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Monday, April 14, 2008

Martha Spencer
Humboldt County Community Dev. Services Dept.
3015 H Street
Eureka, CA 95501-4484

Re: Scenic Resources , Chapter 15
General Plan Update

Dear Martha:

This letter summarizes my thoughts on the Scenic Resources Section of Chapter 15. I have also attached a copy of the hearing draft and my comments on selected paragraphs. My comments on the various paragraphs are noted, in blue text, following each paragraph where I had comments. I have also attached a copy of my ballot on the various options. Please place a copy of this letter as well as my comments on the hearing draft along with the other public comments on the general plan update and please forward a copy of my letter, hearing draft/comments and ballot to members of the Humboldt County Planning Commission.

Scenic Resource section should be deleted. The proposed scenic resources chapter is an optional element of the general plan; the State of California does not require counties to include this element in their general plans. This element should be deleted from the general plan update.

Since the 1984 general plan was adopted, employment in the major industries in the county, wood products and fishing, have declined precipitously, and no new industries have come to the county to replace those lost jobs. The county's population has grown at a rate which is roughly half the rate of the rest of the state. Within the past few years a number of local schools have closed, due to a decline in the number of families (workers) with young children. There is no reasonable prospect of dramatic population growth in the county over the life of the proposed general plan update. Given the above facts and the already crushing burden of regulations on private property owners emanating from a myriad of government agencies, the county should not add further to the regulator burden on private property owners----the Scenic Element should be deleted.

No Net Loss of Private Property Rights. My overall philosophy on the General Plan update is that the revised plan should not further erode the rights of private property owners over what the current general plan affords property owners.

By this metric, the draft of chapter 15 does not measure up-----many staff drafted proposals in this chapter 15 would significantly decrease existing private property rights. Though I think the Scenic Element should be deleted entirely from the General Plan update, if it is not deleted then it should be rewritten and or /modified so that property owners would not loose any additional property rights over what they currently have under the existing general plan.

Staff Discretionary Powers Should Not Be Increased. Throughout the entirety of chapter 15, various staff proposals would dramatically increase the discretionary powers of the planning staff over private land uses in the county. This is not a good idea.

Private property owners have a right to clearly know what they can and cannot do with their property so that they can plan development on their property with some degree of regulatory certainty. The provisions of various sections of chapter 15 would put private property owners in the position of not knowing just what they could or could not do with their property; staff would make that determination. Planning staff would have broad new authority to interpret various sections of the Scenic element as they saw fit; this is the proper job of the Planning Commission and Board of Supervisors, not staff.. Property owners have a right to regulatory certainty....which this element does not provide.

The proposed Scenic Element of the general plan update should be deleted entirely or, if not deleted entirely, substantially revised.

Sincerely,

James Hoff