

Hayes, Kathy

From: Spencer, Martha
Sent: Monday, August 20, 2012 12:17 PM
To: Chaitin, Wendy; Ruth, Carolyn; Smith, Davina
Cc: Hayes, Kathy; Turner, Nicole; Miller, John; Hofweber, Tom
Subject: FW: GPU comments
Attachments: 8-13-12 GPU Infrastructure_Telecom.doc; 8-17-12 GPU Circulation.doc
FYI

From: Karen Brooks [mailto:kbrooks61@gmail.com]
Sent: Friday, August 17, 2012 3:57 PM
To: Lovelace, Mark; Bass, Virginia; Bohn, Rex; Sundberg, Ryan; Clendenen, Clif
Cc: Spencer, Martha
Subject: GPU comments

Dear Board

Thank you for your continued review of the GPU. I haven't been able to comment in-person due to my summer schedule but have been following remotely. Attached are two comment letters on the GPU.

1. I listed 9 areas for reconsideration on Infrastructure and Telecommunications. The Fire Protection Service section I felt needed substantially more information to map various districts and gaps in service.
2. The Circulation Element is not adequate as it focuses too much on bike & hike aspects and not enough on other important aspects. Mind you, I am a huge advocate of trails but even I could see that it is very unbalanced. For instance, there are 14 bike and hike policies and only 5 rail and port policies! I have itemized those items and my recommendations for improvement.

I have undertaken this exercise to illustrate that the Short List just doesn't provide the review that this document requires. Many, if not most, of the items I have taken the time to review, contemplate and list would not - and may not now - receive the "daylight of scrutiny." Even the planning commissioners had a hard time reviewing this document.

I cannot under-emphasize county counsel's instructions to the planning commissioners that they did not need to review or understand the DEIR they only need to know that it exists to send it to the Board.

I appreciate your careful review not only of the GPU but also the many issues facing our county. Thank you for your time.

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Abolitionist, Frederick Douglass, sought to embody three keys for success in life and I believe these are still true today:

- **Believe in yourself.**
- **Take advantage of every opportunity.**
- **Use the power of spoken and written language to effect positive change for yourself and society.**

Karen Brooks

8/20/2012

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To: Humboldt County Board of Supervisors and Martha Spencer
From: Karen Brooks
Date: 8-13-12

RE: GPU Review – 9 Comments on Infrastructure and Telecommunications Elements

Please consider and adopt Jim Hoff's testimony during the public comment period on July 23. He is absolutely correct that this GPU is excessively onerous as to discourage economic development, revitalization and affordable housing in Humboldt County. Updating our current general plan with state and federal mandates and laws that are consistent with the prosperity of our unincorporated communities is the most responsible planning for our future development.

Again, I wanted to reiterate my earlier comments that a Short List review of the GPU is inadequate and demonstrates bad governing. As controversial as this process has been coupled with changing staff, commissioners and supervisors would necessitate a comprehensive review of the entire document including the appendix. I think it is valuable to also consider public comments, the context of planning commission decisions and department/agency input. Here are examples of what the Board and public are missing:

Chapter 5. Community Infrastructure and Services Element

1. Page 5-3, Fire Protection Services - - - -THE FIRE SECTION NEEDS MORE INPUT

Paragraph 3 states, "The most critical issues facing fire protection service providers is the lack of adequate funding. Lack of funding for fire service providers results in limited administrative capacity; inadequate facilities, equipment, and apparatus; and contributes to the lack of adequate personnel. *The Master Fire Protection Plan and Community Infrastructure and Services Technical Report* outlined a series of actions intended to address these issues. The Element focuses on improving existing fire protection funding, requiring that new development pays its fair share of fire protection costs, and expanding fire-related districts to help ensure stable ongoing sources of funding. (Underlined for emphasis of the problem.)

