

Humboldt County Planning Commission  
Humboldt County Courthouse  
Eureka, California 95501

rec'd 6/24/07  
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W-88

Dear Commissioners:

Re: **Verbal input items:** General Plan Review (June 21, 2007) - Chapters 12, 13, 14, and 5

General Plan write-ups say a lot about development problems and maintaining open space, but say little about real world reasons for development problems such as improper development and inadequate funding of public services. The write-ups provide all kinds of regulatory schemes for forcing retention of open space while ignoring how more and more regulatory restrictions are providing more and more reasons for landowners to sell to developers.

Logic and real world experiences tell me simplifying currently confusing and complicated permitting procedures, enforcement of development requirements, and factually confronting public service funding needs to be the focus. Going after the result after the horse is out of the barn does not make a lot of sense.

To provide focus, there needs to be a separate section in the General Plan that covers factors common to development permit processes such as those listed on page 5.3-18 (Adequate access, Building site suitability, Sewage disposal, Water supply, Slope stability, Impacts on public service delivery which I assume includes funding needs).

The "save the open space rhetoric" and proposed regulatory schemes fall short for the following reasons:

1. Simply stated, resolving proper enforcement and maintenance problems makes environmental problems go away.
2. While more houses and more people across the landscape bothers me, and a loss of open space in private ownership bothers me, I have to admit properly done and properly serviced development does provide benefits such as increased fire fighting capacity, increased scrutiny of land activities, increased taxes, and some incentives for maintaining privately owned open-space lands.
3. Mentioned problems, especially funding problems, are not going to be solved by duplicating existing regulatory requirements and review processes already handled by Water Quality, California Department of Fish and Game, Federal fishery and species agencies, California Coastal Commission, and many other agencies. Does the county really want to put a staff of qualified biologists, foresters, and other scientists in place as suggested to handle additional review and files of information involving species protection, stream management areas, wetlands, protection, habitat protection, scenic views, Coastal resources, and on and on.
4. Conservation easements, carbon sequestering units, and tax supported public trust land conversions may kill development and may provide ways for landowners to bail out from under regulatory restrictions and other ownership problems; however, these approaches also reduce the

potential for proper production of resource products which reduces marketing and manufacturing infrastructure, local business, and community economic supports, and tax revenues that provide for public and governmental services.

5. How is "more" development using an untried and inadequately researched regulatory scheme that ".....transfer(s) development rights.....from questionably defined productive open space lands....." going to solve unanswered enforcement and maintenance problems. It might be nice to know how this works before it is put into the General Plan.

6. Again, without an answer to the enforcement and maintenance problems, "more" development through a clustering scheme may be a recipe for disaster. I have seen the result of a mixed bag of folks over time on a remote rural hilltop depending on some complex sewage and water system and imperfect access, and it has not been pretty.

7. With accompanying chart in mind, it can be seen how more restrictions on land use helps to kill the incentive to own open space lands. Saying zoning restrictions will be an incentive to retain ownership is like saying eating hot goals makes you want to eat more hot coals.

Conserve, protect, and regulate ideas are not the only way to go. A General Plan goal to increase the potential for proper production of resource products and increasing yields from open space lands which are major nongovernmental, nontaxpayer economic drivers in this county will do a lot to keep folks from being forced into so-called voluntary conservation easements and for maintaining open space land in private ownership?

As the county puts this regulatory utopia called a General Plan in place, it will be wise to keep in mind routinely referenced CEQA requires mitigations to reduce impacts but does not require mitigation to zero impacts. Accompanying letter provides actual CEQA wording for your review.

It is worth noting how land use restrictions are causing us to replace locally produced food and other resource products with imports that are questionably safe and are often produced in ways detrimental to third world countries. Many regulatory schemes are not taking us to a good place.

Yours,



Charles L. Ciancio  
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To: Humboldt County Governmental bodies 1/19/06.

**THE REAL WORLD OF ZONING, LAND USE RESTRICTIONS, AND  
LOCKING UP NATURAL RESOURCE USE AND OPEN SPACE LANDS**  
(History tells us the following)

**ONGOING UNJUSTIFIED RESTRICTIONS ON NATURAL RESOURCE USE  
AND THE LAND**

(Fourth Branch of Government abuses, regulations, zoning, etc.)

|  
Will lead to

|  
**LESS INCOME FROM THE LAND  
LOWER LAND VALUES**

**LESS ABILITY TO FULFILL FINANCIAL NEEDS**  
(Loans, partial sales, loss of breadwinner, family needs, educational needs, tax requirements)

|  
Leads to

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**REDUCED INCENTIVES TO HOLD THE LAND  
REDUCED SATISFACTION AND ABILITY TO HOLD OPEN SPACED LANDS  
IN OPEN SPACE CONDITION**

|  
Leads to

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**SELLING LAND TO:  
DEVELOPERS AND DEVELOPMENT  
PUBLIC TRUSTS (WILDERNESS, PARKS, ETC.)  
CONVERTING LANDS TO CONSERVATION EASEMENTS**

|  
Leads To

|  
**LESS JUSTIFIED USE OF NATURAL RESOURCES  
LOSS OF INFRASTRUCTURE NEEDED TO PRODUCE NATURAL RESOURCE PRODUCTS  
LOSS OF LOCAL, STATE, FEDERAL TAX REVENUES  
LOSS OF RURAL COMMUNITY ECONOMIC SUPPORTS**

|  
Leads To

|  
**LOSS OF OPEN SPACE LANDS IN PRIVATE OWNERSHIP  
BYE BYE RURAL COMMUNITIES**

Why are we ignoring what history tells us and the obvious. Lose the satisfaction and financial ability to hold onto open space land as open space land and you lose the ability to produce natural resources products and economic supports needed to keep rural communities going.

