



# COUNTY OF HUMBOLDT

For the meeting of: 12/11/2018

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File #: 18-1604

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**To:** Board of Supervisors  
**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**SUBJECT:**

10:00 a.m. - Zoning Text Amendments and Zone Reclassifications to Implement the General Plan

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Introduce the ordinance by title and waive further reading;
2. Open the public hearing and receive the staff report and public testimony;
3. Close the public hearing;
4. Adopt the attached resolution (Resolution 18-\_\_ (Attachment 1)) doing the following:
  - a. Consider the Environmental Impact Report for the Humboldt County General Plan and find that it sufficiently addresses the potential environmental impacts associated with adoption of the Zone Reclassifications and Text Amendment Ordinance and was prepared in accordance with Section 15168 (c)(2) and no new information has been presented to change the findings of the EIR in accordance with section 15162 of the State CEQA Guidelines;
  - b. Make all of the required findings for approval based on evidence in the staff report and public testimony;
5. Adopt the attached ordinance (Ordinance No. \_\_\_\_ amending Title III of Humboldt County Code (Zoning Ordinance) adding Section 314-4.5 (PR - Public Resource and Recreation Zone), Section 314-7.5 (TE - Timberland Exclusive Zone), Section 314-7.6 (TL - Tribal Lands), Section 314-9 (Mixed Use Zone Districts) amending Section 314-17.1 (B - Building Site Combining Zone), adding Section 314-28.5 (MR - Mineral Resources Combining Zone), and Section 314-33.5 (RR - Railroad Rights of Way Protection Combining Zone), and amending Section 311-7 of the Humboldt County Code by Rezoning Property in the Unincorporated Areas of Humboldt County to be consistent with the General Plan. (Attachment 2));
6. Direct the Planning and Building Department to file a Notice of Determination with the Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act; and
7. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against the ordinance (Attachment 3) and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance.

8. Direct Staff to initiate preparation of the McKinleyville Downtown Plan and Community Plans for Willow Creek, Fieldbrook-Glendale and Blue Lake.

SOURCE OF FUNDING:

The salary funding for this work is included in the General Fund contribution to the Long Range Planning unit, 1100-282.

DISCUSSION:

The ultimate objective of this project is to bring the Zoning Regulations and Maps into consistency with the 2017 Humboldt County General Plan and Land Use Map. This action satisfies several requirements:

- State Planning Law, Government Code section 65860 (a) which requires consistency between the General Plan and Zoning Ordinance,
- the Environmental Impact Report (EIR) prepared for the General Plan which includes mitigation measures to bring the Zoning Ordinance and Zoning Map into consistency with the General Plan and General Plan Land Use Map, and
- Implementation Measure GP-IM6 of the General Plan which directs the County to revise the Zoning Regulations for consistency with the policies of the General Plan and to revise the Zoning Map for consistency with the General Plan Land Use Map.

This project achieves consistency between the General Plan and Zoning Ordinance by adding Principal and Combining Zones to the Inland Zoning Ordinance, and applying these new zones on the Zoning Maps as well as applying other consistent zones to properties as described in the General Plan.

Another important objective of this project is to apply precise zoning districts consistent with the General Plan to areas currently zoned "U" Unclassified. Approximately 630,000 acres of the inland portion of the County is zoned "U" Unclassified. The "U" zoning was applied to areas of the County that, at the time, had not been sufficiently studied to justify precise zoning classifications.

In addition, this project resolves Zoning inconsistencies that existed since approval of the 1984 Framework General Plan. These inconsistencies may have resulted from circumstances such as expected sewer or water system expansions that did not occur, or planned zone changes that have not yet occurred and delays in preparing and adopting Community Plans, and these inconsistencies have remained since the adoption of the General Plan Update.

This project also resolves inconsistencies that resulted from the new General Plan Land Use Maps. For these areas consistency would be achieved by applying an appropriate Zone Classification or applying a Combining Zone, such as the "B - Special Building Site Combining Zone", to ensure that the density/minimum lot size criteria are consistent with the Plan designation.

