



**HUMBOLDT ASSOCIATION OF REALTORS® INC.**

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May 11, 2009

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HUMBOLDT COUNTY  
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Lois Lee Busey

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 4.6, Forest Resources

Dear Tom and Martha:

The Humboldt Association of REALTORS® has reviewed the Plan Alternatives Comparison Chart for Section 4.6, Forest Resources and would appreciate your review of the following comments.

**Conversion – Suburban**

The Association supports the option of conversion to residential use as discussed under various policies including FR-P11.<sup>1</sup> This addresses those forest lands already contiguous to residentially zoned land, particularly when timber production is no longer economically feasible. These are the logical areas of expansion for residential use considering their proximity to existing infrastructure as expressed in policy FR-P10.<sup>2</sup> 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 continue to support the residential conversion option. 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. Large lot housing is part of the housing spectrum. Every parcel should have the right to build, homestead, a single family home. Please note that we urge that all the associated standards and implementation measures in Section 4.6 should allow reasonable residential use of forestlands.

**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.

#### 2nd Units

We support allowance of secondary dwellings as proposed in FR-Sx.<sup>3</sup> However, we suggest that 2nd units should be allowed “by right” (principally permit) and should 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

Treatment of the merger ordinance issue is presented very differently between Alternative A and Alternatives B/C. Staff comment in the “Key Issues and Comparison Chart” states that “Alternative B [and C]...repeals existing Merger Ordinance (FR-IM4).” This is an incomplete and misleading statement because FR-IM4 in fact says “revise Merger Ordinance to delete the requirement of merger of substandard TPZ lands, not currently under a Williamson Act Contract, from Article II.” Clarification is needed. How exactly would the ordinance be amended under this language? Staff comment continues that Alternative A “does not repeal Merger Ordinance (FR-IM4).” This is not a complete representation. In fact, Alternative A states “develop a program to implement Article II of the existing Merger Ordinance...with a comprehensive noticing effort [FR-IM4].” Previously, in an earlier draft of the Plan, a policy was proposed (FR-P11b, 2007 draft) to rescind the merger ordinance. This policy has been substantially qualified in the current draft with the confusing reference to the Williamson Act as described above. We support rescinding the merger ordinance because of the restrictions it places on private property rights and the reduction in property values caused by involuntary mergers.

#### Disclosures

Conflict between resource and residential land uses is a problem. We support a “right to harvest” disclosure as a way to address this issue. Please note that the Association has been working with Director Kirk Girard in developing the language for such a disclosure in the course of the General Plan update.

Tom Hofweber / Martha Spencer  
May 11, 2009  
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Forestry Review Committee

We attended the Forest Review Committee (FRC) meetings where Section 4.6 was discussed at length. The committee spent considerable time on General Plan issues. We urge the Planning Commission to consider the FRC's comments.

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

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1. FR-P11, (Alternative C), Lot Line Adjustments. Lot line adjustments of TPZ parcels may be approved in order to consolidate logical timberland management units or facilitate residential development.
  2. FR-P10, (Alternative C), Substandard Lots and TPZ Rezoning. The County supports zoning correction of land from the Timberland Production Zone when it can be found that, among other things, the conversion is necessary to provide for the logical expansion of an existing community;
  3. FR-Sx, (Alternative C), Second Units. Second units may be allowed on TPZ parcels less than 160 acres as a conditional use only in the area already converted, intended to be converted, or that does not meet the definition of timberlands.