
Chapter 3. Governance Policy

3.1 Purpose

This chapter describes the County's governance policies related to this Plan. Administrative topics include Plan implementation, Plan amendment, public participation, and inter-governmental coordination. This chapter also discusses governance issues such as combining regulations and incentives and balancing private property rights and public interests. Finally the topics of environmental justice, sustainability, and climate change are addressed.

3.2 Relationship to Other Elements

Administrative policies guide the implementation of the entire Plan. Topics such as public participation, inter-governmental coordination, and the permit application process are central to the practical success of the entire Plan. Topics such as regulations and incentives, private property rights, environmental justice, sustainability, and climate change have been considered in the drafting of each of the elements with the intention of developing a coherent policy approach that is consistent throughout the Plan.

3.3 Background

Plan Implementation

One of the Plan's Guiding Principles is to adhere to a practical implementation strategy. Many of the Plan policies are implemented through the building and planning permit application process. Development proposals must be consistent with the Plan in order to obtain permit approval. Implementation also occurs through the work programs of County Departments. Public Works' road improvement projects and Community Development Services' affordable housing or small business assistance programs are examples of projects that implement the General Plan. Other implementation examples include updating a specific ordinance in accordance with this Plan and policy positions taken by the Board of Supervisors on issues that affect the County. With regard to the latter example, the Plan can provide the basis for the County's position on state legislation or a specific project, such as a dam relicensing application. To be effectively implemented, Plan policies must be clear, realistic, and, in the case of work programs, capable of being funded through state and federal grants or County revenues over time.

Amendments

As a long-term policy document with a 20-year planning horizon, the General Plan will likely undergo course corrections and refinements. While planning is a continuous process and periodic review to consider changes in circumstances is necessary, the Plan

must also represent a sufficiently solid vision for long-term implementation such as infrastructure investments.

The Plan should strike a balance between the flexibility needed to respond to unique situations and the rigidity necessary to guide development decisions in a predictable and consistent manner. As a "constitution" for future development, some aspects should be considered foundational and not subject to interim change.

Major reviews of the entire Plan are scheduled to coincide with state mandated five-year periodic review of the Housing Element. Major plan amendments should be responsive to changed circumstances, such as deviations from anticipated population growth, or address strategic needs, such as updates to community plans.

Apart from County-initiated amendments, there will be requests from private property owners for amendments to the land use designation for individual parcels. While this amendment process is critical to the flexibility of the Plan, the General Plan is a policy document for the entire county and may only be amended "in the public interest" as determined by the Board of Supervisors. In other words, the Plan can only be amended when the change benefits the entire county, not merely because the change would benefit a particular property owner. Every General Plan amendment must also be consistent with the rest of the Plan or appropriate changes need to be made to the Plan to achieve consistency with the proposed amendment.

Public Participation

Citizens want opportunities for meaningful and informed participation in the County's land use decision-making processes. This participation can be fostered at the staff, advisory committee, Planning Commission, and Board of Supervisors levels through improved noticing, sharing of information, and well designed participation processes. The goals and policies in this chapter strive to increase transparency and improve access to give citizens the opportunity to influence and shape the future of the County.

Inter-Governmental Coordination

Citizens expect close coordination and cooperation between local jurisdictions and branches of the state and federal government. Aligning goals and synchronizing processes is critical to achieving efficient governance and Plan implementation.

California planning law contains numerous provisions directing inter-governmental coordination during the administration and update of a general plan. In addition to enumerated coordination provisions, broad public and agency involvement in plan preparation is directed and encouraged. Of particular importance to this Plan is coordination with city and tribal governments.

Because areas adjacent to the county's major cities represent some of the better opportunities for locating new growth, which also has the potential to impact these cities, close cooperation between the County and municipalities is imperative. Meeting regional housing needs and providing infrastructure and services called for in this Plan will require unprecedented levels of coordination between the County, cities, and local service districts.

Fostering good working relationships with tribal governments is of particular importance to Humboldt County. The County has the highest per capita Native American population of any county in California. Tribal governments in Humboldt County govern significant land area and are important partners in stewardship of natural resources. There is a rich cultural resource history associated with Humboldt County and culturally sensitive areas need tribal consultation when development proposals are being considered.

