



EXECUTIVE SUMMARY
General Plan Update Comments
March 14, 2007

1. It is essential that the infrastructure analysis currently being performed by Winzler Kelly be completed before proceeding with review of the remaining Plan elements.
2. Staff is attempting to make major decisions which if followed, would steer the General Plan in a no-growth direction. Staff members are assistants, not decision makers. They are trying to manipulate the process by ignoring direction given to them by the Planning Commissioners.
3. Staff has chosen in the past and continues to ignore recommendations emanating from the business community while favoring input from the “no growth” sector.
4. Staff was to provide definitions of terms like “sustainable.” Staff is nonresponsive.
5. The term “conversion” needs to be defined. Planners tell people that from now on, certificates of compliances will not be recorded without "compliance with CEQA". Does this mean going through public hearings, negative declarations, EIR's, etc? Who redefined an ad ministerial act (per the Map Act) into a "project" (under CEQA)?
6. “Resource land” needs to be defined. What is that?
7. References to "Companion documents” doesn't relate to anything. It should be cut.
8. The General Plan should not take away entitlements which landowners already have.
9. Mr. Girard says: “These are the only parts.....that were handed down from on high from the Board.” This is not a true statement.
10. The government should not step in and control the free market place.
11. We disagreed with Staff that the Board chose not to have an economic analysis done. In fact just the opposite is true.
12. Where is the description of California Code 65300 requested by the Commissioners?
13. Healthy Humboldt “*wants a new item under Alternative "B". Currently 54% of the population lives in the County and 46% in cities. We recommend those percentages be reversed in the future for fair share housing.*” Where is the analysis behind this scheme? They are advocating high-rise buildings in downtown Eureka, Fortuna, and Arcata while they pretend to be protecting the county’s rural character. It is not physically possible to implement this recommendation.
14. Staff believes they are in charge of the drafting process -- the Commissioners are, and HELP supports the Commissioners in exercising that authority and responsibility.
15. We urge the Commissioners to slow the process down and take sufficient time to examine all recommendations. The Planning Commissioners should not be rushed by the schedule the Planning Department is trying to force on everyone.



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“ Promoting Jobs & Housing for Humboldt Families ”

March 14, 2007

Mr. Thomas Herman, Chairman
Planning Commission
County of Humboldt
825 Fifth Street, Room 111
Eureka, California 95501

Subject: General Plan Update

Dear Chairman Herman and Members of the Commission:

We appreciate this opportunity to offer our comments on the General Plan update.

The tenor of several of the Commissioners’ comments at the February 15, 2007 meeting was most encouraging to members of HELP. We applaud you and your fellow Commissioners for speaking out and encouraging a frank and open discussion of this very important draft document. We hope that type of dialog will continue in such a manner that it will produce a meaningful template for the future of Humboldt County. To do so, we believe the update process must be slowed down significantly. As several members of the public testified on February 15th, it is essential that the infrastructure analysis currently being performed by Winzler Kelly be completed prior to proceeding further with review and discussion of the remaining elements.

It concerns us deeply that staff is attempting to make major decisions which if followed, would in fact steer the General Plan in a no-growth direction. Staff members are not the decision makers, they are by definition “a group assisting a supervisor”. As an example:

1. Mr. Hofweber stated: ***“We will come back and identify which changes we recommend and which ones we do not.”***

COMMENT: We know from experience during the past five years when the General Plan update process was first initiated, staff has chosen to ignore recommendations emanating from the business community while favoring input from the “no growth” sector. Prime example is demonstrated by the staff report dated March 5, 2007 and updated March 12, 2007 wherein staff agrees with a major portion of Healthy Humboldt’s recommendations while rejecting

the vast majority of Humboldt Association of Realtors', the Northern California Association of Home Builders', and HELP's recommendations.

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2. Commissioner Herman stated: ***"Principle #3 should be worded: "The plan must insure practical use of water and sewer services and encourage development in those areas where such services are available and discourage development that will result in conversion of resource land and open space."***

COMMENT: Staff did not delete the word "efficient" as requested and replace it with the word "practical".

3. Mr. Herman stated: ***"Delete principles #10, 11 and 12."***

COMMENT: Principles 10, 11 and 12 remain in the staff report dated March 5, 2007.

