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HUMBOLDT COUNTY
PLANNING COMMISSION

May 11, 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: H. C. General Plan Update
Section 4.5, Agricultural Resources

Dear Tom and Martha:

The Humboldt Association of REALTORS® has reviewed the Plan Alternatives Comparison Chart for Section 4.5, Agricultural Resources and would appreciate your review of the following comments.

Conversion – Suburban

The Association supports the option of converting to residential use as allowed under AG-G2, Alternative C, "...unless conversion to residential uses is found in the public interest." This addresses those agricultural lands already contiguous to residentially zoned land, particularly when agricultural production is no longer economically feasible (AG-P5 and AG-P6, Alternative C). These are the logical areas of expansion for residential use considering their proximity to existing infrastructure. We urge the Planning Commission to consider the language found in Alternative D, from the Framework Plan (2523.1. D.) to allow "...development of uneconomical or marginally viable agricultural lands..." Conversion also provides property owners with flexibility as to how they may use their land and exercise their private property rights.

Conversion - Rural

For those resource lands further away from the existing towns, we again support the option of conversion to residential use and again when agricultural production is no longer economically feasible. This affords landowners with the same land use flexibility as stated above and also provides land for all types of housing. We support the ability to convert to large lot ("rural"), residentially zoned land where no infrastructure (public water and/or sewer) is in place, for example 5, 10 or 20 acre parcels. Large lot housing is part of the housing spectrum.

Clustering

In order to offset potential loss in valuation that might come with restricting residential development on resource lands, the County proposes clustering. We support clustering as long as it is voluntary and includes increases in the currently proposed incentives.

Transfer of Development Rights (TDR) Program

The Association supports such a program on voluntary basis. At the moment a Transfer of Development Rights (TDR) program may not be practical here in Humboldt County due to a lack of receiving areas. At present there is no market for development rights. However, this situation may change in the future.

Patent Parcels

A discussion on patent parcels appears in the draft General Plan document. It states "...many [patent parcels] retain their historic rights to residential development entitlements allowed by zoning [pg. 4-37, November, 2008 document]." However, there is no mention of patent parcels in the draft Goals, Policies, Standards or Implementation Measures. This is an important issue and should not be dropped from consideration. We advocate that a Policy, with associated Standards and Implementation Measures, should be written into the General Plan establishing that nothing should be done to restrict the rights or entitlements of patent parcels. They should enjoy the same status as other legally created parcels. The County should honor what we understand is the State's position, i.e. recognize the legality of patent parcels as long as they are not modified. The County has no right to void recognition of patent parcels as legal parcels. The entitlement to build a house on your property must be respected regardless of future ordinance, land use designation or land use changes.

Parcel Sizes

In agricultural resource lands we support a minimum parcel size of 20 acres. This size still provides workable parcels but most importantly they provide flexibility to land owners as to how they may subdivide their land.

Substandard Legal Parcels

Alternative A proposes, under AG-Pxxx, "Substandard Legal Parcels", that "parcels not originally created for residential purposes will not be recognized for residential development on lands planned for agricultural." We suggest this is impracticable. It is virtually impossible to ascertain the original intent of parcel creation. How can the county establish what purpose a parcel was originally created for? Additionally, enforcing such a policy would be removing an entitlement. This proposed policy should be deleted from consideration.

Tom Hofweber / Martha Spencer

May 11, 2009

Page #3

2nd Units


We support allowance of secondary dwellings (AG-Pxxxx, Alternative C). This policy states "two single-family dwelling units and normal accessory uses and structures for owner and caretaker on agricultural lands may be permitted regardless of density standards." We suggest that 2nd units should be allowed "by right" and not require a conditional use permit or special permit. This again is a private property issue and also addresses the need for affordable housing.


Merger Ordinance

The issue of the merger ordinance does not appear to be addressed in the current draft. It has been in previous drafts and has been discussed by the Planning Commission before. This is also an important issue and should not be dropped from discussion. We support rescinding the merger ordinance because of the restrictions it places on private property rights and the reduction in property values which would be caused by involuntary mergers. The implementation costs to enforce mergers would be substantial. Neither the County nor landowners should be burdened with this.

We would appreciate your consideration of these points during the review of the draft 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