

**Humboldt County General Plan Update
Revised Draft Environmental Impact Report (RDEIR)**

Review of RDEIR for Inconsistencies and Conflicts

Compiled on behalf of Humboldt Association of Realtors,
Humboldt Coalition for Property Rights,
and North California Association of Home Builders

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I. Concerns regarding the RDEIR's treatment of cannabis cultivation and the CMMLUO

Beginning on Page 3.2-7, the RDEIR discusses the existence, historical basis, and potential impacts of the commercial cannabis industry in Humboldt County. Though the discussion of cannabis cultivation goes on for some length, the RDEIR goes on to state that “the environmental impacts of the future regulatory program will be evaluated in a separate environmental document, and are therefore not discussed any further in this EIR” (RDEIR Page 3.2-9).

RDEIR Page 1-2, section 1.1.1. Paragraph 2., Tiering and Required approvals, states:

“This Program EIR is a first-tier environmental document that assesses and documents the broad environmental impacts that can be expected to occur from the adoption and implementation of the General Plan Update...”

It is our position that failure to more adequately address the broad environmental impacts of illegal cannabis cultivation, regulated commercial cannabis production, and the impact of the CMMLUO is a flaw in the RDEIR that violates the California Environmental Quality Act's guidelines pertaining to the requirements of a General Plan's EIR.

The RDEIR does not analyze and discuss the “significant broad environmental impacts” due to recent changes in the zoning maps and ordinance(s) that accommodated the cannabis industry in the CMMLUO. Similarly, the RDEIR does not analyze and discuss the economic and equitable impacts of the net loss of industrial zoned lands for commercial and industrial uses other than for the cannabis industry.

In several sections in the document, the RDEIR does discuss some of the impacts that will arise due to advancement of the CMMLUO, and which are already present due to historical cannabis cultivation activity. For example, Beginning on page 3.2-7, the RDEIR states:

“New roads have been bulldozed into the landscape without permits or proper design to prevent erosion. Traffic on unpaved roads is estimated to contribute as much as 60% of Humboldt County's PM₁₀, the only criteria air pollutant for which the County exceeds established standards.”

The County lightly touches on the effects of the cannabis cultivation, and by extension the CMMLUO, is having on resources lands. This acknowledgment of the implications of cannabis cultivation is appreciated.

However, what is conspicuously missing from the RDEIR is the discussion of its impacts with respect to *each chapter of the GPU*.

Despite the awareness of those impacts, the document states that there will not be discussion and analysis here in this RDEIR on CMMLUO, rather there is to be a separate EIR for the CMMLUO that provides mitigation via an outside agency's Environmental Review and its mitigation measures.

There are goals, policies, standards and implementation measures regarding medical cannabis

cultivation in the General Plan. There has to be discussion and analysis of it in this RDEIR for the General Plan per CEQA. If not rectified, the decision makers and the public are provided with an inaccurate and incomplete analysis.

In addition, the Notice of Preparation that was issued in 2007 is now severely out of date, particularly in relation to existing environmental conditions on the ground. The impacts of cannabis cultivation in Humboldt County have increased exponentially over the past decade, and particularly over the last five to seven years. It is our concern that the RDEIR's discussion of cannabis impacts is inadequate because it is derived from a baseline that was established over a decade ago.

RDEIR Page 1-3. Section 1.3.1., Scoping the Issues to be Discussed in the EIR, states:

The County distributed a Notice of Preparation (NOP) (Appendix P) to numerous agencies to let them know an EIR was being prepared for the GPU, and asking the agencies for comments on what should be included in the EIR.

The NOP was circulated in 2007, and the formal comment period for that first GPU NOP was from January 22, 2007 to February 22, 2007. This period was prior to the Humboldt County Planning Commission had making its recommendations on the GPU, and nine years prior to the Humboldt County Board of Supervisors' review of the GPU. This process created inconsistencies as well as confusion about which of the various drafts formed the actual basis for the environmental analysis.

II. Concerns regarding proposed changes to General Plan Standard BRS-11, Wetlands Defined

In 2014, following significant debate and public input, the Board of Supervisors voted upon the language of Standard BRS-11, Wetlands Defined, and arrived at the following definition:

BR-S11. Wetlands Defined. The County shall follow the identification and classification policies of the Department of Fish and Game which considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have ~~one all of or more of~~ the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. Straw Vote: 4-1 (Lovelace) 9-8-14 (RDEIR Appendix A, Pg. A-78)

The RDEIR proposes the following changes to the language, which appears thusly on Page 3.11-14:

Mitigation Measure 3.11.3.2. Replace BR-S11 with the below definition of wetlands:

BR-S11. Wetlands Defined. The County considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. ~~Wetlands must have all of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.~~ An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shall allow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.

The logical reasoning for the change, that "This definition does not work well because areas cannot logically have both hydric soil substrate and non-soil substrate at the same time" (RDEIR 3.11.3.1., Pgs. 3.11-12), is incorrect. An example of a situation in which hydric soil substrate and non-soil substrate can coincide is sand.

Furthermore, the proposed changes stand to have a significant impact on the identification of wetlands in Humboldt County, and a significant impact on the economic viability of commercial, industrial, or residential uses that center on areas which would potentially be re-classified as wetlands under the proposed changes. The proposed language creates ambiguity and the potential for interpretation of the term "wetlands" that is not in keeping with the intent of the Board of Supervisors as reflected by their straw vote from September 9, 2014. We suggest refraining from making any changes to the language approved by the Board of Supervisors, as the proposed modification amends what has been previously agreed upon without public discussion or input.

III. Concerns regarding RDEIR's evaluation of economic and social effects

Section 21083(c) of CEQA guidelines requires an agency to determine that a project may have a significant effect on the environment if it will cause substantial adverse effects on human beings, either directly or indirectly. The RDEIR largely ignores vetting the vast majority of policies, goals, and implementation measures contained within the proposed General Plan with considerations given to social or economic impacts.

A 2015 ruling by the CA Supreme Court in *California Building Industry Assoc. v. Bay Area Air Quality Management District* (Dec. 17, 2015) *Cal.4th* does establish that “CEQA generally does not require an analysis of how existing environmental conditions will impact a project’s future users or residents.” (2016 CEQA State Guidelines Pg. Xxiv). However, that ruling applies only to existing conditions, and not to conditions which may be created as a result of the implementation of the proposed General Plan.

Further, leeway is sometimes given to the lead agency preparing an EIR to determine whether analyzing impacts of a social or economic nature is necessary. This may have been the position taken in the preparation of this specific RDEIR document. However, due to the exhaustive number of policies and new regulations contained within the proposed General Plan which stand to have extremely significant impacts on the social and economic fabric of Humboldt County, failure to address those potential impacts is in conflict with the intent of both the proposed General Plan and EIR.

Furthermore, the Section 21083(c), as discussed in *CBLA v. BAAQMD*, is still codified in the language presented in the most up-to-date CEQA State guidelines.

a. Absence of analysis of the Economic Development element

A majority of policies, goal, implementation measures, etc., contained within the General Plan's Economic Development element undoubtedly stand to have far-reaching effects on both the environment and on the human residents of Humboldt County.

The RDEIR states that the Economic Development element is an optional element. We wish to note that a number of optional elements in the GPU are fully analyzed in the RDEIR – this creates an inconsistency in the approach to the General Plan and seems to conflict with the notion that an EIR should examine all facets of a General Plan that have potential for significant environmental impacts.

In keeping with 21083(c), in which CEQA requires an agency to determine that a project may have a significant effect on the environment if it will cause substantial adverse effects on human beings, either directly or indirectly, we were anticipating a section which would examine potential impacts of the GPU on industrial and commercial growth. We were similarly anticipating an entire section on jobs, commercial uses and industrial uses to be in this section, or at least within this document as is required by CEQA. Jobs, or the lack of them, resulting from the regulatory zoning constraints on available develop-able lands directly and significantly impacts people and their families.

b. Analysis of regulatory constraints

A number of policies in the proposed General Plan would place regulatory constraints on both private and public lands. Whether the reasoning behind creating these regulatory constraints is sound or not, the RDEIR fails to address how these regulatory constraints may or may not impact the environment, the economy, or the people of Humboldt County.

From RDEIR Page 2-23, Section 2.5:

“The resulting developable acreage is shown in Table 2.5-1. Approximately 1,491,900 acres will therefore likely remain in open space, resource production, and recreational uses, with little or no development. There remains 748,861 acres of vacant and underdeveloped area available for development without these physical constraints. That area could theoretically provide for as many as 38,972 additional dwelling units in the unincorporated area of the County if developed at the full density allowed for each land use designation as proposed in the GPU. The GPU provides ample room for future development, even without the areas with significant physical constraints.”

