

ATTACHMENT 1

DRAFT BOARD OF SUPERVISORS RESOLUTION AND FINDINGS

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____

RESOLUTION No. 18 - ____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT APPROVING AMENDMENT TO THE ZONE MAPS TO REZONE PROPERTY IN THE WILLOW CREEK AREA FROM HIGHWAY SERVICE COMMERCIAL (CH) TO HEAVY INDUSTRIAL WITH A QUALIFIED COMBINING ZONE (MH-Q) TO IMPLEMENT THE 2017 GENERAL PLAN, FILE No. 522-491-017; CASE No.: ZR-16-002

WHEREAS, MCMP Humboldt, LLC on behalf of Mercer Fraser Company, submitted an application and evidence in support of approving a Zone Reclassification for the parcel known as Assessor's Parcel Number (APN) 522-491-017 from Highway Service Commercial (CH) to Heavy Industrial with a Qualified combining zone (MH-Q), consistent with the adopted General Plan land use designation of Industrial, Resource Related (IR); and

WHEREAS, recommended amendments to the Zoning Map were developed consistent with the applicable General Plan Land Use Designation and Table 4-H Zoning Consistency Matrix; and

WHEREAS, the proposed Zone Reclassification may be approved if it can be found that: (1) the proposed change is in the public interest; (2) the proposed change is consistent with a comprehensive view of the General Plan; and (3) the amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning and Building Department reviewed the submitted application and evidence and referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, pursuant to CEQA Guidelines Sections 15162(a) and 15164, the County Planning and Building Department, the lead agency, prepared an Addendum to the certified Programmatic Environmental Impact Report ("PEIR"), State Clearinghouse No. 2007012089, adopted for the County General Plan by the County Board of Supervisors October 23, 2017, included as Attachment 2a and hereby incorporated by reference; and the property proposed for Zone Reclassification was included in discussions of the PEIR, as required by Section 15164 of the CEQA Guidelines; and

WHEREAS, pursuant to CEQA Guidelines Sections 15162(a) and 15164, the County Planning and Building Department, the lead agency, prepared an Addendum to Mitigated Negative Declaration ("MND") for the Mercer Fraser Company's Conditional Use Permit, Surface Mining Permit, Special Permit, and Reclamation Plan, State Clearinghouse Number 2016082006, adopted by the Planning Commission on March 2, 2016, included as Attachment 2b and hereby

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____

RESOLUTION No. 18 - ____

incorporated by reference; and the property proposed for Zone Reclassification was included in discussions of the MND, as required by Section 15164 of the CEQA Guidelines; and

WHEREAS, pursuant to CEQA Guidelines Sections 15162(a) and 15164, there is no substantial evidence that substantial changes are proposed by the Zone Reclassification which require major revisions of the PEIR or MND, no substantial changes to the circumstances under which the Zone Reclassification is being undertaken that require major revisions in the PEIR or MND, or no new information has become available which was not known at the time the PEIR were certified as complete and the MND adopted. Furthermore, the preparation of a subsequent PEIR or MND is not required pursuant to CEQA Guidelines Section 15162(a), as there is no substantial evidence that project changes, changed circumstances or new information would result in new significant environmental effects, substantially more severe significant environmental effects of previously identified significant effects, or newly feasible or different mitigation measures which would substantially reduce one or more significant environmental effects; and

WHEREAS, the Board of Supervisors considered the Addendum to the PEIR (Attachment 2a) and the Addendum to the MND (Attachment 2b); and

WHEREAS, Exhibit A to this Resolution includes substantial evidence in support of making all of the required findings for approving the proposed amendment to the Zoning Map; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on December 14, 2017; and

WHEREAS, at their December 14, 2017 meeting, the Planning Commission recommended the Board consider the Addendum to the previously adopted Mitigated Negative Declaration, make the necessary findings for the zone reclassification, and approve the zone reclassification.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors, based upon reports to the Planning Commission and Board of Supervisors, testimony presented at the public hearings, and having considered the recommendation of the Planning Commission, that the Board:

