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“ Promoting Jobs & Housing for Humboldt Families ”

March 1, 2007

Mr. Thomas Herman, Chairman
Planning Commission
County of Humboldt
825 Fifth Street, Room 111
Eureka, California 95501

Subject: General Plan Update

Dear Chairman Herman and Members of the Commission:

We appreciate this opportunity to offer our comments on the General Plan update. When adopted it will set the stage for residents’ quality of life for many years to come. HELP recognizes the need to bring balance to the new General Plan. We believe nothing speaks to a desirable quality of life more than an opportunity for each citizen of Humboldt to have the opportunity for a job and home ownership.

Certainly each element of the General Plan deserves close attention and must, according to State law, be internally consistent with each other. It is with this philosophy that we address the introduction of the General Plan update, i.e., “Setting” and urge you to consider:

1. The "guiding principles," "goals" and "policies” are written with vague language that will allow the planning staff to continue to impose their personal preferences on the process. For example the number one guiding principle is "preserve the unique character of Humboldt and the quality of life we enjoy." HELP members agree with this statement, but what is unique about Humboldt and what is special about the quality of life is not set out in this plan. In theory, down the road every thing proposed for inclusion in the general plan will be evaluated against these principles, goals and policies. It is important to be specific.

Moore Information Public Opinion Research polls show that Humboldt residents value:

Issue Number 1	Jobs & Economic Development	87 %
2	Housing	69
3	Crime / Safety	66
4	Growth / Land Use	64
5	Taxes & Government Spending	60
6	Health Care for Needy	60
7	Protecting Open Space	57
8	Traffic / Transportation	50

We recommend these values be spelled out in the General Plan “Setting”.

2. We are particularly concerned about principles #3 and 4. These are the only ones to address infrastructure and neither says directly to build it. #4 says to have "plans" for financing and construction. We’re not sure what #3 says. "Efficient use of water and sewer" sounds like infrastructure expansion might be a last resort. "Focus development in those areas" uses an indefinite pronoun with no clear prior reference. On its face the most likely interpretation is focus development on those areas that are making the most efficient use of water and sewer. What does

that mean? Which areas are we talking about? Until the infrastructure analysis is complete, it is premature to comment on this principle.

Principle #3 discourages low density residential in "open space." Any land not already built on can be considered "open space." Again, without the benefit of the infrastructure analysis, we cannot agree with this open-ended principle.

3. It concerns HELP that the references to the housing element seem to indicate that it will be a separate document and will not be updated as part of this process. On page 9 it says the housing element will continue to be a separate, stand alone document. On page 13 in a section talking about what this new document will supersede, it says the 2004 version of the housing element "serves as the housing element portion of the general plan." There is no indication that it will be changed in any way during this update process. This is absolutely unacceptable. As we have pointed out over the past three years, the 2004 Housing Element is grossly inaccurate and must be updated immediately to conform to State law. It is an integral element of the General Plan and must be consistent with all other elements.

4. The alternatives analysis is a farce. The goals and policies encompassed in alternatives A, B & C are identical (pp 27 -29). The guiding principles differ only slightly. Given that preferred alternative B already directs development into "existing urbanized areas" it is difficult to see how the three additional principles that supposedly define alternative A will make any difference in how the county grows. Alternative C is simply alternative B with a few words removed that are more specific in demanding land use restrictions.

5. The preferred alternative B introduces a key term for the direction of development, "urbanized areas." That term is not defined. The public resources code defines it as:

21071. "**Urbanized** area" means either of the following: (a) An incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons. (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons. (b) An unincorporated area that satisfies the criteria in both paragraph (1) and (2) of the following criteria: (1) Is either of the following: (A) Completely surrounded by one or more incorporated cities, and both of the following criteria are met: (i) The population of the unincorporated area and the population of the surrounding incorporated city or cities equals not less than 100,000 persons. (ii) The population density of the unincorporated area at least equals the population density of the surrounding city or cities. (B) Located within an urban growth boundary and has an existing residential population of at least 5,000 persons per square mile. For purposes of this subparagraph, an "urban growth boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side. (2) The board of supervisors with jurisdiction over the unincorporated area has previously taken both of the following actions: (A) Issued a finding that the general plan, zoning ordinance, and related policies and programs applicable to the unincorporated area are consistent with principles that encourage compact development in a manner that does both of the following: (i) Promotes efficient transportation systems, economic growth, affordable housing, energy efficiency, and an appropriate balance of jobs and housing. (ii) Protects the environment, open space, and agricultural areas. (B) Submitted a draft finding to the Office of Planning and Research at least 30 days prior to issuing a final finding, and allowed the office 30 days to submit comments on the draft findings to the board of supervisors.