The above statement holds that County policy under the proposed plan would allow for a significantly larger number of new dwelling units than the RDEIR anticipates and accounts for. Per CEQA, the County must address the potential impacts of the GPU, particularly when those impacts would be explicitly allowed and/or created by the implementation of the General Plan. County policy pertaining to land use, zoning, and development regulations will be the direct cause of these foreseeable impacts.

Conversely, assuming that the apparently conflicting statements and tables in the RDEIR are a correct measure of available developable land within Humboldt County, the general plan does not allow for this level of development. There is an insufficient amount of appropriately zoned land for the theoretical 38,972 additional dwelling units, and there is similarly an inadequate amount of land zoned for the commercial and industrial services that would be required to support the families residing in those new dwelling units.

A further illustration of the RDEIR's failure to examine regulatory constraints can be found in the discussion in RDEIR Section 3.16, Scenic Resources, particularly with regards to limitations on development that would impinge upon “scenic” vistas. This excerpt from 3.16 Pg. 3.16-7 demonstrates the potential problems:

The General Plan Update land use diagram largely maintains existing resource and open space land use designations, which would serve to limit the development of forested and agricultural open space lands. In addition, in Conservation and Open Space Element, Scenic Resources, Policy SR-P1, Development in Identified Scenic Viewsheds, in combination with Implementation Measure SR-IM1, Mapping of Scenic Areas and Scenic Highways, would identify and map scenic areas and allow development within such lands only in a manner consistent with natural slopes and contours. Scenic viewsheds are not currently identified or mapped, and would be mapped as part of a public process as an implementation of the General Plan Update. Standard SR-S1, Development in Mapped Scenic Areas, requires that discretionary and ministerial development avoid visual disturbance of natural contours, hilltops, tree lines, forest landscapes, bluffs and rock outcroppings, to the maximum extent feasible. It further requires that roads and public utility corridors be as narrow as feasible and follow natural contours, natural features disturbed by construction be restored as close to natural condition as feasible, and prohibits new off-premise

billboards.

A number of issues arise from the implications of this text with regards to regulatory constraint. If the concepts described are proposed to apply to private property, this would represent a significant regulatory burden. It would lead to significant angst for private property owners, substantial new costs on new development, would economically encumber many tens of thousands of acres in Humboldt County, and would be inconsistent with goals stated in both the Economic Development and Conservation and Open Space elements (ED-G1, ED-G2, CO-G1).

There is no analysis of this concept that justifies such an encumbrance for private landowners. In viewing the full text of the chapter, it seems that free rein is granted to the County to designate an alarmingly significant amount of land as "scenic" without providing any basis for how the process of designating and mapping "scenic" areas would occur. This improper delegation of authority is not analyzed whatsoever for its potential social and economic impacts.

Further, no definition of terms that are crucial to the reading of this section are provided in either the proposed General Plan or in the RDEIR. Without definitions for key terms herein (e.g., "identified scenic view shed", "visual disturbance of natural contours", "hilltops", "tree lines", "forest landscapes", "bluffs and rock outcroppings"), it is impossible to understand the scope or impacts of the proposed goals, policies, standards and implementation measures. There is a lack of quantifiable measures by which to analyze the impacts of such a policy.

c. Water capacity for industrial and commercial uses

There is a conspicuous lack of discussion regarding wastewater and water capacity for industrial and commercial uses and development. The RDEIR discusses the capacity available for newly constructed dwelling units at length and in great detail; however, the omission of the same discussion with regards to industrial and commercial uses continues a trend of minimizing concern for industrial and commercial uses.

The RDEIR's discussion of water and wastewater capacity occurs on RDEIR Pages 3.3-42, -55. Although text within those pages generally acknowledges the potential for increased need for water capacity for commercial or industrial use, the lack of detail in those discussions is blatant when compared to similar discussions with regards to residential dwelling units.

IV. Concerns regarding RDEIR's discussion of maximum build-out potential and densities

a. Projected build-out density

The RDEIR states that “The estimated maximum feasible housing development potential of the General Plan Update land uses is far greater (38,972 housing units) than can reasonably be expected to be developed within the planning period of the General Plan (2016-2040)” (RDEIR 2-23). It also provides: “The proposed General Plan Update (GPU) establishes land use patterns and policies to guide development in a manner consistent with State law. The GPU has a 20 - 25 year planning horizon and there is more than enough allocated land use to meet projected demands for residential, commercial, and industrial uses during this period.” (RDEIR 2-9).

The fundamental assumption of the law is that general plans guide for future development within the plan area for a given plan period. There is no analysis or discussion in this RDEIR as to how the maximum growth levels stated above can be accommodated in an environmentally balanced way if the community or the populace of a given area experiences growth. Discussion of the General Plan should not be limited to projected levels of growth, but rather on the potential maximum build-out density. Though it may seem far-fetched at this point in time, growth to that level is possible. According to the RDEIR, the County's own policies, land use designations, and zoning allow for the maximum build-out to occur. The RDEIR must analyze the level of growth that the acreage in the county allows.

Furthermore, Table 2.5-1 shows that the anticipated need for housing units in the County's unincorporated areas at peak projected population is 1,721 units. In addition to concerns stated above regarding the need to account for increased or maximum potential growth should it occur, it is also highly likely that a significant number of those anticipated 1,721 units needed by 2028 have already been constructed without the knowledge of the County of Humboldt, primarily as result of cannabis cultivation in unincorporated areas and the construction of dwelling units and structures related to the support of those activities. While this is not an issue that the RDEIR or County need address directly, it underscores the danger of assumption when considering anticipated build-out levels.

b. Acreage for industrial and commercial use

Table 3.7-5 lists a total acreage of land planned for industrial uses by community planning areas for the IG and IR plan designations. However, that total only reflects the inland areas of the County. This is noteworthy, because in Section 3.4, Public Services, the RDEIR claims that there is sufficient land zoned for commercial and industrial uses in the County, but also states that the majority of that land is located in and around Humboldt Bay and/or the coastal zone.

The inconsistency arises when one considers that the RDEIR does not otherwise address any of the areas located in the coastal zone, instead deferring discussion of those areas to the Local Coastal Plan, yet opts to include them in its inventory of industrial and commercial land. If those areas are included in the General Plan or the RDEIR as areas that will likely undergo future development, they need be addressed and the impacts of that development accounted for.

A further illustration of the complexity and conflicting statements regarding the coastal zone can be found in Mitigation Measure 3.10.3.4.a (RDEIR pg. 3.1-35), which reads:

Mitigation 3.10.3.4.a. The following Safety Element implementation measure shall be added to require the County address new development in tsunami hazard areas:

***S-S7. Tsunamis.** New development below the level of the 100-year tsunami run-up elevation shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, pipelines, and dredge spoils disposal.*

While assuming that the above mitigation measure does not preclude private development in the tsunami run-up zone entirely, but rather would require such development to occur at elevation above the run-up elevation, this mitigation measure clearly illustrates an intent in the RDEIR to regulate activity in the coastal zone. However, the intent and attention to the coastal zone is not consistent throughout the RDEIR.

c. Cumulative Impacts

As an extension of the RDEIR's focus on an estimated need for development as compared to the maximum possible level of build-out density, section 5.2 of the RDEIR, Cumulative Impacts, also vastly underestimates the potentially massive impacts on public services that the General Plan may stand to produce.

The discussions of Impact 3.3.3 - Utilities and Services, Impact 3.3.3.2 - Water supply, Impact 3.4.3.1 - Schools, Impact 3.4.3.2 - Fire Protection, and Impact 3.4.3.3. - Law Enforcement are all based on the assumption of the RDEIR that relatively low-levels of development will occur. While this may be true, the fact is that the proposed General Plan's potential development impacts would leave all of these services woefully unable to cope with higher level of service demands.

V. Numerical and Table Inconsistencies

a. Available water and wastewater connections

The primary numerical inconsistencies identified within the RDEIR revolve around numerical differences in values set forth in narrative text and corresponding tables. The most prevalent inconsistency of that nature occurs in the RDEIR's discussion of the current and projected capacity of a number of Community Service Districts in various areas of Humboldt County.

For example, RDEIR Table 3.3-1 shows that the Loleta Community Services District has 258 water connections, and that there are an additional 56 water connections available. However, narrative text in the RDEIR found on page 3.3-15, "Loleta Community Services District," cites a 2008 LAFCo report which states that "The [Loleta Community Services] District believes that they can supply an additional 60-70 (40 to 50 based on Building Permit data as of 2016) homes." This apparent inconsistency in numbers is confusing, especially when one considers that the RDEIR does not mention the number of available connections for certain CSD's at all in the narrative text pertaining to those CSD's.

