad Public Workshop – Westhaven (February 7)
- Jacoby Creek Public Workshop – Bayside (February 11)
- Willow Creek Public Workshop (March 6)
- Forestry Review Committee (April 11)

The Forestry Review Committee (FRC) reviewed the proposed zoning text amendments at their meeting on April 11th. Proposed amendments relating to the AE – Agriculture Exclusive, and TPZ – Timber Production Zones are directly related to the mission of the FRC. The public comments are all presented in Attachment 5.

Planning Commission Alternatives

The public comments in Attachment 5 include alternatives for the Planning Commission to consider. In addition, some of the comments at the public workshops expressed concern about allowing new single family residential development in rural areas adjacent to timberlands creating potential fire hazard issues and conflicts with continued timber operations in these areas.

These concerns could be addressed by adding performance measures to the General Provisions section of the zoning ordinance that require additional findings be made for approval of compatible, non-timber related uses adjacent to the AE – Agriculture Exclusive, TE – Timberland Exclusive, TPZ – Timber Production Zone, and the FR – Forestry Recreation zone. In other jurisdictions such as El Dorado County, the supplemental findings include:

- The proposed use is compatible with and will not detract from the land's ability to produce timber; and
- Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities; The ultimate objective of these amendments are to achieve consistency of the Zoning Regulations with the 2017 Humboldt County General Plan, as required by the state Planning Law, Government Code section 65860 (a). The Environmental Impact Report (EIR) prepared for the General Plan requires and envisions amendments to the

Zoning Regulations to implement the General Plan and achieve consistency between the Zoning Ordinance and General Plan. Implementation Measure GP-IM6 Zoning Consistency, in the Growth Planning Section of the Land Use Element requires the County to revise the Zoning Regulations to achieve consistency with the policies of the General Plan. These amendments do that by adding Principal and Combining Zones and amending existing zones to the Inland Zoning Ordinance, to be consistent with the General Plan.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Zoning Text Amendments
to Implement the General Plan**

Makes the required findings for certifying compliance with the California Environmental Quality Act and approves the Zoning Text Amendments to Implement the Humboldt County General Plan.

WHEREAS, Humboldt County initiated zoning text amendments to Implement Humboldt County General Plan Land Use Element Implementation Measure GP-IM6. Zoning Consistency, which directs the County to, within two years after the adoption of the General Plan Update, revise the Zoning Regulations to establish zoning consistency with the policies of the General Plan and General Plan Land Use Map; and

WHEREAS, amendments to the Zoning Regulations were developed to achieve consistency with the applicable General Plan Land Use Designation, Table 4-H Zoning Consistency Matrix and Chapter 10 – the Conservation and Open Space Element; and

WHEREAS, the proposed zoning text amendments may be approved if findings can be made that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; and (3) the amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law;

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Programmatic Environmental Impact Report (PEIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, was certified by the Board of Supervisors on October 23, 2017. The recommended amendments to the Zoning Regulations were considered in discussions of the PEIR as required by Section 15074(b) of the CEQA Guidelines; and

WHEREAS, The PEIR Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies updating the Zoning Code in a manner consistent with the General Plan as a key implementing action; and

WHEREAS, Attachment 1 to this resolution includes substantial evidence in support of making all the required findings for approving the proposed amendments to the zoning text; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 2, 2019.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings are hereby made:

1. The Planning Commission has considered the Addendum to the PEIR in Attachment 2 of this Resolution, and the PEIR in Attachment 3 of this Resolution and finds there is no substantial evidence that the proposed amendments to the zoning text to Implement the General Plan in Attachment 4 of this Resolution will have a significant effect on the environment not already considered in the EIR for the General Plan and no new mitigation measures are necessary; and
2. The proposed amendments to the zoning text to implement the General Plan are in the public interest; and
3. The proposed amendments to the zoning text to implement the General Plan are consistent with the General Plan; and
4. The proposed amendments to the zoning text do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
5. The Planning Commission makes the findings in Attachment 1 and Attachment 2 to this resolution, which are incorporated fully herein, based on the evidence provided.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Consider the Addendum and the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, certified by the Board of Supervisors on October 23, 2017 (Attachments 2 and 3). Find that it is sufficient for adoption of the Zoning text amendments based on the evidence provided in the Addendum; and
3. Adopt the ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 4 of this Resolution and summarized as follows:

Existing zoning text is proposed to be amended to be consistent with the Plan. These changes include amendments to

(a) Section 314-7.1 "AE - Agriculture Exclusive Zone",

(b) Section 314-7.4 "TPZ - Timberland Production Zone",

4. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on _____, 2019.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: Commissioners:
NOES: Commissioners:

ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

ATTACHMENT 1

Evidence Supporting the Required Findings

A. Zone Ordinance Amendments Required Findings: Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve amendments to the Zoning Ordinance. The required findings are as follows:

1. The proposed change is in the public interest; and
2. The proposed change is consistent with the General Plan; and
3. The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law unless the following written findings are made supported by substantial evidence:
 - a. The reduction is consistent with the adopted general plan, including the housing element, and
 - b. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and
 - c. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

In addition, the following sections of the California Environmental Quality Act (CEQA) apply:

4. CEQA requires that subsequent activities in a program must be examined in the light of the Program Environmental Impact Report (PEIR) to determine whether an additional environmental document must be prepared. If an agency finds that pursuant to Section 15162 of CEQA, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

1. Public Interest: The following table identifies the evidence which supports finding that the proposed zoning text amendments are in the public interest.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§312-50 of Humboldt County Code	The proposed zone reclassification is in the public interest	The text amendments are designed to achieve consistency between the General Plan and the Zoning Regulations. The amendments to the Zoning Regulations add new and amend existing Principal and Combining Zones as specified in the General Plan. It is in the public interest to have the Zoning Ordinance consistent with the General Plan because it is required by state law (Government Code section 65860 (a)) and the public benefits with there is clarity and consistency between policy and ordinance provisions. This provides for the orderly development of land and protection of important resources. This project is in the public interest because it achieves consistency between the General Plan and the Zoning Regulations.

2. General Plan Consistency

The following table identifies the evidence that supports the finding that the proposed zoning text amendments are in conformance with other applicable policies and standards of the Humboldt County General Plan.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	Land Use Designations Table 4-H. Zoning Consistency Matrix	The proposed zoning ordinance amendments are written to implement General Plan policies for the AE- Agriculture Exclusive and T – Timber Production General Plan designations.

3. The zoning text amendments do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Chapter 8, Housing Element, of the Humboldt County General Plan requires the County to accommodate its Regional Housing Need Allocation. During the process of General Plan adoption, a rigorous analysis of General Plan consistency was performed, including an analysis of consistency between the Land Use Element and Land Use Maps and the Housing Element, where the General Plan was found to not reduce the residential density for any parcel below that utilized

by the Department of Housing and Community Development in determining compliance with housing element law. As the proposed zoning text amendments are necessary to implement the General Plan, the proposed amendments will likewise not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

4. Environmental Review.

The Addendum to the PEIR for the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, certified by the Board of Supervisors on October 23, 2017 (Attachment 2 of this Resolution), identifies that the EIR is sufficient for adoption of the zoning ordinance amendments in Attachment 4 of this Resolution in accordance with Section 15168 (c)(2) and 15162 of the State CEQA. The amendments to the Zoning Regulations were included in discussions of the PEIR, as required by Section 15074(b) of the CEQA Guidelines, and there is no substantial evidence that the proposed project will have a significant effect on the environment and no additional mitigation measures are necessary for the proposed zoning ordinance amendments.