How many areas in the county meet this definition? If this is not what alternative B means, what does it mean? How many areas in the county meet this definition? If this is not what alternative B means, what does it mean?

6. The staff's narrative description of the alternatives (pp 14 -16), which will not be part of the final document, attempts to show some differences by attaching descriptive titles and describing a version of what the alternative might be. However, any of the descriptions used for each alternative could be the result of adopting any one of the three alternatives.

7. The basic question that needs to be raised is does this document reflect the realities of Humboldt County? It takes a direction much like you would expect in counties with rapid growth and intense competition for available land areas. What are the priorities facing Humboldt? HELP does not believe the protection of resource lands and, in particular, "open space" should be given the same priority as affordable housing. HELP believes a broad range of housing should be provided for Humboldt families. Limiting low density residential and emphasizing infill in urbanized areas should be a consideration but not a top priority.

The general principles, goals and policies in this document as currently drafted establish a planning direction more appropriate for an urban county. Humboldt is a rural community. HELP believes it is important to protect that "rural character" and establish priorities accordingly. It will not be accomplished by trying to social engineer its citizens of the future into high-rise buildings downtown.

The various alternatives should reflect different priorities, not just inconsequential tweaking of the same idea. Only in this way are the Planning Commissioners and Board of Supervisors given a chance to understand and make decisions that actually affect how the county will grow.

Part 1 – Setting (page 1-1)

To accurately represent the economic status of Humboldt County, there must be an acknowledgement of the demise of the timber and fishing industry over the past several years. This is in no small part due to the policies and practices of County officials and their willingness to bow to an activist minority. Business in general has been treated with disdain and "run out of town", in some cases before it could even assess the potential situation of relocating here to provide good quality jobs.

As a matter of record, timber industry production in Humboldt County has declined about 25% over the past 10 years. And as demonstrated by the recent bankruptcy of a major timber company in the County, it continues to diminish.

One Port Commissioner remembers the 1970's and '80's when there were several hundred salmon boats in the harbor – boats tied 10-12 across because there were not enough docks to accommodate them. Now there are just a few dozen fishing boats on any given day. Deck hands and all the other support jobs which once made the fishing industry in Humboldt County so vital has dwindled down to a ripple.

To be intellectually honest, this reality needs to be acknowledged up front in the General Plan. Then and only then can the Plan make an attempt to establish the path for future economic recovery and expansion. The land use decisions made in the future will play a major role in either helping make the County a better place to live, work and play, or they will continue to propel the current downward spiral brought about by the “no-growthers”.....folks who got what they have for themselves, but don't wish the same for others. In fact that crowd is doing everything within their power to make certain others don't realize their dreams.

Chapter 1. Introduction – Purposes of the General Plan (page 1-2)

The second item listed as the “Purposes of the General Plan” states: “Provide a basis for local government decision-making, including decisions on development approval and *exactions*.” -- Exactions: to demand by force or authority the taking of dues and fees. May we suggest that is not the purpose of the General Plan -- to determine how the public sector can “take” from its private citizens?

The first item of this list of 5, should be: “Assure protection of property rights as provided for in the United States Constitution.”

Background on Developing this Plan (page 1-2)

HELP totally rejects the attempt to “consolidate the Coastal Area Plans and most of the individual Community Plans into a consistent, comprehensive format.” Any effort to expand Coastal Area Planning principles into the remaining portions of the County is to put the final nail in the coffin and must be resisted.

(page 1-3) The claim that: “An extensive public outreach and participation program was conducted in developing this Plan.” is an outright untruth. The interception by Planning Staff of much of the public's input during the past 4 years is the very reason HELP was formed – to try to be heard and not shut down.

The Critical Choices Report is being “used to guide the workplan for the remainder of the program.” Why would this report be given any credibility when the need for housing and infrastructure, including roads and utilities, don't even get honorable mention, let alone acknowledged as critical?

Guiding Principles (page 1-3)

HELP supports the land planning principles outlined on Attachment “A” of this letter.

The attempt to “increase restrictions on resource land subdivisions and patent parcel development” is a direct violation of property rights and is contrary to the U.S. Constitution.

Any reference to infrastructure is premature until a credible infrastructure analysis is performed.

A broad spectrum of housing types should be encouraged and promoted. Affordability should be provided for all levels of income, not just for the homeless or very low income families.

