

The Healthy Humboldt Coalition

February 9, 2007

Planning Commission
Community Development Department
3015 H Street
Eureka, CA 95503

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HUMBOLDT COUNTY
PLANNING DIVISION

Re: Chapter Group 1 Policies

Dear Commissioners and Staff,

We are writing to provide comments and specific recommendations regarding the recently released draft policies for the first Chapter Group for the General Plan Update. We have provided extensive comments below, as well as a full markup version of the Staff's draft document, which is likely the easiest way to note the specific changes which we are recommending.

The focus of our comments and recommendations for these introductory chapters is to ensure that the guiding principles accurately and truthfully characterize the 3 alternatives. In reading the modified Guiding Principles for the 3 alternatives, it appears that there is a desire to make broad, generic statements regarding each of the alternatives, while avoiding the true nature of the differences between them. Some of the alternate principles are characterized only by omission of key phrases, so that the significant differences are never spelled out clearly.

This is particularly the case for Alternative C, where the Alternative Principles are characterized by the quiet omission of words which would give the Alternative meaning and specificity. An example is the removal of the word "unambiguous" from the phrase "*The plan must include unambiguous natural resource protections.*" By removing this word, staff is in reality stating that Alternative C will not contain any specific or meaningful natural resource protections. This would be a much more accurate statement, and would directly address the differences between Alternative C and the other Alternatives.

Alternative A is improperly dismissed as being incapable of achieving necessary planning requirements, even though the policies that would determine this have yet to be developed. In the section on Preliminary Environmental Impact (CEQA) Analysis, staff states; "*Decision-makers may find the policy options presented in Alternative A to be infeasible or not meeting the basic objectives of the project...*" This is a highly improper statement for staff to make, as it would be a violation of CEQA for staff to provide any alternative as merely a "straw man", and to intentionally develop it in a way which makes it less than feasible. Staff's role is to develop each of the alternatives with enough specificity and information to allow the Planning Commission and the Board of Supervisors to determine which one best suits the community's planning goals.

Our recommendations attempt to rectify these shortcomings. Excerpts from the draft plan are in italics, and our recommended additions are underlined. Text which we have removed or replaced is not shown in the following pages, but is shown in the attached markup version.

Sincerely,

Mark Lovelace
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Guiding Principles

In many cases, the Guiding Principles as previously stated simply do not adequately represent the range of alternatives which have been generated. Additional Alternative Principles are needed to clarify the three distinct differences in direction of the three alternatives. In other words, if the final approved General Plan should choose to permit broad development of our forests, farmlands, and hillsides, as either Alternatives B or C would allow, then the Guiding Principles for those alternatives must be clear and upfront about that point. If the final General Plan should not require any specific, meaningful or unambiguous policies for providing affordable housing or for protection of working lands, then cheerful-but-meaningless principles do a disservice to the general public.

The Guiding Principles must be very clear as to what they are encouraging, requiring, or ignoring. For this reason, the Healthy Humboldt Coalition recommends the addition of Alternative Principles that more accurately reflect the differences between the 3 Plan Alternatives. For clarity, where we have recommended the addition of an Alternative Principle, it has been numbered with an A, B, or C to match the corresponding Plan Alternative. Where we are recommending a change or substitution which applies to all of the Plan Alternatives, no letter has been added.

1. *The plan must work to preserve the unique character of Humboldt and the quality of life we enjoy.*

This principle ignores the significant differences in how we define our 'unique character' and 'quality of life,' making it a virtually meaningless statement. We recommend the addition of Alternative Principle 1a:

1a: The plan must preserve our unique community character by maintaining existing urban development boundaries and focusing growth into those areas.

2. *The plan must provide sufficient developable commercial, industrial, and residential land, and policies to address the current scarcity of affordable housing and prevent scarcity under a range of population growth scenarios.*

This principle does not adequately define the term 'affordable housing,' thus rendering the term meaningless. We recommend the modified policy below:

2. The plan must provide sufficient developable commercial, industrial, and residential land, and policies to address the current scarcity of housing affordable to low and moderate-income residents, and prevent scarcity under a range of population growth scenarios.