1. Finds there is no substantial evidence that substantial changes are proposed in the Zone Reclassification which require major revisions of the previously certified PEIR or adopted MND, no substantial changes to the circumstances under which the Zone Reclassification is being undertaken that require major revisions in the PEIR or MND, and no new information has become available which was not known at the time the PEIR were certified as complete and the MND adopted; and
2. Finds the preparation of a subsequent PEIR and MND is not required pursuant to CEQA Guidelines Section 15162(a) as there is no substantial evidence that project changes, changed circumstances or new information involve new significant environmental effects, substantially more severe significant environmental effects, or newly feasible or different mitigation measure which would substantially reduce one or more significant environmental effects; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____

RESOLUTION No. 18 - ____

KATHY HAYES
Clerk of the Board of Supervisors of
the County of Humboldt, State of
California

By _____

Exhibit A -- Findings of approval for Zoning Ordinance amendments

Attachment 1: Exhibit A – Findings

California Environmental Quality Act Finding

Finding:

- 1a) A Zone Reclassification is a project for the purposes of the California Environmental Quality Act (CEQA). The Department prepared an Addendum to the Programmatic Environmental Impact Report (PEIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017, in accordance with Section 15164 of the State CEQA Guidelines, and an Addendum to the Mitigated Negative Declaration for the Mercer Fraser Company's Conditional Use Permit, Surface Mining Permit, Special Permit, and Reclamation Plan, State Clearinghouse Number 2016082006.
- 1b) The County of Humboldt prepared Addendums finding that there are no significant impacts associated with the project that cannot be mitigated to a less than significant level in compliance with CEQA, the Board of Supervisors reviewed and considered the information in the Initial Study/Mitigated Negative Declaration, and the Initial Study/Mitigated Negative Declaration reflects the County of Humboldt's independent judgment and analysis.
- 1c) The County of Humboldt adopted findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and certified a PEIR for the General Plan on October 23, 2017 (State Clearinghouse # 2007012089). The project will not result in additional environmental effects that were not adequately examined in the PEIR certified for the General Plan.

Facts

- 1a) The PEIR states "Foreseeable future development actions that may tier off of this PEIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this (PEIR)." In addition, the PEIR specifically added Mitigation Measure 3.1.3.2.a. to add an implementation measure to the Growth Planning section of the Land Use Element (GP-IM6, Zoning Consistency) to reduce potential impacts related to conflict between the General Plan Update and applicable land use regulations:

“Implementation Measure GP-IM6, Zoning Consistency. Within two years after the adoption of the General Plan Update, revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and amend the Zoning Map to achieve consistency with the General Plan Land Use Map.”
- 1b) CEQA statute (Section 21083.3(b)) allows that if a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report.
- 1c) Principal and Combining Zones are being added to the Zoning Regulations to implement and ensure consistency with the General Plan as directed by General Plan Land Use Element Implementation Measure GP-IM6, Zoning Consistency which anticipates the need to revise

Attachment 1
Exhibit A

the Zoning Map and Zoning Regulations and directs the County, within two years after the adoption of the General Plan Update, to revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and amend the Zoning Map to achieve consistency with the General Plan Land Use Map.

- 1d) PEIR Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies that following adoption of the General Plan Update, the General Plan Implementation Action Plan will be carried out. Key implementing actions include updating the Zoning Code.
- 1e) PEIR Section Chapter 3.1 Land Use, Housing and Population, Impact 3.1.3.2: Conflict with Applicable Land Use Plans, Policies or Regulations, analyzes potential conflict with any applicable land use plan, policy, or regulation, including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance and found that impacts would be less than significant upon the implementation of a mitigation measure to revise the Zoning Map and Zoning Regulations for zoning consistency.
- 1f) Amendments to the Zoning Map involve the application of Zone Classifications to achieve consistency with the General Plan Map based on the General Concepts in Applying Compatible Zones per Table 4-H, Zoning Consistency Matrix described in the staff report including Combining Zones which are applied to ensure that the minimum lot size consistent with density range, proximity to public use airports, and status as mineral extraction site.
- 1g) The project actions are specifically enumerated in the General Plan and contemplated in the in Mitigation Measure 3.1.3.2.a of the PEIR.
- 1h) In addition to serving as the environmental document for the approval of the General Plan Update, the PEIR was intended by the County to serve as the basis for compliance with CEQA for future actions to implement the General Plan Update, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.

