

AGENDA ITEM NO.



COUNTY OF HUMBOLDT

For the meeting of: October 1, 2012

Date: September 21, 2012

To: Board of Supervisors

From: Martha Spencer, Interim Director, Planning and Building Department

Subject: Continued Board Review of the Planning Commission Approved Draft General Plan

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing and receive a staff report.
2. Receive public comments.
3. Close public comments.
4. Begin deliberation and straw votes on Chapters 5 (Infrastructure) and Chapter 6 (Telecommunications).
5. Continue the public hearing to October 15, 2012.

Prepared by _____
Martha Spencer, Interim Director, Planning and Building

CAO Approval _____

REVIEW:

Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

_____ Consent
 _____ Departmental
 XX _____ Public Hearing
 _____ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. H-2, D-1, C-1, L-1, C-1, C-1, L-3, C-1, C-1 and C-1

Meeting of: June 12, June 18, June 25, July 10, July 16, July 23, July 24, August 13, September 10 and September 17, 2012

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor _____ Seconded by Supervisor _____

Ayes _____
 Nays _____
 Abstain _____
 Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

The cost of preparing this staff report was borne by the General Fund through the Planning and Building Department – Advance Planning Division's FY 2012-2013 budget and the General Plan user fees.

DISCUSSION:

At the September 17, 2012 meeting, the Board directed staff to prepare two additional reports to help facilitate a better understanding of the policy choices while reviewing the Planning Commission approved Draft Plan (Draft Plan). Report #1 would be provided to the Board **prior** to the deliberation and straw voting for a Chapter/section, and would include an overview of the Draft Plan as it relates to:

- Legal basis or requirements for the chapter/section (i.e., optional Element?)
- Key planning issues:
 - How/where addressed in the 1984 Framework Plan
 - How/where addressed in the Draft Plan
 - Reason for the change (public comments, state law, Planning Commission recommendation, staff recommendation)
 - Notable items from the Planning Commission discussions
 - Unintended/intended consequences
- What are the Board's options?

Report #2 would be distributed to the Board **after** the deliberation and straw voting for a Chapter/section concluded, and would analyze the changes from the Framework Plan, including:

- A "mark up" of the chapter/section that illustrates the results of the straw votes
- Comparison with the existing policies of the Framework Plan
- An analysis of the implications on property rights
- A "mini" implementation program discussion (costs, timeline, etc.)

To date, the Board has completed straw voting for Chapters 1, 2 and 3 and is halfway through Chapter 4, the Land Use Element. The Board did not wish to return and re-review Chapters 1, 2 and 3 and recommended that staff instead prepare a "Report #2" for these chapters to help analyze their straw votes. After reviewing this report, the Board could choose to return to Chapters 1, 2 and 3 and if desired, change/modify their votes. This report will be brought back to the Board at a future date.

The Board also recommended that staff prepare a "Report #1" for all sections of the Land Use Element so that the Board can return to deliberate on the Element. Because this Element is quite large and controversial, the Board provided staff additional time to prepare this report, and continued review of the Land Use Element to a future meeting (a date was not specified during the September 17th meeting). Therefore, the Board will only review and deliberate on Chapters 5 (Infrastructure) and 6 (Telecommunications) at the October 1st meeting.

Revised Schedule:

In light of the previous discussion, the Board requested that staff prepare a revised schedule for consideration (see Attachment A). This revised schedule proposes to "shift" the Land Use Element originally proposed to be reviewed with Chapters 5 and 6, to the meetings of November 5th and 8th. These dates were originally reserved for review of the draft maps. Because the Land Use Element is quite large, complex and controversial, staff felt it was appropriate to break this Chapter up into two "back to back" meetings. Having these meetings

occur in the same week is beneficial in that the issues will remain fresh without much need for detailed staff presentations, allowing more time for deliberation.

Staff has not proposed new dates for the review of the land use maps. Because of the need for adequate noticing, staff recommends postponing setting these dates until after the Board completes the straw voting on the Draft Plan.

Continued Review of Draft Plan:

The Board recommended to continue deliberation on the approved Key Issues “policy shortlist” for Chapters 5 (Infrastructure) and 6 (Telecommunications) for the October 1st meeting. This includes the following policies:

Chapter 5, Infrastructure

- IS-P17. Law Enforcement
- IS-S4. Subdivisions Outside of Fire District Boundaries
- IS-S5. Other Development Outside of Fire District Boundaries
- IS-IM16. Sheriff’s Office Funding Sources

Chapter 6, Telecommunications

- T-IM15. Research Possible Monitoring Policy

Staff prepared a Supplemental Report #1 for Chapter 5 (Infrastructure Element) as Attachment B and a Supplemental Report #1 for Chapter 6 (Telecommunications Element) as Attachment C. Attachment D includes the “Shortlist” Worksheet with staff recommendations. At Board direction, Attachment E includes a staff response to outstanding issues raised by the public during the Board meeting on September 17th.

FINANCIAL IMPACT:

Awarded grants, General Plan user fees, and the General Fund contribution to the Advanced Planning Division has paid for the costs of the General Plan Update Program to date.

This project fits into the County's Strategic Framework in several ways.

- The project is consistent with the Mission Statement; the General Plan Update will serve the needs and concerns of the community, and enhance their quality of life. It provides a framework for strategically pursuing a broad range of services provided by the County and other agencies, and guiding new development toward the goals presented in the Plan.
- The General Plan Update supports the self reliance of the community by clarifying County policy and regulations in a broad number of subject areas, and presenting them in a format that is easy to understand and available on the internet.
- The General Plan Update will safeguard the public trust by establishing clear County policy and regulations guiding new development.
- The proposed implementation measures of the General Plan Update ensure its sustainability over time.
- The General Plan Update increases the transparency, accessibility, and accountability of the services provided by the County by establishing clear roles and procedures, using language that is easy to understand and available on the internet. The General Plan Update promotes interjurisdictional and regional cooperation.

- The General Plan Update is intended to be “an effective voice for our community in areas outside traditional mandates”. The General Plan Update includes provisions for public involvement that extend far beyond the requirements of state law. Public involvement encouraged by the General Plan Update will include discussions of natural resource and the County's economic future. The General Plan Update also intends to engage new partners through its implementation measures.

OTHER AGENCY INVOLVEMENT:

The General Plan Update program has been a multi-year project. Multiple agencies have been involved in the review and preparation of the Planning Commission approved Draft General Plan. The County has been in communication with the Planning Commissioners, County Counsel and the County Administrator's office on the transmittal of these draft documents.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board's discretion.

