



"Jobs, Housing & Property Rights "

September 11, 2012

Mrs. Virginia Bass, Chair
Board of Supervisors
Humboldt County
825 Fifth Street
Eureka, California 95501

Subject: General Plan Update

Dear Chair Bass and Members of the Board:

We were pleased to see your Board decide to step back and consider various options for moving forward with the General Plan update. To further the discussion, we offer the following:

- 1 As elected officials, the State of California gives your Board the full and complete authority to adopt a General Plan which meets the State-mandated requirements.
- 2 The Planning Commission and your Planning staff, have "advisory-only" authority. Your Board may choice to adopt all, any part, or none of the recommendations which come from these two sources.
- 3 State guidelines for the development and adoption of General Plans, is provided at the State Office of Planning and Research website. It requires opportunities for public participation. See http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf

Additional requirements / laws passed since the 2003 Guidelines were adopted, can be viewed at http://opr.ca.gov/s_generalplanguidelines.php (see Attachment "A" to this letter)

- 4 According to State statute §65302, General Plans are required to include the following seven (7) elements:
 - Land Use
 - Circulation
 - Housing Element
 - Conservation
 - Open Space
 - Noise
 - Safety
- 5 The State is very clear about being "consistent" -- internally within each element, between elements, with Area / Community plans, and with General Plan diagrams. Each element has equal status -- with no element taking priority over the others. See http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf, starting on page 12.

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- 6 There must be an EIR prepared by qualified professionals and certified by your Board when it complies with CEQA.
- 7 HELP, and others have long recommended going back to the Framework Plan (existing General Plan), and updating it to comply with current Federal and State laws (see Attachment "A"). If you choose this option, there is no reason why you could not evaluate the potential of adding additional elements at a later date. This could be accommodated through General Plan Amendment(s).
- 8 Many California jurisdictions (cities and counties) have a policy to consider General Plan Amendments either on a quarterly or semi-annual basis. This applies to both government-initiated amendments, as well as those submitted through applications from members of the public.
- 9 It would seem appropriate to give direction to your permanent Planning Director, when he/she is selected, to move forward with your new option, whatever that may be.

It was suggested by your County Counsel there are reasons why you cannot, or should not consider certain options. If they are referring to some restrictions the law places on your Board which are not identified above, it would be helpful if they would reference and quote such a statute(s).

We applaud you for taking time to sort through the best way to move forward with the GPU in such a way which does not abuse County citizens, or take away landowners' property rights.

Please know we want to assist you in any way which would be helpful, and will respect your decisions as you tackle this challenge.

Respectfully,

Kay Backer

Kay Backer, representing
Humboldt Economic & Land Plan

cc: Planning Commissioners
Phillip Smith-Hanes, County Administration Officer
Wendy Chaitin, County Counsel
Carolyn Ruth, Assistant County Counsel
Martha Spencer, Interim Planning Director
Michael Richardson, Senior Planner
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Norma Lorenzo, Planning Commission Clerk

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ATTACHMENT " A "

http://opr.ca.gov/s_generalplanguidelines.php

The Governor's Office of Planning & Research
HOME STATE CLEARINGHOUSE CEQA LAND USE CLIMATE CHANGE LOCAL GOVT

Governor's Office of Planning and Research
General Plan Guidelines

General Plans

GPG 2013

The Governor's Office of Planning and Research has begun its 2013 update of the *General Plan Guidelines*. This website will include the latest information on the update, including documents and meeting notifications.

A General Plan is the local government's long-term blueprint for development. OPR is responsible for updating the General Plan Guidelines -- the "how-to" resource for drafting a General Plan. OPR also monitors General Plan implementation with annual progress reports from cities and counties, and grants general plan extensions for qualified cities and counties.

[Click here to see the overview of the update](#) and [click here to sign up for the General Plan Guidelines E-List](#).

CURRENT GENERAL PLAN INFORMATION

General Plan Guidelines

The 2003 General Plan Guidelines provides guidance to cities and counties in the preparation of their local general plans. In addition to the 2003 Guidelines, two subsequent supplements were also developed:

Community and Military Compatibility Planning, Supplement to the General Plan Guidelines

The *Community and Military Compatibility Planning, Supplement to the General Plan Guidelines* (Military Supplement) assists cities and counties in addressing military compatibility issues when developing, updating or significantly amending their general plans. These guidelines are the result of the passage of SB 1468 (Knight, 2002) and SB 1462 (Kuehl, 2003), which outline the responsibilities of cities and counties regarding the military in the planning and land use decision-making process.

Update to the General Plan Guidelines: Complete Streets and the Circulation Element

This December 2010 update to the 2003 General Plan Guidelines provides guidance on how cities and counties can modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

Annual Progress Reports

General law cities, applicable charter cities, and counties are required to file annual progress reports on the implementation of their General Plan with their local legislative body, OPR and the Department of Housing and Community Development. These reports are due April 1st of each year.

General Plan Extensions

The Director of OPR is authorized to grant reasonable extensions of time (up to two years) for the preparation of new general plans or the update of existing general plans upon application by cities or counties. The statutory basis of this authority and OPR's procedures and criteria for granting extensions are described here.

Local and Tribal Consultation

State planning law requires cities and counties to consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Places. OPR's consultation guidelines, background information, and training session information are all available online.