PROBLEM - I don't think this underlined statement represents the scope and authority of county government. We've had catastrophic fires and Colorado just experienced one of the worst fires in recent history. Just as the county mapped out existing and future capacity for water and wastewater in the DEIR, so too should fire protection be mapped out and included in the plan. Listing a three paragraph statement is wholly inadequate, it doesn't provide:

- Consistency with jurisdictions to ensure the entire county has a comprehensive fire protection and suppression plan that protects people, property and structures today while citing future capacity and needs.
- Identification of gaps in service or jurisdictions and the need to identify community-based first responder support (ie, the property owners themselves) and training.
- Impact of the state rural assessment fee on fire districts and the general fund.
- Fire safety is a partnership with property owners, government and fire districts. To plan for the growth of the unincorporated areas of the county, which is most of the county's land mass, the GPU should map the fire protection service areas just as it maps out Community Planning expansion, development and service area as on pages 4-6 and 4-8 in Part 2, Chapter 4 of the Land Use Element.
- County Government oversight of fire protection for the citizens as well as the cooperation and coordination with Homeland Security, Office of Emergency Services, Police, Sheriff and other responders in emergency situations.

SOLUTION – Prepare and include the existing fire protection plan as a table and a narrative. If possible include a map showing jurisdictions and districts. While some of these items are called for in 5.6 Implementation Measures (see page 5-12) I can't believe the county doesn't have a public plan that could be included in this chapter. Using fire protection as an excuse to deter development in the unincorporated areas of the county and then not include this information in the GPU is bad governance.

2. Page 5-9, IS-S4 & IS-S5, Subdivisions & Other Dvlptmt Outside of Fire District Boundaries
PROBLEM – Significant revisions over these sections, and it is still difficult to understand.

SOLUTION – Work with the public and Fire Captains to hold a public forum for this item. People living in or near these areas can provide valuable public testimony to craft the language. Hold and bring back until this has been crafted satisfactorily or removed all together.

3. The establishment of Regional Governing, Joint Powers or Authorities.

PROBLEM - Several times in the GPU it calls for establishing regional, joint, or agencies, like “an organization of local water agencies,” and other types of non-elected governing bodies. This SHOULD NOT BE ALLOWED! The unelected governing bodies do not operate under the public's review, are difficult to follow, determine regulations outside of public scrutiny, become political projects and create too many government layers.

SOLUTION - ALL REFERENCES TO REGIONAL AGENCIES, AUTHORITIES OR ASSOCIATIONS SHOULD BE REMOVED FROM THE GPU AND AS A MATTER OF COUNTY POLICY. IF ANY OF THESE TYPES OF REGIONAL AGENCIES ARE FORMED IT SHOULD ONLY BE UNDER THE STRICT REVIEW AND APPROVAL BY THE PUBLIC AND HAVE A SUNSET PROVISION.

4. Glossary – What is the definition of Discretionary Development?

5. Page 5-6, IS-P5 and IS-P6, Fiscal Impact Assessment and Fair Share Cost Allocation.

While it is standard practice to pass utility and service hook-up fees along to the developer it is not OK for the property owner to be “double assessed.” Not only are property owners charged these utility, road and service fees but they are sometimes charged the developer's portion without their knowledge. Whether the county has any control over what the developer charges, this practice should be stopped or at the very least property owners should be notified in writing, by the developer, of these hidden or “double assessed” fees.

6. Page 5-7, IS-P22, Park Dedications Held in Perpetuity.

States, “Parklands shall be dedicated and held in perpetuity and protected against diversion to both non-recreational purposes and conflicts with adjacent land uses.”

PROBLEM - Some parklands, and lands purchased or mitigated, serve as open space and while the statement above protects that open space it doesn't state the public land manager's responsibility to be “a good neighbor.” Often, there aren't funds to manage and maintain these places which affects the surrounding properties, including creating a public nuisance.

SOLUTION – This implementation measure also needs to state, “management and maintenance plans need to be consistent with adjacent land uses.”

7. Page 5-7, IS-P24, Joint Use Facilities.

100% support this and its amendment, good idea. Discussing this in public would demonstrate a future community asset provided by the county.

8. Page 5-13, IS-IM29, Parks and Recreation.

States, “ Prepare parks and recreation standards for new development that differentiate between urban and rural settings; specify acreage of park land per 1,000 residents; and specify land dedication, in-lieu fee, or other mechanisms to make park and recreation improvements and criteria for establishing Mello Roos Community Facilities Districts or special assessment to ensure adequate funding for operation and maintenance.”

PROBLEM – These Community Facilities Districts (CFDs) are an end run around Prop 13. This new way to fund public improvements bear the cost for such improvements and future maintenance on the backs of property owners and often without their knowledge. They drive up the cost of housing, including low income, making homeownership less affordable. These improvements and public spaces are paid for by property owners but they have little or no control over these places where the entire community enjoys. These Mello Roos districts levy a special property tax on real estate, in addition to the normal property tax, or seek bond funding. Furthermore, it is not subject of Prop. 13 whether it rises or fall.

