



NOT SCANNED

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Supervisors  
County of Humboldt  
825 5th St  
Eureka, CA 95501

RE: County Staff Response to HumCPR General Plan Consistency Review

Dear Chair Fennell and Members of the Board,

Humboldt Coalition for Property Rights wishes to express our gratitude for the opportunity to continue participating in the formulation of Humboldt County's General Plan update. HumCPR is highly impressed by the hard work performed by County Supervisors and Staff in attempting to create a strong and complete document for the betterment of our county's future.

As part of HumCPR's efforts to aid in the GPU process, our organization compiled an exhaustive consistency review with the help Julie Williams. This consistency review, which was provided to County Planning Staff, clearly outlined HumCPR's concerns with policies that may present significant problems for the successful passage of a fair and balanced General Plan that is beneficial to the entire County. We sincerely hope the consistency review we provided to the County has aided them in that pursuit.

However, it is with great disappointment that we must say that many of the more serious issues of concern that were raised in HumCPR's consistency review have apparently been dismissed, or at the very least have not been treated with the due diligence they deserve. In Senior Planner Michael Richardson's response to many of HumCPR's consistency comments, this becomes exceedingly clear.

There are a number of specific items which HumCPR feels are of the utmost importance for reconsideration as they relate to the ratification of the GPU which are marginalized or dismissed in Mr. Richardson's response. Mr. Richardson often cites a lack of relevant information contained within HumCPR's consistency review for the basis of his failure to adequately address the concerns raised. This is regrettable, as HumCPR feels it has been made abundantly clear to County Staff that we are happy to expand upon or explain the reasoning behind our concerns with regards to particular items, and are always available to do so.

Furthermore, HumCPR feels strongly that a failure to explicitly outline the reasoning behind some of Mr. Richardson's responses to the issues raised in HumCPR's consistency review demonstrates that careful consideration was not given to these items. Again, we feel that issues

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which potentially have such a large impact on the outcome of the GPU deserve a carefully considered and logical explanation as to why such issues do not pose problems with regards to consistency. HumCPR feels that this is often not accomplished via Mr. Richardson's responses contained within the staff report and meeting packet for today's meeting.

Mr. Richardson states in his response to Comments 20-29 (page 22 of the packet) that: "At its discretion, the Board could direct staff to articulate more comprehensive responses to comments #20-29." HumCPR strongly implores the Board to do so, as such non-responses provided by staff are unacceptable in that they provide no basis for a lack of consideration of the issues raised.

HumCPR must remind the Board that all items of all elements are eligible for reconsideration and potential alteration at this juncture; not adequately addressing and vetting concerns regarding major issues may lead to serious complications and further significant delays in the passage of the Plan Update. Inclusion of language and policies in the Plan that are highly prejudicial and discourage what scant development remains in our County is *not* consistent with the stated goals of the plan. Of particular concern are policies which limit development and the self-determination of Humboldt County citizens to live where they see fit, rather than where a County Planning document tells them to. However, the Plan in its current form is also rife with redundancy and unfunded mandates. Lastly, it is not the purview of County Planning staff to decide which items are worthy of review, reconsideration, or implementation.

We request that the Board of Supervisors reviews the materials provided at the end of this document and direct staff to evaluate and respond to the policies in such a way that clearly demonstrates to both the Board and the public the reasoning behind the staff's judgments on the of the policies in the plan and the ways in which said policies are consistent throughout the scope of the entire General Plan.

Sincerely,

Alec Ziegler  
Executive Director  
Humboldt Coalition for Property Rights

cc: Supervisor Rex Bohn, District 1  
Supervisor Mark Lovelace, District 3

Phillip Smith-Hanes, CAO

Kathy Hayes, Clerk of the Board

Jeffrey Blanck, County Counsel

Supervisor Ryan Sundberg, District 5  
Supervisor Virginia Bass, District 4

Kevin Hamblin, Planning Director

Rob Wall, Senior Advanced Planning

HumCPR respectfully calls the following responses from your staff report to your attention, as provided by Julie Williams:

**Response to Comment 15:** Policy FR-P11. *Lot Line Adjustments*. identifies the criteria for approval of lot line adjustments on parcels zoned TPZ. The state law referenced in the above comment requires lot line adjustments be consistent with the General Plan, so establishing criteria for approval of lot line adjustments in the General Plan would seem to be consistent with state law on this matter.

A. Did you know that former Director Girard at a former BOS meeting PROMISED to insert the Subdivision Map Act regulatory language into the general plan verbatim for ALL Lot Line Adjustments during this general plan update? **We respectfully request that promise be kept.** Further, there is NOT ONE REASON to have a different Lot line adjustment rule for TPZ lands than for any other lands.