Properties zoned TPZ - Timber Production Zone with an incompatible General Plan Land Use Designation are not proposed to be rezoned with this project because the property owners and Assessor

need to be involved with establishing new assessed values. Those properties will be rezoned in a future project. The TPZ rezoning process will require approval of a timberland conversion permit by the California Department of Forestry, notice to all landowners within one mile of the exterior boundaries of the property to be rezoned; and a 4/5th vote of the Board of Supervisors.

Following is a summary of the recommended actions to achieve consistency between the Zoning Regulations and Maps and the General Plan.

### **Amendments to the Zoning Regulations (See Attachment 2)**

- Add Urban and Rural Mixed Use Zones to apply to areas planned MU - Mixed Use, VC - Village Center, and RCC - Rural Community Center per Land Use Element, Urban Lands Section Policy UL-P6 - Mixed-Use Zoning, Standard UL-S1 - Allowed Uses in Mixed-Use Areas, and Implementation Measure UL-IM1 - Neighborhood and Town Centers. The new Zone District “MU1 - Mixed Use (Urban)” will be applied to urban mixed use areas and the new “MU2 - Mixed Use (Rural)” Zone District will be applied to rural mixed use areas.
- Add a “PR - Public Resource and Recreation” Zone to the Zoning Ordinance and apply it to the publicly-owned lands with a “P - Public Lands” General Plan Land Use designation. The application of the proposed “PR” zone to resource and recreation land within the County under the jurisdiction of federal, state, county would clearly show areas where the intended use is public recreation, or resource protection or production and where the County may lack land use jurisdiction.
- Add a “TE - Timberland Exclusive” Zone to the Zoning Ordinance and apply it to the areas with a “T - Timberland” General Plan Land Use designation that are not zoned “TPZ - Timber Production Zone” or zoned “AE-B-5(160)” as part of an agricultural preserve. “T - Timberland” is an Open Space Land Use designation and “AE - Agriculture Exclusive” Zone is the only Open Space zone other than “TPZ”. The AE Zone is not as well equipped to accommodate timber production and related uses as the new TE Zone because the AE Zone is intended to be applied to “fertile areas in which agriculture is the desirable predominant use”.
- Add a “TL - Tribal Land” Zone to the Zoning Ordinance and apply it to the areas with a “TTL - Tribal Trust Lands” General Plan Land Use designation or a “TL - Tribal Lands” Land Use designation that are not zoned "TPZ". The application of the proposed “TL - Tribal Land” Zone would show land located on Native American Reservations and Rancherias and require that applications for land use and permit approvals within these areas would follow a process to determine if the County has land use jurisdiction consistent with the General Plan.
- Add a new “RR - Railroad” Combining Zone per Circulation Element Policy C-P14 - Rail Rights-of-Way and Implementation Measure C-IM16 - Mapping of Rail Rights-of-Way as Railroad.
- Add an “MR - Mineral Resources” Combining Zone to facilitate implementation of the

County's regulations for surface mining, conservation, and reclamation. The purpose of the MR Combining Zone is to ensure the compatibility of adjacent uses. The MR combining zone is proposed to be applied to parcels with permitted surface mining operations per Conservation and Open Space Element Mineral Resources Section Implementation Measure MR-IM4 - Combining Zone. The Planning Commission's recommendation also applies this new MR Combining Zone to surrounding properties to help ensure land use compatibility with surface mining operations.

- Amend the "B" Special Building Site Combining Zone to change the "B-1" designation from an 8,000 square foot minimum parcel size to a 6,000 square foot minimum parcel size. Currently an asterisk ("\*") is applied to all residentially zoned property in the Eureka Community Plan Area to indicate that the minimum parcel size is 6,000 square feet instead of the 5,000 square foot parcel size specified for residential zones in the Zoning Ordinance. For clarity, the "B-1" Combining Zone is proposed to be applied to residentially zoned properties in the Eureka Community Plan Area instead of an asterisk to indicate 6,000 square foot minimum parcel size. Approximately 3,400 acres would be affected by the B-1 Combining Zone.