ATTACHMENT 2

Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan (State Clearinghouse No. 2007012089)

Project Description – The project involves the amendments to the Zoning Regulations shown in Attachment 4 of this Resolution to establish new Principal and Combining Zones and to amend existing Principal and Combining Zones specifically called out in General Plan policies and standards. They are summarized as follows:

- **AE - Agriculture Exclusive Zone.** Amend Section 314-7.1 “AE - Agriculture Exclusive Zone” to include allowable uses specified in Land Use Element Table 4-G (Allowable Use Types for Resource Production Land Use Designations) and to implement key policies from the Agricultural Resources Section of the Land Use Element, such as to require no net loss of ag lands and minimize the development of buildings and impermeable surfaces on prime ag soils, to change the minimum lot size from 20 acres to 60 acres, and to provide an exception to the minimum parcel size for planned agricultural land may be made for the purposes of historic preservation.
- **TPZ - Timberland Production Zone.** Amend Section 314-7.4 “TPZ - Timberland Production Zone” to include allowable uses from Land Use Element Table 4-G and to implement key policies from the Forest Resources Section of the Land Use Element, such as requirements for secondary residential unit construction.
- **B-1 Building Site Combining Zone.** Amend Section 314-17.1 The “B-1” Special Building Site Combining Zone to reduce the Building Site Area in the “B-1” Combining Zone from 8,000 square feet to 6,000 square feet

Description of the Program EIR

An Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089 was certified by the Board of Supervisors on October 23, 2017 (Attachment 3 of this Resolution). The PEIR requires and envisions amendments to the Zoning Regulations to implement the General Plan and achieve consistency between the Zoning Ordinance and General Plan in several ways:

- On page 1-2 the PEIR states, “Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance...”
- On page 2-16 the PEIR describes the Land Use Element of the General Plan in this way, “The Land Use Element provides for the distribution, location and extent of uses of land for housing, business, industry, natural resources, open space, recreation, and other uses. The Element guides patterns of development for the county, providing a long-range context for decisions made regarding zoning...”
- On page 2-22 the PEIR describes the Safety Element, “This Element identifies hazards and hazard abatement provisions to guide local decisions related to zoning...”
- On page 2-26 the PEIR states, “Following adoption of the plan, the Implementation Action Plan will be carried out. Key implementing actions include updating the Zoning Code...”

- On page 3.1-2 the PEIR states, “zoning regulations serve as the primary implementation tool for the general plan, and must be consistent with the general plan...”
- On page 3.1-4 the PEIR states, “When a general plan amendment creates inconsistency with zoning regulations, the zoning regulations must be changed to re-establish consistency...”
- On page 3.1-12, the PEIR states:

“Amendments to the Zoning Regulations will be necessary to implement the General Plan Update and ensure continuing consistency between to two documents. Examples of required amendments include:

- Changes to Streamside Management Area regulations specified in BR-S5, Streamside Management Area Defined, which will require amendments to Streamside Management Area Regulations contained in Title 3, Division 1 of the County Code, addressed in Conservation and Open Space Element Implementation Measure BR-IMx4, Modifications to the Streamside Management Area Ordinance.
 - Establishment of mixed use zoning as directed by the Land Use Element, Urban Lands Policy UL-P6, Mixed Use Zoning, would implement the Mixed Use “MU” plan designation set forth in General Plan Update Section 4.8 and applied in various areas around the County.”
- Page 3.1-17 of the PEIR includes a mitigation measure directing changes made to the zoning ordinance:

“Mitigation Measure 3.1.3.2.a. Add the following implementation measure to the Growth Planning section of the Land Use Element to reduce potential impacts related to conflict between the General Plan Update and applicable land use regulations:

Implementation Measure GP-IMX, Zoning Consistency. *Within two years after the adoption of the General Plan Update, revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and amend the Zoning Map to achieve consistency with the General Plan Land Use Map.”*

Evidence of Consistency with CEQA

Section 15162(c) of the CEQA Guidelines provides that when a PEIR has been prepared and certified, “(s)ubsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.” If a later activity would have effects that were not examined in the program EIR, subsequent environmental review would be required. Also, if new effects could occur or new mitigation measures would be necessary, subsequent environmental review would be required. The following paragraphs describe how the proposed zoning ordinance amendments are within the scope of the project covered by the PEIR in Attachment 3 of this Resolution, will involve no new effects and will require no new mitigation other than what was included in the PEIR.

1. The Humboldt County General Plan, through Land Use Element, Growth Planning Implementation Measure GP-IM6. Zoning Consistency, anticipates the need to revise the Zoning Map and Zoning Regulations and directs the County, within two years after the adoption of the General Plan Update, to revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and to achieve consistency with

the General Plan Land Use Map.

2. Program EIR Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies that following adoption of the General Plan Update, the General Plan Implementation Action Plan will be carried out. Key implementing actions include updating the Zoning Code. Program EIR Section Chapter 3.1 Land Use, Housing and Population, Impact 3.1.3.2: Conflict with Applicable Land Use Plans, Policies or Regulations, analyzes potential conflict with any applicable land use plan, policy, or regulation, including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance and found that impacts would be less than significant upon the implementation of a mitigation measure to revise the Zoning Regulations for zoning consistency.
3. In addition to serving as the environmental document for the approval of the General Plan Update, the Program EIR was intended by the County to serve as the basis for compliance with CEQA for future actions to implement the General Plan Update, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.
4. The Program EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the General Plan Update. In addition, the Program EIR identified significant and unavoidable impacts with regard to agricultural and timber resources, utilities and services systems, transportation, hazards and hazardous materials, geology and soils, hydrology and water quality, air quality, greenhouse gas emissions, cultural resources, scenic resources, and energy consumption and conservation.
5. On October 23, 2017, the Board of Supervisors made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the Program EIR and adopted the General Plan.
6. The County has analyzed the proposed new and amended Zone Districts pursuant to Public Resources Code Section 21094(c) and Section 15168(c)(2) of the CEQA Guidelines to determine if the Project may cause significant effects on the environment that were not examined in the Program EIR and whether the Project is within the scope of the Program EIR.
7. The proposed zoning ordinance amendments will not result in additional environmental effects that were not adequately examined in Program EIR. As documented in Attachment 1 of this Resolution, Evidence Supporting the Required Findings, the Project will not increase the severity of, significant environmental impacts previously identified in the Program EIR.
8. For the reasons discussed in Attachment 1, Evidence Supporting the Required Findings, the proposed new and amended Zone Districts is consistent with the General Plan.
9. In accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) of the CEQA Guidelines, none of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Project:
 - a. The Project does not include any changes in the General Plan and no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken consistent with the General Plan Update, so the Program EIR