3. *The plan must ensure efficient use of water and sewer services and focus development in those areas and discourage low density residential conversion of resource lands and open space.*

This principle completely ignores the fundamental differences between the three alternatives. Clarity requires the addition of Alternative Principles 3a and 3c:

3a. The plan must ensure efficient use of water and sewer services and focus development in those areas and disallow low density residential conversion of resource lands and open space.

3c. The plan must ensure efficient use of water and sewer services and focus development in those areas, while allowing residential conversion of resource lands and open space.

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4. *The plan must include actionable plans for infrastructure financing and construction.*

Recommend the addition of Alternative Principle 4a:

4a. The plan must include actionable plans for financing and construction of efficient and cost-effective infrastructure.

5. *The plan must support the County's economic development strategy and work to retain and create living wage job opportunities.*

Alternative A is more specific here, and this principle should be modified to reflect this:

5a. The plan must support the County's economic development strategy and work to retain and create living wage job opportunities in close proximity to housing.

6. *The plan must contain long-term agriculture and timber land protections such as increased restrictions on resource land subdivisions and patent parcel development.*

Staff have proposed modifying this principle for Alternative C, yet the only modification has been to omit any language specifying how the plan would provide these long-term protections. If Alternative C is to contain no specific protections, but rather only empty rhetoric, then this principle should state that clearly and proudly. Similarly, if Alternative A is to be *more* specific in how it is to provide such protections, then it also should state this. We recommend the following:

6a. The plan must contain long-term agriculture and timber land protections including increased restrictions on resource land subdivisions and patent parcel development.

6c. The plan must make reference to long-term agriculture and timber land protections, while not providing any specific policies to achieve this.

7. *The plan must include unambiguous natural resource protections; especially for open space, water resources, water quality, scenic beauty and salmonids.*

Staff has recommended a modified principle for Alternative C which merely omits the word "unambiguous." This change implicitly precludes any meaningful policies, yet the language could lead the unobservant to believe that these words still have some value. For the sake of clarity and truthfulness, we recommend the following change:

7c. The plan shall not include any specific natural resource protection for open space, water resources, water quality, scenic beauty or salmonids.

8. *The plan must be practical and actionable.*

Some definition or parameters would be helpful here. Without further elucidation this phrase borders on meaninglessness.

9. *The plan must provide a clear statement of County land use values and policies to provide clarity in the County's permit processing system and to simplify review of projects that are consistent with the General Plan.*

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Improved urban development requires that the County be able to embrace new land use, planning, and design tools. The General Plan must have a mechanism to incorporate new tools as they are developed, so as to avoid falling behind from the day the plan is adopted. We recommend the following addition for Alternative A:

9a. The plan must provide a clear statement of County land use values and policies to provide clarity in the County's permit processing system, to simplify review of projects that are consistent with the General Plan, and to incorporate cutting-edge planning tools including Smart Code, Form-Based-Zoning, and Specific Plans.

Principles Guiding the Alternatives:

Healthy Humboldt suggests making the following change to these guiding principles, to more accurately portray the intended range and true effect of the alternatives:

10. *A reasonable range of alternatives must include an environmentally superior alternative that accommodates the full range of growth scenarios with the least conversion of lands to development.*
11. *A reasonable range must also include an alternative that would result in a greater conversion of resource land for large lot subdivisions*
12. *Development of the proposed project and alternatives must involve stakeholders and be supported with accurate and relevant data.*

Alternatives

Along with the addition of Alternative Principles 1a, 3a, 4a, 5a, 6, and 9a, Plan Alternative A adds the following guiding principles for walkable communities, jobs/housing balance, and sustainability. We have made a few changes to these principles, underlined. We also recommend the addition of Guiding Principle 16 to help shift the burden of housing away from the County and into the cities, where it belongs.

13. *Promote the development of walkable communities that meet daily needs, offer a healthy lifestyle, and reduce the need for automobile trips.*
14. *Promote design concepts and development patterns which increase affordable housing opportunities for low and moderate income residents convenient to workplaces and assist in balancing jobs and housing.*
15. *The plan must promote sustainable development by minimizing the consumption of land and resources, thereby preserving opportunities for future generations.*
16. *Shift a greater proportion of RHNA "fair share" housing into the existing incorporated cities, and away from the unincorporated areas.*

Staff states: "While the above concepts are contained in a number of specific policies throughout the plan in the preferred alternative, including them as guiding principles would raise their status in the plan."