**Response to Comments 1 and 2:** The Guiding Principles may be used to evaluate future Plan amendments. State law gives local jurisdiction broad discretion in selecting the criteria for evaluating proposed Plan amendments. They may be judged against goals or guiding principles for consistency with the Plan.

B. Because of their very broad nature, guiding principles are not quantifiable; are not implementable **and staff knows it.** No amendment can be found to be compatible with them. That's why there was so much pressure for you to ADD item E to the findings list in the first place!

**Response to Comment 6:** The Housing Element includes maps for Housing Opportunity Zones in areas with public water and sewer services, and includes policies encouraging housing production in these areas. The above-referenced policies, standards and implementation measures similarly encourage housing and commercial development in areas with public services, so they may be considered to be consistent with the Housing Element.

C. Staff does not answer what about encouraging housing OUTSIDE these areas? The General Plan is to develop affordable housing within the whole of the County to be available to all income levels. These items imply restriction, discouragement or prohibition of residential housing outside of HOZ's.

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D. Response to comment 6 did not answer why so many zoning overlays and additional opportunity zones. There are many items that call either for 'zoning overlay' or additional 'opportunity zones' or 'designated' areas within this portion of the land use element. These measures in and of themselves duplicate power of the zoning ordinance and create unnecessary compounded regulations. The existence of any designated opportunity zone infers potential misinterpretation of restriction, discouragement or prohibition of residential housing outside of HOZ's, introducing prejudice.

**Response to Comments 20 - 29:** All these comments relate to the consistency of the Housing Element to state law. That Element was approved and certified by the state in 2014. These consistency review concerns would have been addressed at the time that Element was adopted, so they are not part of this consistency review.

At its discretion, the Board could direct staff to articulate more comprehensive responses to comments #20-29.

E. What staff has NOT mentioned here is that you DO have the options of: stating you recognize deficiencies within the housing element that can either be changed now, or with the next housing element. You do not have to leave it as it is with out saying anything and letting its shortcomings interfere with housing being built before the next housing element.

The Infrastructure Chapter:

**Response to Comment 17:** The above comments do not appear directly related to the consistency of the Infrastructure Element with state law.

F. We think our comments are valid and give the BOS an important HEADS UP for future issues; both in the EIR and in trying to implement the plan overall. It is one chapter that is likely to be obsolete when adopted and not implementable. As one of many involved in a 'team effort', this chapter was written using a technical background report that was so limited in scope that it did not even include the County Department of Public Works own Capital Improvement Program. From a practical standpoint the items in this chapter need to be flexible to change as needed when engineering standards or existing related ordinances or plans change (e.g. CSD's Municipal Service Plans etc.). We are trying to protect the County. Nor did it include that department's schedule of maintenance and upgrades and the deferred maintenance to the tune of millions of dollars. This chapter is riddled with items that do not mention the source of funding needed for all of the programs it contains. Additionally, this Chapter is likely to be effected by several changes in the legislature with regard to mandated programs and requirements regarding drainage, storm water run off, TMDL's for sediment and erosion, aquifer regulations etc. from the State. Did former staff choose to include the details belonging in ordinances into the plan, thinking that by elevating the language of those items as a plan mandate any court would recognize item as unchangeable?

The Circulation Element:

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**Response to Comment 18:** The above comments do not seem directly related to the consistency of the Circulation Element with state law.

G. We think our comments are valid. The Circulation element includes detail that is in our subdivision ordinance, or in the grading ordinance under the Public Works Land Use Division jurisdiction. This chapter also includes concepts that deeply trouble us because of the social engineering nature of the language in many items. This chapter needs to be re-written. We are also of the understanding that this chapter calls for a Transportation Plan **in addition** to the one that exists and is up and running under Public Works and HCAOG. Why are we duplicating that? Who will pay for it? Did former staff choose to include the details belonging in ordinances into the plan, thinking that by elevating the language of those items as a plan mandate any court would recognize item as unchangeable?

Mid-point density or target density:

H-S2. Achieving the Target Densities in Humboldt County Housing Opportunity Zones.  
**Response to Comments 20 - 29:** All these comments relate to the consistency of the Housing Element to state law. That Element was approved and certified by the state in 2014. These consistency review concerns would have been addressed at the time that Element was adopted, so they are not part of this consistency review.

At its discretion, the Board could direct staff to articulate more comprehensive responses to comments #20-29.

H. State law calls for density ranges as does the zoning ordinance; the county cannot arbitrarily call for only mid-point density and above. Did you know that the concept of mid point density was a mathematical formula wherein former Director Girard decided he could use to meet HCD's RHNA number? Did you know that the state calls for DENSITY RANGES (1-7 units per acre, 15-30 units per acre as examples). IF mid point density is used, some folks cannot and/or will not build housing; because of on-site constraints, because they don't want to build mid-point (as is their right), or cannot afford to build to mid point?

