

RCVD 7/29

BARNUM LAW OFFICE

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Judith A. Richards
Legal Assistant

July 29, 2010

Humboldt County Planning Commission
825 Fifth Street
Eureka, California 95501

Re: Petition for Directions to Staff Respecting IT Land Use Designation of Former Barnum Timber Company, L.P. Lands

Dear Planning Commissioners:

I represent the owners of timberlands that formerly were owned and operated by Barnum Timber Company, L.P., a California limited partnership (hereafter "Barnum Timber").

This petition is submitted to you at the suggestion of Community Development Director Kirk Girard as the proper means for securing your direction to planning staff respecting the proposed listing of those lands as IT – Industrial Timberland, in the pending Humboldt County General Plan Update process.

About seven (7) years ago we saw that the lands formerly belonging to Barnum Timber had been mapped by planning staff, prospectively, as IT- Industrial Timberland. We inquired of the proposed meaning of that land use designation and were informed that staff intended it to prevent future fragmentation of timberlands that were devoted to the growing and harvesting of timber. We pointed out that the definition of "non-industrial timber owners" was adopted in 1981 when Humboldt County was developing the existing Humboldt County General Plan. The County's 1981 Timberland Background Study, at page 2-20, second paragraph, defined that term as follows:

"Non-industrial timber owners are either individuals or corporations, who do not possess processing facilities to utilize their timber production, so that any timber grown must be sold to a processor."

We pointed out to staff that Barnum Timber was a non-corporate, family-owned, non-industrial owner of timberland; it was then true, and it still is. Barnum Timber does not even own a tractor, much less a saw mill. It was in the tree farming business.

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Over the last seven years, planning staff has declined to agree with our perspective on the issue and, after a formal letter requesting their cooperation was ineffective, we were told by the Director that the proper thing to do was to submit this petition to the Planning Commission to seek your concurrence and direction to staff.

Since about 2005, Barnum Timber has conveyed ownership of most of its lands to the various members of the Barnum family, extending across three generations. There are more than a dozen owners of the lands that formerly belonged to Barnum Timber.

The lands presently owned by these various persons are historic ranch lands and federal patents, to which no industrial timber association exists.

Accordingly, we respectfully petition this Planning Commission to direct staff to cease mapping of the former Barnum Timber lands as IT- Industrial Timberland, for the purposes of the pending Humboldt County General Plan Update process. In its place, we request that staff be directed to accord those lands with the T- Timberland land use designation.

Thank you.

Sincerely,



William F. Barnum

WFB:b

cc: Clients

14 copies to Planning Commission

wfb letter to Humboldt county planning commission july 29, 2010