### Zoning Map Changes

- Apply the existing "AP - Airport Safety Review" Combining Zone to approximately 12,810 acres within Airport Land Use Compatibility Zones around the county's seven public use airports.
- Apply two new Combining Zones:
  - "MR - Mineral Resources" Combining Zone is proposed to be applied to parcels with permitted surface mining operations, or SMARA sites. Strict interpretation of Implementation Measure MR-IM4 - Combining Zone would limit application of the MR Combining Zone to parcels with permitted surface mining operations. An alternative is presented to also apply this new MR Combining Zone to surrounding properties to help ensure land use compatibility with surface mining operations consistent with Policy MR-P3 - Right to Mine, in the Mineral Resources Section which suggests that the MR Combining Zone should be applied to 1,000 feet of vested and permitted surface mining extraction sites to ensure that notice of the right to mine can be recorded against the properties surrounding the mining site. The notice would advise current and future owners that the existing mining operation nearby has a permitted right to continue mining operations. Staff recommends that the Planning Commission consider applying the MR Combining Zone to these surrounding areas in addition to the mining sites themselves. There are approximately 19,325 acres of mining sites and an additional 24,775 acres within 1,000 feet of mining sites that would be affected by the MR Combining Zone.
  - The "RR - Railroad" Combining Zone is proposed to be applied to lands currently held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake and designated Railroad in the General Plan Land Use Element and as shown by a line symbol on the Circulation and Public Facilities Maps contained in General Plan Appendix F, Map Book. Approximately 850 acres would be affected by the RR Combining Zone.

- The “WR - Streamside Management Areas and Wetlands” Combining Zone is proposed to be applied to the outer boundaries of all of the Streamside Management Area as defined by General Plan Standard BR-S5, Streamside Management Area Defined.
- Apply Zone Classifications to lands currently Zoned “U - Unclassified” in a manner consistent with the General Plan Land Use Designation based on Table 4-H, Zoning Consistency Matrix and applying the new TE, PR and TL zones as described above. Approximately 530,350 acres zoned “U” would be affected.

## **Digital Zoning Maps**

As indicated in the General Plan, the County now uses a Geographic Information System (GIS) to generate its maps, so the Official General Plan Maps are actually individual layers in a unified comprehensive base map and are available in virtually any scale. Like the General Plan, the Planning and Building Department will maintain the new Zoning Maps using the online GIS web application (<http://webgis.co.humboldt.ca.us/HCEGIS2.0/>) which will allow the public to view and print Zoning Maps at any scale along with all of the information shown on the official maps. Official approved versions of the Zoning Maps included in this staff report will also be produced as hardcopies at the set scales established for General Plan Maps and generated as PDF files for digital distribution. Including the North, Central, and South larger scale maps, there are 39 Zoning Maps covering all Community Planning Areas and larger community areas outside Community Planning Areas.

## **Planning Commission Recommendations**

At their November 1, 2018 meeting, the Planning Commission recommended the Board of Supervisors approve the Zoning Ordinance and Zoning Map amendments as shown in Attachment 2. During the Planning Commission meetings, verbal and written requests were received from several property owners to change the proposed re-zoning of their land.

The Willow Creek Community Services District (WCCSD) and the Humboldt Bay Municipal Water District (HBMWD) expressed concerns regarding the proposed Principal Zones applied to land planned Industrial, Resource Related and the WCCSD expressed concern regarding Principal Zone applied to the Big Foot Golf Course planned Commercial Recreation. Individuals from the Willow Creek and Glendale areas expressed some of these same concerns.

The Mayor of the City of Trinidad also expressed concern about the proposed minimum lot size in the Luffenholz Creek area, which is the source of the City’s water. He requested a larger minimum lot size for these properties.