Intergovernmental coordination in the regulatory process is particularly important to avoid redundancy and inefficiency. This Plan supports distinguishing relative authority between regulatory agencies unless policies of this Plan require overlap. For example, if a project requires an air quality permit from the North Coast Air Quality Management District, the land use permitting process will rely on the air quality permit process to ensure compliance with state and federal standards and imposition of mitigations to maintain air quality impacts below levels of significance. Due to the legal requirements imposed on Lead Agencies under CEQA, which is typically the County's role, this form of reliance requires considerable coordination with permitting agencies.

Permit Application Process

An efficient and effective permitting system is critical to Plan implementation. Throughout the General Plan update process, permit applicants expressed their need for a fast permitting system that produces consistent, fair, and accountable decisions. Applicants want clear guidelines, a straightforward process, and a positive and helpful attitude from County employees. Citizens want an open and transparent process that produces credible and enforceable outcomes. Members of the Planning Commission and Board of Supervisors want public hearing processes that give interested parties an opportunity to be heard and focus on key issues with clear identification of problems and potential solutions. Maintaining a permit application process that achieves these objectives is a high priority of this Plan.

Regulations and Incentives

Regulations establish mandatory community standards. Incentives provide economic benefits to landowners when the proposed development is consistent with General Plan goals. For example, Planned Urban Developments offer density bonuses and design flexibility when the landowner voluntarily offers amenities supported by the Plan. The regulatory process can serve as an incentive, wherein the Plan specifies an expedited or minimal permit process for projects that fulfill the goals of the Plan.

This Plan contains a mix of regulatory and incentive-based approaches, recognizing that a combination of required and voluntary measures supported by public education and a competent permitting process provides the best means to achieve General Plan goals.

Private Property Rights and Public Interests

The Plan attempts to strike a balance between individual private property rights and the promotion of public health, safety, and welfare. The promotion of public welfare includes the protection of public trust resources, such as air, water, and wildlife. Restrictions on the use of private property can suppress lawful business and personal livelihood and affect the overall wealth of the community. Regulations that restrict the

use of private property need to be justified based on a rational relationship to public interests.

Environmental Justice

Environmental justice is defined as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. The concept of “environmental justice” is incorporated into the general policies put forth in this chapter and is reflected in various policies throughout the Plan.

The issue is a civil rights matter, grounded in the Equal Protection Clause of the U. S. Constitution. The Fourteenth Amendment expressly provides that the states may not “deny to any person within [their] jurisdiction the equal protection of the laws.” Both U. S. and California law includes directives to consider this issue in local decision making. Recent California law recommends general plan provisions that specifically foster equitable distribution of new public services and facilities, avoidance of pollution in proximity to schools and residential areas, and promotion of expanding opportunities for transit-oriented development.

Sustainable Development

Meeting the needs of the present without compromising the ability of future generations to meet their own needs is the essence of sustainable community development. The State of California encourages cities and counties to consider policies to promote sustainability through general plans. The concept of sustainability was addressed by the Humboldt County Board of Supervisors in 1972 when they adopted the following resolution:

“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.”

During the Critical Choices phase of the General Plan update, individuals expressed concerns about trends they felt might undermine the county’s long-term sustainability. These concerns were ultimately expressed through the Guiding Principles of this Plan. As a result, principles of sustainability are embedded in the various chapters and elements that make up the Plan. For example, community members expressed concerns that the declining profitability of timber harvesting combined with an increased demand for rural housing might lead to conversion of timberlands that could ultimately threaten the county’s economy over the long term. To address this concern, several Plan policies are designed to protect timberlands from conversion and declining profitability.

In Part 2, Building Communities, sustainability objectives are translated into urban development policies that direct growth to areas where services are currently available or may be responsibly extended, while protecting the resource lands. Mixed-use policies in the Land Use Element encourage walkable communities and compact development and seek to restore traditional downtown areas. The Circulation Element encourages a balanced transportation network that accommodates motorized vehicles, public transit, bicycles, and pedestrians. These policies are intended to shore up the long-term economic viability of our urban development areas while protecting the long-term

economic potential of resource lands. They also work to enhance the character of our urban areas, conserve fuel and reduce greenhouse gas emissions.

In Part 3, Resource Management, new elements such as Water Resources, Energy Resources, and Waste Management are introduced that, in combination with the other resource-related chapters, provide the framework for making land use decisions that offer long-term economic, social, and environmental benefits. The Open Space and Conservation elements provide a framework of goals and policies for long-term use and protection of open space lands. In some cases, this is achieved through policies that protect sensitive resource areas from development. In much of the county, because the long-term protection of open space depends upon profitable agricultural and forest resource production, policies have been designed to maintain profitability.