For example, Table 3.3-1 and Table 3.3-2 show that additional water and wastewater connections are available for a number of CSD's which are not reflected in the narrative text of the RDEIR.

To illustrate, Table 3.3-2 shows that the Garberville CSD has 353 existing wastewater connections, and that there are an additional 180 connections available. However, the RDEIR does not explicitly state that there are additional connections available for Garberville. The inconsistency between the numbers presented in Table 3.3-1 and Table 3.3-2 and as presented in corresponding narrative text, in addition to the inconsistency in which the capacity of individual CSD's, is confusing.

These two issues with consistency between RDEIR text and tables concerning the carrying capacity of water and wastewater districts apply to the following:

Garberville CSD, Weott CSD, Loleta CSD, Riverside CSD, Scotia CSD, Orleans CSD, Willow Creek CSD, Hydesville CWD, Orick CSD, Fieldbrook/Glendale CSD, RID (Shelter Cove), and Manila CSD.

b. Total available acreage

Table 3.2-3 shows total number of available acreage for lands designated T, AE, and AG. The table shows there are 897,026 available T-designated acres, 76,311 available AE-designated acres, and 377,838 available AG-designated areas, for a total of 1,351,175 available acres.

Those numbers are inconsistent as compared to tables 3.2-4 through 3.2-15, which provide total available acreage for lands designated T, AE, or AG, in specific and smaller geographic areas located in Humboldt County.

The totals for tables 3.2-4 through 3.2-15 show there are 893,840 available T-designated acres, 113,608 available AE-designated acres, and 381,846 available AG-designated acres, for a total of 1,389,294 available acres. This represents a 38,119 acre discrepancy between the tables.

c. Acreage for industrial use

RDEIR page. Table 3.7-5 (pp 7-21, -22) lists a total of land planned for industrial uses by community planning areas for the IG and IR plan designations. However, that total only reflects the inland areas of the county. This is noteworthy, because in section 3.4, Public Services, the RDIER makes the claim that there is sufficient land zoned commercial/industrial in the county – primarily in and around Humboldt Bay and/or in the coastal zone.

Further, the industrial acreages shown in Table 3.7-5 are inconsistent with those shown in Table 2.5-1 on page 2-24.

d. Incorrect table provided

RDEIR Pg. 3.7-21 through 3.7-23 contain numerous incorrect references to Table 3.7-4 Land Planned for Industrial Uses. Table 3.7-4 appears on 3.7-16 and is titled Summary of Humboldt County Risk Assessment. We assume that the incorrect references to Table 4.7-4 contained in RDEIR Pgs. 3.7-21 through 3.7-23 are meant to reference Table 3.7-5, found on Pg. 3.7-21.

VI. Mitigation Measures which do not meet CEQA/State EIR requirements

Paragraph 4 of the RDEIR, Page 1-2, Section 1.1.1 states:

All mitigation measures in the certified EIR will be incorporated into future actions carrying out the General Plan. To assist in the implementation of the General Plan Update, this EIR contains recommendations for some of the analysis that will be needed in the future. For example, this EIR establishes performance measures that would be applied for future projects when the County Issues permits and approvals required for those projects.

Of concern is that some of the “mitigation measures” listed throughout this Program EIR do not meet the criteria for mitigation as laid out in CEQA. Mitigation measures must be measurable or quantitative measures attainable in a reasonable time frame, and no mitigation can be deferred to another report or future action. Many of the “mitigation measures” in the RDEIR call for deferral or stipulate that future yet unspecified action will be taken to accomplish their mitigation goals.

In a number of instances, some items identified as “mitigation measures” are similar in wording to goals, policies, standards or implementation measures that were formally rejected by the planning commission in their review of the draft general plan update.

There is absolutely no objection to presenting the “mitigation” items in question which are currently identified as mitigation measures, but would more appropriately be identified as new or modified goals, policies, standards or implementation measures, to the Board of Supervisors for consideration and re-circulation; however, they should not be identified as mitigation.

In other instances, impacts are lacking mitigation measures where they require one. This often results from either relying on the efforts of other agencies or underestimating the level of significance to which an impact rises.

The following impacts lack mitigation measures: 3.3.3.1, 3.3.3.3, 3.4.3.1, 3.4.3.2, 3.4.3.3, 3.11.3.1, 3.11.3.3, 3.12.4.3, 3.13.4.1, 3.14.3.2, 3.15.3.2, 3.17.4.1, 3.17.4.2

The following items are mitigation measures which do not comply with CEQA requirements: 3.5.3.1a, 3.5.3.2a, 3.11.3.2, 3.11.3.5, 3.15.3.1, 3.15.3.1a, 3.16.3.1, 3.16.3.2, and 3.16.3.3a

The items which do not comply with CEQA requirements are shown, in full, in Appendix A of this document.

VII. Policies lacking Implementation Measures

There are a number of policies present in the General Plan that lack implementation measures which explicitly demonstrate the manner in which the aim of the policy is to be carried out. This is a defect per the state guidelines which dictate the requirements of a General Plan.

As it pertains to the RDEIR, it is our concern that policies which may have future impacts but lack implementation measures are difficult to evaluate from an EIR standpoint as there is no indication of what the impacts of carrying out that stated policy goal may be.

For example, consider Urban Lands - Policy P2:

“UL-P2. Streamlined Subdivision Approval. The County shall streamline the approval process for subdivisions located in designated Housing Opportunity Zones within Urban Development Areas.”

Without an implementation measure to accompany this policy, it is impossible to gauge whether the method by which the County shall streamline the approval process for the type of subdivision referenced above will have an impact at all, let alone whether that impact is significant.

Again, with regards to the RDEIR, the evaluation of UL-P2 is inadequate because the RDEIR has no stated or implied potential impact(s) arising from implementation which it can address.

Below is a list of all policies we were able to locate; potentially, there are policies which lack implementation measures which we did not identify remaining in the General Plan.

Policies lacking implementation measures:

GP-P10, UL-P2, UL-P9, UL-P11, UL-P15, UL-P17, UL-P18, UL-P19, UL-P20, UL-P21, UL-P21, RL-P1, RL-P2, RL-P3, RL-P4, RL-P6, RL-P7, AG-P2, AG-P7, AG-P9, AG-P11, AG-P12, AG-P13, AG-P14, AG-Px, AG-Pxx, FR-P8, FR-P9, FR-PX, FR-PX2, FR-P11, FR-P14, FR-PX3, FR-P16, FR-P19, IS-PX, IS-P20, IS-P21, C-P4, C-P5, C-P8, C-PX, C-P9, C-P10, C-P13, C-P17, CP-19, C-P27, C-P28, C-P30, C-P32, C-P35, C-P36, C-P?, C-P38, C-P39, C-P40, C-P41, C-P42, C-P44, C-P45, C-P47, C-PX8, ED-P3, ED-P7, ED-P8, ED-P9, ED-P10, ED-P11, ED-P18, ED-P5X, BR-P4, BR-P6, BR-P9, SR-PX, SR-P1, SR-PXX, WR-P1, WR-P2, WR-P4, WR-P5, WR-P6, WR-XX, WR-Px1, WR-P8, WR-P10, WR-P11, WR-P12, WR-Px7, WR-P18, WR-P20, WR-P25, WR-P27, WR-P28, WR-P29, WR-P29x, WR-P31, WR-P32, WR-P33, WR-P33, WR-P34, WR-P40, CO-P1x, CO-P1xx, CO-P4, CO-P7, CO-Px4, N-P1, N-P4, S-P1, S-P2, S-PX7, S-P6, S-P7, S-P8, S-PX1, S-P11, S-PX2, S-PX3, S-PX4, S-P13, S-P25, S-P26, S-P30, E-P2, E-P7, E-P9, E-P9x, E-P10, E-P13, E-P14, E-P15, E-PX2, E-PX3, AQ-P1, AQ-P2, AQ-P4, AQ-P5, AQ-P6, AQ-P7, AQ-P8, AQ-Px, AQ-P11, AQ-P12, AQ-P13, AQ-P15, H-P3, H-P6, H-P7, H-P10, H-P12, H-P13, H-P29, H-P30, H-P31.

A full list of these policies, including their full text, is included at the end of this document in Appendix B.