Healthy Humboldt disagrees, and believes that these should be specifically included in the "preferred" Alternative B as well as A. Additionally, Alternative A must be clarified as being fully capable of supporting the same range of growth as Alternatives B or C, and must not be a 'straw man.'

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Healthy Humboldt has added these modified or alternative principles to Staff's table, below. We feel that these principles more accurately reflect the true nature of the three alternatives, and will clarify the differences between them. Accordingly, we have inserted an additional category into the "vote" column: Along with Retain, Delete, and Modify, we have included A for "Ad."

Where an Alternative has been removed from the policy and given its own revised wording, we have marked the original policy as "Modified", and marked the new policy as "Ad." For clarification purposes, we have also provided a full markup version of the document with all changes, omissions and additions clearly marked.

Plan Alternative			Principle	Staff Remarks	Vote: R, D, A, M
	B	C	1. The plan must work to preserve the unique character of Humboldt and the quality of life we enjoy.		M
A			1a. The plan must preserve our unique community character by maintaining existing urban development boundaries and focusing growth into those areas.		A
A	B	C	2. The plan must provide sufficient developable commercial, industrial, and residential land, and policies to address the current scarcity of housing affordable to low and moderate-income residents, and prevent scarcity under a range of population growth scenarios.		M
	B		3. The plan must ensure efficient use of water and sewer services and focus development in those areas and discourage low density residential conversion of resource lands and open space.	See revised wording for Alt. A and C	M
A			3a. The plan must ensure efficient use of water and sewer services and focus development in those areas and disallow low density residential conversion of resource lands and open space.	Revised wording for Alt. A	A
		C	3c. The plan must ensure efficient use of water and sewer services and focus development in those areas, while allowing residential conversion of resource lands and open space.	Revised wording for Alt. C	M
	B	C	4. The plan must include actionable plans for infrastructure financing and construction.		M
A			4a. The plan must include actionable plans for financing and construction of efficient and cost-effective infrastructure.		A
	B	C	5. The plan must support the County's economic development strategy and work to retain and create living wage job opportunities.		M
A			5a. The plan must support the County's economic development strategy and work to retain and create living wage job opportunities in close proximity to housing.		A

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	B		6. The plan must contain long-term agriculture and timber land protections such as increased restrictions on resource land subdivisions and patent parcel development.	See revised wording for Alt. C	M
A			6a. The plan must contain long-term agriculture and timber land protections including increased restrictions on resource land subdivisions and patent parcel development.	Revised wording for Alt. A	A
		C	6c. The plan must make reference to long-term agriculture and timber land protections, while not providing any specific policies to achieve this.	Revised wording for Alt. C	M
A	B		7. The plan must include unambiguous natural resource protections; especially for open space, water resources, water quality, scenic beauty and salmonids.	See revised wording for Alt. C	
		C	7c. The plan shall not include any specific natural resource protections; especially for open space, water resources, water quality, scenic beauty or salmonids.	Revised wording for Alt. C	M
A	B	C	8. The plan must be practical and actionable.		
	B	C	9. The plan must provide a clear statement of County land use values and policies to provide clarity in the County's permit processing system and to simplify review of projects that are consistent with the General Plan.		M
A			9a. The plan must provide a clear statement of County land use values and policies to provide clarity in the County's permit processing system, to simplify review of projects that are consistent with the General Plan, and to incorporate cutting-edge planning tools including Smart Code, Form-Based-Zoning, and Specific Plans.		A
			Principles Guiding the Alternatives		
A	B	C	10. A reasonable range of alternatives must include an environmentally superior alternative that would result in the least conversion of lands to development.		
A	B	C	11. A reasonable range must also include an alternative that would result in a greater conversion of resource land for large lot subdivisions		M
A	B	C	12. Development of the proposed project and alternatives must involve stakeholders and be supported with accurate and relevant data.		
			Alternative Principles		
A	B		13. Promote the development of walkable communities that meet daily needs, offer a healthy lifestyle, and reduce the need for automobile trips.		M
A	B		14. Promote design concepts and development patterns which increase affordable housing opportunities convenient to workplaces, and assist in balancing jobs and housing.		M
A	B		15. The plan must promote sustainable development.		M
A			16. Shift a greater proportion of RHNA "fair share" housing into the existing incorporated cities, and away from the unincorporated areas.		A
			Existing Framework Plan		