does not require any revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

- b. No new information of substantial importance, which was not known and could not have been known at the time that the Program EIR was certified as complete, shows that the Project would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the Program EIR, that mitigation measures or alternatives found infeasible in the Program EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the Program EIR would substantially reduce one or more significant environmental impacts found in the Program EIR.
10. All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the Program EIR mitigation measures adopted in connection with the Board of Supervisor's approval of the Program EIR. All Program EIR mitigation measures applicable to the Project are incorporated into the proposed zoning ordinance amendments.
 11. In accordance with Public Resources Code Section 21094(d), any significant and unavoidable impacts of the Project with regard to agricultural and timber resources, utilities and services systems, transportation, hazards and hazardous materials, geology and soils, hydrology and water quality, air quality, greenhouse gas emissions, cultural resources, scenic resources, and energy consumption and conservation are outweighed by overriding considerations as set forth in the Program EIR and in the Findings adopted by the Board of Supervisors in connection with the approval of the Program EIR, as incorporated by reference and reaffirmed herein.
 12. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Project is consistent with the General Plan Update, falls within the environmental parameters analyzed in the Program EIR, and would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the Program EIR, nor would new mitigation be required for the Project.

The Planning and Building Department, is the custodian of the records of the proceedings on which this decision is based. The records are located at the Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501.

ATTACHMENT 3

Program EIR for the Humboldt County General Plan,
State Clearinghouse No. 2007012089

The Program EIR for the 2017 General Plan may be accessed at the following link:
<https://humboldt.gov.org/626/Draft-Environmental-Impact-Report-EIR>

ATTACHMENT 4

Proposed Zoning Text Amendments

**Proposed Amendment to “B-1 Special Building Site Combining Zone”
(modified text)**

314-17 “B” COMBINING ZONE DESIGNATIONS.

314-17.1 B - SPECIAL BUILDING SITE.

The Special Building Site Combining or B Zones and subzones thereunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. The following regulations shall apply in any zone which is combined with a Special Building Site Combining or B Zone in lieu of the lot area and yard requirements normally applicable in such principal zone.

314-17.1 SPECIAL BUILDING SITE COMBINING ZONE	
DESIGNATION	BUILDING SITE AREA
B-1	6,000 square feet 8,000 square feet
B-2	10,000 square feet
B-3	20,000 square feet
B-4	One (1) acre
B-5	As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.
B-6	Building site area as shown on subdivision maps of record. Front, side and rear yards to be not less than B-4 requirements unless otherwise indicated on the subdivision map of record.
B-7	Minimum lot size specified by B-7(x) on the zoning maps, where "x" indicates the minimum lot size, and where the subdivision of any parcel results in a density consistent with the General Plan. As part of the subdivision action, a rezone to the appropriate B-7 parcel size designation shall be required, and, as necessary, other enforceable restrictions where necessary to maintain consistency with the General Plan shall also be required. See the following examples of the application of this section.

Proposed Amendment to “AE – Agriculture Exclusive Zone” (modified text)

314-7.1 AE: AGRICULTURE EXCLUSIVE ZONE

The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture Exclusive or AE Zones.

314-7.1 AE: AGRICULTURE EXCLUSIVE	
Principal Permitted Uses	
All general agricultural uses, including accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures), except those specified in the following subsection, Uses Permitted with a Use Permit. (Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)	
<u>Timber Production</u>	
<u>Single Family Residence (Table 4-G)</u>	
<u>Second Residential Unit Farm dwellings. On lots 40 acres or larger in size, two single detached dwellings are permitted within the same contiguous two (2) acre building envelope containing the primary residence (Table 4-G)</u>	
<u>Manufactured homes used as farm dwellings.</u>	
Uses Permitted with a Use Permit	
Hog farms, turkey farms, frog farms and fur farms.	
<u>Aquaculture (Table 4-G)</u>	
Animal feed yards and sales yards.	
Agricultural and timber products processing plants.	
<u>Agriculture-Related Recreation, Resource-Related Recreation (Table 4-G)</u>	
<u>Agriculture-Related Visitor-Serving: cheese factories and sales rooms, wineries and wine tasting and sales rooms, produce sales, etc., which do not change the character of the principal use. (Table 4-G)</u>	
<u>Public Recreation and Public Access Facilities (Table 4-G)</u>	
Rental and sales of irrigation equipment and storage incidental thereto.	
Animal hospitals.	
<u>Stables and Kennels (Table 4-G)</u>	
<u>Farm Employee Housing, Labor camps and labor supply camps. (Table 4-G)</u>	
<u>Fish and Wildlife Habitat Management, Watershed Management, Wetland Restoration (Table 4-G)</u>	
<u>Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities. (Table 4-G)</u>	
<u>Metallic Mining, Surface Mining (Table 4-G)</u>	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.	
Other Regulations	
No Subdivisions	<u>No subdivisions or residential developments, whether by may only be approved by official map, record of survey or recorded subdivision, for the managed production of resources, where parcels are subject to a binding and recorded restriction prohibiting the development of a residential structures or residential accessory structures shall be permitted in Agriculture Exclusive or AE Zones.</u>

<p>Agricultural Land Conversion</p>	<p>Conditionally Permitted Uses that would convert zoned Agriculture Exclusive or AE Zone land to non-agricultural uses shall not be approved unless the Planning Commission makes the following findings:</p> <p>A. There are no feasible alternatives that would prevent or minimize conversion;</p> <p>B. The facts support an overriding public interest in the conversion; and</p> <p>C. For lands outside of designated Urban Development Boundaries, sufficient off-setting mitigation has been provided to prevent a net reduction in the agricultural land base and agricultural production. This requirement shall be known as the “No Net Loss” agricultural lands policy. “No Net Loss” mitigation is limited to one or more of the following:</p> <ol style="list-style-type: none"> 1. Re-planning of vacant agricultural lands from a non-agricultural land use designation to an agricultural plan designation along with the recordation of a permanent conservation easement on this land for continued agricultural use; or 2. The retirement of non-agricultural uses on lands planned for agriculture and recordation of a permanent conservation easement on this land for continued agricultural use; or 3. Financial contribution to an agricultural land fund in an amount sufficient to fully offset the agricultural land conversion for those uses enumerated in subsections a and b. The operational details of the land fund, including the process for setting the amount of the financial contribution, shall be established by ordinance. (AG-P6. Agricultural Land Conversion - No Net Loss; AG-IM4. No Net Loss of Prime Agricultural Lands)
<p>Conversion of Prime Agricultural Land</p>	<p>Development on Agriculture Exclusive or AE Zone land shall be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or non-agricultural uses on land as defined in Government Code Section 51201(c) 1- 5 as prime agricultural lands. (AG-P16. Protect Productive Agricultural Soils)</p> <p>Except for the construction of the primary single family residence or a second residence within the same contiguous two (2) acres building envelope containing the existing primary residence, Prime Agricultural Land lands shall not be converted without provisions for mitigation offsets, as specified in the No Net Loss” agricultural lands policy above.</p>
<p>Minimum Lot Area</p>	<p>Sixty Twenty (620) acres. (AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands.)</p> <p>Exceptions to the minimum parcel size for the purpose of historic preservation, may be approved, where the following findings are made:</p> <p>A. The site or structure qualifies and is included on a local, state or federal historic registry; and,</p> <p>B. The viability of continued agricultural operations is not inhibited, and;</p> <p>C. No additional density beyond what would be permitted as part of the existing agricultural operations is created.</p>
<p>Minimum Lot Width</p>	<p>One hundred feet (100’).</p>
<p>Maximum Lot Depth</p>	<p>(None specified.)</p>

Minimum Yard Setbacks*	
Front	Thirty feet (30');
Rear	Twenty feet (20');
Side	Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.
Farm Outbuildings	Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.
Maximum Ground Coverage	Thirty five percent (35 %). Two acres maximum (Table 4-G)
Maximum Building Height	(None specified.)