ATTACHMENTS:

- Attachment A Revised Board GPU policy review schedule
- Attachment B Supplemental Report #1, Chapter 5 – Infrastructure Element
- Attachment C Supplemental Report #1, Chapter 6 – Telecommunications Element
- Attachment D Board Worksheet with staff recommended policy changes
- Attachment E Responses to Issues Raised at the September 17th Hearing

Attachment A
Revised GPU Policy Review Schedule
Including Board Approved Key Issues List for policy review by the Board
(revised October 1, 2012)

Key

- Items added July 10, 2012 by Priority ranking
- Items from the June 25, 2012 Key Issues List
- Item added by Board Member

October 1st Board meeting:

Chapter 5, Infrastructure

- IS-P17. Law Enforcement
- IS-S4. Subdivisions Outside of Fire District Boundaries
- IS-S5. Other Development Outside of Fire District Boundaries
- IS-IM16. Sheriff's Office Funding Sources

Chapter 6, Telecommunications

- T-IM15. Research Possible Monitoring Policy

October 15th Board meeting:

Chapter 7, Circulation

- C-G2. Balanced Transportation Opportunities
- C-P1. Orderly Development
- C-P2. Consideration of Land Uses in Transportation Decision Making
- C-P3. Consideration of Transportation Impacts in Land Use Decision Making
- C-P4. Mitigation Measures
- C-P11. Roadway Functional Classifications
- C-P14. Efficiency and Capacity
- C-P23. Public Transit Service
- C-P34. Bicycle Facilities
- C-P35. Development of Railroad Right-of-Ways for Bicycles and Pedestrians
- C-P42. Re-establishing Regional Rail Service
- C-S3. Traffic Thresholds of Significance
- C-IM5. Roadway System Construction
- C-IM6. Coordination with the Division of Environmental Health
- C-IM10. U.S. Highway 101 Safety Corridor Improvements

Chapter 9, Economic

- ED-P6. Large Format Retail
- ED-S2. Large Format Retail
- ED-IM7. Large Format Retail

October 15th Board meeting:

- **Building Communities**
 - **Chapter 5, Infrastructure(cont'd),**
 - **Chapter 6, Telecommunication (cont'd),**
 - **Chapter 7, Circulation and**
 - **Chapter 9, Economic Development:**

November 5th and 8th Board meetings:

- **Chapter 4, Land Use Element**
 - **Urban Lands**
 - **Agricultural Resources**
 - **Forest Resources**
 - **Public Lands**
 - **Land Use Classifications**

November 5th and 8th Board meeting*:

Chapter 4: Land Use Element

Section 4.3 Urban Lands

- UL-P4. Support for Micro and Small Business Development
- UL-P12. Design Review

Section 4.5 Agricultural Resources

- AG-Pxxxx. Second Dwellings
- AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands (outstanding issues)

Section 4.6 Forest Resources

- FR-P2. Timber Harvest Plan Review (new Implementation Measure)
- FR-P8. Protection of High Quality Timberlands (outstanding issues)
- FR-P9. Residential Construction on TPZ Zoned Parcels
- FR-P10. Substandard Lots and TPZ Rezoning
- FR-P11. Lot Line Adjustments
- FR-P17. Forestland-Residential Interface (FRI)
- FR-S2 Forestland-Residential Interface (FRI)
- FR-S1. Planned Rural Development Program Clustering Incentive Options
- FR-Sx. Second Units
- FR-IMxx. Substandard Lots

Section 4.7 Public Lands

- PL-P2. In-holdings (outstanding issues)

Section 4.8 Land Use Classifications

- AG - Agricultural Grazing Land Use Designation
- IT - Industrial Timberland Land Use Designation
- T - Timber Land Use Classification (houses as primary versus compatible use)

*** Continued deliberation from the August 13th Board meeting**

December 3rd Board meeting:

Chapter 10, Conservation and Open Space

Section 10.2, Open Space

- CO-G5. Open Space and Residential Development
- CO-P4. Greenbelts
- CO-P7. Encourage Private Outdoor Recreation

Section 10.3, Biological Resources

- BR-P8. Oak Woodlands.
- BR-S5. Streamside Management Areas Defined
- BR-S7. Development within Streamside Management Areas
- BR-S10. Development Standards for Wetlands and Other Wet Areas
- BR-IM3. Biological Review and Referral.

Section 10.4, Mineral Resources

- MR-P11. Permit Conditions to Reduce Impacts

Section 10.6, Cultural Resources

- CU-S5. Assessment and Treatment of Impacts to Significant Historic Structures and Districts

Section 10.7, Scenic Resources

- SR-P8. Removal or Relocation of Billboards on Public Lands and Right-of-Ways in the Northwestern Pacific Railroad Right-of-Way
- SR-P9. Removal of Illegal Billboards
- SR-SXX. Permits for Billboards

Chapter 11, Water Resources

- WR-G8. Restoration of Impacted River Flows
- WR-P25. Compliance with Water Code Export Law

Chapter 12, Energy Resources

- E-P11. Energy-efficient Landscape Design

December 3rd Board meeting:

- Chapter 10, Conservation & Open Space
- Chapter 11, Water Resources, &
- Chapter 12, Energy

December 17th Board meeting:

Chapter 13, Noise

- N-G2. Incompatible Land Uses
- N-P2. Guide to Land Use Planning
- N-IM7x. Noise Control Ordinance

Chapter 14, Safety

- S-P21. Development Compatibility
- S-P22. Airport Land Use Compatibility Criteria
- S-P26. Hazardous Waste
- S-lmx4. Impervious Cover Limits

Chapter 15. Air Quality:

(No split votes on this chapter therefore there are no items on the Key Issues List)

Residual Policy Decisions – Split Vote

Land Use Mapping Meetings To be Determined at a Future Date:

- Land Use Maps*
- Community Plan Policies

*will extend into an evening meeting for increased public participation

Policy abbreviations

AG - Agricultural Resources
 BR - Biological Resources
 C - Circulation element
 CO - Conservation and Open Space
 CU - Cultural Resources
 E – Energy Element
 ED - Economic Development Element
 FR - Forest Resources
 IS - Infrastructure and Services Element

MR - Mineral Resources
 N - Noise Element
 PL - Public Lands
 RL - Rural Lands
 SR - Scenic Resources
 S - Safety Element
 T - Telecommunications
 UL - Urban Lands
 WR - Water Resources

Please note that the Board will address these items on the date specified as time allows. It is possible the Board may move certain items to a future meeting.

December 17th Board meeting:

- Continuation of:
 - Chapter 10, Conservation & Open Space
 - Chapter 11, Water Resources, &
 - Chapter 12, Energy
- Chapters 13, Noise,
- Chapter 14, Safety, &
- Chapter 15, Air Quality

Attachment B
Supplemental Report #1
Chapter 5 – Infrastructure Element

Supplemental Report #1

Chapter 5 – Community Infrastructure and Services Element

Legal basis or requirements

This Element covers issues relating to the capacity and funding for infrastructure and service systems such as roads, water, wastewater, fire protection, and other types of systems serving the unincorporated area, as well as interagency coordination required for comprehensive planning. The Community Infrastructure and Services Element is not one of the seven required elements; however, many of the topics covered in the proposed element are required to be covered as part of the land use, circulation, and safety elements (Government Code §65302(a), (b), and (g)). In addition, other parts of local planning law require coordinated infrastructure planning in conformity with the general plan (Government Code §§65401-3).