Finding:

2. In accordance with Public Resources Code Section 21166 and Section 15164(e) of the CEQA Guidelines, none of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the project:

Facts

- 2a) The Addendums to the PEIR and Mitigated Negative Declaration were presented to the Board of Supervisors in advance of the public meeting on December 4, 2018.
- 2b) The Board of Supervisors reviewed and considered the Addendums to the PEIR and MND prior to taking action on the zoning map amendment.

Attachment 1
Exhibit A

- 2c) The zoning map amendment of parcel of land known as Assessor Parcel Number (APN) 522-491-017 is consistent with the General Plan.
- 2d) All significant effects on the environment due to the implementation of the project have been eliminated or substantially lessened where feasible through the PEIR mitigation measures adopted in connection with the Board of Supervisor's approval of the PEIR. All PEIR mitigation measures applicable to the project have been incorporated into the project.
- 2e) All significant effects on the environment due to the implementation of the project have been reduced a less than significant impact through the MND mitigation measures adopted in connection with the Planning Commission's approval of the MND. All MND mitigation measures applicable to the project have been incorporated into the project.
- 2f) In accordance with Public Resources Code Section 21094(d), the Planning Commission found that any significant and unavoidable impacts of the project with regard to agricultural and timber resources, utilities and services systems, transportation, hazards and hazardous materials, geology and soils, hydrology and water quality, air quality, greenhouse gas emissions, cultural resources, scenic resources, and energy consumption and conservation are outweighed by overriding considerations as set forth in the PEIR and in the Findings adopted by the Board of Supervisors in connection with the approval of the PEIR, as incorporated by reference and reaffirmed herein.
- 2g) The project does not include any changes in the General Plan and no substantial changes have occurred with respect to the circumstances under which the project is to be undertaken consistent with the General Plan, so the PEIR does not require any revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- No new information of substantial importance, which was not known and could not have been known at the time that the PEIR was certified as complete, shows that the Zoning Ordinance and Zoning Map amendments would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the PEIR, that mitigation measures or alternatives found infeasible in the PEIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the PEIR would substantially reduce one or more significant environmental impacts found in the PEIR.
 - No information was submitted which identified potentially significant impacts not addressed in the PEIR.
- 2h) Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Board of Supervisors, exercising its independent judgment and analysis, finds that the project is consistent with the General Plan, falls within the environmental parameters analyzed in the PEIR and MND, and would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the PEIR and MND, nor would new mitigation be required for the project.

Attachment 1
Exhibit A

2i) The Planning and Building Department is the custodian of the records of the proceedings on which this decision is based. The records are located at the Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501.

Findings of Approval for the Zoning Map Amendment

Finding:

3. The Zoning Map amendment is in the public interest.

Facts:

- 3a) The project will ensure consistency between the General Plan Land Use Map and the Zoning Map. The proposed amendment to the zoning map provides for consistency with the General Plan Industrial, Resource Related (IR) Land Use Designations identified on the General Plan Land Use Map and Table 4-H Zoning Consistency Matrix. This project is in the public interest because it achieves consistency between the General Plan and the Zoning Map.
- 3b) The purpose of the zone map amendment is to implement the Industrial, Resource Related (IR) designation adopted in the 2017 General Plan, and better reflect the historic and current use of the property for commercial surface mining and the associated processing of mined aggregate.
- 3c) The proposed zone map amendment will correct the existing zoning of Highway Service Commercial (CH) that is inconsistent with the Industrial, Resource Related (IR) land use designation.
- 3d) The proposed rezone would also facilitate development of a commercial cannabis manufacturing facility conditionally approved under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Ordinance No. 2559.
- 3e) The zoning change would provide additional resource related industrial development potential in the Willow Creek area with minimal impacts to county roads or other neighboring land uses because the site is accessed directly from the property from Route 96, a state highway.