Proposed Amendment to “TPZ – Timberland Production Zone” (modified text)

314-7.4 TPZ: TIMBERLAND PRODUCTION ZONE

The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. (Former Section INL#314-10; and INL#314-11; Ord. 1099 Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88; Amended by Ord. 1907, Sec. 1, 8/21/90; Amended by Ord. 2166, Sec. 11, 4/7/98; Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

314-7.4	TPZ: TIMBERLAND PRODUCTION
Principal Permitted Uses	
Growing and harvesting of timber and accessory uses compatible thereto.	
Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures). (Added by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)	
Principal Permitted Uses Compatible with Timber Production	
The following accessory uses are deemed to be compatible with the growing and harvesting of timber provided they do not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber: (Former Section INL#314-11)	
Management for watershed and wetland restoration . (Table 4-G)	
Management for fish and wildlife habitat.	
A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of “processing”).	
The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.	
Grazing and other agricultural uses.	
One-family dwelling or manufactured home and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences.	
Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.	
Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing. (Former Section INL#314-11(h); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 2, 8/21/90)	
Uses Permitted with a Use Permit	
Note: Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. (Former Section INL#314-10(b)(1-2); Ord. 1099, Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88, Amended by Ord. 1907, Sec. 1, 8/21/90, Amended by Ord. 2166, Sec. 11, 4/7/98)	
Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.	
Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities. (Table 4-G)	
Oil & Gas Drilling & Processing, Metallic Mining, Surface Mining . (Table 4-G)	
Public Recreation and Public Access Facilities . (Table 4-G)	
Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses. (Amended by Ord. 2166, Sec. 11, 4/7/98)	
Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use. . (Table 4-G)	

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.

7.4.1 **Other TPZ Regulations.**

7.4.1.1 Provisions of Article 1 "General Provisions" (Section 51100); Article 2 "Establishment of Timberland Production Zone" (Subsections 51110 and 51119.5); Article 3 "Rezoning" (Subsection 51120 and 51121); Article 4 "Immediate Rezoning" (Subsection 51130-51134); and Article 5 "Removal from Zone" (Subsection 51140-51146) of the Government Code of the State of California as it now reads, or may be hereafter amended, shall apply. (Former Section INL#314-12(a); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 3, 8/21/90)

7.4.1.2 An owner of real property may petition the Board of Supervisors to zone land as Timberland Production or TPZ Zone. The Board, by ordinance, after the recommendation of the Planning Commission pursuant to Section 51110.2 of the Government Code, and after public hearing, shall zone as a Timberland Production or TPZ Zone all parcels submitted to it by petition pursuant to Section 51113 which meet all of the following criteria: (Former Section INL#314-12(b))

7.4.1.2.1 A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned Timberland Production or TPZ Zone. (Former Section INL#314-12(b)(1))

7.4.1.2.2 A plan (or a timber management guide) for forest management of the property must be prepared or approved as to content by a registered forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the prepared of the plan. (Former Section INL#314-12(b)(2))

7.4.1.2.3 The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the state Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. The agreement shall provide that if the parcel is subsequently zoned as Timberland Production or TPZ and fails to meet the stocking standards and forest practice rules within the time period, the Board of Supervisors shall rezone the parcel to another zone pursuant to Section 51113(c)(3) or 51121 of the Government Code. (Former Section INL#314-12(b)(3))

7.4.1.2.4 The land to be rezoned Timberland Production or TPZ shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single parcel or a unit of contiguous parcels as defined in Section 51104 of the Government Code, which is eighty (80) acres or one-half of one-quarter section in size or larger.

(Former Section INL#314-12(b)(4))

7.4.1.2.5 The land to be included in the Timberland Production or TPZ Zone shall be timberland as defined by Section 51104(f) of the Government Code. (Former Section INL#314-12(b)(5); Ord. 1126, Sec. 1, 3/12/77; Amended by Ord. 1907, Sec. 3, 8/21/90)

7.4.1.2.6 The land shall be in compliance with the land use standards of the Timberland Production or TPZ Zone. (Former Section INL#314-12(b)(6))

7.4.1.3 Minimum parcel size:

7.4.1.3.1 160 acres; or (Former Section INL#314-12(c)(1))

7.4.1.3.2 40 acres if the provisions of Government Code Section 51119.5 are met. (Former Section INL#314-12(c)(2))

7.4.1.4 Special Subdivision Provisions For Mixed Zone Parcels. Parcels containing Timberland Production or TPZ zoned land may be subdivided below the minimum parcel size allowed pursuant to subsection 314-7.4.1.3 where TPZ zoned land of a smaller size already exists and all of the following requirements are satisfied: (Former Section INL#314-12(d))

7.4.1.4.1 TPZ zoned land within the parcel is not being divided or separated by the subdivision; and (Former Section INL#314-12(d)(1))

7.4.1.4.2 Adequate access is available for timber management for the TPZ zoned land; and (Former Section INL#314-12(d)(2))

7.4.1.4.3 A timber management guide for the TPZ zoned land approved by the County Forestry Review Committee has been submitted for the subdivision; provided, however, that such a timber management guide shall not be required if the subdivision is restricted to prohibit residential or other development from the TPZ portion of the parcel; and (Former Section INL#314-12(d)(3))

7.4.1.4.4 The subdivision meets all other regulatory requirements applicable to subdivisions; and (Former Section INL#314-12(d)(4))

7.4.1.4.5 The parcel in which the TPZ zoned land will be contained is no smaller than the minimum parcel size for the adjacent non-TPZ portion of the parcel. (Former Section INL#314-12(d)(5))

7.4.1.5 Minimum yard setbacks*: (Former Section INL#314-12(e)(1-4))

7.4.1.5.1 Front: Twenty (20) feet;

7.4.1.5.2 Side: Thirty (30) feet;

7.4.1.5.3 Rear: Thirty (30) feet;

7.4.1.5.4 For Flag Lots, the Director, in consultation with the Public Works Department, shall establish, in addition to a required minimum front yard setback, the minimum yard that is required for a vehicular turn around on the parcel.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1: “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

7.4.1.6 Special Restrictions Regarding Residences.

7.4.1.6.1 The total residential density shall not exceed one (1) dwelling unit per ~~forty~~ ~~twenty~~ (420) acres. (Former Section INL#314-12(f)(1))

7.4.1.6.2 Second Residential Units may be permitted on parcels greater than 160 acres, and on parcels less than 160 acres only in the area already converted, intended to be converted, or that does not meet the definition of timberlands.

