



HUMBOLDT ASSOCIATION OF REALTORS® INC.

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June 9, 2009

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Jeff Smith, Chairperson  
Humboldt County Planning Commission  
Community Development Services Department  
3015 H Street  
Eureka, California 95501

Re: General Plan - Chapter 4, Land Use Element

Dear Chairperson Smith and Commissioners:

The Humboldt Association of REALTORS® would like to submit the following as additional comment on Chapter 4, the Land Use Element, for the June 11, 2009 Town Hall meeting:

Residential Permits in TPZ

Of paramount importance concerning this chapter and the use of resource lands is the retention of the right to build homes on private property. Although the words ministerial, conditional, discretionary or special permits are no longer used in the current draft of the Forest Resources section, proposed policies in Alternative B (P8 and P9) and Alternative A (P9) appear to all but eliminate residential use in TPZ except under extremely restrictive conditions. The entitlement to build a house must be respected. This can only be achieved by ensuring that home building is principally permitted in TPZ.

Patent Parcels

We advocate that a General Plan policy should be adopted which will not restrict the rights or entitlements associated with patent parcels. These parcels should enjoy the same status as other legally created parcels. The County should respect what the Association understands is the State's position, i.e. recognize the legality of patent parcels as long as they are not modified. The County has no standing to void recognition of patent parcels as legal parcels.

Merger Ordinance

Implementing this existing ordinance would force mergers on property owners. This would constitute a loss of property rights. Additionally, land values would drop (smaller acreage has a higher value than large acreage), estate

planning would become more difficult and the financing of properties would be negatively impacted. Owners should be able to *voluntarily* merge or consolidate their land if they so chose. This ordinance should be rescinded.

#### Shaded Parcels

The status of “shaded parcels” must be addressed. Presently, their legal status is in suspension. There being no County notice of potential legal problems, buyers have bought these properties in good faith. A grandfather policy legalizing them should be considered.

#### “Carrying Capacity”

We are concerned that, under the discussion on “carrying capacity of rural lands”, proposed standards and implementation measures may be adopted which will further restrict the building of rural homes. These measures relate to public service costs, sediment discharge to waterways, deficiencies in road maintenance and other constraints. Regulations concerning these issues can become excessive, inappropriately infringe on rural property owner’s rights and lower property values. We urge that the Commission not adopt unreasonable restrictions in an effort to effectively stop rural home building.

#### Infill

Please note it is our understanding that virtually all of the Alternative A options translate into “no growth” policies. Alternative A directs new development into the “Urban Development Areas”. However, limitations on sewer capacity, road inadequacies and other infrastructure constraints significantly reduce the buildable land inventory. The Association supports infill where feasible, however, most of the existing, built up areas cannot support new housing with these limitations. Serious infrastructure problems, particularly sewer, may lead to building moratorium scenarios. Therefore, in order to meet future demand this means new housing, utilizing septic systems, will have to be allowed to develop outside the existing built up areas. But Alternative A does not allow septic systems in “Urban Development Areas”. To not allow building with the use of a septic system eliminates the property right of a landowner to utilize the land and reduces the value of the property. It does not make sense to adopt a plan which could lead to a virtual halt in housing production both in the urban areas due to sewer problems and in the suburban areas because County policy prohibits it. This is of particular concern as the Planning Commission appears to be moving more of Alternative A language into Alternative B, the “preferred” alternative. Wherever it might appear, adopting such language can make for an untenable Plan.

#### Closing

The public perception that sprawl is imminent is unwarranted. Population pressure creating such sprawl in other parts of California does not exist here in

Jeff Smith, Chairperson

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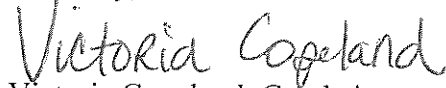
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Humboldt County. This is due in large part to a historically distressed local economy which severely limits population growth. Population growth is not

an issue. In any event, the Association does not support sprawl, however, we do support land use options and the right to choose for all citizens.

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

Sincerely,



Victoria Copeland, Co-chair  
General Plan Subcommittee



Debbie Provolt, Co-chair  
General Plan Subcommittee

cc: Kirk Girard, Director  
Tom Hofweber, Supervising Planner  
Martha Spencer, Senior Planner