What staff has NOT mentioned here is that you DO have the options of: stating you recognize deficiencies within the housing element that can either be changed now, or with the next housing element. You do not have to leave it as it is with out saying anything and letting its shortcomings interfere with housing being built before the next housing element.

ED-P3X: Value Added Manufacturing. Support opportunities to remove barriers to and facilitate expansion of ~~value-added~~ manufacturing. [ Lacks definitions for what is "value added" manufacturing and who would decide that. Impossible to implement.

IMX) Regulatory Incentives for Emerging Industries. Lacks definition of specifically what is meant by "base and emerging industries"; what is meant by NOT being a "base or emerging industry"? Who would decide that based on what criteria? Impossible to implement. Potentially prejudicial.

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**Response to Comments 30 - 32:** These comments are advisory and not directly related to the consistency of ED-P2x with state law.

I. Does not answer or provide definition of value added manufacturing or emerging industries to implement or determine if or how those items impact the environment.

**Response to Comment 36:** As described in response to comment #35 above, Standard CO-S7. Subdivisions in Community Separation may be considered to be consistent with Housing Element policies H-P1. Promote Infill, Reuse and Redevelopment. and H-P3. Development of Properties in the Residential Land Inventory, which encourage housing development in urbanized communities where most of the current residential development potential is located.

*add to glossary*

CO-S7 Subdivisions in Community Separators. Subdivisions in community separators shall:

A. Ensure developments are subordinate to or consistent with the view scape, from the point of view of public roadways and public trails.\* OFFENSIVE Social engineering no growth language

J. Because the Plan historically and currently encourages development along existing roadways and circulation routes, which also in our case, lead from one community to the next and pass by these areas in most communities, making this item counter-intuitive. The roads, houses etc. are already there, and everything is already within view. Within the item, "A." prejudicial social engineering, please remove from plan! Is the staff defining urbanized as an area of over 100,000 people as is in state law? If you count homes on roads that are in between rural communities, there may be many existing homes. Rely on plan and zoning and continue the county policy of encouraging development along roads.

**Response to Comments 49 - 52:** The comments are unclear about how these policies and standards which protect visual resources are inconsistent with the Economic Development Element. They appear to be consistent with Economic Development Element Goals ED-G2 and ED-G6 as described above in response to comment #48.

K. SR-IM5. Removal of Illegal Billboards: Why is the county making recommendation or supporting actions or positions of other agencies within the general plan? They most certainly can do so in correspondence or included as a part of their "legislative platform" statement, and we do *not support this item being included in the General Plan. HIGHLY Inappropriate.*

As to taking down billboards on County property, yes, the county may take down billboards on their own property ONLY if they pay fair market value as a going business concern to the owner of the bill board on their own lands; not at a depreciated value, and not at the value of the building materials used in the construction of the billboard. The only other legal measure to remove billboards is if the lease is not renewed. At that time, the owner, if desired, can either take the board down or find another lessee. Does the County DA have budget etc. for this? Who decided what is a visual resource? Open for interpretation and counter in most cases to building anything where it is!

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L. WR-P24. Restoration of Flow Rates. **And** WR-S12. Water Export Projects on Humboldt County Rivers.

**Response to Comments 72 - 74:** It is unclear from these comments how Policy WR-P24 and Standards WR-S12 and Wr-S13 are inconsistent with state law. These comments conclude these items are "inconsistent". It's unstated what they are inconsistent with.

Inconsistent with respect to JURISDICTION. The county does have authority over the reclamation of waters, prevention and control of water pollution, regulation of the use of land within stream channels, prevention and control of erosion of soils, beaches and the protection of water supply areas. It does not have authority of water exports of the state waters; that is the purview of the State Water resources Control Board. There are no current water exports in Humboldt County now, are there? How can the County reduce something that DOES NOT EXIST? DELETE. The County does NOT have legal regulatory or legislative authority over or to approve water export projects, it is doubtful that this item would be useful!

AQ-P1. Reduce Length and Frequency of Vehicle Trips.

**Response to Comments 100 and 101:** These comments are advisory and do not directly relate to the consistency of the referenced policies and implementation measures with state law.

N. We do not understand how this item would be implementable. Because of our county's geographic size, people drive. Because our towns and cities have separation between them, people drive to and from work, services and play. Because our county is pretty and offers many recreational uses, people drive. Not only can a general Plan NOT stop them from driving, a general plan should not contain policies to even TRY to stop people from driving. Our county (over 2.2 million acres in size) has fewer than 150,000 people in it. There are more trees than people, and therefore any air quality 'issues' from cars, are naturally off-set. Please delete any items such as this that are obviously of the social engineering ideal removed from this plan.