The OPR General Plan Guidelines suggest that a “Capital Improvements/Public Facilities Element” is appropriate to address infrastructure and service capacity, demand, and financing options, as well as acceptable levels of service, funding priorities, and the timing of facility or service availability (General Plan Guidelines Chapter 6: Optional Elements, pages 104-107)

Key Planning Issues

There are three (3) Key Planning Issues addressed by the proposed Community Infrastructure and Services Element: (1) Adequate Infrastructure and Services; (2) Funding for Services and Construction and Maintenance of Infrastructure; and (3) Coordination with Service Providers, each of which are discussed below. These issues arose from the 2001 Critical Choices Report (fire protection- page 26-27; water- pages 21 and 24; transportation funding- page 18); and GPU technical background documents the Urban Study Areas Report, 2005; Master Fire Protection Plan, 2006; and the Community Infrastructure and Services Technical Report and Water Resources Technical Report, 2008.

Key Planning Issue #1 - Adequate Infrastructure and Services

Adequate public infrastructure and services throughout the County provide a foundation for growth and are essential for community health, safety, and quality of life. Should the County base land use planning decisions on minimum levels of service for infrastructure and services and condition project approval according to such requirements?

A) How/where addressed in the 1984 Framework Plan

The Framework Plan does not establish minimum levels of service for any type of service nor does it establish programs to develop service levels. The following are references to Framework Plan policies that relate to adequate infrastructure and services (Note, all page references to page numbers are to the printed version of the Humboldt County Volume I Framework Plan, printed 1998):

- **Rural Land 2523.8** (page 2-27) requests that LAFCo use the General Plan in advising the County on the appropriate levels of service in unincorporated areas.
- **Development Timing 2633.14** (page 2-51) indicates that service availability and fiscal impacts should be assessed as part of urban development proposals.
- **Water and Wastewater Facilities 4512.3** (page 4-20) ensures the intensity and timing of new development is consistent with the capacity of water supplies.

- **Water and Wastewater Facilities 4531.1** (page 4-22) indicates that General Plan demographic information should be used to size wastewater treatment facilities and the extent of service provided.
- **Fire Protection 4720.1** (page 4-36) specifies that proposed development shall be adequately serviced by water supplies for fire protection.

B) How/where addressed in the Planning Commission Draft Plan

The Planning Commission Approved Draft Plan (Draft Plan) requires that adequate service levels be available for the type of development proposed:

- **IS-P4 Requirements for Discretionary Development**, Requires findings that adequate services are available when approving new development.
- **IS-S1 Adequate Public Infrastructure and Services Ordinance**, Calls for the appropriate level of service standards by ordinance.

C) Reason for the changes

Roadway condition assessment and capital improvement planning by the County Public Works staff and findings from the Community Infrastructure and Services Technical Report indicate that the accumulated deferred maintenance costs for infrastructure in the County are substantial. In addition, costs to expand roadway, water, and wastewater systems to accommodate the full buildout of planned land uses in the unincorporated area are also significant. Addressing infrastructure and service capacity issues is challenging and requires a range of tools, including standards for development.

D) Notable items from the Planning Commission discussions

The Planning Commission approved policies and standards relating to infrastructure and services standards by consensus. Commissioners discussed the use of some of the tools to achieve the standards, placing emphasis on new development paying only its proportionate share of capacity improvements and not bearing the burden of existing deficiencies.

E) Consequences - intended/unintended

The policies, standards, and programs contained in the Draft Plan are intended to ensure that new development that is served by adequate infrastructure and services. The establishment of clear adequate infrastructure and services standards would add a level of certainty to project review, especially in regards to CEQA analysis, and remove a great deal of interpretation and subjectivity.

Establishing new standards may increase the cost of new construction. Demonstrating availability of adequate services may involve engineering and report preparation not presently required by the County. While these costs may be justified and recoverable through increased market value of the new development, if the standards are set at unnecessarily high levels, they could unintentionally suppress new development.

Key Planning Issue #2 - Funding for Services and Construction and Maintenance of Infrastructure

Funding for existing services and infrastructure is inadequate and new programs may be required in order to bring existing services up to standard, or maintain them at current levels as well as to support new development. Should the County establish development impact fees to

fund new infrastructure demanded by development and establish tax or assessment funding programs to support service levels?

A) How/where addressed in the 1984 Framework Plan

The Framework Plan does not establish a comprehensive funding program for infrastructure and services and only has limited references to identifying and establishing funding sources to support infrastructure and services. The following are references to Framework Plan policies that relate to adequate infrastructure and services:

- **4231.4 Roads** (page 4-7) Humboldt County supports the need for additional State revenue from sources such as State Gas Tax for the maintenance and reconstruction of County roads that carry heavy commercial truck traffic.
- **4231.5 Roads** (page 4-7) Humboldt County shall take action to support the increase of gas tax revenues to a level adequate for local street and road maintenance.
- **4231.9 Roads** (page 4-8) All circulation planning shall be based on the County's very limited ability to construct new projects. To the maximum extent feasible, necessary circulation routes and facilities shall be obtained as a condition of approval for land development projects.
- **4430.5 County Parks and Recreation** (page 4-19) The County shall pursue all feasible sources of funding for the maintenance, development or acquisition of recreational facilities and programs consistent with this plan.
- **Trails County Parks and Recreation** (page 5-36 through 5-41) There are several implementation measures in Sections 5-4300 Trails, and 5-4400 County Parks and Recreation that reference seeking funding for trails and county parks and recreation from Federal, State, and County Government, trail user fees, and public donations.

Community Plans:

- **McKinleyville Community Plan Urban Land Use 2602.5** The costs of expansion of urban services shall be borne by new development..
- **McKinleyville Community Plan Circulation 4230.17** A funding mechanism should be provided for the design of improved public pathways.
- **McKinleyville Community Plan Circulation 4230.22** New subdivisions and other major developments shall provide rights-of-way for pathways consistent with the adopted Trails Plan.
- **McKinleyville Community Plan Circulation 4250.3** Investigate road improvement assessment districts as a means of funding priority improvements to new and existing roads including non-vehicular travelways.
- **Eureka Community Plan Urban Land Use 2620.1.2 Improvement Costs** Revenue to pay for services needed by new development shall come from the new development.
- **Eureka Community Plan Parks and Recreation 4420.1 & 4420.8.** Calls for a Parkland Dedication fee and other mechanisms to fund development maintenance, administration and operation of new parks. .
- **Eureka Community Plan Educational Facilities 4820 1.** Integrate the planning efforts of the County and the school districts.

