

Planners Urged To Back Alternate House Plans

By PAUL BEATTY

Sentinel Staff Writer

More than 100 self-home-builders crowded the county Planning Commission Wednesday night and in nearly a single voice urged the county to allow alternative building standards for owner-built and occupied houses.

Commissioners reviewed the final report of the alternative standards committee and heard testimony that a number of ways of home building — not presently allowed by the code — were less energy consuming and more environmentally protective than conventional methods.

A further commission workshop on the report was set for June 1, after the report is reviewed for recommendations by the county Building Appeals Board, and after the county Environmental Review Committee decides if non-standard owner-built homes will need an

environmental impact statement.

Following the workshop, and possibly another public hearing, the commission will make its recommendation to the county Board of Supervisors, which has the final decision on the matter.

Not everyone was supportive of the concept, including Resource Director Henry Baker, who told the commission, "I am philosophically opposed to this concept for a variety of reasons.

"The health and safety stan-

dards of a community should not vary from one individual to another simply because there is a distinction as to who built a particular structure (as) the safety of one individual in our community is just as important as another."

Commissioner Celia Von der Muhll contested, "I don't see a 14th Amendment problem here," noting "these homes may be safer, and that could be the basis for a reasonable distinction between individuals — as long as the (alternative) code is based on health and safety."

Baker also said that a recommended provision in the proposed alternative code "that the structure cannot be sold for two years after the permit approval . . . is unenforceable."

Von der Muhll and other commissioners agreed it would be difficult to restrict sales, but she elicited from county counsel that a notation could be included with the deed to inform potential buyers that the home was owner-built.

Von der Muhll said she was sympathetic to the owner-built standards' concept, but indicated she shared Baker's concern that such standards, which could allow adobe, single-walled structures and teepees, might increase the number of buildable parcels in the county.

Baker issued a warning on the increased workload on staff that would be caused by review of alternative plans and enforcement of alternative standards.

He said, "The key issue here is that the burden of proof for adequacy of design is placed upon the applicant when that person deviates from the standard (however) the alternate standards attempt to change this by placing the burden of proof upon the agency doing the plan checking and inspection."

Deputy County Counsel Dwight Herr commented that court cases had been consistent in finding the agency was not liable in its contested issuance of permits and permit enforcement.

Hal Levin, chairman of the alternative standards committee and a strong supporter of alternative standards for owner-built and occupied homes, said the issue of alternative standards resulted "from an awareness there were houses being built without permits."

He said the changed standards would be "the only way for many people to get a home" in that an owner-builder can put the home up for 50 to 75 percent less than a commercial builder.

Robert Roskin, a home builder, said in 1960 there was 44 percent of the nation that could afford houses, based on a 25 percent mortgage payment of one's gross income. He said that in 1970, it dropped to 23 percent and by 1980, it will be 17 percent of the citizens who can afford to own homes.

Mary Cohen of Scotts Valley and a teacher at the university level, said, "The present regulations make it a crime to conserve energy—and that's insane."

SV's Planning Unit Stays Five Members

By DENISE SIEBENTHAL

Sentinel Staff Writer

The Scotts Valley City Council has yet to put a businessman on the Planning Commission, but it decided Wednesday to keep a five-member commission and to appoint Dr. Elmer Kirsch to fill a vacancy on the planning body.

Kirsch, a teacher and former vice-president at Bethany Bible College, served on the commission eight years from 1966-1974. He replaces Al Durston, who recently quit the commission.

Before appointing Kirsch, however, the council was faced with deciding whether it wanted to go to a sevenmember commission.

Mayor Ray Carl had urged the seven-member concept, saying that this was an ideal way to get business / developer representation on the commission.

Carl also said that going to a seven-member commission would not make it necessary to remove any of the present commissioners in order to gain better representation. At the May 3 council meeting, the mayor lauded the commission.

But by Wednesday night, Carl had changed his position mainly due to a letter from City Attorney Gary Giannini stating, "It is my opinion that a Planning Commission of seven members is not appropriate for Scotts Valley."

"I know of very few, if any, cities the size of Scotts Valley that have seven members on their commission. I believe seven members become too unwieldy and would be less productive and efficient than the

present five-member commission . . ." Giannini added.

Councilmen Don Cook and Jack Boone, who previously had supported the seven-member idea, said they would go along with keeping five members.

Cook and Boone, however, shied away from Councilman Jun Lee's suggestion that each councilman be allowed to select an appointee to the commission. Boone said this type of appointing would become "strictly a political situation."

Immediately following the unanimous vote to keep the commission at five members, Lee nominated former Commissioner Doug Foster to fill the commission vacancy. Before the vote could be taken, however, Foster declined the appointment.

Lee then nominated Kirsch. At first his recommendation was turned down 3-2 with Carl, Cook and Boone against the appointment because they wanted to hold public interviews with applicants.

Kirsch hadn't applied to fill the vacancy and it's still unknown whether he will accept. He was unavailable for comment today.

Carl, however, changed his vote to the affirmative after agreeing with Lee that if it's decided to have individual councilmen make appointments to the commission, Kirsch would be considered Lee's appointee.

Meanwhile, Commission Chairman Warren Vevang told the council he will resign after the general plan is completed, thus creating another vacancy to soon be filled.