Alternatives (page 1-6)

HELP supports sustainable communities....communities and counties which are self-supporting and not continually looking to tax payers handout to “live on.” If Humboldt County would take the existing unreasonable constraints off the private sector, the tax base from jobs and housing could fund county government and provide the amenities which enhance everyone’s quality of life.

Chapter 2. Public Guide to the General Plan (page 1-9)

HELP disagrees with the patching / combining of various elements of the General Plan. Each element must be clear as to what it is saying. The attempt to blend certain elements with other elements merely makes it more difficult to determine what the General Plan has to say about individual subjects. The elements of the Plan should be organized as “chapters” in a reference book so they can be easily used as a guide for future reference.

Companion Documents (page 1-10)

HELP contests the attempt to incorporate by reference: “Separately bound documents which are associated with this General Plan document.”What reports? When were they written? Who wrote them? Community Plans which have not been updated for as long as 25 years should not be used as a basis for the General Plan update. Those Community Plans should be updated ASAP.

Supporting Reports (page 1-17)

Many of the supporting reports listed are ridden with misinformation and inaccurate assumptions. It has been well established that the GIS data has not produced “real world” information due to inaccurate information feed into the system.

Chapter 3. Governance Policy (page 1-20)

Amendments

We disagree with the statement that “As a constitution for future development, some aspects of it should be considered foundational and not subject to ad hoc changes.” HELP believes the General Plan is exactly what it infers -- general. As additional information comes to light and times or situations change, the General Plan must be examined and updated accordingly. It is not unusual for California cities and counties to anticipate and in fact provide for General Plan Amendments on a quarterly basis. Humboldt County could better respond to future needs of its citizens if a similar practice were adopted.

Inter-Governmental Coordination (page 1-21)

HELP urges the County to discontinue imposing yet another layer of regulations and constraints on its citizens where other levels of government already exert their influence. There are numerous areas where “piling on” additional laws could be avoided. It is not cost-effective for the County to superimpose additional regulations which are already mandated by Federal, State or regional laws. Examples include:

- 1. Endangered Species (CA Fish & Game, US Fish & Wildlife Service, NOAA Fisheries)
- 2. Wetlands (US Corps of Engineers, USEPA, CA Coastal Commission, CA Fish & Game, Humboldt County)
- 3. Air quality (North Coast Regional Air Quality District)
- 4. Water Quality (North Coast Regional Water Quality Board, HCDH)
- 5. Child Care (California Dept of Social Services, Community Care)

Required Findings and Criteria for Amendments (page 1-23)

HELP recommends the elimination of the petition for amendment of the General Plan for applications involving housing is concerned. This “petitioning” adds cost and time to applicants and in turn to the cost of housing. Applications for the approval of housing should be allowed to be submitted directly to the Planning Department for processing and forwarding to the Planning Commission and then to the Board of Supervisors for General Plan Amendment if applicable.

* * * * *

We note that Section 1441 of the current General Plan has been removed from the draft update. We urge you to keep this section in the update and return to the “Common Sense” principle of administering the General Plan.

To assist you in your deliberations, we attach two documents:

- HELP’s Land Planning Principles (Attachment A), and
- HELP’s recommendations according to the “report card” format (Attachment B).

We respect the time and appreciate the effort each Commissioner gives to the General Plan update process and stand ready to assist in any way we can be productive.

Respectfully,

Kay Backer, representing
Humboldt Economic & Land Plan

- cc: Bruce Emad, Planning Commissioner
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Land Planning Principles