Climate Change

In the fall of 2006, Governor Schwarzenegger signed AB 32, the Global Warming Solutions Act into law. The bill requires reductions in statewide greenhouse gas emissions to 1990 levels by the year 2020. This requires a 28% reduction in current annual greenhouse gas emissions.

This legislative action establishes the fact that greenhouse gas emissions have the potential to have a significant affect on the environment. Potential effects of concern to Humboldt include:

- Earlier snowmelt and significant reductions in snowpack, increasing stress on reservoirs, groundwater, and river systems, and reducing statewide water supplies.
- Increased rain on snow events, possibly causing increased flooding.
- Decreased yields of crops or health of forests that are already near climate thresholds.
- Changes in natural ecosystems resulting from higher temperatures.
- Increased wildfire potential.
- Rise in sea level.

County Climate Protection

In December 2007, by resolution of the Board of Supervisors, the County of Humboldt joined the International Council for Local Environmental Initiatives (ICLEI) Cities for Climate Protection Campaign.

Using ICLEI's climate protection protocols and software, the County is working through the Redwood Coast Energy Authority (RCEA), on a countywide multi-jurisdictional effort to reduce greenhouse gas (GHG) emissions. The effort is currently in step one of a five-step process:

- 1) Inventory Green House Gas Emissions
- 2) Set Countywide Reduction Target
- 3) Prepare Emissions Reduction Plan
- 4) Implement
- 5) Monitor

Step one will inventory and categorize past, present, and future conditions to help identify opportunities and priorities for reducing GHG emissions.

The legislation has defined the level of significance under the California Environmental Quality Act (CEQA) as any greenhouse gas emissions above the 1990 baseline. The State Attorney General has taken the position that emission generation above this amount will have a significant effect on the environment and all feasible mitigations must be incorporated into general plans to reduce local emissions below this baseline.

This Plan supports continued County participation and leadership in the countywide climate protection campaign initiated through the Redwood Coast Energy Authority

(see text box). The policies of the Plan also directly mitigate carbon emissions; for example, reductions in vehicle miles traveled are achieved through policies that promote compact growth and infilling, increased transit use, and pedestrian friendly design. Climate protection is directly addressed in the the Air Quality Element. The Plan also includes an Energy Element that promotes energy self sufficiency, conservation, efficiency, and green building standards; promotes increased reliance on renewable energy sources; and provides guidelines for siting wind and hydro energy developments. The Plan includes forest policies that support carbon banking and continued forest product production.

With respect to addressing adverse impacts of climate change, the Safety Element incorporates by reference a countywide multi-agency local hazard mitigation plan and a flood hazard mitigation plan pursuant to federal pre-disaster mitigation law. These plans provide systematic and ongoing programs to reduce or eliminate long-term risks from natural hazards. Intensified severe weather, dam and levee failure, wildland fire, flooding, and tsunamis are among the hazards addressed by these plans. Regarding sea level rise, by properly addressing the tsunami risk, the sea level rise issue is covered by limiting development within the tsunami runup area.

Lastly, the climate change issue is included in the Economic Development Element, recognizing that the world's efforts to reduce global warming may present economic opportunities for Humboldt in the areas of green technology and expertise and carbon sequestration incentives for agriculture and forestry.

3.4 Goals and Policies

Goals

- GP-G1. Plan Implementation.** Consistent and successful implementation of Plan policies throughout the planning period.
- GP-G2. Plan Maintenance.** A current General Plan responsive to community needs, which can be updated on a regular basis.
- GP-G3. Public Participation.** An open, inclusive, and responsive process for public participation in County land use decision making.
- GP-G4. Timely and Effective Coordination.** Timely and effective intergovernmental coordination that encourages coherent planning and public communications and efficient permitting, service delivery, and expenditure of public funds.
- GP-G5. Effective Permit Processing.** An efficient permitting system that permit applicants, community members, and decision makers can rely upon to implement the goals and polices of the General Plan.