B) How/where addressed in the Planning Commission Draft Plan

The Draft Plan includes a broad range of policies and programs to address funding for services and construction and maintenance of infrastructure:

- **IS-P6, Fair Share Cost Allocation** requires that new development pay its fair share of the infrastructure and service costs that are necessary to serve the development.
- **IS-P5, Fiscal Impact Assessment** and its accompanying Implementation Measure **IS-IM5**, requires that the fiscal, or service, and facility impacts of discretionary development be evaluated during project review and establishes the guidelines for such review.
- **IS-IM3, Comprehensive Fiscal Impact Study** would result in a regularly updated comprehensive study that quantifies the relationship between new development and the need for additional public facilities and services and that would ultimately make recommendations for infrastructure and services funding sources through **IS-IM8, Infrastructure and Services Funding Sources**.
- Following the completion of appropriate studies and a determination that funding programs are feasible, the Draft Plan would establish programs such as development impact fees for facilities such as road and drainage systems (**IS-IM 4 Impact Fees for New Development; IS IM 14 Storm Drainage Impact Fees; IS-IM16 Sheriff's Office Funding Sources; Impact Fees for New Development; IS-IM 18, Fire Impact Fees**)
- The Draft Plan would also establish a framework for the formation of special tax and assessment districts to fund new infrastructure and its ongoing maintenance (IS-IM66, Mello Roos Community Facilities Districts/Special Assessment District Formation Procedures).
- The Draft Plan acknowledges that fees, taxes, and assessments will not address all system deficiencies, and includes programs such as **IS-IM10, State and Federal Legislation, Appropriations, and Grant and Loan Programs** and **IS-IM11, State and Federal Advocacy**, where the County would advocate for state and federal funding for community infrastructure.

C) Reason for the changes

The most significant finding of the Community Infrastructure and Services Technical Report, 2008, and the Master Fire Protection Plan, 2006, were that the County and local service providers lacked adequate funding to provide adequate services. Without a substantial reduction in the cost of providing these facilities and services or new revenue sources, these funding gaps will continue to increase into the future. For example, most fire departments indicate that their year-to-year revenue significantly lags behind department needs and 16 fire departments operate without benefit of property tax or assessments to provide a stable source of ongoing funding.

The passage of Proposition 13 in 1978 resulted in a significant reduction in the amount of local property tax revenue available for cities and counties. Since that time, cities and counties in California have used various types of fees, special assessments, and taxes to supplement property tax revenues. Assessments, taxes, and fees are commonly used by cities and counties, but have their limitations. With minor exceptions, Humboldt County has not used these funding methods to fund facilities and services.

D) Notable items from the Planning Commission discussions

As noted above, Commissioners discussed the use of some of the tools to achieve the standards, placing emphasis on new development paying only its proportionate share of capacity improvements and not bearing the burden of existing deficiencies.

E) Consequences - intended/unintended

The intent of the policies and programs contained in the Daft Plan relating to funding is to create programs to support the infrastructure and services necessary to accommodate existing and planned development and to establish long-term sustainable funding sources for local service providers. The funding programs described above would address some or all of the costs associated with providing facilities and services to new development. CEQA review of discretionary projects involves the review of the affect of the project on the level of service of public service providers. Having funding programs, such as impact fees, would serve as a ready mitigation for potential impacts to levels of service.

However, the funding programs would likely increase the cost of new development, which may translate into higher costs for new homes and other types of development.

The preparation of reports and studies needed to establish new funding programs would result in staff related costs and consultant costs to public agencies.

Key Planning Issue #3 - Coordination with Service Providers

Effective land use planning requires close coordination with municipal service providers. What are the County's coordination obligations for delivery and funding of services that the County does not directly provide?

A) How/where addressed in the 1984 Framework Plan

The Framework Plan references coordination with LAFCo, wastewater providers, and supports the implementation recommendations of the Humboldt County Fire Chief's Association. Several community plans contain references to coordination with agencies to address specific issues. The following are references to Framework Plan policies that relate to adequate infrastructure and services:

- **Spheres of Influence 2622.3** (page 2-49) The Planning Department shall coordinate with LAFCo to ensure adequate service availability for new development.
- **Urban Development 2633.15** (page 2-52) The County shall review public works projects for conformity with the adopted General Plan or part thereof.
- **Urban Development 2633.16 and 2634.8** (beginning on page 2-52) The County shall encourage the preparation of Capital Improvement Programs.
- **Water Facilities 4512.3** (page 4-20) Ensure that the intensity and timing of new development will be consistent with the capacity of water supplies.
- **Wastewater Facilities 4531.1** (page 4-22) Wastewater disposal treatment facilities, and the extent of services provided should be based on population projections.
- **Wastewater Facilities 4531.2** (page 4-22) Coordinate with special districts in maintaining data on wastewater facility capacity.
- **Fire Protection 4752.1** (page 4-36) Proposed development shall be adequately serviced by water supplies for fire protection.

- **Fire Protection 4752.5** (page 4-37) Actively support and pursue the implementation recommendations of the Humboldt County Fire Chief's Association.

Community Plans:

- **Eureka Community Plan Public Services and Facilities-Circulation 4220.1** The County shall continue to coordinate with the California Department of Transportation, the Humboldt County Association of Governments, and the City of Eureka in implementing future transportation and circulation improvements.
- **Eureka Community Plan Public Services and Facilities- Water and Wastewater Facilities 4220.1 5** Projects requiring public wastewater disposal shall receive public sewer commitments from the appropriate district or agency prior to receiving tentative approval.
- **Eureka Community Plan Public Services and Facilities- Fire Protection Facilities 4720.1** Proposed development shall be adequately serviced by water supplies for fire protection. HFPD protection adequacy (maximum response time, etc.) shall be determined by HFPD's General Plan policies.
- **Fortuna Community Plan Urban Land Use 2622.1** The Fortuna Area Community Plan should be adopted by the City of Fortuna. The County shall coordinate with the City of Fortuna in review of new development in the planning area.
- **Jacoby Creek Community Plan Timing of Urban Development 2432.1** The County, the City and the District shall adopt an Urban Limit Line to designate areas which can be feasibly provided with urban services.
 - **Jacoby Creek Community Plan Public Facilities-Fire Services 4502.1** The County shall encourage the maintenance of mutual aid agreements among Fire Districts.

B) How/where addressed in the Planning Commission Draft Plan

The Draft Plan includes a broad range of policies and programs relating to coordination with service providers:

- **IS-G3, Interagency Coordination** indicates that coordination with other service providers is among the highest priorities of this element. Policy **IS-P1, Coordination with Service Providers**, directs that Count to work cooperatively with service providers to identify needs and to implement facilities and services consistent with the Draft Plan.
- The Draft Plan acknowledges that some smaller service providers may lack capacity to plan and finance facility improvements to serve the General Plan on their own and offers support to ensure such planning occurs (**IS-P19, Water and Wastewater System Capital Improvement Programs**; and **IS-IM1, Coordination with Service Providers; IS-IM25. Organization of Water and Wastewater Providers**).
- Several policies and programs in the Draft Plan provide for regular consultation with service providers (**IS-P8, Infrastructure and Services Capacity; IS-P10, Infrastructure and Service Inadequacies, IS-IM24, Monitor Infrastructure and Services Capacity; and IS-IM27, Coordination with Water and Wastewater Service Providers**).

C) Reason for the changes

Many essential community services are provided by other agencies in the unincorporated area and successful implementation of the General Plan requires coordination and cooperation with these service providers at the minimum. The Community Infrastructure and Services Technical Report and the Master Fire Protection Plan found that many small water, wastewater, and fire service providers lack adequate funding as well as technical, managerial, and financial

capacity. Those reports recommended greater coordination with and support for service providers.