1. **The most fundamental principle is that, absent a material threat to other individuals or the community, people should be allowed to live and work where and how they like.**
2. **Planning procedures and tools should incorporate private property rights as a fundamental element of development control.** Problems of incompatible or conflicting land uses will be better resolved through the revival of common law principles of nuisance RATHER than through zoning regulations which tend to be rigid and inefficient.
3. **Prescriptive, centralized plans that attempt to determine the detailed outcome of community form and function should be avoided.** Such "comprehensive" plans ARE a cookie cutter approach to planning and interferes with the dynamic, adaptive, and evolutionary nature of communities and neighborhoods.
4. **Densities and land uses should be market driven, not plan driven.** Proposals to supersede market-driven land use decisions by centrally directed decisions are vulnerable to the same kind of NEGATIVE UNINTENDED consequences as any other kind of centrally planned resource allocation decisions, and show little awareness of what such a system would have to accomplish even to equal the market in effectiveness.
5. **Communities should allow a diversity in neighborhood design.** Planning and zoning codes and building regulations should allow for neotraditional neighborhood design, historic neighborhood renovation and conversion, and other mixed-use development and the more decentralized development forms of recent years.
6. **All growth management policies should be evaluated according to their cost of living and "burden-shifting" effects.** Urban growth boundaries, minimum lot sizes, restrictions on housing development, restrictions on commercial development, and other limits on freely functioning land markets that increase the burdens on lower income groups must be rejected. *Adequate land must be made available for jobs and housing with special attention given to providing a jobs/housing balance.*
7. **Market-oriented transportation strategies should be employed.** Public transit schemes that lack the flexibility to adapt to the changing destinations of a dynamic, decentralized populous, should be viewed skeptically.
8. **The rights of present residents should not supersede those of future residents.** Planners, citizens, and local officials should recognize that "efficient" land use must include consideration for household and consumer wants, preferences, and desires. Thus, growth controls and land-use planning must consider the desires of future residents and generations, not solely current residents.
9. **Planning decisions should be based upon facts, not perceptions.** A number of the concerns raised in the "sprawl" debate are based upon false perceptions. The use of good data in public policy is crucial to the continued progress of Humboldt County and the social advance of all its citizens.
10. **Maintain Humboldt County’s “rural” character and quality of life.** This principle acknowledges that the so-called “Smart Growth” approach to planning promotes a high density urban lifestyle which is counter to Humboldt County’s rural setting of today.



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Principle Tables, pages 1-7		R,D,M	
1. The plan should work to balance the unique rural character of Humboldt County.		M	
2. The plan must provide sufficient developable commercial, industrial, and residential land, and policies to address housing needs for all income levels .		M	
3.		D	
3. The plan should strive for the efficient use of water and sewer services and focus development in those areas and encourage residential on nonproductive resource lands. Property owners' rights in the County will be protected.		M	
4. Infrastructure planning must be included in the plan.		M	
5. The County must support private development which provides jobs and housing.		M	
6		D	
6. The plan should contain incentives for long-term agriculture and timber land protections.		M	
7.		D	
7. The plan should include incentives for natural resource protections.		M	
8. The plan must be practical and actionable.		R	
9. The plan must provide a clear statement of County land use policies to provide clarity in the County's permit processing system and to simplify review of all projects.		M	
Principles Guiding the Alternatives Table, page 1-8		R,D,M	
10. A reasonable range of Plan alternatives should include an environmentally superior alternative.		M	
11. A reasonable range should include an alternative that would result in a greater supply of land available for a broad range of affordable housing for all levels of income .		M	
12. Development of the proposed project and alternatives must involve stakeholders and be supported with accurate and relevant data.		R	
13		D	
14		D	
15.		D	

				Goals and Policies, page 1-27		R,D,M
A	B	C		GP-G1 Open, inclusive, and responsive. The County Planning permit application and hearing process must be an open, inclusive, and responsive process for public participation.		M
A	B	C		GP-P1 The public's right. The public has a right to fully participate in land use planning decisions – it's the law.		M
A	B	C		GP-P2 Participation opportunities. Planning and implementation of programs must include full opportunity for public participation		M
A	B	C		GP-P3 Accessibility. The County must strive to make the plan understandable and accessible to all segments of the population, and encourage citizen participation throughout the planning process.		M
A	B	C		GP-P4 Meaningful participation. Public input at public hearings & workshops must be formatted in such a way as to encourage meaningful participation.		M
A	B	C		GP-P5		D
				Amendments	Remarks	R,D,M
A	B	C		GP-G2 Plan Maintenance. The County must keep the general plan up to date and responsive to community needs.		M
A	B	C		GP-P6 Periodic Review. The County must utilize the Housing Element periodic updates as a primary indicator method to keep the entire plan up to date and relevant.		M
A	B	C		C GP-P7 Amendments. Applications for Plan Amendments should be accepted on a quarterly basis. Those applications which include housing should be allowed to be filed without prior approval of the Board of Supervisors.		M