**Attachment 1
Exhibit A**

Finding:

4. The proposed Zone Reclassification is in conformance with the County General Plan.

Facts:

The following table lays out the proposed Zone Reclassification consistency with the General Plan:

General Plan Goal, Policy and/or Standard	Project Evidence
Chapter 4 - Land Use Element	
<p>Section 4.8: Land Use Designations Table 4-H. Zoning Consistency Matrix</p> <p>Industrial, Resource Related (IR): This designation provides areas for resource-related industrial processing such as timber, agriculture and mineral products processing in areas not typically served by urban services and therefore not suitable for a broader range of industrial uses.</p> <p>No density range is specified.</p>	<p>The proposed rezone would change the current Highway Service Commercial (CH) principal zone district to Heavy Industrial (MH). Table 4-H of the General Plan lists the MH zoning district as a zoning district that is consistent with the Industrial, Resource Related (IR) land use designation. As required by the General Plan, specifically Table 4-H, the proposed zoning map amendment will also modify and limit the allowable MH uses by the concurrent adoption of a Qualified combining zone. The purpose of the Qualified combining zone, included in Attachment 3, is to ensure uses and development are consistent with the Industrial, Resource Related land use designation, and protect of the adjacent land uses. The proposed Q zone limits permissible uses to resource-related industrial processing, e.g., timber products or agricultural products processing, and establishes a number of performance standards that must be satisfied. Surfacing mining operations and associated activities will continue to be subject to a use permit under the proposed Q zone.</p> <p>Resource-related industrial uses that cannot meet the performance standards may be conditionally permitted subject to securing a use permit pursuant to the all of the requirements of the Zoning Regulations under the proposed Q zone.</p>
<p>Urban Lands, Section 4.3</p> <p>Goals and policies contained in this Chapter relate to adequate water and wastewater services.</p>	<p>The proposed zone map amendment will facilitate the development of the parcel with a resourced related industrial uses while providing measures to minimize impacts for adjacent uses. The site is served by existing community water connection provided by the Willow Creek Community Services District and has an existing onsite wastewater treatment system. Any future uses will have a community water service connection and must meet the local and state regulatory requirements for onsite wastewater treatment.</p>
Chapter 7 - Circulation Element	

**Attachment 1
Exhibit A**

<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-P1(D), C-P2.</p>	<p>The project site is located approximately 0.50 miles north of the Highway 96-Highway 299 intersection, with access directly off Highway 96. The Highway 96 roadway is 40 feet in width, striped, semi-shouldered, and in good condition, and is classified as a Minor Arterial (MND, page 154). The 2016 Caltrans average annual daily traffic volume (AADT) was 3100 back/2000 ahead vehicles on Highway 96 (mile 0.1 – north of Hwy 299)¹. Highway 96 provides access to the Hoopa Valley Reservation and High School, Trinity Valley Elementary School, Six Rivers National Forest Lands, Trinity River recreation areas, the Mercer-Fraser Willow Creek project site, rural residences, agricultural operations, and state and federal agency offices. The zoning map amendment provides for the existing uses subject to a use permit, and other resource-related industrial uses at a location with direct access to a state highway, and in close proximity to a major transportation corridor.</p> <p>Staff recommends that evidence supports finding the project as proposed and conditioned is consistent with the General Plan circulation policies and standards.</p>
<p>Chapter – 8 Housing Element</p>	
<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>Due to the existing CH zoning, a commercial zoning district, the zone reclassification does not involve residential development, nor is the project site included of the 2014 Regional Housing Needs Allocation (RHNA) inventory. The subject parcel is not mapped as a parcel which is zoned to principally permit emergency shelters [Reference: Attachment G of Appendix G of 2014 Housing Element]. Nor is the parcel in a mapped Housing Opportunity Zone. Residential uses are not identified as allowable or compatible uses in the IR land use designation except when subordinate to the principal use. The proposed Q zone would allow for a caretaker’s residence as a conditional use and subject to securing a use permit. The evidence supports finding the proposed rezone to MH-Q to be consistent with the Housing Element goals and policies, and finding it will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Chapter 10 - Conservation and Open Space Elements</p>	
<p>Open Space, Section 10.2 Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies’ plans and that preserves the county’s unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>Neither the IR land use designation nor the current CH zoning districts is identified as land use categories for implementation of the conservation and open space program, and this will be remain the case under the proposed zone reclassification to Heavy Industrial (MH). Therefore, the project does not conflict with referenced sections of the General Plan.</p>

¹ At the time the MND was adopted the available Caltrans AADT was from 2001. The 2001 reported AADT were 2950 back/1900 ahead vehicles on Highway 96 (mile 0.1 north of Highway 299).