SOLUTION – STRIKE ALL REFERENCES IN THE GPU TO CFDs.

Chapter 6. Telecommunications

9. Policies Added, whom reviews these new/replacement policies?

- **T-PX1 PEG Access** – “Encourage the expansion of public, education, and gov’t access media in all communities in the county.” This open-ended policy could be a blank check payable by taxpayers. So some text should be included on the responsible funding for this infrastructure. Additionally, the language seems to make the assumption of cable internet service and in your more rural areas the internet is accessed via satellite dish. So this policy is unnecessary.
- **Add Glossary Term – Net Neutrality and or Unfiltered Access**
- **T-PX2 County Right of Way and Net Neutrality** – “In negotiating franchise agreements and the use of county right-of-ways, the County shall strongly encourage providers to serve underserved communities and to adhere to the principal of net neutrality or unfiltered access to internet information.” This policy is nefarious to imply that a business will be dictated as to how to who their customer is and how they operate. Very unconstitutional.
- **T-PX Local Gov’t Broadband Communications Services** – no comment.
- **T-IMX Remote Deployment Planning.** No comment.
- **T-IMX1 Increasing PEG Access.** No comment.
- **T-IMX2 Communications Marketing.** No comment.
- **T-IMX3 Live Remote of Public Meetings.** No comment.
- **T-IMX4 Research Possible Monitoring Policy.** GOOD IDEA!

Thank you for your time! Karen

To: Humboldt County Board of Supervisors, Martha Spencer
From: Karen Brooks
Date: 8-17-12

RE: GPU Review - Comments on Circulation Element

My first impression in reading this section is that it is weighted too heavily with bicycle and pedestrian travel. I am a huge supporter of trails and pathway and their inter-connectivity, BUT I feel too many policies are written that inject one modality over other aspects that need to be considered.

Several times in this Element I see CSWG and it was not identified. CSWG stands for Complete Streets Working Group and its members are mostly pro-bike advocates (Chris Rall, Rick Knapp, Jennifer Rice, Ashley Hanson, Tim Daniels, Alan Glaseroff, Lisa Naef, Connie Stewart, Mike Buettner, Chris Jones, Jennifer Kalt and Nancy Ihara). Complete Streets policy, in California, is influenced by progressive urban groups such as Smart Growth America, Rails to Trails Conservancy, Center for Clean Air Policy, American Planning Association, Sprinkle Consulting along with various state agencies.

Complete Streets intentions are designed and constructed to serve all users of streets, roads, and highways, regardless of their age or ability, or whether they are driving, walking, bicycling, or taking transit. While the intentions are noble, the planning and implementation details are not consistent with a rural county that is vast, geographically remote, restricted by geology, challenged by nearly annually wet weather, and sparsely populated.

This group, CSWG, had way-too-much influence over this Element at the expense of other aspects that need to be considered. Those other aspects include:

1. The Circulation Element needs to blend Land Use, Transportation, Utilities and the Housing Element.
2. Often "shall" is used which forces compliance and is heavy-handed. Most of the "shalls" should be "shoulds".
3. What are the considerations for Utilities going along side or under roadways?
4. The Housing Element is missing from the GPU, a key document that drives this Element.
5. The focus should be on rural planning. Even the unincorporated communities are rural, low density areas and the proposed Circulation Element seems too focused on urban considerations. Sure, it's important to interface with incorporated areas but I feel this Element isn't focused enough on the needs of the rural portions of the county and the rural considerations seem to be too onerous.
6. Too much support and encouragement is focused on bicycle and pedestrian travel with little focus on transportation needs of goods and services. One of the biggest barriers to economic development is transportation in and out of the county, very little of this Element is focused on developing and improving transportation modes that support local businesses. Highway widening or aligning, rail, and port are under-represented. The Airport section does seem adequate in comparison.