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			D	<i>We the people of Humboldt County recognize and acknowledge our total dependence upon the land and accept our obligation to use the land in a manner which will sustain and benefit man and all other living things.</i>	From Framework Plan, Sec. 1200	

Preliminary Environmental Impact (CEQA) Analysis

Staff states; *“Decision-makers may find the policy options presented in Alternative A to be infeasible or not meeting the basic objectives of the project, but staff will strive to provide realistic, viable policy options.”* This is a highly improper statement for staff to make, as it would be a violation of CEQA for staff to provide any alternative as merely a “straw man”, and to intentionally develop it in a way which makes it less than feasible. More to the point, this is not a decision which staff is supposed to make. Staff’s role is to develop each of the alternatives with enough specificity and information to allow the Planning Commission and the Board of Supervisors to determine which one best suits the community’s planning goals.

Healthy Humboldt recommends that the improper sentence above be removed, and that the paragraph be modified as below:

At this point in the process, a discussion of impacts is limited to the relative merits of the Alternatives. It is anticipated, and it is staff’s intent, based on policy guidance provided thus far, to recommend a proposed project (Alternative B) that in most cases, contains policies that reduce impacts to less than significant levels. Alternative A is described as an environmentally superior alternative, and thus is anticipated to have lower environmental impacts. Alternative C, as the highest capacity plan, is expected to have the highest level of impacts of the three crafted alternatives, but is expected to have a level of impact similar to or slightly less than the no project Alternative D, the existing general plan. It would be a violation of CEQA for staff to provide any alternative as merely a “straw man”, and to not consider it as fully feasible. Staff will strive to provide realistic, viable policy options for all alternatives

Chapter 2: Public Guide to the General Plan

For Chapter 2.4, *Maps*, we request that staff provide maps of existing land use as well as planned land use.

For Chapter 2.5, *Relation to Other Documents*, we request that staff clarify the following paragraph, which is internally inconsistent:

The McKinleyville (2002) and Eureka (1995) Community Plans, because of their complexity, will remain standalone separately bound documents as the applicable general plans for those areas. Their land use designations and policies are subject to amendment as part of this General Plan Update Program.

For Chapter 2.6, *Staff Analysis and Alternatives*, we recommend the following changes to the description of the Proposed Project:

- a. *Focused development within existing urbanized areas serviced by water and sewer.*
- b. *Specific urbanization expansion plans including precise land use maps, urban boundary adjustments and water, sewer, road and drainage system improvements.*

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- c. Land use designations that support high density urban development including use of alternative subdivision standards, density bonuses, second unit incentives, live-work commercial centers, etc.
- d. Reduction in existing large lot residential subdivision potential both inside and outside of community planning areas
- e. Increased resource land protection from residential and other conversion using a range of planning tools such as; clustered development incentives, transferable development rights, no reduction in minimum lot-sizes, patent parcel development restrictions, conservation easements and regulatory reform.
- f. A plan for alternative land use on large resource production lands proven to have no long-term economic viability.
- g. Clearly defined triggering mechanisms which specifically denote the precise criteria which must be met before any additional development areas in this 'scalable' model can be brought on-line.

Alternatives

As discussed above, we are concerned that staff is attempting to define Alternative A in a way which would inaccurately and improperly make it incapable of meeting the community's planning needs and goals. Staff ignores the ability to accommodate a range of growth scenarios by increasing density, rather than by moving outwards into resource lands. To address this, we recommend the following change to the description of the Project Alternatives:

Based on Board of Supervisors and Planning Commission recommendations from the Sketch Plan Alternatives phase, this Plan presents three defined alternatives for consideration, plus the "No Project" alternative. In large part, the three alternatives are reflected in differences in the proposed Land Use maps and build-out tables. Alternative A, for instance, has higher densities, which can be scaled as necessary to accommodate a variety of growth scenarios, preserves community character by maintaining existing urban boundaries, and minimizes resource land conversion.

Plan Alternative A: Fair Share Infill Scenario

We recommend the changes below to the description of Plan Alternative A. Most critically, the language must clarify that the key issue is not prevention of further *development* in rural areas, but rather the prevention of further *large-lot subdivisions*. The two are categorically different and are, in fact, opposites. The former may be categorized as a takings, while the latter is clearly a givings.