VIII. Concerns regarding the lack of an Implementation Action Plan

Per Government Code Section 65564, *“Every local open-space plan shall contain an action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan.”*

The County has yet to produce an Implementation Action Plan. The general plan includes a placeholder for such a plan, but the failure to circulate the implementation action plan for public review renders the general plan update process inadequate. The public must be given the opportunity to evaluate the implementation action plan in light of the GPU and to provide comments on the implementation action plan. Until the implementation action plan is complete and provided for public review, the County cannot approve the GPU.

A thorough implementation action plan includes the following:

- The specifics of the mitigation measure and how it will be designated and implemented.
- Identify measurable performance standards by which the success of the mitigation can be determined.
- Provide for contingent mitigation if monitoring reveals that the success standards are not satisfied.
- Identify the agency, organization or individual responsible for implementing the measure.
- Identify the specific locations of the mitigation measure.

IX. Miscellaneous Issues

- A significant number of items in this RDEIR state certain policies, goals, implementation measures, etc., are to be given “priority” consideration, or are a “priority” of the plan. However, per the ruling of *Sierra Club v. Bd. Of Supervisors (1981) 126 Cal.App.3d 698, 704*, all sections, policies, goals, etc., of a plan must stand on equal footing and cannot be prioritized over or subverted by any other item of the plan. This is not to say that the word “priority” is impermissible as a whole, but is inappropriate in places which attempt to give priority to a policy, goal, or proposed action at the expense of another. A suggestion would be to simply alter the word “priority” to a similar descriptor, such as the word “focus”.
- A number of references are made to the Ridgewood Village Draft EIR, notably on page 3.4-18; it is our understanding that this document cannot be relied on in the RDEIR in any manner because the EIR for that project was never accepted or certified by the County of Humboldt.
- RDEIR Chapter 4, Evaluation of Plan Alternatives, does not address General Plan Alternative C. The beginning of Chapter 4 discusses the RDEIR's reasoning for precluding Alternative C; however, in light of CEQA requirements regarding discussion of plan alternatives, this seems to be a deficiency.

APPENDIX A – RDEIR REVIEW

Mitigation Measures which do not meet CEQA Requirements

Mitigation 3.3.3.2.a.: The following implementation measure shall be added to the Water Resources Element to ensure that water supply and availability is fully characterized within each watershed where such information is not adequately known:

WR-IMx. Water Supply Evaluation and Monitoring. Conduct watershed level evaluations within two years after the adoption of the General Plan Update to determine the long term surface and groundwater supply, including seasonal, average, dry year, and multiple dry year supplies, and beneficial uses of water to determine an estimate of the quantity of water available for future development. Work with water and wastewater related special districts, regulators, and other appropriate organizations to monitor watershed conditions.

Mitigation 3.5.3.1.a. The following policies shall be added to the Circulation Element and would require the implementation of transportation demand management programs with new larger scale development in the unincorporated area.

C-P3. Consideration of Transportation Impacts in Land Use Decision Making. Decisions to change or expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services so as to minimize or avoid significant operational, environmental, economic, and health-related consequences.

C-Px9. Regional Transportation Demand Management Funding. Encourage HCAOG to seek funding to support transportation demand management planning and to promote strategies that can lower the demands made on the road and highway system, reduce energy consumption, and improve air quality.

C-Px10. Transportation Demand Management Programs. Require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs.

C-IMX6. Transportation Demand Management. Amend the Zoning Regulations to include criteria for the development and implementation of transportation demand management programs as required by this Plan.

Mitigation Measure 3.5.3.2.a. Amend existing policies and add the following implementation measure to the Circulation Element that establishes a multi-faceted program to lessen impacts relating to traffic congestion:

***C-Px. Countywide Traffic Impact Fee Program.** In coordination with the cities within the County, shall develop and implement a countywide traffic impact fee program that addresses impacts on major roads resulting from development in cities and unincorporated areas. Adopt this fee within one year of the adoption of the General Plan Update. A traffic impact fee is currently being evaluated for the Greater Eureka Area, encompassing the Eureka urbanized area.*

Mitigation Measure 3.11.3.2. Replace BR-S11 with the below definition of wetlands:

“BR-S11. Wetlands Defined. The County considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have all of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area’s vegetation is dominated by hydrophytes or the area lacks vegetation.”

Mitigation Measure 3.11.3.5.a. To avoid impacts to established Habitat Conservation Plan areas through direct conversion to other uses, the following policy shall be added to the Conservation and Open Space Element, Biological Resources section that states the following:

***BR-IM1. Biological Resource Maps.** The County shall maintain the best available data in the form of GIS maps for the location and extent of wetlands, critical habitats, streamside management areas, Habitat Conservation Plan Areas, rookeries, and ranges of species identified in the California Natural Diversity Database.*

Mitigation Measure 3.12.4.2: Add Implementation Measure AQ-IM7 to the Draft General Plan as follows:

AQ-IM7. Regulate the location and operation of land uses to avoid or mitigate harmful or nuisance levels of air emissions to the following sensitive receptors: residential uses, hospitals and nursing/convalescent homes, hotels and lodging, schools and day care centers and neighborhood parks. New development shall follow the recommendations for siting new sensitive land uses consistent with the ARB’s recommendation as shown in Table 3.12-4.

Mitigation 3.15.3.1.a. In order to protect existing parkland from deterioration that could result from development pursuant to the General Plan Update, the following Policies and Implementation Measures shall be added to the Community Infrastructure and Services Element:

***IS-Px. Parks Master Plan.** In cooperation with other park service providers, the County shall establish and maintain a Parks Master Plan that would assess current facilities within each inland and coastal planning area, determine appropriate locations for new facilities, and identify funding options.*

***IS-Sx. Interim Parks and Recreation Standards.** Parks and recreation standards contained in the Government Code Section 66477 shall be used as the standard for parkland dedication in the review of divisions of land for which a tentative map is required pursuant to Section 66426, until such time that the County has established parks and recreation standards for new development that differentiate between urban and rural settings; specify acreage of park land of 3 acres per 1,000 residents; and specify land dedication, in-lieu fee, or other mechanisms to fund park and recreation improvements and funding for operation and maintenance.*

Mitigation 3.16.3.1.a. Standard SR-SXXX, Scenic Highway Map, shall be added to the General Plan Update to reduce potential adverse impacts to scenic highways that could be caused by ministerial projects until SR-IM1, Mapping of Scenic Areas and Scenic Highways, is implemented:

***SR-SXXX. Scenic Highway Map.** Until such time as a General Plan Scenic Highway Roadway Map is prepared and adopted, Humboldt County Highways listed in Sections 263.1 through 263.8 of the California Streets and Highways Code shall be considered to be Scenic Highways pursuant to Policy SR-P3, Scenic Highway Protection, and the County shall address the potential for significant impacts to scenic resources during ministerial and discretionary permit review.*

Mitigation 3.16.3.2.a. The following policy would lessen potential impacts to natural amenities that are important to visual character:

***BR-Px. Landmark Trees.** Establish a program to identify and protect landmark trees, including trees that exhibit notable characteristics in terms of their size, age, rarity, shape or location.*

Mitigation 3.16.3.3.a . In order to minimize light trespass, light pollution, and glare, new development and projects that would make significant parking lot improvements or add new lighting would be required to prepare a lighting plan. The following new program would need to be added to the Scenic Resources Chapter of the Conservation and Open Space Element:

***SR-IMX Lighting Design Guidelines.** Amend the Zoning Regulations to include lighting design guidelines for discretionary projects. Require new development and projects that would make significant parking lot improvements or add new exterior lighting to submit a lighting plan consistent with these guidelines. Lighting design guidelines should address:*

A. Intensity – Acceptable standards shall be defined for various land uses and development types specifying the maximum allowable total lumens per acre.

B. Directional Control – Standards shall be developed to minimize the upward transmission and intensity of light at various distances from its source through the use of full-cutoff lighting, downward casting, shielding, visors etc.

C. Signage – Standards with respect to illuminated signs shall be developed that prohibit or limit the size, spacing, design, upward transmission of light, and hours of operation. In addition, signs should be white or light colored lettering on dark backgrounds.

D. Night Lighting – Hours of operation for various uses shall be specified in order to prohibit all night lighting except when warranted for public safety reasons. On demand lighting shall be encouraged.

E. Incentives – The County shall develop incentives for residents and businesses encouraging the conversion of existing lighting sources to compliant ones.

F. Enforcement – These standards shall be incorporated into the County Development Code and design review process for new development.