4. Commissioner Herman stated: ***"We're going to provide some discussion and comments for staff. Staff's going to go back and put together a compilation of what they hear and come back to us with alternatives and what they've heard that we can look at again a month from now."***

COMMENT: The Staff Report reflects those revisions they agree with. It is not a "compilation of what they heard".

5. Commissioner Murguia stated: ***"Staff come back with a definition of terms like sustainable."***

COMMENTS: Where are these definitions in the Staff Report?

We would ask that Staff provide their definition of "conversion". At a recent FRC meeting dealing with parcel merger, Staff made comments that indicate "CONVERSION" occurs when certificates of compliance are recorded.

The Staff appears to be convinced that "massive" conversion of resource lands is occurring. This is having an impact on the productivity of these lands and that the act of recognizing pre-existing parcels is tantamount to "converting" these lands.

It is our understanding that the Planning Department has told several people that from now on, certificates of compliances will not be recorded without "compliance with CEQA". Does this mean going through public hearings, negative declarations, EIR's, etc? Who redefined an ad ministerial act (per the Map Act) into a "project" (under CEQA)?

Staff is playing fast and loose with many traditional (and legal) definitions and terms.

Mr. Thomas Herman, Chairman 3-14-07, cont'd

6. Commissioner Herman re: page 1.10: ***"Companion documents -- it doesn't relate to anything. It should have been cut."***

COMMENT: Where is this comment captured in the Staff Report?

7. Commissioner Herman re: page 2.3: ***"Key terms. I call that bureaucrat speak"***

COMMENT: Where is this comment captured in the Staff Report?

8. Commissioner Emad stated: "This being a general plan, are these maps general?"

COMMENT: Mr. Hofweber replied: "They're used to flag areas because they're not that specific. The general plan will remain general. But you need to get specific to adopt zoning."

9. Commissioner Herman re page 114: ***"I don't know what all these things are. I'm reluctant to adopt a general plan which takes away entitlements which landowners already have." "Resource land. What is that?"***

COMMENT: Where is this comment captured in the Staff Report?

10. Commissioner Herman stated: ***"We're all concerned about conversion of timber land and farm land. There are some land uses that are compatible with continued timber production. Just because you build a residence, doesn't mean you can't continue timber production."***

COMMENT: Where is this comment captured in the Staff Report?

11. Mr. Girard stated: ***"These are the only parts of what you're reading that were adopted by the Supervisors and were the product of all the public input to date. So if your intention is to change policy direction of any of these, you're going to have to substantiate the basis for that and weigh it against the genesis of the evolution of this in the first place." "They were handed down from on high from the Board."***

COMMENT: We disagree that these “parts” were “handed down from on high from the Board.” Where did Staff get that impression? Mr. Girard states that these “parts” “were the product of all the public input to date.” No they were not. Input from the business community has essentially been ignored.

12. Commissioner Herman stated: ***"I'm always reluctant to have government step in and control the free market place in real property."***

COMMENT: Where is this comment captured in the Staff Report? We agree government should not attempt to control the free marketplace.

Mr. Thomas Herman, Chairman 3-14-07, cont'd

13. Commissioner Emad stated: ***"I didn't agree on it then and I don't agree on it now. We vote as individuals not as a consensus commission."***

COMMENT: Where is this comment captured in the Staff Report?

14. Commissioner Herman stated: ***"We'll work down your hierarchy of more detail. As we get down to implementation policies we'll be discussing a range of alternatives and come down to picking one."***

COMMENT: Where is this comment captured in the Staff Report?

15. Mr. Girard stated: ***"We heard a lot of recommendations of principles to make it clearer and easier to understand and we'll make those. My recommendation is that they have a policy implication. In other words you're changing the fundamental character of each alternative. I would say we capture that now, put it on a shelf so that you can go back and forth later phases of the plan and develop more rationale as to why you want to change it. Capturing these now. In the end you tell the Board you adopted them but they didn't work. It would be a strong basis for recommending these to change. Maybe we could take a stab at cleaning them up and not changing the basic spread."***

COMMENT: It appears to us “cleaning them up and not changing the basic spread” is merely staff’s attempt to ignore the Commissioners’ earlier direction.

16. Commissioner Herman stated: ***"I am not going to vote for something I don't believe in."***

COMMENT: Where is this comment captured in the Staff Report?

17. Commissioner Herman stated: ***"You may have some notion of how you want it to come out and we may not agree with that. But as we go forward we need to communicate openly and frankly and take everybody's feelings"***

and come out with the public's input, our own and come out with a plan that is prosperous for our county."