Yours,

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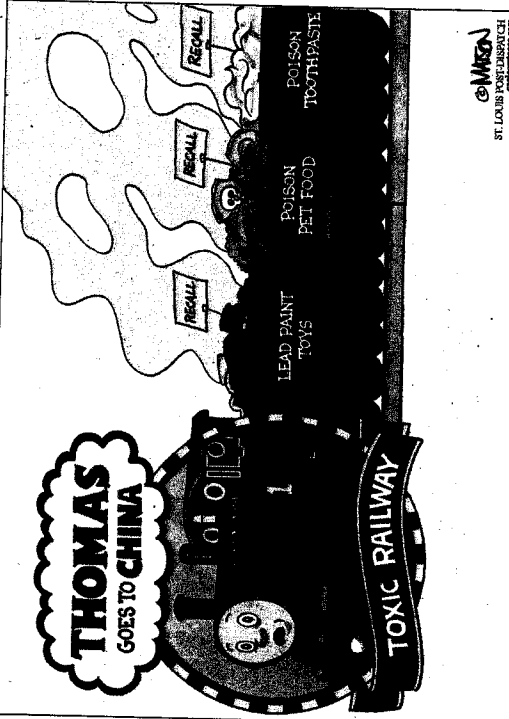
# OPINION

## Times-Standard

Humboldt Times, established September 1854  
Humboldt Standard, established April 1875  
Times-Standard, combined June 1, 1967

GREG STEVENS, Publisher  
RICH SOMERVILLE, Editor

**A** ABC-AUDITED **W** WE USE CORN-BASED INK  
**A** MEMBER, THE ASSOCIATED PRESS



**A** number of things didn't go right with the original approval of a conditional-use permit for a faith-based residential substance-abuse treatment facility in an abandoned church at Wabash and Union streets in west Eureka. The 50-bed work program wasn't the typical halfway house; the residents protested they weren't adequately alerted to what was going on; and the city's Planning Department failed to recognize the anger bubbling up in a neighborhood said to be rife with crime and drug use.

The City Council reacted quickly to the challenge, however, and Tuesday night approved a compromise that seeks to address residents' concerns while giving the Redwood Teen Challenge program a chance to prove it can be a good neighbor — and maybe even a positive influence on the area.

Changes include an oversight committee that will meet monthly; a smaller number of clients to start, increasing only with the council's approval; and requirements for minimum staff presence at all times.

Council members Larry Glass and Polly Enderst deserve credit for spearheading the compromise, and the safeguards should have a chance to work. If Teen Challenge (which will be serving recovering adults, not teens) is as disciplined as its advocates claim, it may be better for a drug-beleaguered neighborhood than a dozen "halfway houses."

What is unfortunate is the combative nature of some of the opposition, which seems to have moved beyond community concern to personal vendetta. The nasty name-

## A TIMES-STANDARD EDITORIAL

### A fair decision

## IN APPRECIATION

Thank-you notes from the community

### Benefit performance

The Youth Service Bureau division of Redwood Community Action Agency would like to thank the Kiwanis Club of McKinleyville and Pierson Building Center for sponsoring their North Coast Repertory Theater benefit performance of "Kiss Me Kate" on June 1. We also want to thank NCRF for offering benefit performances to local non-profit agencies. A nearly full house enjoyed a wonderful musical. Funds raised will support YSB's services to runaway and homeless youth. Thank you to all who participated for making this event a success.

**Jacqueline Buchanan Baraka**

## Humboldt County grand jurors

The Humboldt County Chapter of the California Grand Jurors' Association commends the Humboldt County Board of Supervisors for its action proclaiming June 2007 as Grand Jury Awareness Month. This recognition is of particular importance at this time because, in every California county, the process of selecting and seating a new grand jury is currently under way. The 19 people ultimately sworn as grand jurors in each of those counties will be in for one of the most rewarding experiences of their life. We salute all citizens who volunteer for this valuable public service, both here in Humboldt County and throughout the state.

**Keath North Lokets**

## Good Golly, Miss Molly

**B**y the time you read this, I will be sober.

I will have staggered into the daylight from a crowded Kansas City bookstore where I met old friends and made new ones.

After bingeing 12 hours on "Ulysses," I will have repaired and started the clock ticking again for the next Bloomsday.