APPENDIX B – RDEIR REVIEW

Policies lacking Implementation Measures

Chapter 4. Land Use

<p>GP-P10. Conversion of Resource Lands. Parcels of timber site quality III or higher and prime agricultural lands suitable for resource production should not be included within Urban Expansion Areas unless the County makes a finding that there are no alternatives to increase the Urban Expansion Area on lands less suitable for resource production.</p>
<p>UL-P2. Streamlined Subdivision Approval. The County shall streamline the approval process for subdivisions located in designated Housing Opportunity Zones within Urban Development Areas.</p>
<p>UL-P9. Historic Structures. <u>Retain and restore significant</u> historic resources to serve as focal points of neighborhoods and communities.</p>
<p>UL-P11. Natural Amenities. Encourage <u>the incorporation</u> of natural amenities (i.e. landmark trees and rock outcroppings) into <u>their design new project designs</u></p>
<p>UL-P17. High Density Uses Near Parks. The County shall consider planning higher density mixed-uses and/or commercial uses adjacent to parks to promote park use and safety.</p>
<p>UL-P18. Traffic Calming. Traffic calming measures which emphasize pedestrian safety and convenience should be considered for all urban roadway designs. Possible traffic calming measures include chicanes, curb extensions, street trees and traffic circles.</p>
<p>UL-P19. Underground Utilities. Encourage and assist in undergrounding existing utilities.</p>
<p>UL-P20. Landscaping. All designs shall use landscaping to enhance the appearance of neighborhoods, control erosion, conserve water, improve air quality and improve pedestrian and vehicular safety.</p>
<p>UL-P21. <u>Marijuana Cultivation.</u> Cultivation of medical marijuana shall be regulated by ordinance to provide for the health, safety, and welfare of the community but shall not interfere with a patient's right to medical marijuana.</p>
<p>RL-P1. Compatible with Resource Production. Planned development on rural residential lands adjacent to designated agricultural and timberlands shall be compatible with agriculture and timber production</p>
<p>RL-P2. Water Withdrawal. Cumulative impacts of water withdrawal from surface and groundwater sources and cumulative impacts from on-site sewage disposal systems shall be assessed during the zoning and subdivision, and, in critical watersheds, any other discretionary review of development in all areas designated for rural residential development</p>

RL-P3. Rural Commercial Uses. New tourist, commercial, and retail outlets shall be located within the Rural Community Center land use designation or designated Community Planning Areas or other existing developed areas with development of a similar nature, unless the use meets rural cottage industry standards or is characteristic of, and compatible with, a rural setting.

RL-P4. Fire Safety Hazards. Support implementation of State Responsibility Area Fire Safe Standards and Wildland-Urban Interface Building Codes for new development and voluntary programs for fuels reduction, dwelling fire protection and creation of defensible space for existing development.

RL-P6. Rural Development in the King Range. All development within the boundaries of the King Range National Conservation Area shall be consistent with the Bureau of Land Management's Management Plan.

RL-P7. Clustered Rural Residential Development. Clustered rural residential development is encouraged on rural lands suitable for development consistent with planned densities. Density bonuses may be provided where significant permanent land dedications are secured.

AG-P2. Support Voluntary Purchase of Development Rights. The County shall support the voluntary purchase of development rights to provide income to farm operations and limit the intrusion of residential development into agricultural lands.

AG-P7. Agricultural Production in Conservation Areas. The County shall support continued agricultural production on lands placed into conservation easements or acquired by public agencies for conservation purposes. Enforceable provisions contained in terms of sale, deeds and conservation easements shall require continued management for agricultural production.

AG-P9. Predator Control. Support predator control programs that comply with federal, state and local laws in order to reduce livestock and other agricultural production losses.

AG-P11. Support Vegetative Management Programs. Support vegetation management programs (controlled burning, etc.) when it is found that they improve the availability and quality of rangeland for livestock and wildlife, reduce the hazard of disastrous wildfires, and increase water quality and quantity.

AG-P12. Advice from Agricultural Community. Seek advice from organizations and affected individuals within the agricultural community for any future evaluation of land areas needed for urban development or for any consideration of requests by Humboldt's Local Agency Formation Commission (LAFCo) to change spheres of influence or urban service boundaries next to or near agricultural lands.

AG-P13. Agricultural Zoning and Parcel Size. Utilize Agricultural Exclusive (AE) and Agricultural Grazing (AG) land use classifications to ensure appropriate parcel sizes and land use for continuing availability of the necessary agricultural land base.

AG-P14. Residential Uses on Timberland Production Zone (TPZ) Lands within Agricultural Preserves. Residential uses on TPZ lands within agricultural preserves shall be consistent with the requirements of the Williamson Act and local Williamson Act Guidelines.

AG-Px. Compliance with Regulations. The County shall place a priority on abatement of violations that result in agricultural land conversion, loss of agricultural productivity or conflicts with neighboring agricultural operations.

AG-Pxx. Protect Productive Agricultural Soils. Development on lands planned for agriculture (AE, AG) shall be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or non-agricultural uses on land as defined in Government Code Section 51201(c) 1- 5 as prime agricultural lands.

FR-P8. Protection of High Quality Timberlands. Timberlands planned and zoned for timber production should be retained for timber production, harvesting and compatible uses, and reclassification of the Timberland Production Zones (TPZ) shall be done in accordance with the statutory requirements.

FR-P9 Residential Construction on TPZ Zoned Parcels. Recognize the right to construct a residence and accessory buildings under a ministerial permitting process County standard consistent with other Elements of the General Plan when the use does not detract from the growing and harvesting of timber and associated compatible uses.

FR-PX Secondary Residential Construction on TPZ Zoned Parcels. Second residential units may be allowed on TPZ parcels greater than 160 acres; and, may be allowed on TPZ parcel less than 160 acres as a conditional use only in the area already converted, intended to be converted, or that does not meet the definition of timberlands. Seconds units may be allowed on TPZ parcels less than 40 acres within Community Planning Areas.

FR-PX2 Landowner-initiated Rezoning of TPZ Parcels. Landowner-initiated rezoning of TPZ parcels shall be done according to state law (Section 51120 of the Government Code).

FR-P11. Lot Line Adjustments. Lot line adjustments of TPZ parcels may be approved in order to consolidate logical timberland management units or facilitate clustered residential development. Such adjustments shall be in keeping with the spirit and intent of TPZ and shall not result in a net reduction of the area of TPZ available for forest management unless a finding is made by the Board of Supervisors that it is in the public interest.

FR-P14. Public Utilities on TPZ Lands. Where feasible avoid locating federal, state, or local public improvements and utilities in TPZ where the project or land acquisition will have a significant adverse affect on the production of timber or ecosystem services.

FR-PX3. Transfer of Development Rights (TDR) Program. Research and develop, if feasible, a voluntary Transfer of Development Rights program as a method of protecting larger tracts of resource lands based on community input.

FR-P16. Compatible Uses. Lands adjacent to areas designated as Timberlands should be planned for uses compatible with timber management, including timber harvesting activities.

FR-P19. Maintain Public Roads. The County shall maintain public roads and drainage facilities to support log and forest products transportation.

Chapter 5. Infrastructure

IS-PX. Out of Area Service to Address Threats to Public Health. Encourage the Humboldt LAFCo to amend its policies and procedures to allow local agencies to provide new or extended services outside jurisdictional boundaries and outside spheres of influence to respond to existing or impending threats to the public health or safety, consistent with Government Code 56133, without requiring an annexation agreement.

IS-P20. On-Site Sewage Disposal Requirements. Maintain regulations governing construction and maintenance of on-site sewage disposal systems to protect health and safety and to reflect changes in state law and advances in treatment technologies. Recognize and allow the use of alternative onsite sewage disposal systems that meet state standards.

IS-P21. Parks and Recreation Service in Urban Development Areas. Encourage and support special districts to provide neighborhood parks and recreation services within Urban Development Areas.

Chapter 7. Circulation

C-P4. Mitigation Measures. Development with potentially significant circulation impacts as determined by CEQA review ~~shall~~ may be conditioned to proportionally mitigate such impacts through payment of impact fees, construction of on- and off-site improvements and dedication of rights-of-way or a combination of impact fees, improvements and dedications.

C-P5. Level of Service Criteria. The County shall strive to maintain Level of Service C operation on all roadway segments and intersections, except for of U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.

C-P8. Coordination Between County Agencies. County Public Works shall coordinate with Community Development Services and consider suggestions from other county departments to encourage uniform implementation of the Circulation Element and County-Wide Transportation Plan.

C-Px. Circulation Planning for Bicycles, Pedestrians and Transit. Circulation planning and project review shall include an assessment for bicycle, pedestrian and public transit access.

