

From: Debbie Provolt [<mailto:DProvolt@hltco.com>]
Sent: Sunday, June 21, 2015 12:03 AM
To: Fennell, Estelle; Sundberg, Ryan; Bohn, Rex; Bass, Virginia; Lovelace, Mark
Cc: Hamblin, Kevin; Wall, Robert
Subject: Land Use Maps

Supervisors,

As you consider the land use designations to be applied to property throughout the County, I hope you will do all you can to preserve property rights and values, and find the best possible solutions to the many difficult situations you will encounter.

I have been looking closely at the Fieldbrook Road area, but have not had the time to look elsewhere. The issues which exist in Fieldbrook may well exist in other parts of the County.

Michael Richardson explained to my sister-in-law, who is one of the affected landowners, how the problems in Fieldbrook came about. He said "Many parcels in the County which were created before a zoning designation was applied. Some of those are smaller than what would be allowed by the minimum parcel size requirements of the zoning designation, which is the case with many properties along Fieldbrook Road."

The problems in Fieldbrook were created by the fact that at some time in the past, the County applied a zoning designation to the entire Fieldbrook community which the community did not conform to. The current land use designation for the Fieldbrook community does conform to the existing parcels and homes. At this point, you do have multiple options. The easy way out for you is to make the land use match the zoning, but that will leave all of the people in Fieldbrook with significant problems. There is a much better solution. Please consider helping the people in Fieldbrook by first assigning them a land use designation which matches the conditions on the ground such as RL, or in some cases RL-1. If I recall Rob Wall's words correctly from the last meeting, after the GPU is finished, you have 2 years to re-zone the area's of the County in which the land use and zoning are egregiously different. Fieldbrook should be on the list of area's which need to have their zoning changed to match their land use. This would solve the problems in Fieldbrook. This community does have public water, and it is appropriate for them to have smaller minimum parcel sizes.

I hope you will also study the problems described in the attachment to the letter you received by e-mail from HUM CPR. These problems are very real, even though the Ordinances related to Non-conforming structures are intended to alleviate the problems, many homeowners will be harmed substantially. The issues raised related to the assessed value of the improvements are important to understand. Many of the older residences in the County have been owned and occupied by the current owner for many years. The limitation to assessed value will prevent the owners from re-building. In many cases, the people who will suffer the consequences of this problem are the people who are least able to afford legal assistance to fight for their rights.

Here are two more examples of problems, not raised by HUM CPR.

Section 314-132.3.4 states "Nothing in Sections 314-132.1 through 314-132.3 shall be deemed to prevent keeping in good maintenance and repair a nonconforming structure or a structure in which a non-conforming use is conducted, but "NO SUCH STRUCTURE THAT IS DECLARED BY ANY AUTHORIZED

COUNTY OFFICIAL TO BE A PUBLIC NUISANCE BY REASON OF PHYSICAL CONDITION SHALL BE RESTORED, REPAIRED OR REBUILT". A structure which has been declared nuisance on a conforming parcel can be restored, repaired, and rebuilt. This benefits not only the landowner, but improves the community as well. If a structure cannot be improved or replaced, it is likely to remain a nuisance in the community for many years.

Section 314-132.3.6 states If any nonconforming structure ceases to be used for any reason for a continuous period of two years or more, or is changed to or replaced by a conforming structure, the land and the nonconforming structure shall become subject to all the regulations as to use for the zone in which such land and structure are located as if such nonconforming structure had been expressly abandoned. It sounds like the mere fact that a structure is not used for any reason for two years, or more, means that it loses all of the benefits which the nonconforming structure ordinances intended to create.

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