Policies

Plan Implementation

- GP-P1. Priority.** Implementing the General Plan shall be a high priority of the County and be given at least equal weight to the implementation of state and federal mandates.
- GP-P2. Board of Supervisors Role.** The Board of Supervisors shall have the ultimate responsibility to interpret the General Plan and oversee its implementation.
- GP-P3. Planning Commission Role.** The Planning Commission shall serve as the primary quasi-judicial body on land use matters and the primary advisory body to the Board of Supervisors on legislative land use matters.
- GP-P4. Community Development Services Role.** Under the direction of the Board of Supervisors, the Community Development Services Department shall have primary responsibility for implementation of the Plan including coordination between County departments.
- GP-P5. Community Plans.** Community Planning Areas shall continue to be individually planned through periodic updates of Plan and Zone designations and community-specific General Plan policies.
- GP-P6. Environmental Justice.** County decision making shall avoid disproportionately impacting disadvantaged populations.

Plan Amendments

- GP-P7. Periodic Review.** Time the review and update of the entire Plan with the state-mandated Housing Element periodic update cycle or every five years at the Board of Supervisors' discretion.
- GP-P8. Required Findings and Criteria for Amendments.** A petition for amendment of this Plan may be accepted for filing upon making the finding that the proposed amendment can likely be found to be in the public interest.

All of the following criteria must be met in order to make this finding:

- A. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan, and
- B. The proposed amendment would be compatible with the surrounding area; and
- C. The revision is not appropriate for the next scheduled update; and
- D. Within the coastal zone, the amendment can likely be found consistent with the policies of the Coastal Act.

GP-P9. Errors in the Plan. Where there is an obvious error in the Plan that would prevent a land use decision otherwise consistent with the Plan, the Planning Commission or Board of Supervisors may act on the matter based on a comprehensive view of the Plan, noting the error in the decision and referring the error to the next available set of amendments.

Public Participation

GP-P10. Public Participation. Encourage and facilitate the public's right to fully participate in all land use planning decisions by dissemination of information with adequate time for review through a variety of media sources, noticing of projects and Plan changes, and through direct communication with the public by the use of explanatory guides and handouts. Planning and implementation programs shall include actions designed to engage affected interests and ensure general public involvement.

GP-P11. Accessibility. Use plain language in public communications and planning documents and distribute information using current technology but also through traditional means, such as libraries, copy centers, county offices, newspapers of general circulation, and regular mail.

Intergovernmental Coordination

GP-P12. City-State-County Coordination. Promote coordination between city, state, and County planning efforts through consistent communication, cooperative working relationships, and joint projects.

GP-P13. City General Plans. Give consideration to city general plans and city council input when updating this Plan.

GP-P14. Joint Planning. For major land use decisions adjacent to a city, involve the city early on in the planning stages through official notifications, joint staff meetings, and presentations to planning commissions and city councils.

GP-P15. Water Service Provider Coordination. Coordinate with water service providers on water supply and demand in their respective areas, and participate in the five-year updates of urban water management plans.

GP-P16. Annexations. Support annexation of urbanized areas to adjacent cities where they are the logical service provider. This includes annexation of planned urban development areas around the cities of Eureka and Fortuna. The County shall utilize this Plan when representing its position on annexations to LAFCO.

GP-P17. Incorporation. Support incorporation of McKinleyville.

GP-P18. Public Works Projects. The County shall review public works projects for conformity with this Plan.

GP-P19. Real Property Transfers and Street Abandonment. County acquisitions and disposals of real property and street vacations or abandonment shall be reviewed for conformity with this Plan.

- GP-P20. Capital Improvement Plans.** The County shall encourage and support efforts by special districts and local agencies responsible for public facilities to prepare and maintain capital improvement programs.
- GP-P21. Regional Transportation Plan.** The County shall coordinate with Humboldt County Association of Governments (HCAOG) in the preparation of the Regional Transportation Plan.
- GP-P22. Tribal Government Coordination.** The County shall coordinate with affected tribal governments during General Plan updates and amendments.
- GP-P23. Tribal General Plans.** Within reservation boundaries, the County shall utilize the tribal government's general plan for policy guidance where the County may need to exercise land use or permitting authority on non-trust lands.
- GP-P24. Legislative Priorities.** The policies included in this Plan are intended to be used by the County in formulating its legislative priorities and in drafting policy response to local, state, and federal proposals.