Pages 41 - 46 of the Planning Commission staff report (Attachment 4) presents all the Zoning Map changes requested at the Planning Commission meetings, and Attachment 5 contains the public comments from the November 1, 2018 meeting.

The Planning Commission voted to recommend the Zoning text amendments and map changes prepared for the November 1 meeting as shown on the County’s WebGIS layer without the changes requested by individuals as shown on pages 41 - 46 of the November 1, 2018 staff report, and leaving unchanged the existing zoning for the golf courses. They also recommended the Board of Supervisors initiate updates to the community plans for Fieldbrook-Glendale/Blue Lake and Willow Creek within two years to address the concerns raised by the public from these communities at their meetings.

Review of the proposed Zoning Maps by the Planning Commission revealed two mapping errors that were corrected in the current version of the maps presented to the Board of Supervisors:

Assessor’s Parcel Number	Initial Zone Classification	Corrected Zone Classification
519-231-018 (43 acres)	CH-D	CH-D-X
300-011-029 (two acres)	AE	C-1

### **McKinleyville Municipal Advisory Committee**

The rezones for the McKinleyville area were reviewed by the McKinleyville Municipal Advisory Committee at their meeting on November 28, 2018. The McKinleyville Municipal Advisory Committee continued the discussion to a date to be determined and as of the writing of this report, the meeting has not been scheduled.

### **Bluelake/Fieldbrook-Glendale Community Meeting**

A community meeting was scheduled for December 3rd to review the proposed Zoning Maps in the Fieldbrook-Glendale/Blue Lake area. The very clear desire of those communities is not to make any changes to the zoning map until the Community Plans have been adopted/updated for these areas.

### **Environmental Review**

The Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, certified by the Board of Supervisors on October 23, 2017, is sufficient for adoption of the proposed Zoning text and map amendments in accordance with Section 15168 (c)(2) and 15162 of the State CEQA Guidelines. A link to the EIR is included in Attachment 6 of this staff report to assist the Board of Supervisors with consideration of the EIR.

#### **FINANCIAL IMPACT:**

If the Board accepts the Planning Commission’s recommendation to initiate community planning efforts in the Willow Creek and Fieldbrook-Glendale/Blue Lake areas staffing costs this fiscal year will come from the Department’s budget account #1100-282. Review and approval of the new community plans for these areas will require a supplemental budget for the Advance Planning in FY 2019 -2020 budget. Estimated staff, consultant and public outreach costs for this effort will be approximately \$100,000.

#### **OTHER AGENCY INVOLVEMENT:**

The Willow Creek Community Services District, Humboldt Bay Municipal Water District, City of Trinidad, City of Arcata, and Humboldt County Public Works have all commented on the proposed zoning text and map amendments. The Native American Tribes were advised of the TL - Tribal Lands Zone proposed to be added to the Zoning Ordinance and Zoning Maps.

A written recommendation is expected from the McKinleyville Municipal Advisory.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The primary alternatives are to either implement the zoning changes now or not. The zoning changes being recommended in this action are designed to simply implement the General Plan and to not deviate from the direction given in the General Plan. There are those who at the Planning Commission who have expressed that this process is going too fast and would like to see it slow down. That is completely within the Board of Supervisor's discretion.

A hybrid alternative has to do with the Willow Creek, Fieldbrook-Glendale and Blue Lake Community Plan Areas. Many in these areas have expressed a desire to not see any zoning changes until the Community Plans are developed for these areas. An option for the Board of Supervisors to consider is to not make any changes within the planning boundaries for these plan areas. The Planning Commission recommendation is to go ahead and make the Zoning changes to achieve consistency with the General Plan, but to then initiate work on the Community Plans.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

1. Draft Board Resolution
2. Draft Board Ordinance
3. Post Approval Summary of the Ordinance
4. November 1, 2018 Planning Commission Resolution, Staff Report and Supplemental Information
5. Public Comments Received at the November 1, 2018 Planning Commission meeting
6. Link to the General Plan EIR

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A.

Meeting of: N/A.