D) Notable items from the Planning Commission discussions

Most, if not all, of the Planning Commission's votes regarding coordination with service providers were by consensus or unanimous. There was discussion relating to IS-IM19, Pooled Costs/Shared Resources for Fire Districts, where one Commissioner questioned whether Community Development Services should be involved in such matters. However when they were informed that such coordination is being done currently (e.g. workman's compensation insurance pool) which has made it cheaper for small districts to operate, this measure then received unanimously support.

E) Consequences - intended / unintended

The intent of these policies and programs is to ensure that the County is kept apprised of updated facility and service improvement plans and changes in service capacity, especially where such changes might limit development potential, and to support or assist service providers where feasible. There is cost associated with implementing a program of close coordination with service providers and there will be costs associated with County staff exploring cost saving or capacity building programs for small service providers, such as the workers compensation program. However, the overall service improvements or costs savings may outweigh the direct cost to the County.

What are the Board's options?

Since the Community Infrastructure and Services Element is an Optional Element of the General Plan, the Board could chose not to adopt it as a separate Element, and place all or some of the policies, standards and implementation measures in the Land Use or Circulation Elements.

There was discussion by the Planning Commission regarding the use of impact fees and concern that new development would be asked to pay for existing infrastructure deficiencies. While the state laws regarding the adoption of development fees prohibit this and only allow local agencies to charge new development the portion of the cost of public facilities related to the development project, the Board may decide these requirements are too onerous, or not strong enough, and make refinements as necessary. Plan Alternative C is an option that reduces the number of policies and programs, and generally offers less strict wording where a distinct choice is given.

Attachment C
Supplemental Report #1
Chapter 6 – Telecommunications Element

SUPPLEMENTAL REPORT #1

CHAPTER 6 – TELECOMMUNICATIONS ELEMENT

LEGAL BASIS OR REQUIREMENTS

This Element covers telecommunications infrastructure including broadband internet and telephone service. This Element is not a required part of the General Plan; it is an optional Element. However, it is both a land use of concern and infrastructure need within the County. Government Code 65301 directs that issues should be addressed to the extent that they exist within the jurisdiction and the degree of specificity and level of detail given is to be reflective of local conditions and circumstances.

Some jurisdictions place the discussion of telecommunications facilities within a Capital Improvements/Public Facilities Element, which is also an optional Element of the General Plan. Other jurisdictions identify standards in their Land Use Element, one of the required Elements of the General Plan. The County's approach highlights the importance of telecommunications to the County's quality of life and employment opportunities.

CGC §65850.6 specifies that new cell towers and other telecommunication facilities are required to be consistent with the General Plan.

KEY PLANNING ISSUES

There are three (3) Key Planning Issues addressed by the Telecommunications Element discussed below: 1) Telecommunications Availability, 2) Telecommunications Infrastructure and Planning, and 3) Locating Wireless Telecommunications Facilities.

KEY PLANNING ISSUE #1 - Telecommunications Availability

Access to broadband telecommunications services is viewed as essential to creating jobs, improving our standard of living, promoting public safety, educating our youth, and delivering essential services like health care. What role should the County play in the development and expansion of telecommunications services?

A) How/where addressed in the 1984 Framework Plan

There are no policies in the Framework Plan that address the availability of telecommunications services or facilities.

B) How/where addressed in the Planning Commission Draft Plan

The Planning Commission-approved Draft General Plan Update (GPU) specifically addresses the provision of broadband telecommunications services beginning on page 6-5 of the Element. Policies supporting telecommunications infrastructure include:

- **T-P1 Development of Communications Infrastructure and Services**
- **T-P2 Broadband Service Reliability**
- **T-P7 Broadband Internet**
- **T-PX Local Government Broadband Communications Services**
- **T-PX1 Public, Education and Government (PEG) Access**
- **T-PX2 County Right-Of-Way and Net Neutrality**
- **T-P8 Broadband Internet; and**
- **T-P17 Technology Awareness.**

Coordinated utility/government agency/and community planning is addressed in **T-P11 Joint Telecom Planning**.

Right of way planning and subdivision design is addressed in **T-P5 Communications Facilities Within County Rights of Way**, and **P10 Subdivision Improvement Requirements**.

These policies are supplemented by Implementation Measures that will provide for telecommunications infrastructure within County rights of way and new subdivisions (**T-IM2**, **T-IM3**), and other measures to increase access to telecommunications services, particularly in rural areas.

C) Reason for the changes

Considerable support has been expressed by the Broadband Working Group and the general public in having the County play a more active role in development and expansion of telecommunications services. The geographic isolation of the County from metropolitan commercial centers has hindered the County's economic development efforts, and increased telecommunications service availability is seen as one way to reduce that isolation. Telecommunications service availability also increases the quality of life for many people. The Element establishes the County's role supporting the availability and expansion of telecommunications services and facilities.

D) Notable items from the Planning Commission discussions

A coalition of experts, service providers and advocates provided comments to the Commission (the "Broadband Working Group", or BWG). Their comments and suggested rewording of the Element's policies were generally supported by the Commission, and incorporated into the approved document.

The Commission was concerned that support of telecommunications facilities would limit their ability to regulate specific projects to help ensure neighborhood compatibility.

One Commissioner expressed concern with **T-PX "Local Government Broadband Communications Services"** (p. 6-6), stating that he was uncomfortable having the government provide communications services. His concerns were addressed by requirements of state law that if private service providers move into an area, local governments are required to sell the services at a reasonable cost.

E) Consequences - intended/unintended

The Element seeks to strike a balance between supporting telecommunications facilities and ensuring they fit into the surrounding neighborhood. There have been some proposed cell towers, for instance, that have generated significant neighborhood opposition due to their height, visual impacts, and health concerns about the radiation generated from the facilities. Unmitigated support of telecommunications facilities could limit the County's ability to regulate specific projects, which may adversely impact nearby neighborhoods. Conversely, overly restrictive requirements placed on specific projects limiting the height, location, and size of telecommunications facilities could limit the quality and availability of telecommunications services for the broader public.

New requirements for telecommunications facilities in subdivisions may increase the cost of housing because additional conduit will be necessary. This impact is not expected to be

significant since phone and cable infrastructure is already required in new subdivisions, and the new conduit for high-speed telecommunications could be extended in the same time in the same utilities trench as these other services. These increased up-front costs are potentially mitigated by reducing the cost of future expansion of telecommunications services in these developments, and by increased marketability of the lots in the new subdivisions.

KEY PLANNING ISSUE #2 - Telecommunications Infrastructure and Planning

There is has been expressed interest for the County taking an active role in telecommunications infrastructure planning. Should the County require telecommunications infrastructure; such as fiber cable in subdivisions, for new development?

A) How/where addressed in the 1984 Framework Plan

The Framework Plan does not establish a role for the County in telecommunications infrastructure planning.