C-P9. Acceptance of Roads into the County Maintained Road System. Circulation Element roads, as specified by the County-Wide Transportation plan shall be recommended to the Board of Supervisors for inclusion into the County Maintained Road System. Other roads shall not be recommended for acceptance into the County Maintained Road System unless an exception for public interest is supported by Public Works and adequate funding for the future maintenance of the road and its associated facilities is provided.

C-P10. Rail Rights-of-Ways All Contiguous rail rights-of-way currently held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake shall be planned Railroad in the Land Use Element.

C-P13. Prioritization of Investments. Use objective criteria consistent with this Plan that can be applied uniformly and countywide to prioritize transportation capital and maintenance expenditures. Work to reduce overall deferred maintenance liability. Subject to state law, maintenance of existing roads shall be a priority.

C-P17. Highway Improvements. Encourage state and federal highway improvements that promote safety and connectivity for all users, especially for communities with highway arterials.

C-P19. Best Management Practices for Road Grading. New development subject to The County shall periodically update its grading ordinance ~~shall use~~ to assure it is using best management practices prevent soil erosion and minimize impacts to watersheds from grading activities.

C-P27. Right-of-Way Design Standards. The County shall develop and include in the County-Wide Transportation Plan ~~r~~Right-of-way design standards ~~shall~~ incorporate the needs of all users consistent with urban, suburban, rural or remote community character. The County shall develop incentives for development of multi-modal facilities to offset any potential loss of developable land.

C-P28. Landscape Buffer Strips. The County Wide Transportation Plan shall provide landscape buffer strip standards as part of the road cross-section standards and according to the context of urban, suburban, rural and remote. Landscape buffer strips should be used, where feasible, to segregate pedestrian walkways from arterial and collector roadways.

C-P30. On-Street Parking. Design on-street parking to minimize conflicts with all users consistent with the County-Wide Transportation Plan. Where appropriate, creative on-street parking arrangements such as parking pockets or bays shall be considered to improve design flexibility.

<p>C-P32. Traffic Calming. Use traffic calming measures, where <u>feasible and</u> appropriate, as a means of improving safety for <u>all users</u>. Traffic calming measures <u>may</u> include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles.</p>
<p>C-P35 Preservation of Railroad Right-of-Ways. The County shall work to preserve railroad rights-of-way as a contiguous corridor <u>for rail and other public transportation uses</u>.</p>
<p>C-P36. Develop a Regional Trails System. Support efforts to establish and connect regional trails, pThere is no implementation measure to illustrate how GP-10 would be implemented particularly in the greater Humboldt Bay and lower Mad River area, Eel River Valley, along the Avenue of the Giants and in the Klamath-Trinity area. The System should include the California Coastal Trail system and consist of multi-use trails where feasible.</p>
<p>C-P?. Encourage Bicycle and Pedestrian-Friendly development: Incentives should be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods.</p>
<p>C-P38. Channel Maintenance. Support continued maintenance of harbor channels to provide deep water access to existing and planned port facilities.</p>
<p>C-P39. Commercial Fishing Facilities. Support the improvement and modernization of facilities that provide support and access to markets for the commercial fishing industry.</p>
<p>C-P40. Public Infrastructure Supporting Private Investment. Support investments in public infrastructure that increase readiness and facilitate private initiatives and investment into port enterprises such as marine-dependent industrial use, boat building and repair facilities, fleet service facilities, tourism, recreation, and fish processing facilities.</p>
<p>C-P41. Marine Transportation. Encourage marine transport options, <u>and associated facilities</u>.</p>
<p>C-P42. Re-establishing Regional Rail Service. Support and encourage rail service in and out of the county and connected to other parts of the state <u>and the national rail system</u>. Public investment to re-establish regional rail service should be contingent on a private or public demand for sustained rail service and an analysis of net benefits to the County's economy, transportation systems, and environment.</p>
<p>C-P44. Expansion of Airline Service. The County shall work to sustain and expand commercial passenger airline and freight service to and from the County consistent with the Airport Master Plan and the economic development goals of the County.</p>

C-P45. Commercial Areas. Where feasible, commercial projects should be encouraged to develop inter-connecting traffic features with other commercial projects.

C-P47. Frontage Improvements. As properties are developed, all road frontages of the property shall be improved to the appropriate standard for the road according to the County-Wide Transportation Plan. Exceptions may be granted by the Planning Commission. Current standards will be used in evaluating frontage improvements until they are superseded by the approved Countywide Transportation Plan.

C-PX8. Discretionary Road Funds: First **priority** for discretionary road funds shall be used to address deferred maintenance.

Chapter 8. Housing

H-P3. Development of Properties in the Residential Land Inventory. The County shall encourage development of parcels in the residential land inventory for the current planning period at targeted residential density.

H-P6. Flexibly Apply Development Standards to Low Income Housing. The County shall support the flexible application of development standards through a streamlined permit process for housing for lower income affordability categories and special needs populations.

H-P7. Use of Surplus County-owned Property. The County shall consider using surplus County owned property for development or financing of housing for low income and special need populations. County-owned parcels developed with affordable housing shall be in close proximity to commercial areas and connected to them by pedestrian facilities and public transit

H-P10. Contributions to Infrastructure and Service Development. Market-rate housing pays its fair share of infrastructure and public service costs. Housing that has long-term affordability covenants and restrictions that require units to be available to, and occupied by, persons or families of low, very low or extremely low income at affordable housing costs for at least 20 years may be eligible for subsidies to pay for applicable infrastructure and public service costs.

H-P12. Residential Subdivision Permit Process. The County shall maintain an efficient, streamlined and predictable permitting process designed for residential subdivisions that meet the goals and policies of this Element.

H-P13. Expedited Residential Subdivision Review in Housing Opportunity Zones. The County shall streamline environmental review of residential subdivisions in Housing Opportunity Zones by establishing standardized maximum thresholds of significance.

H-P29. Reduce and Avoid Impacts to Biological Resources. Consistent with the mitigation measures in the Supplemental Environmental Impact Report (SCH#2009022077) the County shall refer all building permit applications that would result in the withdrawal of water from perennial streams or rivers, or from wells within 100' of a perennial stream or river, or from springs within 100' of a perennial stream or river to the Department of Fish and Wildlife (DF&W) for comments and recommendations.

H-P30. Conservation of Affordable Housing Damaged or Displaced by Indoor Marijuana Grows. The County shall earmark a minimum twenty percent (20%) of the net revenue from any future excessive energy tax toward programs for conservation of affordable housing.

H-P31. Maintaining an Adequate Land Inventory. Unless written findings are made pursuant to Government Code 65863 supported by substantial evidence, the County shall not allow a reduction in residential units in the residential land inventory below that specified in the current Regional Housing Need Allocation

Chapter 9. Economic Development

ED-P3. Affordable Housing. Promote housing at a price commensurate with income levels as reflected in the County Regional Housing Needs Allocation and a transportation system to provide efficient connectivity between housing and places of employment to minimize commute travel times and distances.

ED-P7. Broadband Internet. Support broadband improvements necessary to maintain the County's business competitiveness and serve remote communities.

ED-P8 Public Infrastructure. Assist local service providers in the pursuit of state and federal funding and development of land use assessment, rates and connection fee programs to upgrade and enhance infrastructure, including water, wastewater and recreational facilities.

ED-P9. Freight Mobility. Support pursuit of financial and technical solutions to improve interstate truck and rail access.

ED-P10. Rail. Support protection for the NCRA right-of-way and assets to preserve the ability to re-open the line in response to a demand for rail service.

ED-P11. Port Development. Support efforts to maintain and develop the port for shipping, the fishing industry, aquaculture, renewable energy, coastal-dependent and associated industries.

ED-P18. Higher Education. Support College of the Redwoods and Humboldt State University education and training programs that provide residents with the skills and knowledge to qualify for living wage careers and enhance the competitive edge of the industries in our region. Support K-12 educational programs that prepare students for careers in regional industries.

ED-P5X. Telecommuting and Workforce Development. Promote and seek resources to ensure that the county has a broadband infrastructure that encourages economic and workforce development and promotes telecommuting.

Chapter 10. Conservation and Open Space

CO-P1x. Transfer of Development Rights. Research and develop, if feasible, a voluntary transfer of development rights program as a method of protecting resource lands and open space based on community input.

CO-P1xx. Open Space Acquisition. The County seek consider opportunities to acquire high value open space lands, including community forests, and open space conservation easements from willing sellers.

CO-P4. Community Separation. Maintain separation of urbanized communities through appropriate land use designations and zoning density. Avoid merging urban development boundaries of adjacent communities.