7.4.1.6.3~~2~~ Parcels smaller than forty (40) acres shall not have second or secondary dwelling units, unless located within a Community Planning Area. (Former Section INL#314-12(f)(2))

7.4.1.6.4~~3~~ Residences and the associated accessory structures and uses shall not exceed two (2) acres per parcel. (Former Section INL#314-12(f)(3))

Attachment 5
Public Comments

Zoning Ordinance Amendments for Consistency with the General Plan Comments from the Community/Agency/Advocacy Group Meetings

NEC/BayKeeper/Friends of the Eel River, Coalition for Responsible Transportation 2-5-2019 [Larry Glass, Jennifer Kalt, Stephanie Tidwell, Colin Fiske]

- Make a matrix of zones that shows the total acres for each
- Look at State TPZ law to ensure that we are applying the correct minimum parcel size
- Add a requirement like B-5(160) to TPZ

Forestry Review Committee Meeting 4-11-2019

The Forestry Review Committee (FRC) met on April 11 to discuss the proposed text changes, especially those related to Group 1 – Land Use Element/Agricultural and Forest Resources (proposed new TE – Timberland Exclusive and PRD – Planned Rural Development, and amendments to AE - Agriculture Exclusive Zone and TPZ - Timberland Production Zone). The FRC also provided comments relating the MU2 - Mixed Use (Rural), the Streamside Management Area and Wetlands regulations (SMAW). The following is a staff summary of the comments from FRC members and a transcription of the action taken by the FRC.

- Regarding the proposed MU2 - Mixed Use (Rural) Zone, FRC members suggested that timber production/timber products processing related uses should be more prominent.
- The FRC briefly discussed the new “RR - Railroad Rights-of-Way Protection” and “MR - Mineral Resources” Combining Zones. Members of the FRC stated that the NCRA rights of way are held in various ways and asked how the RR Combining Zone would be applied if the ROW were to no longer exist. Members of the FRC also asked how the RR Combining Zone would affect the use of the underlying property by the landowners.
- Regarding the proposed amendments to the SMAW regulations:
 - On a motion by Gary Rynearson and seconded by Chris Carroll, the FRC recommends (in a 5-0 vote) that Section 314-61.1.4.6, which relates to the applicability of the SMAW regulations, be amended as follows:

61.1.4.6 Timber harvest and management activities when ~~approved and~~ carried out consistent with the California Forest Practices Act (Z'berg-Nejedly Forest Practice Act of 1973, Public Resources Code Section 4511 and following). Activities which are not exempt from the local regulation pursuant to Public Resources Code Section 4516.5(f) are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.
 - The FRC designated their Chair to work with Planning and Building staff to review Section 314-61.1.9.2.2, under the “Development Allowed” within the SMA, to ensure the reference to Public Resources Code Section 4516.5(d) is appropriate. Staff intends to provide any additional changes relating to 61.1.9.2.2 to the Board of Supervisors as a supplemental item.
- The FRC expressed support for the PRD – Planned Rural Development Combining Zone. During its discussion of this proposed new Combining Zone, members of the FRC sought clarification of the requirement that “95% of subject lands are protected though a

conservation easement or equivalent protection.” These concerns were resolved after a discussion with staff to the FRC.

- Regarding the proposed amendments to AE - Agriculture Exclusive Zone, FRC members suggested that timber production/timber products processing related uses should be more prominent.
- Regarding the proposed amendments to TPZ - Timberland Production Zone:
 - The FRC identified potential internal inconsistencies in Section 314-7.4.1.6, Special Restrictions Regarding Residences, were identified. Section 7.4.1.6.32 would allow secondary dwelling units on parcels smaller than forty (40) acres if located within a Community Planning Area, when Section 7.4.1.6.1 specifies that the total residential density shall not exceed one (1) dwelling unit per forty (40) acres. Staff intends to provide any additional changes relating to 7.4.1.6 as a supplemental item.
 - The FRC requested that “Principal Permitted Uses Compatible with Timber Production” relating to “recreational uses” be amended as follows:

“Recreational use of the land by the public, with or without charge, ~~for any of~~ including but not limited to the following: walking, hiking, mountain biking, horseback riding, picnicking, swimming, boating, fishing, hunting and skiing.”
 - Regarding Section 7.4.1.5, Minimum yard setbacks, the FRC felt that rear yard setbacks of thirty (30) feet were not adequate and discussed a range of potential setback distances from 50 to 200 feet without voting on a particular distance. One or more FRC members suggested that “further is better”.
- Relating to the proposed new TE – Timberland Exclusive Zone, the FRC asked why a new zone is needed and why the AE - Agriculture Exclusive Zone, or another existing zone, is not applied instead. Long Range Planning staff stated that the “AE – Agriculture Exclusive” district is the only available zoning district identified in the General Plan Open Space Action Plan that is available to be applied to TPZ. The AE Zone intended to be applied to “fertile areas in which agriculture is the desirable predominant use” which may include timberlands, but the growing and harvesting of timber is not intended to be the predominant use.
 - There was a request by an FRC member for the total acres of land proposed to be zoned TE. Staff intends to make this information available during the Planning Commission hearing.
 - There was considerable discussion between members of the FRC and members of the public present regarding the purpose of the TE Zone and the potential impact that it may have on property tax, future use of property, and property value, and whether or not it better protected timberland. Staff responded that the TE zone lists a wider range of Principally Permitted uses than the AE zone and may allow subdivision to smaller parcel sizes. Staff to the FRC pointed out that General Plan findings related to the subdivision of land planned Timberland would apply to land zoned TE and land zoned TPZ.

Public comment from Joyce King, 685 School Rd, McKinleyville, prepared but not delivered at 3/21/19 Planning Commission meeting

Today is International Day of Forests. Paraphrasing City of Arcata’s article in the news : *Forests are the most biologically-diverse ecosystems on land, contributing*

food, medicines, materials, and most important - protecting our watersheds, soil, and climate ...and...it should have included – biodiversity.

It's debatable how much of the world's tree cover has been lost or gained, but it is clear that the earth's healthiest and most resilient forests are its old growth forests, the complex and biodiverse ecosystems which take many centuries to evolve . Today, it is estimated that only 20% remain...and in the US we have less than 10%

New studies show the percent of wild mammals left on the earth to be in startling decline – possibly as little as 4%*...and insects, among the hardiest of life forms , dying off at a rate of 45% in just the last 40 years**. Because they shelter over 80% of all biodiversity on land, loss of healthy forest habitats is a big contributor to this species cataclysm.

Humboldt County has plenty of trees. But what about the condition of our forests? Important indicators would be our salmon runs and the quality of our redwood lumber – not good.