Permit Application Process

- GP-P25. Continuous Improvement.** Building, Planning, Public Works, and Environmental Health land use permit processes shall be continually evaluated to eliminate inefficiencies, reduce response time, and simplify procedures.
- GP-P26. Customer Service.** The permit process shall be managed to increase customer communication and satisfaction. Customers include permit applicants, community members with interest in the application, involved agencies, and decision makers.
- GP-P27. Customized Permit Processes.** The County shall design streamlined permit processes for high priority classes of projects identified in this Plan.
- GP-P28. Adequate Resources.** Resources shall be provided to ensure adequate permit staffing levels, use of modern processes and technology, innovation, and continuous improvement.

3.5 Standards

- GP-S1. Environmental Justice.** The County shall consider social and economic effects, including effects on disadvantaged populations, when assessing the significance of physical changes on the environment under CEQA pursuant to Section 15131(b) of the CEQA Guidelines.
- GP-S2. Tribal Government Coordination.** The County shall coordinate land use actions with tribal governments pursuant to Government Code Sections 65092: Public Notice to California Native American Indian Tribes; Sections 65351–65352.5: General Plan Consultation; and Sections 65560–65562.5: Consultation on Open Space.

GP-S3. State and Federal Permitting Coordination. The County shall rely upon local, state, and federal permitting processes and regulatory standards when compliance with the state and federal standards will meet or exceed the requirements of this Plan and are feasible, enforceable, and adequate to reduce environmental impacts to less than significant levels.

3.6 Implementation Measures

GP-IM1. Progress Reports. A General Plan Annual Progress Report shall be prepared by the Community Development Services Department pursuant to Government Code Section 65400(a)(2). The Progress Report shall be copied to the Planning Commission and presented to the Board of Supervisors in a public hearing.

GP-IM2. Budget Allocations. Community Development Services shall include priority Plan implementation measures in its annual budget submittals to the Board of Supervisors.

GP-IM3. Update Schedule. Maintain comprehensive General Plan review on a five-year cycle, periodic update of individual elements and community plans on an as-needed basis directed by the Board of Supervisors, and periodic General Plan amendments to respond to individual Plan Amendment petitions and routine maintenance requirements.

GP-IM4. Consistency Review of Ordinances for Plan Amendments. Review and update related ordinances for consistency with criteria for Plan amendments and Plan revision schedules as required by Government Code Sections 65300 and 65583 et seq.

GP-IM5. Meaningful Participation. Comprehensively review and update the participation processes required by County Code to provide adequate time, information, and means of input to ensure early and meaningful community involvement in planning projects as required by state law.

GP-IM6. City-State-County Coordination. County staff shall be available to work with city and state staff on issues and projects of mutual interest. County staff shall keep the Planning Commission and Board of Supervisors informed to support policy level decision making on issues that require joint coordination pursuant to Government Code Section 65103(f).

GP-IM7. Water Service Provider Coordination. County staff shall share land use data with service providers and support projects and plans that are consistent with this Plan pursuant to Government Code Sections 65302(d) and 65352.5

GP-IM8. Public Works Projects. The Public Works Department shall list proposed public works recommended for planning, initiation, or construction during the ensuing fiscal year to the Board of Supervisors for review and report as to conformity with the this Plan pursuant to Government Code Section 65401.

GP-IM9. Real Property Transfers and Street Abandonment. The County shall not acquire, dedicate, dispose, vacate or abandon real property unless in conformance with this Plan pursuant to Government Code Section 65402.

GP-IM10. Capital Improvement Plans. County staff shall be available to coordinate with special districts, including schools in the preparation of five-year Capital Improvement Plans pursuant to Government Code Section 65403.

GP-IM11. Regional Transportation Plan. The County shall maintain its representation on the Humboldt County Association of Governments (HCAOG) and staff of Public Works and Community Development shall participate in the preparation of the Regional Transportation Plan.

GP-IM12. Improvement Projects. Community Development Services shall maintain a prioritized list of on-going permit process improvement projects. The status and implementation of improvement projects shall be periodically reported to the Board of Supervisors.

GP-IM13. Customer Service Training and Satisfaction. Permitting staff shall receive periodic customer service training and customer service satisfaction will be evaluated on a periodic basis.

GP-IM14. Custom Permit Processes. Community Development Services shall design less costly or less time consuming permit processes for specific classes of projects that have been deemed eligible to receive this incentive by this Plan.

GP-IM15. Performance Measurement. Workload records and elapsed permit processing times shall be maintained by Community Development Services and reported to the Board of Supervisors on an annual basis through the budget process.