



November 7, 2005

Ms. Cathy Creswell, Deputy Director  
California Department of Housing & Community Development  
1800 Third Street, Suite 430  
Sacramento, California 95814

Subject: Humboldt County Housing Element

Dear Ms. Creswell:

HELP's mission to promote the development of jobs and affordable housing for the residents of Humboldt County has once again been frustrated by the county's letter submitted to your office. The October 27, 2005 annual report letter from Humboldt County is a sad disappointment to the many residents of the county who have been working diligently to get the county to bring its housing element into compliance with state law. The letter does not comply with the requirements for an annual report on progress on implementing the housing element; it does not provide an adequate response to your letter; and it certainly does nothing to correct the significant deficiencies in the housing element.

The county's decision to address the deficiencies only by way of inclusion in this annual report clearly demonstrates that the county has no intention of putting the corrections it has identified into the housing element. The county has now admitted to you that the information in its housing element (on which HCD's approval was based) is woefully inaccurate, but it has indicated no intention to amend the housing element to correct the deficiencies.

Even if all the deficiencies acknowledged by the county in this annual report letter were corrected in the housing element, the land inventory in the element still would not comply with state law for the following reasons:

1. There is no "analysis of the relationship of zoning and public facilities and service to the sites on the inventory. Gov't Code 65582(a)(3).
2. The inventory does not list all properties by parcel number with the size and general plan designation and zoning for each property.
3. Nonvacant sites have no description of existing use.
4. There is no description of existing or planned water, sewer, and other dry utilities supply. Gov't Code 65583.2(b).
5. The County makes reference to an infrastructure analysis on their GIS. It is not on the GIS which the County demonstrated to you May 23rd.....the one which is interactive and available for public review. The aerials included in their letter to you are not consistent with those as shown on the interactive GIS and available for public review.
6. The element does not identify from the inventory adequate sites that can be developed for housing within the planning period and that are sufficient to provide for the county's share of the regional housing need for all income levels Gov't Code 65583.2(a).
7. The element does not determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level. Gov't Code 65583.2(c).'

8. Because the county has not identified adequate sites in the inventory that can be developed to meet its share of the regional housing need for all income levels, it must have a program to identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate its share of the regional housing need. No such program is identified in the report letter or the housing element. Gov't Code 65583(c)(1).
9. We wish to emphasize that while the "inventory of land suitable for residential development" falls far short of requirements, it is an even more serious deficiency that the county has made no effort in the report letter or the housing element to identify "adequate sites to accommodate the need for groups of all household income levels." Gov't Code 65583(c)(1)(A). The county simply suggests that there are plenty of sites in the inventory where enough housing might be developed some day. Sites identified to meet this requirement are not considered to be "adequate" unless they meet conditions described by the California Court of Appeal that are more stringent than those for inclusion on the inventory. Until the county complies with this requirement and identifies specific sites that are ready to be developed within the planning period to meet the need for each income level there is no possible way to know whether there are "adequate" sites available that are sufficient to provide for the county's share of the regional housing need for all income levels.
10. In the 11-30-04 amended Housing Element, the Planning Department committed to complete 18 new programs. Sixteen (16) of the deadlines have come and gone. There is no status provided or evidence given to indicate any of those new programs, with the exception of one, have even partially been completed.
11. The County Planning Department continues on a daily basis, to thwart the approval of land for the development of housing. Attached are copies of the tapes of the October 4th Board of Supervisors Meeting. In the two hours allowed, over two dozen families told their stories of the County's abuse of their property rights.

Attached to this letter is a partial listing of further deficiencies in the county's report to you.

The County Planning Department has been saying for years they will get it right "next time". "Next time" has come and gone without those commitments being kept. We look to HCD to hold the County accountable for their lack of performance and decertify the County's Housing Element.

Very truly yours,

Kay Backer, HELP Consultant  
Humboldt Economic & Land Plan

cc: Secretary Sunne McPeak, California Business Transportation & Housing  
Chairman Roger Rodoni, Board of Supervisors  
Loretta A. Nickolaus, County Administrative Officer  
Kirk A. Girard, Community Development Services Director  
Robert K. Best, Trainor Robertson Attorneys

Attachment: Tapes of 10-4-05 Board of Supervisors meeting

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**HUMBOLDT COUNTY HOUSING ANNUAL REPORT**

Dated October 27, 2005

**NOTE: The following comments are not intended to represent an all inclusive listing of the errors in the subject report...merely a few examples of the misinformation contained within the report.**

Executive Summary, 1st sentence: “.....*dynamic* residential land inventory.....”

now NOTE: There are numerous references to the dynamic land inventory throughout the Annual Report. State law requires jurisdictions to identify specific parcels which either are currently available for housing development, or can be made to accommodate development within the Housing Element planning period (July 1, 2008).