But re-zoning for residences and agriculture in timberlands continues to chip away at the contiguous forest cover and native understory necessary for ecosystem health - bringing roads, forest clearings, pollution, disease, invasive species, wildlife harassment, etc***.

Are greater limits on principal permitting of residences in TE and TPZ no longer possible? Is it the same for livestock and farming in those zones? How about more comprehensive and effective mitigation language such as recently contributed to the Streamside Management Area text?

I'd like to request a task force of representatives from natural resource and wildlife agencies, Forestry Review Committee, experts from environmental organizations and consulting groups to advise on mitigation text for TE and TPZ, especially in light of recent substantial increases to cumulative impacts on our forests such as climate change and MJ farming.

*<https://www.theguardian.com/environment/2018/may/21/human-race-just-001-of-all-life-but-has-destroyed-over-80-of-wild-mammals-study>

**Long but stunning article: https://www.nytimes.com/2018/11/27/magazine/insect-apocalypse.html?emc=edit_th_181202&nl=todaysheadlines&lid=613683191202

***Effects of Exurban Development in timberlands in attached comment to GPU from (then) California Department of Fish & Game

NORTHERN REGION
601 Locust Street
Redding, CA 96001
(530) 225-2300

January 18, 2008

Humboldt County Planning Commission 825
Fifth Street
Eureka, California 95501

Dear Planning Commissioners:

Revisions to the Humboldt County Timberland Production Zone Regulations

The Department of Fish and Game (DFG) has reviewed the proposed revisions to the Humboldt County Timberland Production Zone (TPZ) Regulations described in Staff Report #10 for the November 15, 2007, Humboldt County Planning Commission meeting. These TPZ revisions, undertaken within the framework of the Humboldt County General Plan Update (Update), are intended to make the County forest resources regulations consistent with State statutes for residential development in TPZ. These revisions are also intended to maintain working timberlands by minimizing conversion and fragmentation from rural residential development.

As a trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a responsible agency, DFG administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code to conserve the State's fish and wildlife public trust resources.

DFG submitted a July 17, 2007, letter to the County with comments and recommendations on the Update Notice of Preparation for a Draft Environmental Impact Report (DEIR). In this letter, DFG: 1) recommended adoption of Sketch Plan A as the environmentally superior project alternative, 2) listed significant fish and wildlife resources occurring on County agricultural and forest lands, and 3) identified potentially significant impacts from urban and rural residential development on these resources and mitigations to avoid them.

The County recognizes the threat and significance of conversion, fragmentation, and degradation of forestland by its inclusion of the following guiding principle in the current Update:

"The plan must contain long-term agricultural and timberland protections such as increased restrictions on resource land subdivisions and patent parcel development."

For reasons included in our July 17, 2007, letter, and explained below, DFG supports County TPZ revisions that:

- 1) best maintain TPZ's principal use for timber production, watershed protection, and fish and wildlife habitat;
- 2) minimize conversion of TPZ to other uses, such as low-density rural residential development;
- 3) minimize fragmentation, parcelization, and habitat degradation of TPZ lands.

DFG finds that fragmentation and conversion of forest and agricultural lands by urban and rural development has substantial effects on fish and wildlife habitat. These effects can diminish the long-term sustainability of fish and wildlife populations, including State- and federally-listed species, e.g., northern spotted owl, marbled murrelet, coho salmon, and important commercial and recreational species, e.g., black-tailed deer, Roosevelt elk and steelhead trout. Consequently, DFG supports the Update's intent to focus future County growth and development into areas with existing infrastructure, such as roads, domestic water and sewer, and services such as schools, retail shopping, police and fire protection. By encouraging future development where urban services already exist, the Update would guide future County growth in ways that minimize fragmentation and loss of agricultural and forest lands, which are important fish and wildlife habitat.

Scale and Significance of County TPZ

According to the Update Natural Resources and Hazards Report, forested lands (including State and federal lands) account for 1.9 million acres, or more than 80% of the County. TPZ covers 0.9 million acres, or more than 40% of the County. Humboldt County accounts for approximately 17% of California's TPZ acreage.

County timberlands provide extensive and critical habitat for numerous State- and federally-listed or otherwise sensitive species. A partial list of these species and their status includes:

- Coho salmon (*Oncorhynchus kisutch*), State- and federally-threatened;
- Chinook salmon (*Oncorhynchus tshawytscha*), federally-threatened;
- Coastal cutthroat trout (*Oncorhynchus clarkii clarkii*), State species of special concern;
- Steelhead trout (*Oncorhynchus mykiss*), federally-threatened;
- Willow flycatcher (*Empidonax traillii*), State-endangered;
- Marbled murrelet (*Brachyramphus marmoratus*), State-endangered and federally- threatened;

- Northern spotted owl (*Strix occidentalis caurina*), federally-threatened;
- Pacific fisher (*Martes pennanti*, West Coast Distinct Population Segment), federal candidate for listing, and
- Humboldt marten (*Martes americana humboldtensis*), State species of special concern.

Urban and Exurban Development and Conversion of Timberlands

Between 1984 and 1994, approximately 76,000 acres of California's private timberlands were converted to non-timber uses such as housing, roads, and agriculture, "but many more acres were effectively removed from timber production due to fragmentation of ownerships and growing residential uses" (CAL FIRE 2003). For instance, CAL FIRE (2003) found that whereas only 4% of natural habitat in El Dorado County was converted by development, nearly 40% had greatly reduced habitat quality. CAL FIRE (2003) projects that in the next 40 years approximately 10% of California's current forest and rangeland will be impacted by development. Combined with the 15% of California's presettlement-era native landscape already converted by urbanization and agriculture (CAL FIRE 2003), this anticipated 10% increase is cumulatively significant.

Parcelization of timberlands (the dividing up of large parcels into many smaller ones) for low-density rural residential development is an indicator of probable future urbanization (CAL FIRE 2003) and often results in conversion of timberlands to primarily residential use.

Low-density rural home development, approximately 6-25 homes/km², or 16-64 homes/square mile, in areas dominated by native vegetation is known as "exurban development" (Hansen et al. 2005). Exurban development is the fastest-growing form of land use in the United States at least since the 1970s (Odell et al., 2003; Brown et al., 2005; Hansen et al., 2005). The area occupied by exurban development densities in the conterminous United States has increased five-fold since 1950 (Brown et al., 2005).

Exurban development has important economic and social implications as well as ecological consequences. It affects large areas of California well beyond the immediate boundaries of developed areas. It affects downstream watershed processes including stormwater run-off regimes and water quality and availability, alters regional ecosystem functions, limits the potential for listed species recovery and reduces traditional forest and ranchlands management options. Over the coming decades, exurban development has the potential to dramatically alter Humboldt County's landscape and diminish the ability of forestlands to produce forest products, provide wildlife habitat, protect vital watershed functions and provide quality of life amenities such as recreational opportunities, open space and viewsheds.