B) How/where addressed in the Planning Commission Draft Plan

The Telecommunications Element adds subdivision improvement requirements on page 6-6 of the GPU through Policy **T-P10 Subdivision Improvement Requirements**, and Implementation Measure **T-IM2 Broadband Deployment**. The Element encourages service providers to size facilities within the County right of ways to accommodate future expansion in Policy **T-P5 Communications Facilities Within County Right of Ways**, and supports ongoing telecommunications improvement planning in Implementation Measures **T-IM4 Communications Infrastructure Inventory**, **T-IM6 Ongoing Communications Planning**, and **T-IM7 Pre-Planning Facility Locations** on page 6-9 of the GPU.

C) Reason for the changes

The Element supports increased availability of telecommunications services and facilities in new development. It requires new residential and commercial development include conduit and other components suitable for future high speed data services, and encourages service providers to plan for expansion of services in projects within the County's right of ways.

D) Notable items from the Planning Commission discussions

The comments and wording changes recommended by the BWG were generally supported by the Commission, and incorporated into the approved document.

E) Consequences - intended/unintended

The proposed new policies and implementation measures are intended to ensure the efficient expansion of telecommunications infrastructure and services in the future. There may be increased up-front costs to residential and commercial developers and telecommunications service providers to incorporate this infrastructure into their developments, which may increase housing costs and the cost of commercial services. These increased up-front costs are potentially mitigated by reducing the cost of future expansion of telecommunications services in these developments, and by increased marketability of the new subdivisions and commercial development.

KEY PLANNING ISSUE #3 - Locating Wireless Telecommunications Facilities

Permitting wireless telecommunications facilities can generate concerns relating to environmental, visual, and potential safety issues. What performance standards will protect the interests of neighborhoods while ensuring adequate wireless coverage and capacity?

A) How/where addressed in the 1984 Framework Plan

Chapter 2, Sections 2514.2 and 2721 of the Framework Plan limit the placement of communication transmission facilities in the Timber Production Zone, and allow them in the Agricultural Exclusive (AE) and Agriculture Grazing (AG) areas. It does not contain policies or standards other than these general allowances and prohibitions.

B) How/where addressed in the Planning Commission Draft Plan

The Telecommunications Element establishes standards for siting wireless telecommunications facilities through Policy **T-P3 Communications Facility Siting** on page 6-5 of the GPU, Standard **T-S1 Communications Siting Standard**, and Implementation Measure **T-IM1 Communications Facilities Ordinance**.

C) Reason for the changes

With adoption of the recommendations in the 2001 Critical Choices Report, the Board committed to including in the General Plan Update an assessment of opportunities and constraints for telecommunications, and adoption of policies to support development of an adequate information technology infrastructure. This decision was based on findings that:

- 1) Advances in information services and communications technology are increasing the need for a new layer of infrastructure;
- 2) Wired and wireless communications require physical facilities, such as telecommunications towers and fiber-optic lines, in order to function;
- 3) The potential proliferation of these facilities is already an issue in rural areas, and
- 4) There is support for policy that guides placement, height, and screening of visible telecommunications facilities.

There has been considerable interest expressed by the public in establishing clear requirements for new telecommunications facilities to provide regulatory consistency to service providers, and the necessary environmental protections for neighborhoods where new telecommunications facilities are proposed. Guiding Principle #10 supports this approach, "Provide a clear statement of land use values and policies to provide clarity in the County's permit processing system and simplify review of projects that are consistent with the General Plan."

On June 4, 2002, the Board approved a contract for the preparation of a technical background report, General Plan policies, Draft Ordinance for Wireless Telecommunication Facilities, and Initial Study. On January 28, 2003 your Board conducted a joint workshop with the Planning Commission to provide direction to the consultant in drafting the policies and ordinance, and on August 11, 2003, the Board held its own workshop to review options for drafting an ordinance for wireless transmission facilities. The policies, standards and implementation measures in the Telecommunications Element reflect the direction provided by the Board of Supervisors in the Critical Choices Report and the workshops in 2003.

D) Notable items from the Planning Commission discussions

There was extensive discussion of specific wording for Standard **T-S1 Communications Siting Standard** (p. 6-7) to reach a unanimous decision.

There was some concern with possible duplication of efforts between **T-IM7 Pre-planning Facility Locations** and **T-IM11 Remote Deployment Planning**.

E) Consequences - intended/unintended

The consequences described earlier in the discussion of Telecommunications Availability also apply to the location of wireless telecommunication facilities. The Element tries to balance accommodating telecommunications facilities into the County while at the same time, applying standards so new facilities fit reasonably into the surrounding neighborhood. Unless they are carefully crafted, the adopted standards can be overly restrictive, hindering needed expansion of facilities and services, or they may be ineffective at protecting neighborhoods where the new facilities are proposed. Or worse, the standards could be both ineffective at protecting the neighborhood and at the same time, unnecessarily increase the cost of the facilities.

WHAT ARE THE BOARD'S OPTIONS?

Since the Telecommunications Element is an Optional Element of the General Plan, the Board could chose not to adopt it as a separate Element, and place the policies, standards and implementation measures in the Infrastructure Element or the Land Use Element.

There was considerable debate at the Planning Commission on what are the appropriate standards that should be applied to new telecommunications facilities to ensure neighborhood compatibility. While the standards approved by the Commission seem reasonable and appropriate, the Board may decide they are too restrictive or not restrictive enough, and make refinements as necessary. Plan Alternative C is an option that reduces the number of policies and programs, and generally offers less strict wording where a distinct choice is given.

Attachment D
Board Worksheet
(with staff recommended policy changes)

Worksheet for Board of Supervisors Deliberations on the General Plan Update – Meeting on October 1, 2012

Key Issue #	Preliminary Staff Recommendations and Notes
<p>Planning Commission Version</p> <p>IS-P17. Law Enforcement. The County shall continue to monitor law enforcement needs and coverage. New development shall pay its proportionate share of law enforcement costs.</p>	<p>Staff recommends PC version (review in conjunction with IS-IM16). Sheriff was in support of P17 and IM16.</p> <p>Vote: Split vote; four (4) voted for the Alt. B version three (3) voted to delete it.</p> <p>Commission Comments August 12, 2010:</p> <p>C. Smith – this just seems too complicated for the needs of this county and level of development, especially for law enforcement – this should be a county budgeted item – opposed</p> <p>C. Mayo – opposed. Proportional may then be expected for impacts for that use (example – new computers that serve everyone, not just the development)</p> <p>D. Girard – you need to maintain a plan for the use of those funds as you collect them and you must reimburse if you don't use.</p> <p>C. Krebs – Is there a study that shows what these proportional costs are? (D. Girard – it would be a part of the impact study).</p> <p>Krebs – I support</p> <p>C. Emad – what is the definition of development – homes 5 miles out of town – is that development? Or is it only applied to subdivision in town?</p>

Worksheet for Board of Supervisors Deliberations on the General Plan Update – Meeting on October 1, 2012

