

March 9, 2010

Humboldt County Planning Department
Community Development Services
Attn: Martha Spencer
3015 H Street
Eureka, CA 95501

Re: Comments on Forest Resources & Recommendations on Alternatives Voting Chart

Dear Planning Commissioners,

Thank you for the opportunity to comment on the Forest Resources section of the Land Use Element. Healthy Humboldt is a coalition of public interest organizations working for a County General Plan that provides healthy transportation and housing choices while protecting resource lands and watersheds by focusing future growth in existing communities.

Long-term protections for timberlands are essential to maintain the jobs these lands support along with environmental qualities they preserve, including clean water, clean air, fish and wildlife habitat, and scenic values.

Below is a summary of our key recommendations. The attached Plan Alternatives Key Issues Chart contains our specific recommendations and comments. Please regard these comments in conjunction with our previous comments, submitted on October 6, 2009.

1. IM-4. Merger Ordinance Implementation: Recommend deletion with adoption of provisions a-e, below. For TPZ parcels, we recommend eliminating the 1986 Merger Ordinance (Ordinance No. 1762, County Code Section 327.5-1 et al) in its current form if all of the following are adopted:

a) FR-P8. Protection of High Quality Timberlands (Alternative A).

Requiring residential uses to be necessary for management of timberlands is consistent with state statute at Cal. Govt. Code §51104 (h)(6). Conditional Use Permits or some other appropriate discretionary review with specific findings should be required for residences on TPZ as they are in Mendocino, Del Norte, Trinity, El Dorado, Shasta, and Siskiyou. [Lassen County does not allow any structures on TPZ.] In the absence of required findings, the County has no means to prevent TPZ properties being bought and sold primarily for residential use rather than for timber.

Specific findings that the proposed use is compatible with timber production, such as is required in Mendocino (Ord. No. 3639), El Dorado (Ord. No. 3153), and Shasta (Ord. No. 94-07), will help protect the County's greatest long-term economic asset for creation of employment and wealth, while protecting public health and welfare. It will also bring the County into compliance with the state statutes that created the TPZ preferential taxation program:

Cal. Govt. Code § 51115 states that “Parcels zoned as timber production shall be zoned so as to restrict their use to growing and harvesting timber and to compatible uses.”

Cal. Govt. Code § 51118 states that “Land zoned as timberland production under this chapter shall be enforceably restricted within the meaning of Section 3(j) of Article XIII of the Constitution and the restriction shall be enforced and administered by the city or county in a manner to accomplish the purposes of that section and this chapter.”

Policies and implementing ordinances to ensure that these provisions are met must be adopted, both to comply with state law and to ensure that timber production remains the highest and best use of the County’s timberlands.

b) FR-P10. Substandard Lots (Modified Alternative A/B). Healthy Humboldt recommends that owners of substandard TPZ parcels be given an option to rollout of substandard TPZ, with the County bearing the administrative cost of the rollout process. We also recommend that they be given the option to maintain timber production zoning by adopting enforceable restrictions on residential development, such as conservation easement, or by voluntarily merging adjacent substandard parcels owned by the same landowner.

c) FR-S1. Planned Rural Development Program Clustering Incentive Options (Modified A/B/C). Voluntary clustering incentive options with permanent protections on the remainder will protect the County’s long-term timber economy and forest ecosystem values while allowing environmentally-sound residential use in appropriate areas.

d) FR-P9. Residential Construction on TPZ Zoned Parcels (Alternative A). Demonstration of active management for timber production and ecosystem values should be required prior to issuance on new residential permits in addition to mitigation of significant impacts of residences on water resources, biological resources, salmonid habitat, wildland fire potential and public services. Demonstration of active management on non-industrial TPZ lands should include one of the following: NTMP, CFIP or EQIP forest management plan, erosion control plan, thinning or fuels reduction plan, fish and wildlife habitat restoration plan, etc., or inspection (with fee to cover cost) showing active forest management.

e) FR-S4. Timberland Subdivisions for Lands Planned Industrial Timber (IT) and Timberlands (T). (Modified Alternative A). We support the adoption of different minimum parcel sizes and housing densities for Industrial and non-industrial timberland owners. This will allow small TPZ landowners to live on the land they manage while preventing further fragmentation of large industrial timberlands.

If all of these policies are adopted and implemented, the Merger Ordinance in its current form will not be necessary to comply with state law and to protect the County’s timberlands from conversion to non-timber uses.

2. FR-IM10. Review Standards and Process of Joint Timber Management Plans. We recommend elimination of the Joint Timber Management Plan (JTMP) program, and replace it with the following:

- FR-P10. Substandard Lots. (Alternative A/B), and
- FR-S1. Planned Rural Development Program Clustering Incentive Options as modified in the attached voting chart.

3. **Forest Ecosystem Values.** We support the incorporation of language underscoring the importance North Coast forestlands both in terms of the economy as well as environmental values, such as clean water, carbon sequestration, fish and wildlife habitat, etc. We recommend the addition of “forest ecosystem values” to the policies that act to preserve the County’s forest resources.

State statute finds that timberlands contribute to the economy and the environment. Ecosystem values such as watershed management, fish and wildlife habitat, and resource protection are all referenced in the California Timberland Productivity Act of 1982 as purposes of the Act.

Small landowners should be allowed to live on the TPZ land they own and manage for timber production *and* ecosystem values. Adding such language would enable small TPZ landowners to remain in the state’s TPZ preferential taxation program through restoration and management for ecosystem values that benefit society as a whole.

Over the past two decades, residential value has begun to eclipse timber value on even the largest and most productive industrial and non-industrial ownerships. Unless we implement measures to protect working timberlands, we stand to lose our timber base and our vital forested landscape. Once developed, we would never get it back.

The conversion of over 20,000 acres of TPZ formerly owned by Eel River Sawmills to primarily non-timber uses is just one of several examples of what can happen under current County planning laws combined with the increase in land values.

This General Plan Update should adopt policies, standards, and implementation measures that will discourage the use of TPZ lands for residential purposes by increasing the value of TPZ-zoned real estate while retaining the TPZ tax status that was instituted to keep forest land valued primarily for timber management.

Thank you for your work and for your careful consideration of these policies.
Sincerely,



Jennifer Kalt
Healthy Humboldt Coalition

Cc: Humboldt County Board of Supervisors and Planning Staff