Exurban Development Effects on Forest Habitat

Timber production has well-documented impacts on forest ecosystems, including fish and wildlife habitat fragmentation or loss. With time, as forests mature after harvest and with application of conservation principles and wise use, these impacts may be ameliorated. However, residential development results in direct permanent conversion of habitat and has its own distinct and significant suite of effects on forest habitat quality and use by fish and wildlife. Exurban development has three principal effects on forest habitat: 1) structures, roads, driveways, yards and associated facilities convert and degrade natural wildlife habitat and fragment what forest remains into smaller, less contiguous areas of functional habitat; 2) results in the introduction or increased prevalence of exotic species or species that are habitat generalists, termed “human adapted” or “urban exploiters”, and 3) decreases native species abundance and biodiversity and results in the loss of “human-sensitive” species that require natural habitats. In general, these effects occur because development tends to favor species well-adapted to human habitation with subsequent negative effects on sensitive species and those species best adapted to natural habitats (Marzluff and Neatherlin 2006).

The impacts of urban and rural development on fish and wildlife habitat in adjacent natural areas are well documented. The development-related loss of native species abundance and diversity or the increase in exotic and native generalist species has been shown for bird assemblages (Beissinger and Osborne 1982; Wilcove 1985; Luginbuhl et al., 2001; Odell et al., 2003), mammals (Maestas et al., 2001), fish (Paul and Meyer 2001), amphibians (Davidson et al., 2001; Ridley et al., 2005), terrestrial and freshwater invertebrates (Miyashita et al., 1998; Paul and Meyer 2001; Ridley et al., 2004), and plants (Galatowitsch et al., 1999; Mack and Lonsdale 2001; Reichard and White 2001).

Additionally, human development negatively impacts wildlife through increased road-kill (Trombulak and Frissell 2000; Malo et al., 2004), light pollution (Rich and Longcore 2006), the killing of and disturbance to wildlife by domestic animals such as house cats, and increased human conflict with wildlife such as black bear, mountain lion, and fox, which often results in killing (depredation) of these animals.

When residential development occurs dispersed across rural settings, these effects are magnified because: 1) structures require 100-foot-wide defensible space fire- safe buffers around them (Public Resources Code §4291), 2) local wildlife population’s response to exurban development can continue several decades after initiation (Hansen et al., 2005), and 3) in addition to local effects, exurban development has been shown to alter the ecological processes and biodiversity of distant public lands, including parks, preserves and national forests (Hansen et al., 2005).

Exurban development also profoundly affects wildfire management options and has ramifications for public safety, fire-fighting costs, and the decision-making process and policies regarding wildfire suppression, controlled burning, fuels management, and let-burn policies. All this can have significant effects on TPZ fish and wildlife habitat.

Exurban Development Effects on Water Quality and Aquatic Habitat

DFG is concerned that exurban development in TPZ will result in year-round use of native-soil ("dirt") roads designed only for the summer dry season. Wet-weather road use on poorly-maintained native-soil roads previously established and used for forest management can be a significant source of sediment input to Humboldt County streams. Exurban development often converts logging roads and even skid trails, whose wet-weather use and maintenance are subject to the California Forest Practice Rules, to driveways and private residential road systems subject to little or no regulatory oversight. These roads often become chronic sediment sources to nearby streams with significant impacts to the County's salmon and steelhead resources.

Streams are the principal water source for many rural residences on timberlands in the County. DFG finds stream water diversions can result in significantly decreased flows, higher water temperatures, diminished aquatic habitat values, and in extreme cases, dewatering of stream reaches. Although water diversions are subject to the authorities of the Fish and Game Code and require the issuance of lake or streambed alteration agreements with DFG, most diversions for new rural residential use appear unregulated, which combined with existing diversions, can have significant impacts to the County's salmon and steelhead resources. Residences and other structures proposed for TPZ which intend to divert water from streams for domestic or agricultural water supplies cannot be considered ministerial projects and will be subject to the requirements of CEQA pursuant to CEQA §15268(d). DFG believes water diversions are likely to become an increasingly significant issue for fish, wildlife, and rural residents during the life of the Update, as water diversions from exurban development increase.

To maintain adequate stream and river flows for fish and wildlife species and for management of timberlands during the Update period, DFG recommends the County develop a water budget for each of the County's 12 planning watersheds. DFG recommends the County develop enforceable regulations that condition the approval of proposed TPZ residences on demonstrate of adequate long-term water availability and summer storage capacity. Proof of adequate long-term water availability and summer storage capacity must be required in all watersheds and not only for temperature impaired watersheds. DFG supports the development of a County policy that ensures stream diversions for rural residences and agriculture maintain sufficient stream flows for fish and wildlife species consistent with Fish and Game Code §5901 and §5937.

Water quality impairment to streams from onsite wastewater treatment systems (OWTS) effluent inputs from rural residences is another potentially significant consequence of residential conversion of TPZ. Both OWTS and sediment inputs from the use of residential dirt roads have been identified by the Trinidad and Westhaven Integrated Coastal Watershed Management Plan as priority issues in need of solutions because they are the principal pollution sources to the Trinidad Area of Special Biological Significance. Due to a lack of regulatory oversight, rectifying the water quality impacts from OWTS and sediment-delivery from private roads and driveways of dispersed rural residences is a difficult problem to rectify. Pursuant to CEQA §15065(a)(3), these effects can be cumulatively considerable within a watershed.

Exurban Development Effects on Sensitive Species

The marbled murrelet is one example of a species that likely would be adversely affected by exurban development in TPZ. Old-growth redwood forests in California are essential nesting habitat for the marbled murrelet (Hamer and Nelson 1995; Cooperrider et al., 2000). Humboldt County had approximately 50,000 acres of old-growth redwood forests representing approximately 60% of the state's total (Fox 1989). Many of the County's largest old-growth redwood stands are bordered by TPZ and occur near populated areas susceptible to exurban development. These stands include those in the Headwaters Forest Reserve; The Pacific Lumber Company's marbled murrelet conservation areas near Eureka, Fortuna, and Hydesville; Grizzly Creek Redwoods State Park along the Van Duzen River; Humboldt Redwoods State Park near Redcrest, Miranda and Redwood National, and State Park near the communities of Orick and Big Lagoon.

Human-adapted corvids (ravens, crows, and jays) are effective nest predators whose abundance has increased dramatically in western North America and urbanized areas worldwide in the last century (Luginbuhl et al., 2001). Increased nest predation by corvids and other human-adapted species has a significant effect on bird populations adjacent to urbanized areas (Wilcove 1985; Marzluff 2001; Odell et al., 2003; Hansen 2005). Corvid predation on eggs and nestlings is also a major cause of marbled murrelet nest failure (Nelson and Hamer 1995).

The placement of residences in TPZ in close proximity to old-growth forest stands would degrade habitat for the marbled murrelet and would likely result in higher rates of nest failure due to increased corvid predation (see Marzluff and Neatherlin 2006).

Exurban development in TPZ near old-growth stands may result in jeopardy (local extinction) of the marbled murrelet. Given the marbled murrelet's State-endangered and federally-threatened status, DFG recommends the Update DEIR thoroughly evaluate how revisions to the TPZ regulations could result in exurban development near old-growth forest stands and how this development could affect the marbled murrelet's persistence in the County.