COMMENT: Where is this comment captured in the Staff Report?

18. Mr. Girard stated: ***"We have not done what some counties have done.....a full economic analysis for patterns of development. That was held out as an option for the Board and the Board didn't choose it. They carefully said we think there's a tremendous number of entitlements outside of Community Plan areas and in fact there were 20,000 plus lots on TPZ for large scale development. That wasn't considered to be a scarcity. What is a scarcity seems to be what property that's served by water and sewer. That was the grand focus what was the interesting compromise. The Realtors community felt that would produce product more for workforce. The environmental***

Mr. Thomas Herman, Chairman 3-14-07, cont'd

community felt that would produce Smart Growth. We agree that was where we needed focus our attention in terms of the efforts for this plan and so Urban Study Area analysis within the community plan boundaries, some were quite large. What does it look like to provide service and the assumption we don't have to analyze the cost to run services out to the ag and timberlands because that's not going to be the focus of this plan. So going back to the 20,000 plus lot entitlements was explicitly not chosen but not that we have to provide encouragements and policies that would potentially allow full buildout of all those entitlements during the plan period."

COMMENT: We disagreed that the Board chose not to have an economic analysis done. In fact just the opposite is true. Staff agreed to perform an economic analysis at the time the Urban Study Areas were being discussed and considered. Staff has evidently preordained that providing services to any land beyond the community planning boundaries will not be considered. Why is the county not considering a certain amount of growth contiguous to the existing sewer and water systems? Isn't that what the Winzler Kelly study is all about? ...Determining what the capacity of the infrastructure is so that it can be decided where growth should occur and how much it would cost to extend the infrastructure? Where will the County's fair share housing be built if the existing infrastructure does not accommodate growth? And we have reason to believe it will not.

Again, it is crucial that the update of the General Plan not proceed until the Winzler Kelly work is complete.

19. Commissioner Herman stated: ***"The big timberland owners have no intention of building. They want to grow trees. It's important for us to treat them with a carrot and give them an incentive."***

COMMENT: Where is this comment captured in the Staff Report?

20. Commissioner Smith stated: ***"I think you said we don't have the infrastructure to provide the fair share housing on our existing system. A general plan strategy on building new houses just on where services are available may not work so the strategy has to also include some of that large lot residential property where services are not available. There are no impacts to services because they're self contained."***

COMMENT: The Staff Report did not capture the full content of Commissioner Smith's statement.

Mr. Thomas Herman, Chairman 3-14-07, cont'd

21. Commissioner Herman stated: ***"County Counsel bring back to the Planning Commissioners on March 15th, the description of California Code 65300."***

COMMENT: Where is this request captured in the Staff Report? Where is the description of California Code 65300?

22. During the public comment period Ms. Diane Ryerson, on behalf of Healthy Humboldt, stated: ***"We want a new item under Alternative "B". Currently 54% of the population lives in the County and 46% in cities. We recommend those percentages be reversed in the future for fair share housing."***

COMMENT: This is not the first time Healthy Humboldt has made this recommendation. Mr. Lovelace has also promoted this magical formula at Board of Supervisors' meetings in the past. Would someone please ask representatives of Healthy Humboldt what analysis has been performed to justify such a scheme? Are we to take them serious when they in essence are advocating high-rise buildings in downtown Eureka, Fortuna, and Arcata? What about the rural character of the county they profess to be protecting?

We would appreciate understanding their philosophy when in fact it can not be implemented.

It is clear staff believes they are in charge of the drafting process. The comments from the public and the Commissioners are not largely ignored, they are nearly totally ignored by staff. It is as if the game is rigged and staff merely wants to paddle through this flat water to the point where they can deliver the product they've always intended and then cram down their version of a General Plan Update. It is an insidious usurpation of what should be a substantively public product, not a Machiavellian, staff-driven writing exercise. What are we, potted plants?!

Staff is pushing to move forward with Group 2 review before they have provided responses to all the Commissioners' and public's comments. We respectfully request the Commissioners take sufficient time to examine these considerations and those made by other members of the public. We urge you not to be rushed by the schedule the Planning Department is trying to force on everyone.

Sincerely,

Kay Backer, representing
Humboldt Economic & Land Plan

Mr. Thomas Herman, Chairman 3-14-07, cont'd

cc: Bruce Emad, Planning Commissioner
Mary Gearheart, Planning Commissioner
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