**Attachment 1
Exhibit A**

<p>Biological Resources, Section 10.3 Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The Trinity River is adjacent at the southern end of the property proposed to be rezoned. Moving northward, there is area separating the subject property and the Trinity River.</p> <p>Under the current zoning and the proposed zoning map amendment, all development is subject to General Plan Streamside Management Area regulations which stipulate setbacks to buffer stream areas, and limit development in proximity to these streams. The proposed rezone does not alter these requirements. Staff recommends the evidence supports a finding of consistency with the General Plan Biological Resource policies.</p>
<p>Cultural Resources, Section 10.6 Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p>	<p>There are no known cultural resources at this location, and areas associated with the surface mining operation have been used for more than 40 years and no significant finds of historic, archeological, and paleontological resources or human remains have occurred during this time period. The extraction areas are subject to high winter flows, replacing surface gravel materials on an annual basis. The proposed amendment to the zoning map will not affect state or federal regulations concerning the protection of cultural resources or remains should they be encountered. Staff recommends the evidence supports a finding of consistency with the General Plan Cultural Resource policies.</p>
<p>Scenic Resources, Section 10.6 Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and support for a designated scenic highways system that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related Standards: SR-S2, Scenic Highway Standards; and SR-S4, Light and Glare</p>	<p>A scenic vista is defined as a viewpoint that provides expansive views of a highly-valued landscape (such as an area with remarkable scenery or a resource that is indigenous to the area) for the benefit of the public. There are no designated scenic vistas in the area.</p> <p>Although there are no highways in the County are officially designated as California Scenic Highways, Route 96 from the intersection with Route 299 north to Siskiyou County could be eligible for official designation. The parcel proposed to be rezoned, however, does not contain any landmark trees, rock outcroppings, or buildings of historical significance although the Big Rock Day Use Area and River Access is adjacent to the east. This is a developed public recreation area owned and operated by Six Rivers National Forest.</p> <p>The zoning map amendment includes the adoption of a Q-combining zone that requires principally permitted development provide screening from adjacent public recreation uses, public schools, and the Highway 96 corridor. Also, that screening be installed to screen the visibility of storage areas from adjacent uses.</p> <p>Staff recommends the evidence supports a finding of consistency with the General Plan Scenic Resources policies.</p>
<p>Chapter 11 - Water Resources Element</p>	

**Attachment 1
Exhibit A**

<p>Stormwater Drainage Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G, WR-G7, WR-G8, WR-G8x); and</p> <p>Related policies: WR-P8. Erosion and Sediment Discharge; WR-P36. Erosion and Sediment Control Measures; WR-P40 Commercial and Industrial Activities; WR-P41 Oil/Water Separation; WR-P45 Reduce Toxic Runoff</p>	<p>The project site is in the lower Trinity watershed. The proposed rezone will alter grading permit requirements concerning minimizing erosion and sedimentation for ground disturbance. Additionally, General Plan standard WR-S13 applies to all commercial and industrial development even those only requiring a building permit. WR-S13 is for the minimization of soil exposure and deploying erosion control measures, retention of natural vegetation, etc. for disturbing activities. As all development is subject to these provisions and application is not altered by the proposed zoning map change, staff finds the evidence supports a finding of consistency with the General Plan Stormwater goals, policies, and standards.</p>
<p>Onsite Wastewater Systems Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11)</p>	<p>The project site is located within the service area of the Willow Creek Community Services District (WCCSD) which does not have a wastewater treatment system. Therefore, the applicant must develop a system that meets the requirements of Division of Environmental Health and the Regional Water Quality Control Board and adequately treats the estimated wastewater discharge volume and strength for both domestic and manufacturing uses that will be present. Furthermore, systems must provide adequate separation from ground water. The requirements outlined above are applicable to development allowed under the current CH zoning, and will not be affected by the proposed rezone.</p>
<p>Chapter 13 - Noise Element</p>	
<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise Standards: The Land Use/Noise Compatibility Standards (Table 13-C) shall be used as a guide to ensure compatibility of land uses.</p>	<p>The proposed rezone includes the adoption of a noise performance standard applicable specifying that noise generating operations be buffered to be in conformance with the Table 13-C of the General Plan; therefore, the evidence supports finding the proposed zoning amendment consistent with the Noise Element of the General Plan's.</p>
<p>Chapter 14 - Safety Element</p>	