CO-P7. Encourage Private Outdoor Recreation. Encourage private acquisition, development, and management of compatible outdoor recreational services and facilities as a means to generate economic returns for the landowner from conservation and open space lands where such recreational uses do not reduce do not significantly detract from the agricultural capability or timber productivity of lands planned and zoned for agriculture or timber.

CO-Px4. Public Recreation. Support acquisition, development and management of parklands and trails primarily in locations that are highly accessible to the public in order to serve the outdoor recreation and ADA needs of current and future residents, and where such uses do not reduce the agricultural capability, timber productivity and ecological services on open space lands.

BR-P4. Development within Stream Channels. Development within stream channels shall be permitted when there is no lesser environmentally damaging feasible alternative, and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. Development shall be limited to essential, non-disruptive projects as listed in Standard BR-S6 -Development within Stream Channels.

BR-P6. Development within Streamside Management Areas Development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 - Required Mitigation Measures, S9 - Erosion Control, and S10 - Development Standards) have been provided to minimize any adverse environmental effects, and shall be limited to uses as described in Standard BR-S7 - Development within Streamside Management Areas.

BR-P9. Invasive Plant Species. The County shall cooperate with public and private efforts to manage and control noxious and exotic invasive plant species. The County shall recommend measures to minimize the introduction of noxious and exotic invasive plant species in landscaping, grading and major vegetation clearing activities.

SR-PX Working Landscapes. Recognize the scenic value of resource production lands.

SR-P1. Development in *Mapped Scenic Areas*. In *mapped* scenic areas, new discretionary and ministerial development shall be consistent with and subordinate to natural contours, hilltops, tree lines, bluffs and rock outcroppings. Visible disturbance and interruption of natural features shall be minimized to the extent feasible.

SR-PXX Vandalism of billboards. If vandalism of legal nonconforming billboards requires repair or reconstruction, the billboard shall not lose its legal, nonconforming status, consistent with Humboldt County Zoning Code.

Chapter 11. Water Resources

WR-P2. Protection for Existing Surface and Groundwater Uses. Impacts on existing Basin Plan beneficial water uses shall be considered and mitigated during discretionary review of land use permits shall include mitigations for significant surface or groundwater resource impacts.

WR-P4. Critical Municipal Water Supply Areas. The Board of Supervisors shall designate all or portions of watersheds specific municipalities as "Critical Water Supply Areas" if cumulative impacts from land uses within the area have the potential to significantly impact the quality or quantity of municipal water supplies. Water resources within Critical Water Supply Areas shall be protected by the application of specific standards for such areas.

WR-P5. Critical Watershed Water Supply Areas. The Board of Supervisors shall designate all or portions of watersheds as "Critical Water Supply Areas" Watersheds" if cumulative impacts from ~~existing or planned~~ land ~~and water resource~~ uses within the area have been found via CEQA review to have the potential to possibly create significant environmental impacts to threatened or endangered species including Chinook salmon, Coho salmon or steelhead. ~~Land and~~ Water resources within Critical Water Supply Areas Watersheds shall be protected by the application of specific standards for such areas to avoid the unauthorized take of threatened or endangered species.

WR-P6. Subdivisions Water Supply for Residential Development. Any subdivision of land for residential development shall be conditioned to require evidence of sufficient water supply during normal and drought conditions to meet the projected demand associated with the proposed subdivision for residential development. Sufficient water supply shall include the requirements of the proposed subdivision and existing and planned future uses. Written service letters from a public water system written in conformance with this policy is sufficient evidence. Subdivisions to be served through on-site water supplies or private water systems must provide evidence of sufficient water supply to the County Department of Environmental Health.

There is no implementation measure to illustrate how GP-P10 would be implemented.

WR-Pxx. Funding. Coordinate with local, state and federal agencies, and conservation and watershed restoration related organizations, to identify and obtain sources of funding for water quality enhancement, fish passage projects, stormwater **pollution management, and water conservation efforts.**

WR-Px1. Requirements for Water Storage in Flow Impaired Low Water Supply Areas. Watersheds. New development not served by a public water system that seeks to rely upon surface water shall install water storage capable of providing 100 percent of the necessary water storage volume for the summer low-flow season (e.g. July-August-September). A forbearance agreement prohibiting water withdrawals during low-flow season shall be included as a performance standard for the project.

WR-P8. Erosion and Sediment Discharge. Ministerial and discretionary projects requiring a grading permit shall comply with performance standards adopted by ordinance in the County Grading Ordinance and/or conditioned to minimize erosion and discharge of sediments into surface runoff, drainage systems, and water bodies consistent with best management practices, adopted Total Maximum Daily Loads (TMDLs), and non-point source regulatory standards.

WR-P10. Project Design. Development should be designed to compliment and minimize significant adverse impacts to not detract from the function of rivers, streams, ponds, wetlands, and their setback areas.

WR-P11. Small and Micro Hydroelectric. , If during a CEQA review for a Conditional Use Permit for a small hydroelectric development (where less than 5 kilowatts of power is generated) that includes plans for an off-site power destination/use, the potential for impacts to surface water flows, aquatic species, and habitat are discovered, such impacts shall be adequately mitigated to be in conformity with state and federal permits and standards.

WR-P12. Groundwater Quality Protection. Commercial and industrial discretionary uses shall be evaluated for their potential to contaminate groundwater resources, and mitigated as necessary.

WR-Px7. Rain Catchment Systems. Encourage the installation of rain catchment systems to support domestic and outdoor water needs during low-flow summer months.

WR-P18. Watershed and Community Based Efforts. Support the efforts of local community watershed groups to promote water conservation and restoration.

WR-P20. State and Federal Watershed Initiatives. Support Acknowledge implementation of state and federal watershed initiatives such as the Total Maximum Daily Loads (TMDLs), the North Coast Regional Water Quality Control Board's (NCRWQCB) Watershed Management Initiative, the National Marine Fisheries Services and Department of Fish and Game coho recovery plans and the California Non-Point Source Program Plan.

WR-P25. New Water Diversion Projects. Review and make recommendations on significant new water diversion projects to ensure that they do not reduce the replenishment rate of in-stream gravel, taking into account the impact the projects would have on local mineral supplies in Humboldt County.

WR-P27. County Needs. Any consideration of exporting additional water resources shall place primary priority upon the benefit of and need for the water resources in the county and shall ensure that water needed by water users and natural resources will not be exported outside the county.

WR-P28. Public Trust Resources and Interests. The County should support shall advocate that dam relicensing projects by the P.U.C. , the F.E.R.C., and the State Water Resources Control Board balance redress the historical over-emphasis on development values (electric power, flood control, and water supply) with at the expense of non-developmental values (environmental resource protection, habitat restoration, and water quality).

WR-P29. Public Input. The County shall advocate for the relicensing applicant to sponsor a participatory process involving all affected stakeholders prior to the submittal of a final relicensing application to the Federal Energy Regulatory Commission.

WR-P29x Implementation of NPDES Permit. Implement and comply with the National Pollutant Discharge Elimination Systems (NPDES) Permit issued by the State Water Resources Control Board to the designated portions of the County.

WR-P31. Downstream Stormwater Peak Flows. Peak downstream stormwater discharge shall not exceed the capacity limits of off-site drainage systems or cause downstream erosion, flooding, habitat destruction, or impacts to wetlands and riparian areas. New development shall demonstrate that post-development peak flow discharges will mimic natural flows to watercourses and avoid impacts to Beneficial Uses of Water.

WR-P32. New Drainage Facilities. Where it is necessary to develop additional drainage facilities, they shall be designed to be as natural in appearance and function as is feasible. All drainage facilities shall be designed to maintain maximum natural habitat of streams and their streamside management areas and buffers. Detention/retention facilities shall be managed in such a manner as to avoid reducing stream flows during critical low-flow periods.

WR-P33. Restoration Projects. The County shall encourage restoration projects aimed at reducing erosion and improving habitat values in Streamside Management Areas and wetlands while maintaining Agricultural Resource values.

WR-P34. Commercial and Industrial Activities. For commercial and industrial development, the need for drainage facilities shall be as a result of a referral by the Land Use Division of Public Works and installed/constructed on a case by case basis to the satisfaction of the Land Use Division of Public Works per the County Grading, Subdivision and LID ordinances. No such requirements are to be applied to forests or ranchlands.

WR-P40. Fish Passage Designs. Work with federal and state agencies and local watershed restoration groups to retrofit existing drainage and flood control structures and design new structures to facilitate fish and other wildlife passage in partnership with federal and state agencies.

Chapter 13. Noise

N-P1. Minimize Noise from Stationary and Mobile Sources. Minimize stationary noise sources and noise emanating from temporary activities by applying appropriate standards for average and short-term noise levels during permit review and subsequent monitoring.