Key Issue #	Preliminary Staff Recommendations and Notes
	<p>C. Girard – up to the Board to decide, they can assess on ministerial and/or discretionary projects. That detail is usually a part of the analysis itself – left general now because you need more data to know what development and improvement you are talking about.</p> <p>C. Emad – I’m opposed</p> <p>C. Gearheart– I support</p> <p>C. Nelson – I support</p> <p>8-19-10: Commissioner Faust weighed in on IS-P17 due to his absence and he was in support.</p> <p>Summary of Public Comments:</p> <p>HAR: Delete, needs more detail.</p>
<p>Board Discussion and Votes:</p>	
<p>Planning Commission Version</p> <p>IS-IM16. Sheriff’s Office Funding Sources. Periodically assess the adequacy of existing Sheriff’s Office funding sources and seek to identify, develop, and maintain sustainable funding sources to maintain Sheriff’s Office levels of service, including increased operational fees, development fees, new taxes, or special assessments.</p>	<p>Staff recommends PC Version. See notes above for P17.</p> <p>Vote: four (4) voted for Alternative B language, three (3) voted to delete it.</p> <p>COMMENTS: 8-19-10: Chairman Smith did not want the funding of the Sherriff’s Department put on new development.</p> <p>Commissionersr Krebs, Faust, Gearheart and Nelson were in</p>

Worksheet for Board of Supervisors Deliberations on the General Plan Update – Meeting on October 1, 2012

Key Issue #	Preliminary Staff Recommendations and Notes
	<p>support.</p> <p>Commissioners Smith, Emad, and Mayo were not in support.</p> <p>Summary of Public Comments:</p> <p>None</p>
<p>Board Discussion and Votes:</p>	
<p>Planning Commission Version</p> <p>IS-S4. Subdivisions Outside of Fire District Boundaries. Prohibit industrial, commercial or residential subdivisions unless the County finds that the <u>Subdivisions outside of fire district boundaries proposed subdivision is located within the boundaries of a fire related district, or the subdivision approval is shall be conditioned upon one of the following to:</u></p> <p>A1. If the project site is not located within the boundaries of a fire related district, approval shall be conditioned upon the annexation to or form a an existing adjacent fire-related district or annexation to, or formation of, a county service area established to provide fire protection services, and the establishment of appropriate funding mechanisms provide funding to ensure that the district has adequate capacity to provide services, or</p> <p>B2. If the project site is not located within the boundaries of a fire related district and if condition A-1 is not feasible, approval shall be conditioned upon the establishment of an adequate ongoing funding source and the execution of a fire protection agreement with an appropriate local fire service provider, with LAFCO approval, as appropriate, or</p>	<p>Staff recommends PC version.</p> <p>Vote: Split vote; four (4) voted for the Fire Chiefs recommendations two (2) voted to delete it, one (1) voted for the Fire Chiefs recommendations but did not support condition number 3</p> <p>PC Comments: 8-19-10:</p> <p>Commissioner Smith supported S4 with the revised language “or” recommended by HAR and supported by the Fire Chiefs.</p> <p>Commissioners Mayo and Emad did not support S4 as a standard.</p> <p>Commissioners Nelson, Krebs and Gearheart supported S4 with the revised language as per supplemental 1.</p> <p>Commissioner Faust supported the Fire Chiefs recommendations</p>

Worksheet for Board of Supervisors Deliberations on the General Plan Update – Meeting on October 1, 2012

Key Issue #	Preliminary Staff Recommendations and Notes
<p>€3. <u>record acknowledgment of no available emergency response and fire suppression services and implement required mitigations.</u></p>	<p>in respect to options 1 and 2 but did not support option 3.</p> <p>Summary of Public Comments:</p> <p>HAR – supports PC version.</p>
<p>Board Discussion and Votes:</p>	
<p>Planning Commission Version</p> <p>I-S5. Other Development Outside of Fire District Boundaries. New industrial, commercial, and residential development, excluding subdivisions pursuant to the Subdivision Map Act, not located within outside of fire district the boundaries of a fire protection district shall be responsible <u>at the time of issuance of the building permit prior to permit approval,</u> to obtain, from a <u>an appropriate local</u> fire service provider emergency response and fire suppression service by contract or written agreement acknowledgement of the available emergency response and fire suppression services and recommended mitigations, from a fire service provider. Permitted development shall be required to and record a notice and acknowledgement that the development is not within a fire protection district and an adequate level of service is not a permanent responsibility of a fire protection <u>agency of the agreement.</u></p> <p><u>If written acknowledgement indicates that no service is available or no acknowledgement is received the following shall apply:</u></p> <ul style="list-style-type: none"> ▪ <u>For building permits a note shall be placed on the permit indicating that no emergency response and fire suppression services are</u> 	<p>Staff recommends PC version.</p> <p>Vote: five (5) voted for the final proposal language, two (2) voted to delete it.</p> <p>Commission Comments 8-19-10:</p> <p>Commissioners Gearheart, Kreb, Nelson and Smith supported the final proposed language in supplemental 1.</p> <p>Commissioners Emad and Mayo did not support S5.</p> <p>*Commissioner Faust supported S5, the final proposed language in supplemental 1, as long as it only applied to existing legal lots.</p> <p>Summary of Public Comments:</p> <p>HAR – supports PC version.</p>

Worksheet for Board of Supervisors Deliberations on the General Plan Update – Meeting on October 1, 2012

Key Issue #	Preliminary Staff Recommendations and Notes
<p><u>available.</u></p> <p><u>For discretionary permits findings shall be made that no service is available and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.</u></p>	
<p>Board Discussion and Votes:</p>	
<p>Planning Commission Version</p> <p>T-IM15. Research Possible Monitoring Policy. Host community workshops to discuss the issue of monitoring radiation outputs from wireless equipment.</p>	<p>Board discretion – budget implications. Staff questions if County is the appropriate entity to monitor private industries radiation output.</p> <p>Vote: three (3) voted for the final proposal language, three (3) voted to delete it.</p> <p>PC COMMENTS: 9-16-10:</p> <p>Commissioners Smith, Mayo, Emad voted no (felt this was unnecessary) and Commissioners Faust, Kreb, and Gearheart voted yes. Commissioner Emad requested that the county make sure we are in line with FCC regulations regarding monitoring.</p> <p>Summary of Public Comments:</p> <p>None</p>
<p>Board Discussion and Votes:</p>	

Policy abbreviations

AG - Agricultural Resources
BR - Biological Resources
C - Circulation element
CO - Conservation and Open Space
CU - Cultural Resources
E - Energy Element
ED - Economic Development Element
FR - Forest Resources
IS - Infrastructure and Services Element

MR - Mineral Resources
N - Noise Element
PL - Public Lands
RL - Rural Lands
SR - Scenic Resources
S - Safety Element
T - Telecommunications
UL - Urban Lands
WR - Water Resources

Attachment E
Responses to Issues Raised
at the September 17th Hearing

Responses to Issues Raised at the September 17th GPU Hearing

There was Board interest expressed at the end of the September 17th meeting in having staff respond to some of the issues raised by testimony presented that day. This report addresses some of the questions raised and statements made that in staff's judgment warrant a response.