Listed below are my comments for pages 7-10 to 7-22 of the Circulation Element. All the items listed either need to be reworded, refined or removed to reflect the rural values of the unincorporated areas:

- C-G2 Complete Streets language, remove.
- C-GX CSWG / Complete Streets language – urban focus not compatible with rural areas, remove.
- C-GXX Transportation Security is a philosophy not a goal. Besides its redundant, remove.
- C-P1. B. Deters driveways on collector roads, but the GPU specifies development along roads. Not always cost effective or possible. Reword.
- C-P1. I. Talks about a setback design off a roadway but the glossary makes no reference to a roadway setback. Nor does it specify what that setback space is. Refine.
- C-P2. Remove.

- Alternative B C-P3 version is better.
- C-P4 This mitigation policy is punitive and reads like a back-handed eminent domain, reword.
- C-P5 “Level of Service improvements for vehicles SHALL NOT adversely affect LOS and/or Quality of Service for other modes of transportation.” Roads are for vehicles first and other modes second. This needs rewording and changing SHALL to SHOULD.
- C-P7 Another anti-vehicle policy. Remove.
- C-Px Another anti-vehicle policy. Remove.
- C-P10 This Right of Way policy needs legal review as private ROW would be planned as Public Facilities.
- C-P11 This classification policy is urban-focused and not compatible with rural areas. Remove.
- C-P12 Level of Service Criteria that reads heavy-handed and no-growth. SHALL should be SHOULD. Remove.
- C-P14 This policy reads as “No new roads.” Another anti-vehicle policy. Remove.
- C-P16 Eliminates public input on capital improvements, not very democratic. Put back in.
- C-P17 Difficult to understand policy regarding improvements to Hwy 101 Safety Corridor and reads like a policy from Complete Streets. Reword and refine.
- C-P21 State and Federal Consistency – What is the National Pollution Discharge Elimination System Stormwater Program and how will it affect our roadways? Sounds like another program to increase the cost of our roadways.
- C-P23. A. Makes reference to “fares should be integrated so that a person pays only once for the full trip.” How can this be possible or meet the operational needs of all the transit services? Remove.
- GLOSSARY TERMS NEEDED FOR: Roadways, Transport, Transit Hubs, Active Transportation, Right-of-Way Design Standards, and Dedicate Easement
- C-P23 Subsections F-J are referred to but not listed.
- C-Pxx, C-Pxxx, Long Term Transit Plan – the county should not making plans based on a policy of decreasing vehicles trips over public transportation options. This is a rural county and these policies are urban-focused. Remove.
- C-Pxxxx Another anti-vehicle policy for a rural area. Remove.
- C-P24 to C-P37 14 bike and walk policies for a rural county. Too many “SHALLs”. There’s just not enough funds to do all this. Remove, reword and refine.
- C-P32 Please! No traffic calming measures in the unincorporated areas. Remove.
- C-P34 Don’t require that businesses have to put in bike racks, make that voluntary. Reword.
- C-P35 Rail to Trail conversions should also include equestrians.
- C-P36 Don’t think it’s cost effective or feasible to have a regional trail plan that extends all the way to Orick. It was extended to Trinidad and that is probably more feasible. Reword.
- C-P38 to C-P42 Rail and Marine Transportation needs to be more proactive and economically focused. Words like develop, improve, coordinate for these 5 important transportation and economic development drivers. (As compared to 14 bike and walk policies.) Reword.
- C-P43 Don’t know if the work “reserve” or the word “preserve” is most appropriate for Rail ROW.
- C-S7 SHALL should be changed to “SHOULD”.
- C-S8 Bike and Walk System doesn’t make any sense, reword and refine.
- C-S9 Drop the narrative, just list A.B.C.
- C-IM2 SHALL should be replaced with SHOULD.
- C-IM5 This Standard reprioritizes what little road construction funds may be available, not on public safety and connectivity but, on bike and hike. Important but not most important. Needs to be reworded.
- C-IM6 Dropped, good.
- C-IM9 Adopting Water Quality Measures – this is redundant, too onerous for routine maintenance and safety treatments and would fall under CEQA for replacement of bridges anyway. Remove.

- C-IM10 Safety Corridor Improvements read like they are anti-vehicle and not feasible to dictate to CalTrans all the aspects of three corridors. Reword and refine.
- C-IM12 HCOAG prepares the Ped & Bike System Plan not county planning. Cooperation and coordination yes, preparation of this plan is a function of HCAOG. Remove.

In closing, this Element is a key factor to community and economic development that is overly focused on bike & hike as well as urban planning aspects.

Thank you, Karen.