**Attachment 1
Exhibit A**

<p>Geologic and Seismic Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The project site is in an area rated “low instability” and has a slope of less than 15 percent per the County’s GIS. The proposed zoning map amendment will not alter the existing geologic and seismic conditions. The applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan. These measures are a condition of approval.</p>
<p>Flooding Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p>	<p>Portions of the subject parcel, especially on the north, are within 100- and 500-year flood plain of the Trinity River per the June 21, 2017 FEMA flood zone mapping (FIRM Panel 06023C0760F) as seen in Exhibits B and C of Attachment 8, portions of the property. The subdivision that created the subject parcel stipulates that all development within the 500-year plain shall be constructed in accordance with the County’s flood damage prevention regulations, HCC Section 335-5. These regulations usually only extend to development within 100-year flood plain. Application of this requirement will result in development that is constructed to be floodproofed and/or elevated over the base-flood elevation, and as this requirement is embedded in the subdivision map of record it applies regardless of the parcel’s zoning. Staff believes that a finding of consistency with the General Plan flood hazard policies and standards can be made based on the discussion above.</p>
<p>Hazardous Industrial Development Related policies: Hazardous Industrial Development, S-P36; Hazardous Material Handling and Emergency Response, S-S16; Hazardous Materials Handling.</p>	<p>The recommended Qualified combining zone does not allow for industrial activities that involve 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, as a principally permitted use. Should an application for resource-related industrial processing be proposed that is unable to meet the performance standards, it would be subject to the use permit application and the discretionary review process. The proposed rezone will not alter the Health and Safety Code requirements for handling, reporting, etc. of hazards materials or waste, or the administration of these regulations at local or state level. Based on the above findings, proposed project is determined to be consistent with the goals and policies of the Hazardous Waste Management Plan, which is a part of the Humboldt County General Plan.</p>
<p>Chapter 15 - Air Quality Element</p>	

**Attachment 1
Exhibit A**

<p>Air Quality</p> <p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G2X) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>The proposed amendment to the zoning map will not affect the requirement that all applications for grading and or building permits be subject to review by the North Coast Air Quality Management District (NCAQMD) for review and consultation. Additionally, the proposed Q-combining zone includes a performance standard applicable to all permissible projects concerning controlling dust in all parking, circulation, and material storage areas.</p>
<p>Appendix C - Willow Creek Community Plan</p>	
<p>Safety. WCCP-P3 Flood Hazards.</p> <p>Use the 500-year flood plain level (1964) for land use planning and zoning purposes. The flood plain for the Trinity River in the planning area is included in Figure 1 of the Community Plan.</p>	<p>As shown in Exhibits B and C of Attachment 8, portions of the property, especially on the north, are within the 100- and 500-year flood plain of the Trinity River. As discussed in the report, the subdivision that created the subject parcel stipulates that all development within the 500-year plain shall be constructed in accordance with the County's flood damage prevention regulations, HCC Section 335-5. These regulations usually only extend to development within 100-year flood plain. Application of this requirement will result in development that is constructed to be floodproofed and/or elevated over the base-flood elevation. As this requirement is embedded in the subdivision map of record, it applies regardless of the parcel's zoning.</p>

Finding:

5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Facts:

- 5a) The subject site is designated for industrial resource related uses and not for residential, as a result the rezone will not interfere with land needed for development of housing.

Attachment 1
Exhibit A