Other listed and sensitive forest-associated animals may also be affected by exurban development for similar reasons as described for the marbled murrelet. For example, the Pacific fisher (a federal candidate for listing as threatened) may be more susceptible to predation, disease, or vehicle collision in areas where human development or loss of forest canopy has occurred (Higley and Matthews 2006). Residential development of forests has many other potentially significant impacts to forest-associated species. The effects of exurban development on water quality and quantity mentioned earlier could have significant effects on coho salmon, steelhead trout, and other listed salmonids. These impacts should be assessed and disclosed in the Update DEIR.

Non-Regulatory Approaches to Maintaining TPZ

To supplement regulatory approaches to conserve timberlands, DFG recommends the County work collaboratively with willing landowners, local governments and other stakeholders to promote non-regulatory approaches to prevent conversion or fragmentation of TPZ. Utilizing conservation easements, for instance, and perhaps resources available from the Headwaters Fund and local land trusts, may be one effective means to promote TPZ conservation.

Another approach to conserving TPZ is the creation of municipal or county “community forests,” which would serve the multiple purposes of providing wildlife habitat and watershed protection, conveniently accessible open space and recreational opportunities, aesthetic values, and sustainable timber production with its related economic benefits. The City of Arcata’s Community Forest is a successful local example of how TPZ on the urban fringe can be conserved in this manner while providing numerous benefits to the community. DFG recommends the Update and TPZ revisions include policies to collaborate with municipalities, community services districts, and other stakeholders to promote community forests, especially in areas adjacent to rapidly urbanizing communities.

Oak Woodlands Conservation

As mentioned in DFG’s July 17, 2007, Update comment letter, oak woodlands are a diverse, ecologically important and widely distributed habitat type in Humboldt County. According to the Biological Resources Report, oak woodlands comprise at least 20% of seven of the County’s twelve planning watersheds. Oak woodlands provide habitat for numerous game and non-game species such as black-tailed deer, Roosevelt elk, black bear, squirrels, quail, turkey, band-tailed pigeons and a diversity of other migratory bird species. However, the distribution, acreage, and quality of the County’s oak woodlands, like much for the rest of California, have declined considerably over the past 150-years.

The reasons for this decline include fire suppression and encroachment by conifers, wood cutting, and conversion to industrial timberlands, other agricultural uses and residential and commercial development. Statewide more than a third of all oak woodlands have been lost since the settlement of California by non-indigenous people; of an estimated 10-12 million original acres, seven million remain. Of the remaining oak woodlands, most have been modified or degraded, and only about four percent are formally protected.

Based upon recent trends in Sonoma and Mendocino counties, vineyard conversions of southern Humboldt County's oak woodlands and associated coastal prairies appears likely to accelerate during the Update time period. Sudden Oak Death, detected in 2002, in the Redway-Garberville area, is another potentially serious threat to County oak woodlands.

DFG recognizes that only a portion of the County's oak woodlands are on TPZ, however, revisions to County TPZ regulations can have a significant effect on this habitat type. In recognizing both the importance of oak woodlands and their continuing statewide loss, the California Legislature in 2002, passed the Oak Woodlands Conservation Act (Oak Act) Fish and Game Code §1360-1375. The legislative intent of this act is to support and encourage the voluntary, long-term, private stewardship and conservation of California's oak woodlands. The Oak Act encourages local land use planning that is consistent with the preservation of oak woodlands and provides incentives to protect and encourage farming and ranching that promotes healthy oak woodlands.

As part of the Oak Act, the Oak Woodlands Conservation Fund was established to provide grant funds for: 1) public education and outreach, 2) the purchase of oak woodland conservation easements, 3) land improvement, and 4) for cost-sharing incentive payments to private landowners who enter into long-term conservation agreements. To qualify for this grant funding, the County needs to meet the conditions set forth in Fish and Game Code §1366. DFG finds the County, in developing the Update and related environmental reports, may have already met, or will meet, some of these conditions. DFG encourages the County to satisfy the requirements of Fish and Game Code §1366 to allow participation in the Oak Woodlands Conservation Fund and to facilitate coordination with local organizations such as the Buckeye Conservancy, land trusts, and the Humboldt County Resource Conservation District to promote the conservation of this valuable and dwindling resource.

DFG finds the most effective means to manage and conserve State fish and wildlife resources is to utilize regional landscape-level or ecosystem-based approaches. The parcelization of large tracts of TPZ and ranch lands into smaller residential "ranchettes" will degrade the wildlife habitat values of these lands and diminish the ability of local government and state agencies to regulate and help sustainably manage TPZ.

The effects of exurban development on TPZ will also affect wildlife populations, biodiversity patterns, and habitat quality on adjacent State and federal lands, including parks, preserves, refuges and wildlife areas. For these reasons DFG supports the County's efforts to maintain long-term timberland protections by approving TPZ revisions and other Update polices and standards that minimize conversion, fragmentation, and exurban development on TPZ.

Recommendations

- 1) Require TPZ revisions best maintain TPZ's principal use for timber production, watershed protection, and fish and wildlife habitat.
- 2) Require TPZ revisions minimize fragmentation, parcelization, and habitat degradation.
- 3) Require TPZ revisions minimize conversion of TPZ to other uses such as urban and exurban development.
- 4) The Update DEIR must thoroughly evaluate how revisions to TPZ regulations and related Update provisions could impact State- and federally-listed species.
- 5) The Update DEIR must thoroughly evaluate how revisions to TPZ regulations, and related Update provisions, could influence exurban development in TPZ and how such development could affect forest ecosystem function, including effects on forest plant and animal communities.
- 6) The Update DEIR must thoroughly evaluate how revisions to TPZ regulations could result in exurban development near old-growth forest stands and how this development could affect the marbled murrelet's persistence in the County.
- 7) The Update DEIR must thoroughly evaluate how exurban development resulting from revisions to TPZ regulations could affect wildfire suppression, forest fuels management, and let-burn policies both on TPZ and on adjacent federal lands.
- 8) Require proof of adequate water supply and summer storage capacity in all watersheds if riparian and other water rights are to be utilized to divert water from streams for domestic and agricultural purposes.
- 9) Where residences or structures are approved on TPZ, require a means to ensure that forest roads and driveways are constructed and maintained to prevent sediment discharge to streams.

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- 10) The Update and TPZ revisions should include policies to collaborate with local governments, willing landowners, and other stakeholders to promote forest conservation easements and community forests, especially in areas adjacent to rapidly urbanizing communities.
- 11) Satisfy the requirements of the Oak Woodlands Conservation Fund to allow for grant funding that encourages the voluntary, long-term, private stewardship and conservation of the County's oak woodlands.

If you have any questions or comments regarding this matter, please contact Staff Environmental Scientist Gordon Leppig at 619 Second Street, Eureka, California, 95501 or telephone (707) 441-2062.

Sincerely,

GARY B. STACEY

Regional Manager

cc: See Page Thirteen and Fourteen

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