Plan Alternative A would meet the same range of growth scenarios as Alternatives B and C, solely through infill development that incorporates increased density served by existing water and sewer lines. The Plan would include resource land protections and prohibitions on large lot residential development. This focused growth plan would use market-based incentives to produce an "environmentally superior" alternative as defined by CEQA. Plan Alternative A is a conservative version of Sketch Plan 3 described in the Sketch Plan Alternatives report, which maximizes resource land protections and focuses growth into areas currently served by ater and sewer.

Existing entitlements for large lot residential development within the Community Planning Areas would remain but would not be increased. Industrial, commercial and residential lands would be made available in proportion and proximity to each other to provide an appropriate housing/jobs balance.

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Plan Alternative C: A High Residential Capacity Scenario

The title above inaccurately implies that the difference between Alternative C and the others is in its capacity. This is simply an inaccurate construct, as Alternatives A and B can be developed with scalable densities to accommodate every bit as much residential capacity as Alternative C. More accurately, the defining difference is that Alternative C disallows reasonable increases in density, ultimately giving it the least capacity despite its larger land base. We suggest that the title for Alternative C should thus be the "Limited Residential Capacity Scenario."

We also recommend the following minor but significant disclosure to the description of Plan Alternative C:

Plan Alternative C would accommodate the demand for approximately 18,000 new dwelling units, to accomodate a population increase of 36,000 people at an average density of 3 units/acre.

Technical Background Studies

We request that staff include reports and documents provided by other parties in their list of technical background studies used for this General Plan Update, including the Farm Bureau survey, Room to Grow, Plan H, the Monterey County Economic Analysis, Race to the Middle (New Jersey), and others.

Chapter 3: Governance Policy

Inter-Governmental Coordination

We recommend the addition of the following policy to develop a sales tax revenue sharing plan. This is already the formally-adopted policy of the County and of all municipalities which have adopted the Prosperity! plan as their official economic development strategy, and thus it must be reflected in the General Plan.

Coordination with municipal entities to develop a sales-tax revenue sharing plan, per the Prosperity strategy.

We recommend modifying the policy below:

Referral of the draft plan to cities, all special districts that may be significantly affected, school districts, LAFCO, HCAOG, affected federal agencies, and Native American tribes. (§65352)

We also recommend making the following changes to the paragraph below:

The areas adjacent to the major cities represent some of the most likely areas to experience growth pressures, due to their proximity and potential for extension of services. Because of this, close coordination with the affected cities is imperative, including negotiation of Regional Housing Needs to refocus a greater portion of growth into existing cities. Extensive consultation with each city has taken place during the preparation of this Plan, and this coordination needs to continue for smooth implementation of the Plan.

Policies

For these policies, we recommend the use of the word "shall" in place of the meaningless and unenforceable word "should."

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- GP-P1 *The public's right.*** *The public has a right to fully participate in all land use planning decisions.*
- GP-P2 *Participation opportunities.*** *Planning and implementation of programs shall include full opportunity for public participation.*
- GP-P3 *Accessibility.*** *The County should strive to make the plan understandable and accessible to all segments of the population, and encourage citizen participation throughout the planning process.*
- GP-P4 *Meaningful participation.*** *Public input sessions shall be formatted in such a way as to encourage meaningful participation.*
- GP-P5 *Environmental justice.*** *County decision-making shall avoid disproportionately impacting disadvantaged populations.*

Policies

We recommend the addition of the following policy as a directive to direct more future growth into our cities where it belongs, and away from our forests, farmlands, and hillsides.

*GP-P7 **Housing Needs Allocation.** The County shall work pro-actively with all municipalities to reallocate the Regional Housing Needs Allocations into the cities and away from the unincorporated areas in advance of each Housing Element update.*

Required Findings and Criteria for Amendments

We recommend the addition of the following criteria as necessary findings for any future General Plan Amendments:

5. *The proposed amendment must provide a specific, tangible benefit to the public interest which is separate, distinct, and greater than any benefit to the private interests involved.*
6. *Generation of property taxes, alone, shall not be an allowable criteria for making a public interest finding.*

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