

SUPPLEMENTAL INFORMATION for Item #10

For Planning Commission Agenda of:
April 18, 2019



Public Hearing Item:

#10

Attached for the Planning Commission's consideration and review public comments received after the completion of the staff report

From: [hwc](#)
To: [Lippre, Suzanne](#)
Subject: TE and TPZ designations
Date: Thursday, April 4, 2019 3:00:07 PM

4 April 2019

Suzanne Lippre
Planning and Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Ms. Lippre:

I am not sure if I will be able to attend the Planning Commission meeting tonight, so I am sending my comments to you. As a retired wildlife biologist and a resident of Fieldbrook, I am very concerned with the proposals to create a new zoning designation of Timber Exclusive Principal Zone and with the similar wording of the Timber Production Zone, specifically, permitted uses for family dwellings, "grazing and other agricultural uses," "cottage industry," and "public access facilities." What does "...other agricultural uses" and "cottage industry" mean? Because these terms are so vague, I have no idea what the implications, legally or otherwise, of the proposed zoning text changes will entail down the road. I am especially worried about these text changes in light of Green Diamond's new push (again) to open up timberlands around Fieldbrook for development.

The stated intent for TE and TPZ is "to provide...for the preservation of timberlands for growing and harvesting timber." How does the above permitted uses comport with the intent of these zoning designations? They would, in fact, erode the areas used as timberlands. However, as a biologist, my main concern is not "timberlands" per se but functioning "forests". Dispersed rural development--dwellings (structures) and their attendant infrastructure (roads, fences, etc.)—negatively impacts forests by fragmenting them, introducing plant and animal pests and diseases, increasing fire susceptibility, disrupting wildlife behavior, increasing predation on native wildlife by pets (and humans), increasing light and sound pollution, allowing humans more access to the interior of intact forest areas, etc.

I have been very frustrated with the County's supposed outreach to the communities. I feel as if I have just come into the tail end of a discussion, even though I think that I know more than most of the public does. In talking with other people, I have found that there seems to be much confusion as to what's going on. Also, I understand that other governmental entities, like the Forest Review Committee, that should be involved in these discussions, have not been. Input from such entities should be included before permanent decisions are made. Clarification of the consequences of the proposed changes should be presented to the public, and more transparency on a timely basis is needed.

Thank you.

Judy Haggard

From: lwil@reninet.com
To: [Lippre, Suzanne](#)
Subject: Zoning
Date: Thursday, April 4, 2019 5:03:08 PM

4 April 2019

Suzanne Lippre
Planning and Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

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Thank you.

Linda Wilson



Humboldt County Farm Bureau

5601 So. Broadway, Eureka, CA 95503
Serving Agriculture Since 1913

April 10, 2019

Humboldt County Planning Commission
3015 H Street
Eureka, Ca 95501

Dear Planning Commissioners:

The Humboldt County Farm Bureau has reviewed the recent Zoning recommendations for the General Plan and we have the following comments.

Our Land Use Committee does not see the need of the proposed new Timber Exclusive Zone (TE). Its adoption seems like it would only serve to confuse landowners and others. The current Agriculture Exclusive zone includes timber production as a principle use and therefore may readily be found consistent with the Timberlands land use designation (as it has for over 35 years).

As it concerns the individual requests to change some of the TPZ zoned parcels to other zoning, we did not see the information upon which a 'public interest' finding was based. Consistency with the recently adopted plan may be in the public interest, however, the conversion of the lands away from Timber for individual purposes does not appear to be. Do the changes proposed allow uses that are not allowed within the current zoning, like cannabis cultivation? We are not sure how this would be consistent with the County's current policies and ordinances concerning where to allow cannabis activities.

Thank you for allowing us to make comments to the General Plan Zoning process.

Sincerely,

Johanna Rodoni
HCFB President

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 through 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 twenty (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.