Effect on McKinleyville Community Plan.

There was concern that the GPU would amend the policies contained in the McKinleyville Community Plan. As stated in the GPU Planning Commission Approved Draft, the McKinleyville and Eureka Community Plans, because of their complexity, will remain standalone documents. Although the GPU indicates that their land use designations and policies are subject to amendment in this GPU amendment process, only map changes have been considered to date. It is recommended that any policy changes to these documents not be adopted until reviewed in a community level planning process.

Regarding the mapped land use designations for these areas, which was also a matter of concern in testimony on September 17th, the Planning Commission acted to retain the current community plan RL densities of 1-7 units per acres rather than the 3-8 units per acre density proposed by the 2008 hearing draft GPU.

Redundancy

There was concern that the proposed plan was being redundant with State and federal laws. The County is bound by State and federal law, as applicable, and needs to comply with those laws. The general plan sets forth policies that show how we intend to comply with applicable laws. The trustee and responsible agencies for those laws such as the North Coast Air Quality Management District, the Department of Fish and Game, and the Regional Water Quality Control Board have all been supportive of the policy attention given to their respective issues, and none felt that the proposed policies were redundant with their laws.

Tom Grover's Parcel

Mr. Grover expressed concerns that his parcel was being changed to Rural Residential (RR) from Agricultural Lands (AL), and that he thought it should be designated Timberland (T). Staff has no problem with designating his parcel Timberland (T), although such a designation would restrict the use of his property to uses compatible with timber production, as almost all of the land designated Timberland(T) is zoned TPZ. Mr. Grover's parcel is zoned FR-B-5(40). The Rural Residential (RR) designation on the other hand supports timber production and agricultural uses.

Section 1500 Compliance

The concern that continues to be expressed is that there has been inadequate public participation in the General Plan Update process pursuant to policies for public participation contained in Section 1500 of the current General Plan, and the contention that Section 1500 requires the use of a Citizen Advisory Committee (CAC) to receive input from the general public and provide recommendations to the Planning Commission on the General Plan Update.

With respect to public participation directives of the current General Plan, Section 1500 of the 1984 Framework General Plan (see Attachment 2) includes specific goals, policies and standards to ensure maximum public education and participation in the planning process.

With respect to the use of a Citizen Advisory Committee (CAC), Section 1500 says CAC's should be created for matters affecting **individual communities** (Section 1550 (2)). The CAC's are to be

formed “in the community” to advise the Planning Commission “to review and prepare recommendations on planning matters that affect their individual communities”. The CAC’s were intended to support the Community Plan development program of the 1984 Framework Plan, which envisioned the preparation of 18 individual community plans to complement the countywide Framework Plan.

The CAC’s were created for the McKinleyville Community Plan and the Eureka Community Plan, and for most other community plan efforts. The Avenue of the Giants Community Plan did not make use of a CAC because the Board of Supervisors at the time wanted to use a different public input approach because of difficulties with the McKinleyville Community Plan process. It should be noted that existing individual community plans, per your Board’s direction, are being incorporated into the General Plan Update without significant modification.

Section 1500 also allows the Planning Commission to call for the creation of other committees to advise them on special or technical planning matters. These Planning Advisory Committees (PAC’s - Section 1550.2) are charged with specific tasks. Examples of PAC’s include the current Williamson Act Committee and the Forestry Review Committee, and the expired Agricultural Review Committee and Surface Mining Advisory Committee.

Section 1542 places the Planning Commission at the center of the public input process for making county land use policies. Doing so fulfills one of the primary goals of Section 1500 to “provide the most direct relationship between the public and the decision makers” (Section 1533).

The GPU process has adhered to this and other policy directives of Section 1500 in the current General Plan process. The County has “maximized public education opportunities” through a variety of public forums, utilizing a multitude of public participation techniques for both topical and regional workshops, including an online public interest survey, publishing newsletters, maintaining a web site, email notification, printing public guides to the use of the plan and alternative charts, accepting invitations from organizations and agencies, and various other efforts. To date, staff has participated in over 300 meetings and workshops on the General Plan with stakeholder groups, including all the cities and service districts on various aspects of the program (see Attachment 3).

The public has had unprecedented direct access to your Board and your Board’s main advisory body, the Planning Commission, which held three years of hearings on the draft General Plan. They have participated in over 70 GPU public meetings and held 48 public hearings on the Planning Commission Draft document in the last two years. Per Section 1542.9, the public hearings have been organized to provide public opportunities to evaluate alternative proposals and participate in the choice of the preferred alternative through the use of alternative comparison charts. Any member of the public can provide meaningful input simply by stating they support Alternative A, B, C or D. And, the public has been actively involved in providing comments to the Planning Commission on draft Plan as seen in the 538 comment letters and 877 verbal comments submitted into the record during the public hearing process.

One public participation goal that has not been met is Section 1532.4, which calls for minimizing the timeline from public input to plan adoption. The GPU process has spanned 12 years at this point. Another potential shortcoming is that the original Citizen’s Handbook was not widely distributed and revised. Instead, other public participation materials were developed and used in its place, such as OPR’s Citizen’s Guide to Planning Laws. It is also noted that many of those now criticizing the process were absent from much of the process.

Appendices

Testimony was given stating the proposed plan had numerous confusing non-attached appendices. The proposed plan has only the coastal plans and the map book as non-attached appendices.

Noticing

Notices were sent during the Planning Commission hearings to owners affected by proposed land use changes. Our record indicate that Mr. Alfred Christie was on list of those who were sent notices. The Board has the discretion to direct that additional notices be sent. Noticing all property owners in the County would cost about \$10,000.

Framework Plan not used during review process

Testimony was given stating that the Framework Plan was not used during the review process. The Framework Plan is part of the standard materials provided to each Planning Commission, and the Alternatives Comparison Charts include the Framework Plan policies as an option.

Planning Commission Approved Draft not available prior to PC's vote

Testimony was given stating that the Planning Commission did not see the draft that they voted on. The Planning Commission Approved Draft was published on March 19, 2012 and the Planning Commission voted to approve it on May 17, 2012.

Use of Registered Professionals in Preparing EIRs

Testimony was submitted stating that an EIR must be prepared by qualified professionals. CEQA Guidelines Section 15149 specifically states the opposite: that an EIR is **not** a technical document that can only be prepared by a registered professional.

Complete Streets

Testimony was given stating that Complete Streets policies will result in a loss of property values and the policies are included just to make us more eligible for grants. Together with the traffic calming policies, right of ways would not need to be any wider than they currently are. Amenities such as bike trails have been shown to increase property values, as has happened near the Hammond Trail. Consideration of Complete Streets policies is a State mandate for any Circulation Element revised after 2011 (AB 1358, Chapter 657, Statutes of 2008, the California Complete Streets Act).

FR-P9 biased in PC Approved Draft Printing

Two versions of FR-P9 appear in the PC Approved Draft because there was a 3-3 tie vote on two different versions; both versions are included in the Draft.