

**HUMBOLDT COUNTY PLANNING COMMISSION  
GENERAL PLAN UPDATE**

**MEETING OF OCTOBER 13, 2011**

## **Recommended Commission Agenda**

At the September 22<sup>nd</sup> meeting, the Commission completed their review of Chapter 12, the Energy Element. For tonight's meeting staff recommends that the Commission:

1. Review the outstanding policy decisions for Chapter 11, Water Resources.
2. Allow time for public comments.
3. Introduce Chapter 15, Air Quality.
4. Continue the hearing to October 20<sup>th</sup>, or other suitable date.

## **Outstanding Issues for Chapter 11 Water Resources Element**

### **NEW POLICY Re: Un-Permitted Development**

At the September 22 meeting, the Commission continued its discussion on the need for a policy concerning water withdrawals associated with unpermitted development. Staff drafted a policy as requested, but was concerned that it ran counter to water rights law which provides certain entitlements for riparian and overlying lands. During the continued discussion, Counsel Smith suggested wording that would declare that water withdrawals for unpermitted development not be recognized as a beneficial use. Staff was requested to return with such a policy.

Staff had previously distributed a summary of California water rights law (in the staff report for 9-08-11), which in part reads:

#### **1. Reasonable and Beneficial Use Doctrine**

Article 10, section 2 of the California Constitution (enacted in 1928) prohibits the waste of water, and requires reasonable use, method of use and method of diversion for all surface and groundwater rights. The doctrine of reasonable and beneficial use is the basic principle defining California water rights: that no one can have a perpetual interest in the unreasonable use of water, and that holders of water rights must use water reasonably and beneficially. (See also Water Code section 275: "The department [of water resources] and [state water resources control] board shall take all appropriate proceedings or actions before executive, legislative, or judicial agencies to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water in this state.")

Based on the Commission's discussion **staff recommends** the following new policy **WR-P2x1**:

**WR-P2x1:** The County declares that a water use serving illegal development is not a reasonable and beneficial use of water, within the context of California water rights law.

## Chapter 13, Noise Element and Chapter 14, Safety Element

Following review of the Air Quality Element, the next sections up for Commission review are Chapters 13 and 14, the Noise and Safety Elements. Staff originally prepared these chart in 2010 and after an initial review, identified policy language that needed updating. The recommended revisions to the Plan Alternatives Comparison Charts were included in your staff report of September 22<sup>nd</sup> as Attachment 5 with proposed changes highlighted in yellow. Staff did not provide any identified “key issues” as was directed by the Chair during the September 8<sup>th</sup> meeting. Staff is requesting that the Commission provide their identified “short list” prior to the meeting that the Chapters are schedule for review by the Commission.

**Please Note:** Additional copies of any previously-distributed Key Issues and Plan Alternatives Chart or support materials for the Water Resources and/or Energy Elements are available by contacting Tom Hofweber (268-3738) or Martha Spencer (268-3704), or are available on the GPU website at [www.planupdate.org](http://www.planupdate.org).

## Community Land Use Mapping Meetings and Revised Map Books

Planning staff has scheduled the community meetings for review of the draft land use maps for the end of October and first week of November (see attached flyer for specific dates). We have also reserved the Board chambers for the Planning Commission’s Saturday meeting on the land use maps for November 5, 2011. Staff is currently in the process of revising the maps based on either public comments received to date or errors noted in the original draft maps. Staff originally distributed the Map Books to the Commission as an Appendix to the Planning Commission Hearing Draft Plan in 2008. We will provide updated Map Books to the Commission during the meeting of October 13<sup>th</sup> and will post the revised the maps to the Web for public review that day also.

Attachment 1: Community mapping meetings flyer

Attachment 2: Public Comments on draft Plan

**Attachment 1**  
**Community Land Use Mapping Meetings Flyer**

**Attachment 2**  
**Public Comments on the draft Plan**