N-P4. Protection from Excessive Noise. Protect persons from existing or future excessive levels of noise which interfere with sleep, communication, relaxation, health or legally permitted use of property.

Chapter 14. Safety

S-P1. Reduce the Potential for Loss. Plan land uses and regulate new development to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from natural and manmade hazards, including but not limited to, steep slopes, unstable soils areas, active earthquake faults, wildland fire risk areas, airport influence areas, military operating areas, flood plains, and tsunami run-up areas.

S-P2. Coastal Zone Hazards. Development within the coastal zone shall minimize risks to life and property in areas of high geologic, tsunami, flood, and fire hazard; assure stability and structural integrity; and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

SPX7. Military Operating Areas. Provide notification and project information to the military for discretionary development projects within military airspace operating areas as may be required by the California Government Code.

S-P6. Structural Hazards. The County shall protect life and property by applying and enforcing state adopted building codes and Alquist-Priolo requirements to new construction.

S-P7. Improved Information. Encourage and support more detailed scientific analysis of Cascadia Subduction Zone earthquake risks, probabilities, and anticipated effects.

S-P8. Earthquake Mitigation Planning. The potential for a local earthquake in excess of magnitude 9.0 (Richter scale) shall be considered in disaster planning, risk assessment, and pre-disaster mitigation efforts.

S-PX1. Site Suitability. New development may be approved only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.

S-P11. Flood Plains. Agricultural lands that are in mapped floodplains shall be retained for use in agriculture.

S-PX2. Prohibition of Residential Subdivisions within Floodplain. The creation of new parcels that increase residential density wholly within the 100 year floodplain, as identified in the most recent FEMA flood insurance rate maps, shall be prohibited unless the Board of Supervisors makes specific findings that the potential for loss of life and property can be reduced to less than significant levels.

S-PX3. Construction Within Special Flood Hazard Areas. Construction within a floodplain identified as the 100-Year Flood Boundary on FEMA's Flood Insurance Rate Map shall comply with the County's Flood Damage Prevention Regulations. Fill in the floodplain shall only be allowed if it can be demonstrated that the fill will not have cumulative adverse impacts on or off site and such fill shall not be detrimental to productive farm land, and is otherwise in conformance with the County's Flood Damage Prevention Regulations

S-PX4. Development on, or Adjacent to, Coastal Bluffs and Beaches. Allow development in areas immediately adjacent to coastal bluffs and beaches only if it can be demonstrated by a certified engineering geologist that wave action, storm swell, tsunami inundation, and projected sea level rise using the best available scientific information and at the time of review, are not a hazard to the proposed development.

S-P13. Subdivision Design in High and Very High Fire Hazard Zones. Subdivisions within State Responsibility Area (SRA) high and very high fire severity classification areas shall explicitly consider designs and layout to reduce wildfire hazards and improve defensibility; for example, through clustering of lots in defensible areas, irrigated green belts, water storage, perimeter roads, roadway layout and design, slope development constraints, fuel modification plans, and vegetation setbacks.

S-P25. Hazardous Industrial Development. Hazardous industrial development may be permitted when:
A. It includes mitigation measures sufficient to offset increased risks to adjacent human populations and the environment; and,
Increased risks to adjacent human populations and the environment have been adequately mitigated by approved disaster response plans. (See definition of "hazardous industrial development" in Standards Section below).

S-P26. Hazardous Waste. Eliminate the use of toxic materials within Humboldt County, where feasible, and require the reduction, recycling, and reuse of such materials, to the greatest extent possible, where complete elimination of their use is not feasible. Require new development which may generate significant quantities of hazardous wastes to provide a plan for disposal which emphasizes on-site treatment, neutralization, and recycling.

S-P30. Tsunami Ready Program. The County shall support efforts of low-lying coastal communities to attain Tsunami Ready™ status, as developed by the National Weather Service.

Chapter 12. Energy

E-P2. Oil and Gas Development. Oil and gas development shall be permitted consistent with the following:

A. The development is performed safely and is consistent with the geologic conditions of the well site.

B. New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

C. Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

Hydraulic fracturing for release and recovery of hydrocarbons is prohibited.

E-P7. County Government Energy Consumption. The County government shall reduce building and transportation energy consumption by implementing energy conservation measures and purchasing renewable energy and energy efficient equipment and vehicles whenever cost-effective. Conservation and renewable energy investments should be planned and implemented in accordance with performance-based action plans and County Greenhouse Gas Emission Reduction goals.

E-P9. Electrical Transmission. Promote PG&E funded capacity upgrades to electric distribution lines to facilitate distributed renewable energy production and electricity export from the county.

E-P9x. Electricity Buyback. Support revisions to the electricity buyback program that encourages more distributed local generation and more equitably compensates such generation.

E-P10. Transportation Management Plans. Major commercial, business, or industrial, facility developments shall be required to submit a transportation management plan that addresses energy conservation measures such as connectivity to alternative transportation modes; preferential parking for carpools, vanpools, motorcycles, mopeds, and bicycles; shuttle services; alternative fueling stations; transit passes; bike lockers; and locker-room facilities. Develop incentives for projects not deemed as major that incorporate such energy conservation measures.

E-P13. Water Efficiency. Promote the efficient use of water in residences, businesses, industries, and agriculture.

E-P14. Incentives for Using Alternative Energy. Encourage the use of renewable energy and environmentally preferable distributed energy generation systems in the county.

E-P15. Wind Renewable Energy Overlay Zones. Develop renewable ~~develop~~ a wind energy overlay zones based on community input to protect ~~potential wind energy~~ the unique value of sites that are identified as having substantial ~~wind~~ renewable energy potential and/or will be critical for renewable energy infrastructure while still allowing uses permitted in the underlying zone.

E-PX2. Sustainable Biomass Energy Production. Coordinate with local agencies, communities, and landowners to develop biomass energy plans that are consistent with forest management, hazardous fuels reduction, and restoration needs and priorities.

E-PX3 Residential Design "for Solar Access". Proposed single-family residential structures should be designed to maximize solar access, energy conservation and passive solar energy generation. Solar access potential should be evaluated based on each climate zone within the County as established by the National Weather Forecast Center in Eureka.

Chapter 15. Air Quality

AQ-P1. Reduce Length and Frequency of Vehicle Trips. Reduce the length and frequency of vehicle trips through land use and transportation policies by encouraging mixed-use development, compact development patterns in areas served by public transit, and active modes of travel.

AQ-P2. Reduce Localized Concentrated Air Pollution. Reduce or minimize the creation of "hot spots" or localized places of concentrated automobile emissions.

AQ-P3. Fireplace and Woodstove PM₁₀ Emissions. Support incentives to minimize emissions from fireplaces and woodstoves.

AQ-P4. Construction and Grading Dust Control. Dust control practices on construction and grading sites shall achieve compliance with NCAQMD fugitive dust emission standards.

<p>AQ-P5. Air Quality Impacts from New Development. During environmental review of discretionary permits, reduce emissions of air pollutants from new commercial and industrial development by requiring feasible mitigation measures to achieve the standards of the NCAQMD.</p>
<p>AQ-P6. Buffering Land Uses. During environmental review of discretionary commercial and industrial projects, consider the use of buffers between new sources of emissions and adjacent land uses to minimize exposure to air pollution.</p>
<p>AQ-P7. Interagency Coordination. “Coordinate with the NCAQMD early in the permit review process to identify expected regulatory outcomes and minimize delays for projects involving: . . . “</p>
<p>AQ-P8. Reduce Air Quality Impacts from Wildfires. Support and encourage fire suppression of wildfires that may have an acute air quality health impact on local population centers.</p>
<p>AQ-Px. Review of Projects for Greenhouse Gas Emission Reductions. The County shall evaluate the GHG emissions of new large scale residential, commercial and industrial projects <u>for compliance with state regulations</u> and require feasible mitigation measures to minimize GHG emissions.</p>
<p>AQ-P11. Forest Sequestration and Biomass Energy. Provide incentives for increased carbon sequestration on forest lands and encourage the reduction of smoke production through the utilization of excess forest biomass for sustainable energy generation and other uses.</p>
<p>AQ-P12. Solar Electric System Capacity. Encourage and provide incentives to increase solar-electric capacity in residential, commercial, and industrial sectors.</p>
<p>AQ-P13. Energy Efficient Building Design. Encourage and provide incentives for construction of buildings and energy saving measures beyond Title 24 requirements for residential and commercial projects.</p>
<p>AQ-P15. Preservation and Replacement of On-site Trees. Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.</p>