

ATTACHMENT 3

Ordinance No. _____

Exhibit A (legal description), Exhibit B (map)

Staff recommended amendments to the Planning Commission's recommended Qualified (Q) combining zone are shown in underlined, italicized and bold text.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on December 4, 2018**

Ordinance No. ____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE WILLOW CREEK AREA (ZR-16-002, MCMP HUMBOLDT, LLC)

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Willow Creek area from Highway Service Commercial (“CH”) to Heavy Industrial with a Qualified combining zone (“MH-Q”). The area described is also shown on the Humboldt County zoning maps for the Willow Creek Community Plan and on the map attached as Exhibit B.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from “CH” to “MH-Q” and described in Exhibit A, in accordance with Humboldt County Code Section 314-32, which authorizes restriction of the MH zone regulations by application of the “Q” (Qualified Combining Zone).

SECTION 3. PURPOSE OF QUALIFICATIONS. The purposes of the special restrictions and regulations herein imposed on the property described in Exhibit A are to identify and restrict principally and conditionally permitted uses to those that are consistent with a General Plan designation of Industrial, Resource Related (IR) and which have no impacts on adjacent recreational, open space, and public school uses that are greater than the impacts caused by uses historically located on the MH-Q zoned property.

SECTION 4. SPECIAL RESTRICTIONS. Principal permitted uses and conditionally permitted uses otherwise allowed under the MH (Heavy Industrial) Zone regulations of Humboldt County Code Section 314-3.3 shall not be allowed on the property described in Exhibit A except as provided below:

(a) Commercial cannabis activities as approved on or before December 14, 2017, and subject to the industrial performance standards of paragraph (b)(2) herein;

(b) Principal Uses. Uses in paragraph (1) below subject to the industrial performance standards of paragraph (2) herein.

(1) Resource-related industrial processing such as timber products processing, agricultural products processing;

(2) Industrial Performance Standards

(i) **Noise.** All noise generating operations shall be buffered so that they do not exceed the General Plan Land Use/Noise Compatibility Standards, Table 13-C, for existing adjacent uses anywhere off site.

(ii) **Lights.** All lights shall be directed on-site and shielded to reduce glare to adjacent residential, recreation, and open space areas.

(iii) **Vibrations.** No perceptible vibrations shall be permitted off the building site except for surface mining processing facilities.

(iv) **Electronic Interference.** No visual or audible interference of radio or

Attachment 3

television reception by operations shall be permitted.

(v) Dust Control. All areas used for parking, traffic circulation and material storage shall be surfaced with asphalt concrete, treated with a dust suppressant or another method to maintain dust control.

(vi) Enclosures. All manufacturing and fabricating areas shall be enclosed in buildings except for surface mining processing facilities.

(vii) Storage. All equipment and materials storage areas shall be screened from adjacent residential zones or uses, public recreation zones or uses, and public schools. Equipment and materials storage areas shall be screened by walls, fences, or adequate plantings to a height of not less than six feet (6'); the fencing and plantings shall conform to all yard requirements.

(viii) Visual buffering. Screen views from adjacent public recreation uses, public schools, and Highway 96 using a vegetated corridor such that new development is screened to the extent feasible.

(ix) Does not involve industrial activity which involves the handling of toxic, highly flammable, explosive or radioactive materials in such quantities that would, if released or ignited, constitute a significant risk to adjacent human populations or development.

(x) Any construction within 50 feet of the 500-year flood plain limits or within 2 feet of the 500-year flood elevations shall conform to Humboldt County Code Section 335-5, and as may be amended from time to time, related to construction in flood prone areas.

(c) Uses permitted with a Use Permit:

(1) Uses in paragraph (b)(1) above but are not able to meet the performance standards of (b)(2) above. Conformance with Performance Standard (b)(2)(x) cannot be waived.

(2) Surface removal and processing of minerals and natural materials to be used for commercial purposes.

(3) A caretaker's residence when subordinate to the principal use.

(4) Uses in paragraph (b)(1) above and where there are no ground or surface water impacts to the lower Trinity watershed.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 20__, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

Attachment 3

ABSENT: Supervisors:

Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

Deputy

Exhibit A

PROPERTY DESCRIPTION

All that real property situated in the County of Humboldt, State of California, described as follows:

That real property situated in the Southeast Quarter of Section 29, Township 7 North, Range 5 East, Humboldt Meridian, County of Humboldt, State of California, and more particularly described as follows:

Lot 2 as shown on Tract No. 155 of the Clover Flat Subdivision for Brizard Company, filed in Book 17 of Maps, page 42, Humboldt County Records;

EXCEPTING THEREFROM, that portion of said Lot 2 of said Tract Map described as follows:

BEGINNING at the most Westerly corner of the land deeded to Alice Pauline Tully on May 17, 1973 in Book 1192 of Official Records, page 4, Humboldt County Records, also being a point on the East line of the State Highway 96 right-of-way;

THENCE, North 27 degrees 15 minutes 00 seconds West along said East line, 123.36 feet to the Southerly line of the easement granted to the County of Humboldt by deed recorded December 23, 1985 in Book 1785 of Official Records, page 368, Humboldt County Records;

THENCE, along said Southerly line North 62 degrees 23 minutes 30 seconds East (recorded is North 63 degrees 28 minutes 26 seconds East), 245.00 feet to the Northerly extension of the Easterly line of the land deeded to Alice Pauline Tully on May 17, 1973 in Book 1192 of Official Records, page 4, Humboldt County Records;

THENCE, along said Easterly line South 27 degrees 15 minutes 00 seconds East, 124.89 feet to the most Northerly corner of said land deeded to Tully;

THENCE, along the Northerly line of said land deeded to Tully, South 62 degrees 45 minutes 00 seconds West, 245.00 feet to the Point of Beginning.

Exhibit B