Intergovernmental Coordination,		R,D,M
GP-G3 Timely and Effective Coordination. The County must promote timely and effective intergovernmental coordination.		M
GP-P8 City-County Coordination. The County must promote coordination between city and County planning efforts.		M
GP-P9 City General Plans. The County shall give consideration to city general plans when updating its plan.		M
GP-P10 Joint Planning. For major land use decisions adjacent to a city, consideration should must be given to joint meetings.		M
GP-P11 Water Service Provider Coordination. The County must encourage coordination on water supply and demand per Gov. Code §65302(d) and §65352.5.		M
GP-P12 Annexations.		D
GP-P13 Public Works Projects. The County shall review public works projects for conformity with the adopted general plan or part thereof, per Gov. Code §65401.		R
GP-P14 Real Property Transfers, and Street Abandonments. County acquisitions and disposals of real property and street vacations or abandonments shall be reviewed for conformity with the current general plan per Gov. Code §65402.		M
GP-P15 Capital Improvement Plans. The County shall prepare the capital improvement plans per Gov. Code §65403.		M
GP-P16 Regional Transportation Plan. The County shall coordinate with Humboldt County Association of Governments (HCAOG) in the preparation of the Regional Transportation Plan.		R
GP-P17		D
GP-P18		D
Existing Framework Plan Goals, Policies and Administration, page 1-29 through 1-33	Remarks	R,D,M
FRWK 1531.1 The County shall establish a set of planning documents that is a comprehensive statement of public policy concerning land use and the provision of public services.		M
FRWK 1531		D
FRWK 1531.3 The County shall provide a General Plan in language which is readily accessible to the public and encourages citizen participation throughout the planning process.		M
FRWK 1531.4 The County shall maximize the opportunity for individuals and groups to have meaningful participation in the planning process.		M
FRWK 1532.1 The County shall maximize opportunities to educate the public about the planning process and the citizen's role in it.		M
FRWK 1532.2 The planning process shall maximize public access to the land use planning process.		M
FRWK 1532.3 The County shall accept input of the public, and include public input in all meeting, hearing, amendment and general plan update hearing records.		M
FRWK 1532.4		D
FRWK 1533.1 The County's policy making structure shall provide the most direct relationship between the public and the decision makers via written policy records available at the front counter at the Planning Department in a binder that is frequently updated on a regular basis.		M

FRWK 1533.2 The funding to provide opportunities for public participation in the land use planning process shall be maximized consistent with the budgetary constraints of the County Planning Division's budget.		M
FRWK 1541.1		D
FRWK 1541.2 Plan proposals shall be provided to the public for review at least 30 days prior to public hearings on the plan to insure informed public participation. Public input from the hearings shall be considered and included in the hearing record.		M
FRWK 1541.3 The education of the public shall be provided through, but not limited to: -Print and electronic media - Public meetings		M
FRWK 1542.1 Through the implementation of policies of the current General Plan in an equitable manner to all applications across the board, the County Planning Commission shall maintain clear, consistent and fair relationships with the public, the Board of Supervisors, ad-hoc committees, and local, State and Federal agencies.		M
FRWK 1542.2 Commission procedures shall be prepared in a format and language that is clear and readily available to the public in a timely manner.		M
FRWK 1542.3 The County shall encourage the voluntary formation of citizen's advisory organizations to provide input on all General Plan specific matters in a format consistent with the adopted policies and procedures in the existing General Plan.		M
FRWK 1542.4 The Community Plans must be consistent with the existing current General Plan.		M
1542.5 The County shall take into consideration the views expressed by the public by including their input in the record of all meetings and hearings.		M
FRWK 1542.6		D
FRWK 1542.7 The County shall provide the public notification of meetings at least 30 days in advance of meetings to insure public participation consistent with the goals of the current General Plan.		M
FRWK 1542.8 The planning Commission shall have the capacity to decide when to hold its meetings in a geographic area of concern for either specific projects, for Plan Amendments, or for Plan updates. The location of said meetings shall be determined on a case by case basis, and the costs shall be kept within the Planning Department budget or shall be solicited from the County general fund via the CAO as needed.		M
FRWK 1542.9 Public hearings shall be organized to provide public opportunities to have their comments under consideration in all Planning matters including the evaluation of alternative Plan proposals and participate in the choice of the preferred alternative.		M
FRWK 1543.1 Review by the Planning Commission shall be consistent with the requirements of this section by: review on an exception or "consent calendar" approach, and shall be consistent with the existing current General Plan.		M

FRWK 1543.2 The Planning Commission's practices shall be consistent with Roberts Rules of Order and the Brown Act, and within the framework of the existing current General Plan with respect to rules of procedure to govern the conduct of hearings, solicitation of and limitations on oral comments, and other business of the Commission.		M
FRWK 1543.3 The Commission should be authorized to create subcommittees from their membership, and to create joint committees for the conduct of planning matters.		M
FRWK 1550.1		D
FRWK 1550.2		D
FRWK 1550.3		D