



HUMBOLDT ASSOCIATION OF REALTORS® INC.

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May 26, 2009

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Tom Hofweber, Supervising Planner  
Martha Spencer, Senior Planner  
H. C. Community Development Services Department  
3015 H Street  
Eureka, California 95501

Re: General Plan Update  
Section 4.8, Land Use Classifications

Dear Tom and Martha:

The Humboldt Association of REALTORS® has reviewed the Summary of Key Issues and Review of Alternatives and Plan Alternatives Comparison Chart for Section 4.8, Land Use Classifications and would appreciate your review of the following comments:

Two Tier Classification

In the "Summary of Key Issues", the question is posed as to whether there should be a two-tier system of land use classification for timberland and grazing lands. The Association does not support a two-tier system. Land use classification should not be based on type of ownership or who owns the land. A two-tier system implies this type of classifying. We suggest that resource land should be classified based on production value by considering, for example, soil quality.

Related to the discussion on timberlands is the issue of timber holdings contiguous to residential areas. It appears the County is proposing to effectively treat these the same as the large timber production areas. These "close in" areas should be treated separately.

Housing Density in Resource Lands

In the "Summary of Key Issues", the question is asked as to what are appropriate housing densities in resource lands. The Association does not support Alternative A which proposes a 600 acre minimum in Agricultural Grazing – Ranchland (AGR) and a 600 acre minimum in Timberland Industrial (TI) including the requirement that housing be allowed only if it is needed for managing the land.

In fact, as noted above, we do not support creation of the new land use designations of AGR and TI. As the Association has stated previously, we support the historic entitlement of an owner's right to build on his or her own land. We believe this issue was resolved during the TPZ/emergency, building permit moratorium hearings held by the Board of Supervisors in 2007. At those meetings there was a loud, public outcry over this government action. The Board heard citizens declare they can properly manage their own lands and that it was effectively an insult to negate this through zoning policy. The moratorium was eventually dropped.

#### Density Range for RM Classification

In the "Summary of Key Issues", the subject is raised as to what is an appropriate housing density range for the RM (Residential Medium Density) land use classification. It should be recognized that building constraints (steep slopes, wetland area setbacks, etc.) and regulatory constraints, can effectively reduce buildable land area. Such constraints can preclude reaching the proposed density ranges of 7-16 and 7-30 units per acre. If not achieving the minimum proposed density means that the land cannot be developed at all, then the Association advocates the density range should be changed to 1-16 and 1-30 units per acre. This would allow for some level of development rather than no development.

There is also the issue of a proposed mid-point density policy. Implementation of this as proposed in the Housing Element (policy H-P5 and standard H-S3) is of concern. For example, applying a mid-point criteria to a range of 7-16 units per acre would effectively change the range to 12-16 units per acre (12 being the mid-point between 7 and 16). Another example would be changing a stated range of 7-30 units per acre to an actual range of 18-30 units per acre (18 being the mid-point between 7 and 30). Adopting a mid-point rule raises the minimum units per acre, further exacerbating the potential build out issue. It is the Association's understanding that requiring the use of mid-point density is not a state requirement but it is a local proposition made by County planning staff. Given this, we urge the Commission to direct staff to abandon the proposal and delete it from consideration in the General Plan and specifically the Housing Element.

#### Urban Reserve

The Urban Reserve land use designation is not discussed in the Summary of Key Issues chart, however, there are concerns related to this category. What does the designation mean? What exactly would be the status of lands so designated? Would lands classed as Urban Reserves be precluded from further development until water and sewer become available? Are these the same as the Urban Development Areas identified in other chapters of the General Plan? We point out that there are no maps available showing the Urban Reserve areas making it difficult to understand where these areas are proposed.

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Related to this is proposed policy found in the Growth Planning section of the General Plan. Under Alternatives A and B, Policy GP-P6, "Use of On-Site

Sewage Systems for Subdivisions within Urban Development Areas" is of particular concern. It proposes that the use of on-site sewage disposal (septic) systems shall not be acceptable for new subdivisions in the Urban Development Areas (Urban Reserves?). If parcels are located in these designated areas, but there is no sewer available or there is no sewer capacity remaining, they would appear to be rendered unbuildable. If GP-P6 is adopted owners will have to wait until sewer becomes available or the capacity problem is fixed. This is tantamount to a taking. In any case, owners should not be required to tap into sewer if they want to develop the property now.

We would appreciate your consideration of these points during the review of the draft Land Use chapter of the General Plan.

Sincerely,

  
Victoria Copeland, Co-chair  
General Plan Subcommittee

  
Debbie Provolt, Co-chair  
General Plan Subcommittee

cc: H. C. Planning Commission  
Kirk Girard, Director