Executive Summary, 4th paragraph:

“*Low interest rates for home loans*” is identified as a potential reason for the rising cost of housing. This makes no sense. Low interest on home loans decreases the cost of housing and allows more families to be able to afford homes.

Executive Summary, 6th paragraph: “*There are also measures to further reduce permit requirements for second units.....*”

NOTE: Just the opposite is true. There are subdivisions which the County will allow only one second unit to be built every other year.

1 page 2, para 2: “*The adjusted GIS data was the basis for the land inventory submitted to HCD in December 2004.*”

NOTE: The County’s Urban Study Areas report dated October 12, 2004 notes limited sewer hookups in the Eureka CPA. That information was not included in the Housing Element adopted by the Supervisors November 30, 2004 and submitted to HCD in December 2004.

2 page 2, para 4 “*Owners can look up the inventory’s assessment of their property’s development potential and provide feedback directly to the Planning Division on the accuracy of the assessment.*”

NOTE: This exasperates the problem of landowners continually having to hire attorneys to prove to the County they have approved entitlements. As of August 30, 2005 the County Planning Department destroyed files which have been used in the past by landowners' consultants to prove entitlements. This proposed practice of landowners trying to convince the County how many dwelling units could be built on their property, is a potential nightmare for landowners.

3. page 2, para 5 *“Public input on the assumptions used to develop the inventory can also prompt changes. Most recently, on October 20, 2005, the County hosted a public workshop on the land inventory to provide the public with an understanding of the land inventory and to receive comments on how the inventory can be further improved.”*

NOTE: HELP and other members of the public have provided factual information to the County for years. As an example it was included in HELP's Plan H dated June 2004; during the fall of 2004 when the Housing Element was being amended; during the July 5, 2005 and October 4, 2005 Board of Supervisors meetings, and during the referenced October 20th meeting. The County Planning Department has chosen to ignore most of that input.

4. page 2, para 7 *“Step 1 of the methodology involves the development of base maps using assessors records and GIS parcel layers.”*

NOTE: The parcel maps/aerials included in the Annual Report are not those included on the interactive GIS which is available for public review.

5. page 6, last para: *“There were 41 units permitted in the County since 2003 with the use of a federal HOME grant that restricts the units for very low income persons. In addition there were 77 permits issued for second units.”*

NOTE: We question the validity of these stats.

6. page 7, Multi-family chart

NOTE: This chart does not reflect the accurate number of multi-family units which can be built in the

unincorporated portion of the County. It is grossly overstated. An infrastructure analysis needs to be applied to these sites.

Housing Advocate Elizabeth Conner stated during the October 20th meeting (not recorded by the County in the notes of the meeting) that it took her one day to survey the County's sites where multi-family projects could economically be built. She noted that there are only 7 such sites in the county.

7 page 8, Second Units chart:

NOTE: It is totally unrealistic to anticipate 400 granny flats to be built on existing home sites. This is merely another example where the County is conjuring up numbers to try and claim they can meet their fair share housing numbers. County policies and ordinances do not support this concept.

The County routinely requires developers to give up any secondary unit rights as a mitigation measure in order to get their subdivisions approved.

8. page 11, para 3: *".....and the developer is looking at developing the Robinson tract in the Eureka Community Plan area independent of the Martin Slough Interceptor project, which would have between 600-900 units to the inventory of parcels currently available for development."*

NOTE: The County is not allowing the Robinson tract to develop due to lack of secondary access.

9 page 12, chart:

NOTE: The chart shows 19 DU to be built on the American Hospital site. This is yet another example where the County does not accept accurate information. As told the County in the July 5, 2005 workshop, 19 units will not be built on this site.

HELP

10 page 13, para 1: *"They will be assessed and incorporated into future revisions of the land inventory **as appropriate.**"*

NOTE: The County has proven on a daily basis they have not in the past, or are not presently, incorporating realistic data into their land inventory.

11 page 14, Line 9: The County's notes of the meeting indicate the comment was regarding infrastructure *planning*.

NOTE: The comment was as follows: "There is no infrastructure *analysis* in the Housing Element."

Re: Hookups in City of Eureka – 30 right now?

*"The range they are giving us at the moment is up to 1,500 units can be served by the existing sewage disposal collection system."*

NOTE: This statement is a gross misrepresentation of the number of sewer hookups available in the Eureka CSD. Between now and the end of the Housing Element planning period of July 1, 2008, there are only 30 to 31 known hookups remaining which have not already been committed.

