



# Humboldt County Farm Bureau

5601 So. Broadway, Eureka, CA 95503  
Serving Agriculture Since 1913

September 10, 2007

Humboldt County Planning Commission  
3015 H Street  
Eureka, CA 95501

Re: County of Humboldt General Plan Update

Dear Commissioners:

Chapter 5.2. Agricultural Resources

We would first like to thank you, your staff and other members of the public in the significant efforts involved with this daunting task. Many of our members have been trying to keep up with the issues and their consideration and it has been attempted with a great amount of energy. You and our members are applauded for your efforts.

TOPICS:

### **Change in the Goals** of the County concerning Agricultural Lands

We note that the currently adopted goal concerning Agricultural lands is not provided in the summary of information from the currently adopted General Plan (Volume 1 Framework). This Goal provides:

#### **Section 2522 Goal**

The optimum amount of agricultural land shall be conserved for and maintained in agricultural use to promote and increase Humboldt County's agricultural production.

Over the years, we have seen various interpretations of the term 'optimum' and would suggest that the goal be modified to replace 'optimum' with 'maximum'.

We note the two new goals proposed. As it concerns the second goal, AG-G2., the second sentence is problematic. Agricultural leases come in a large range of land areas and parcel sizes from several thousands of acres to a 'hand shake' lease of very small 'backyard' plots. Suggest this sentence be removed.

We would suggest that the only exception to the above prohibition would be the continuation of the ability to create parcels (typically through the lot line adjustment process) for the purpose of protecting historical resources. This would be subject to the specific standards as presently found within the Coastal Zone Regulations .

The standards or allowances that provide for the division of AE lands for the purpose of establishing 'starter farms' would be eliminated (it is our understanding that this option has not been used over the past twenty five years of its existence).

#### **Existing Parcels (standard and substandard)**

With the reinforcement and application of the existing zoning regulations that prohibits subdivisions or residential developments, there is a need to review and expand where needed the explicit policies and standards that pertain to existing parcels, whether standard or substandard as to the minimum parcel size established through zoning.

The minimum parcel size would remain at 60 acres, with the exception relating to historical preservation above (and as found in the Coastal Regulations). The present language concerning agriculturally related residential development would remain the same.

#### **Certificates of Compliance and Lot Line Adjustments and Related Development Issues**

We would suggest that far more information relating to the Certificate of Compliance process and the County's existing policies, practices and standards concerning development of the lands once certified be provided to the Commission (and the public).

The issues of residential or other development of 'certified' parcels, to include the processing of Lot Line Adjustment adjustments, need to be individually addressed.

Several years ago (2002) the County Board approved 'interim measures' to implement changes in the state law concerning the processing and approving Lot Line Adjustments. The interim measures were deferred to this General Plan Update process. The policies and standards need to be explicitly reviewed as a part of the current process (in the form of a proposed change to the subdivision ordinance).

The County has had an ongoing policy of generally allowing the residential development of individual legally created or certified parcels. This ability (entitlement?) is subject to the various adopted standards concerning site development: water supply and storage, wastewater disposal, legal and physical access, location out of hazard areas, fire safe standards, etc.

We have previously indicated the need for the County to create a useful definition of 'entitlement'. Some of the alternative language of the plan, especially in alternatives A and B, seems to be resting on some notion of a vast amount of entitlements in the rural lands (like 15-17,000 dwelling units).

For example, the cumulative effects of water withdrawal within the various basins of the County needs to be assessed as a part of the update and not deferred to some future individual development proposal.

Same too with the road system. It is generally understood that the County Road system is in need of substantial maintenance. In addition, there are numerous locations of the system wherein 'current' engineering road designs or standards are not being met (and are not feasibly corrected owing to the absence of adequate funding). While these standards may be acceptable to the rural land owners (roads may always be improved somewhere), they may not be to others.

### **Unintended effects**

We note that an alternative suggests an increase in parcel sizes of the rural lands coupled with a reduction in density.

We are very concerned about the perception that if these were to be adopted by the County that a reduction of property values of working ranches and other lands would result. This diminution of value of the ranch holdings could directly affect the owner's ability to finance ongoing and future agricultural activities.

In addition, with the prospect of further decreasing an owner's ability to divide their lands, an acceleration of the sale or transfers of the parcels (and ultimate development) in anticipation of the additional restrictions upon the lands could/would result (not a desired effect).

We would ask the Commission to consider these potential/perceived unintended effects when assessing the various alternatives concerning larger parcels sizes and substantially reduced densities of the rural lands of the County.

### **Clustering, Tiering and similar programs**

We have reviewed the 'clustering'/'tiering' program.

While we appreciate the efforts in addressing the perceived problem in recognizing 'patent' parcels and their development (beyond sale, lease or financing), we did not see where the proposed program could meaningfully occur within the County. If one rancher or large land owner were to take advantage of such a program, the result could readily be one of conflict and nuisance for the other land owners in the area (where the concentrated residential clustering has occurred). In addition, wherever the 'clustering' occurs, a direct conversion of the agricultural lands (even through meticulous site selection) through residential development would occur with accompanying indirect effects on other agricultural operations in the area.

Same too with the proposed program of 'the transfer development rights'. We first question the establishment of the entitlement (that which is to be transferred), then question how the valuation of such right is established, then question where the rights are to be transferred. In theory it seems to be a plausible solution, however, in practice we do not see how it could be realized. In addition, if there are areas, to which the rights could be transferred, why not just plan and zone the receiving areas for an appropriate level of development?

In addition, the ability of the County to gain compliance with existing laws, rules and regulations seems woefully inadequate. While there have been considerable efforts in this area in recent years, the full scope of the problem has not yet been disclosed.

It is suggested that the current state of the code compliance efforts be revealed, that the number of code violations known to the County departments be publicly disclosed, the mechanisms available to achieve code compliance be described, and the penalties for non compliance be reviewed.

As it concerns the later, 'the double the fee' penalty does not seem to have much of an affirmative effect in gaining compliance with the codes in the first place. It is suggested that a review of the code compliance program and the related penalties for non compliance be reviewed and adjusted where needed. In addition, if there are current duties to perform by the County (like suspected subdivision violations) that are not routinely performed presently, then this too should be disclosed and addressed.

**There is no need to add additional regulation to those lands where the owners try to follow the law in response to those who choose to violate existing law.**

**In summary, we would recommend:**

The adoption and implementation of a comprehensive 'No Net Loss of Agricultural Lands' program.

The collection and presentation of considerably more material concerning 'entitlements', perceived 'conversions', certificates of compliance and existing rural development practices.

The consideration of the current rules regulations and practices, including their effectiveness, concerning rural land development prior to the enactment of new land use restrictions or other regulatory controls.

The determination of the financial feasibility of the actual implementation of any new or expanded regulatory program or activity prior to its enactment.

Thank you for the opportunity to provide our comments and suggestions.

Sincerely,

Jim Regli  
President  
Humboldt County Farm Bureau