The seat of the canvas chair that took the shape of my rear — the chair whose cup holder seldom was empty of Bushmills or Boulevard, the local beer — will be retired to the garage.

Then in soccer and softball season, the chair will be swept web-free to become the seat where the Soccer Mom drinks Nalgene-bot-



**RHONDA CURISS LOWEMAN**

The book had a prominent on-screen role recently in "The Good Shepherd," a film about Cold War espionage.

I've sat through several "Ulysses" readings in Kansas City. One year, I was asked to read. (Yes, yes I said, yes I will, Yes.)

No small task. "Ulysses," the story of an Irish-Jewish Dubliner, includes several languages and dialects. When you read to yourself you can mispronounce in dignified privacy. Reading aloud gives volume to your error.

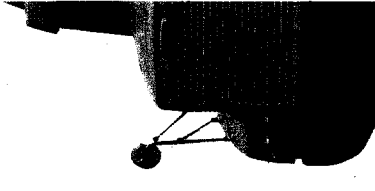
"Try this from the book, 'Whoruslaminyourhighhobbbh.'" And this: "Panem de oculo propositi est." Or this: "Putanna madonna, che c'è dia I quattrini Ho regione!"

## Yellow-tagging of parked car

Arcaians beware! If you drive a car that doesn't look like it just came off the lot, watch out for cops yellow-tagging your car when you're legitimately parked on a city street.

My car, an '85 Toyota, got tagged on Wednesday morning for sitting since lunchtime Monday, practically in front of my house on H Street. Dude, that's less than 48 hours.

My husband, who is a carpenter,



Impacts  
& problems

Rural Impacts 271

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Dear Commissioners:

Re: General Plan Review (June 21, 2007) – Chapters 12, 13, 14, and 5

Here we go with the continuing saga of discussing and discussing the flowery words prepared by the Planning Staff for the General Plan.

I see the General Plan write-up pushes for regulatory wording and authority that overlaps and duplicates other regulatory agencies. The write-up lays out the county's plan to have a staff of qualified biologists, foresters, and other scientists which will be needed to handle the proposed regulations and files of information involving species protection, stream management areas, wetlands, protection, habitat protection, scenic views, Coastal resources, and on and on.

Whose idea is this? With all the regulatory controls being exercised by Water Quality, California Department of Fish and Game, Federal fishery and species agencies, California Coastal Commission, and many other agencies, why does the county feel it needs to duplicate and overlap existing regulatory requirements and review processes? Does the county really understand the cost, workload, and added regulatory burden it is going to create by duplicating what other agencies are already doing?

A lot of lawyers will be needed as everyone tries to interpret all the new legal regulatory definitions and regulatory procedures.

Page 12-3 says "The County's overall strategy for using and conserving natural resources, and protecting open space lands....." Involves .....mapping, zoning, environmental review.....through....CEQA, and.....State ..... " regulatory programs.

Page 12-4 under Forest resources says "Actively protect and conserve timberlands for long-term economic utilization and to actively enhance and increase county timber production capabilities."

Section 12.4 shows the county will do what it can to promote voluntary conservation easements.

I can find conserve, protect, and regulate ideas all through the write-ups. Write-ups statement ".....enhance and increase county timber production capabilities."? And increasing use of proper management techniques and increasing yields from open space lands which are a major nongovernmental, nontaxpayer economic drivers in this county are given little attention. Where in the write-up is the goal to increase the economic ability to hold lands in private ownership; so, regulatory forced (so-called voluntary) conservation easements are not required to maintain open space land in private ownership?

The discussion about conservation easements needs to also include the down side. Tax dollars are routinely involved in setting up and maintaining such easements. Such easements routinely result

in less and less proper use of natural resources, result in a reduction of economic supports for rural communities, and can lead to some real world ownership and management problems for landowners. I understand how heavy handed regulatory actions and economic hardships are forcing landowners into such easements; however, blind acceptance of conservation easements is not going to lead to a good place for all open space landowners and rural communities.

On page 12-12 under OS-IM4, the county is going to venture into taking private property through inverse condemnation actions by identifying “.....linkages....between parks and trails systems....”, and protecting “..... these linkages through acquisition or other mechanisms.” Some lawyers are going to love this one.

On page 12-12 under OS-IM5, the county will put in place (hopefully after proper hearings and approval) a process to “.....transfer development rights.....from questionably defined productive open space lands.....” to somewhere? It might be nice to know how this will work before it is put into the General Plan.

As the county puts this regulatory utopia called a General Plan in place, it will be wise to keep in mind the following routinely ignored words found in often referenced CEQA. Section 21002. states “.....public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which will substantially (not completely) lessen the significant environmental effects.....”. “...in the event....conditions make infeasible.....project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects....”. Sections 15064 (g) and 15383 (b) state “.....significant effects shall be based on substantial evidence.....” “Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” “ ....argument, speculation, unsubstantiated opinion or narrative (not supported by factual information).....is not substantial evidence.” It would be a good idea to include this wording in the General Plan.

Yours,



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cc: Humboldt County Supervisors