Page 14, Shelter Cove *"...Shelter Cove building will be unconstrained through the planning horizon."*

NOTE: The County continues to show 600 units to be built in Shelter Cove between now and July 1, 2008. This is physically impossible due to the topography of steep slopes, environmental constraints, lack of access and infrastructure, etc. The County continues to ignore HELP's input.

In a *North Coast Journal* article dated April 22, 2004, Humboldt County Planning Director Kirk Girard is quoted as follows regarding a particular Shelter Cove project: "If the Shelter Cove development were proposed today, it would never be approved", said Kirk Girard, director of community development for Humboldt County. "Current law requires county officials to verify that any proposed lot be suitable for its intended use. In other words, if it's zoned residential, you darn well better be able to actually put a house on it." But the damage is done, Girard said, and the laws of the marketplace prevent the county from doing much about it.

In the case of some of the lots, "unbuildable" is a function of economics, he said. You might be able to build if you wanted to put in a foundation that could

cost 10 to 20 times what a standard foundation would, for instance.

14 page 15, Question “How would we check the numbers in your inventory? Can we check it parcel by parcel?” (used Morris as an example).

NOTE: No answer to the question.

15 page 16, para 2: “HELP’s concerns center on a lack of infrastructure **planning**, and the county’s failure to take up the task of supporting the number of units it says is possible.”

NOTE: HELP’s comment was: “HELP’s concerns center on a lack of infrastructure **analysis**.....”

16 page 16, last para: “.....and the time it takes to process permits has decreased over that same time period.....”

NOTE: We disagree the time to process permits has been reduced. One of the landowners testified before the Board of Supervisors October 4, 2005, that he required to pay a fast track fee and then nothing changed.

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There were 256 applicants “in the pipeline” as of a month ago. They date back as far as 1992 trying to get to the Planning Commission for a public hearing.

17. page 24 “The following table shows the underdeveloped parcels that have been added based on staff assessment.”

NOTE: There are 7APNs added to the land inventory based on staff assessment, in spite of the fact 4 of the 7 parcels are not developable:

APN 50807136 County says 11 DU  
NOTE: This parcel does not exist.

APN 50835106 County says 16 DU  
NOTE: County’s interactive GIS says this is a .13 Acre site. This site has been built out.

APN 51013231 County says 82 DU

NOTE: This site is a part of the McKinleyville Shopping Center. The County has disallowed the splitting of this parcel in the past which would allow housing to be built.

APN 50825116 County says 64 DU  
NOTE: This is the Christ the King Church property with an existing major building, parking, wetlands, etc. No homes are going to be built on this site.

18 page 27, under chart: *“Also, the north portion of the South McKay Tract parcel was added – it’s part of APN 300-011-08.”*

NOTE: This is not at true statement.

19 page 27, 4th para under chart: Re: Shelter Cove  
*“Based on the recently released Urban Study Area Report the Resort Improvement District has capacity for only an additional 600 water hookups. This is considered by County staff to be a more limiting factor than the sewer capacity limit of 225 – 285 connections available.”*

NOTE: The County continues to show 600 DUs to be built in Shelter Cove within the next 2 ½ years. This makes no sense with only 225-285 sewer hookups available.

HELP has repeatedly told the County only 250 DU can be built in Shelter Cove. And certainly those 250 units will not be anywhere close to affordable.

Where is the “jobs/housing balance” consideration?  
There are very few jobs in Shelter Cove.

20 page 53, Item 1: Existing Policies and Programs  
**Building Permits** *“The objective of the County is to facilitate the construction of **1,408** additional single family units and **128** multifamily units by 2008.”*

NOTE: This totals 1,536 DUs and is inconsistent with the 3,692 shown in the Comparison chart on page 5 of the Annual Report.

21 page 53, Item 1: Existing Policies and Programs  
**Second Units** *“The objective of the County is to facilitate the construction of 79 additional second units between 2003 and 2008.”*

NOTE: This is inconsistent with the **400** second units identified on page 8 of the Annual Report.

22 page 53, Item 1.6: **Second Units**  
*“The County shall (do) all within its power to facilitate the production of affordable housing.....”*

NOTE: We would encourage anyone to listen to the tapes of over 24 landowners’ testimony before the Board of Supervisors on October 4, 2005 and try to reconcile the above statement. There is overwhelming evidence the County is doing just the opposite of their stated policy to provide affordable housing.

**GENERAL COMMENTS:**

- A. State There is no infrastructure analysis in the Housing Element as required by law.
- B. target There is no explanation as to why the new programs identified starting on page 59 of the Annual Report, have not been completed according to the dates established the end of last year. With the exception of perhaps one of the new programs, HELP finds no evidence there has been progress made on any of them.
- C. Until there is an accurate list of parcels in the Housing Element, we are unable to comment on individual sites.