

Attachment 1

Draft Board of Supervisors Resolution

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____

Resolution No. ____ - ____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT APPROVING THE ZONE RECLASSIFICATIONS AND TEXT AMENDMENT ORDINANCE TO IMPLEMENT THE 2017 GENERAL PLAN

WHEREAS, Humboldt County initiated Zoning Text Amendments and Zone Reclassifications to Implement Humboldt County General Plan Land Use Element Implementation Measure GP-IM6. Zoning Consistency, which directs the County to, 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; and

WHEREAS, Recommended amendments to the Zoning Regulations and the application of Zoning Districts to the Zoning Map, as well as the recommended minimum lot size were developed consistent with the applicable General Plan Land Use Designation and Table 4-H Zoning Consistency Matrix; and

WHEREAS, the proposed Zoning Text Amendments and Zone Reclassifications may be approved if it can be found that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with 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;

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

WHEREAS, The Programmatic EIR (prepared for the General Plan Update) Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies updating the Zoning Code in a manner consistent with the General Plan as a key implementing action; and

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

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on October 4, October 18 and November 1, 2018; and,

WHEREAS, a public hearing was held on the matter before the Board of Supervisors on December 11, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors that the Board of Supervisors:

1. The Board of Supervisors has considered the Addendum and 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 and finds that the EIR for the General Plan is sufficient to address 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) of the CEQA Guidelines to anticipate adoption of Zoning Text and Map Amendments to implement the General Plan and no new information has been presented change the findings of the EIR in accordance with section 15162 of the State CEQA Guidelines; and
2. Makes all of the required findings for adoption of the Zoning Ordinance and Map amendments based on evidence in Exhibit A of this resolution, which is incorporated fully into this Resolution; and
3. Directs the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
4. Directs the Clerk of the Board to publish a summary of the ordinance within 15 days of adoption including the names of the Supervisors voting for and against the Ordinance.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on _____, by the following vote:

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chair
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)
) SS.
County of Humboldt)

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made

in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

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

By:

KATHY HAYES

Date: _____, 2018

By _____
Deputy

Exhibit "A" -- Findings of approval for Zoning Ordinance amendments

California Environmental Quality Act Findings

Finding

1. The County of Humboldt adopted findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and certified an Environmental Impact Report (EIR) 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 EIR certified for the General Plan.

Facts

1(a) The EIR states “Foreseeable future development actions that may tier off of this EIR 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 (EIR).” In addition, the EIR 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.”

1(b) CEQA statute (§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.

1(c) 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 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.

1(d) EIR 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.

1(e) EIR 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.

1(f) 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.

1(g) The project actions are specifically enumerated in the General Plan and contemplated in the in Mitigation Measure 3.1.3.2.a of the EIR.

1(h) In addition to serving as the environmental document for the approval of the General Plan Update, the EIR 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 21094(b) and Section 15168(c)(2) 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

2(a) The EIR was presented to the Board of Supervisors in advance of the public meeting on December 13, 2018.

2(b) The Board of Supervisors reviewed and considered the EIR prior to taking action on the Zoning Text and Zoning Map amendments.

2(c) The new Zone Districts and the rezoning of properties is consistent with the General Plan.

2(d) All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the EIR mitigation measures adopted in connection with the Board of Supervisor's approval of the EIR. All Program EIR mitigation measures applicable to the Project have been incorporated into the Project.

2(e) 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 EIR and in the Findings adopted by the Board of Supervisors in connection with the approval of the EIR, as incorporated by reference and reaffirmed herein.

2(f) 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 EIR 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 EIR 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 EIR, that mitigation measures or alternatives found infeasible in the EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the EIR would substantially reduce one or more significant environmental impacts found in the EIR.

- No information was submitted which identified potentially significant impacts not addressed in the EIR.

2(g) 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 EIR, 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 EIR, nor would new mitigation be required for the Project.

2(h) 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 Zoning Ordinance and Zoning Map Amendments

Finding

1. Public Interest: The Zoning Text and Zoning Map amendments are in the public interest.

Facts

(a) The purpose this project is to ensure consistency between the General Plan Land Use policy and Map and the Zoning Regulations and Map. The proposed project amends the Zoning Regulations to add Principal and Combining Zones specified in the General Plan and applies Zoning Classifications countywide to provide for consistency with the General Plan 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 Regulations and Zoning Map.

(b) The following analysis was used to identify the zones for specific areas most consistent with Table 4-H of the General Plan, the Zoning Consistency Matrix:

- Within Community Planning Areas apply the “RA - Rural Residential Agriculture” Zone to lands planned Residential Agriculture (RA) and to lands planned Residential Estates (RE). Both the RA and RE General Plan Land Use Designations are Residential Land Use Designations, where residential uses are the primary allowable use, but manufactured home parks, general agriculture, community commercial are also allowable use types.
- Outside Community Planning Areas apply the “AG - Agriculture General Zone” to lands planned Residential Agriculture (RA) and to lands planned Residential Estates (RE) because these areas are not expected to rely upon community water or wastewater services. The RA zone is also be applied outside Community Plan Areas where water service is provided and to areas where urban sized lots are present.
- Apply an “FR - Forestry Recreation” Zone to lands outside Community Planning Areas containing large timberland lots or a mixture of residential and commercial, largely visitor serving commercial uses, that is planned Residential Agriculture.
- Apply the “B - Special Building Site” Combining Zone to take into consideration factors such as service availability, proximity to an established road network, surrounding land uses; and the average parcel size within the zoning district.
- Apply the “PF1 - Public Facilities-Urban” Zone to lands planned Public Facility (PF) if they are located within Community Planning Areas and either have or are expected to have essential services or extensive impact civic uses, and apply the “PF2 - Public Facilities-Rural” Zone if located outside Community Planning Areas and where existing or planned uses are less intensive.
- Apply the “AE - Agriculture Exclusive” Zone, as identified in the Open Space Action Plan, to lands planned Agriculture Exclusive (AE), or Agriculture Grazing (AG) that are not zoned TPZ.
- Apply the “AE - Agriculture Exclusive” Zone with a “B - Special Building Site”

Combining Zone specifying a 160 acre minimum lot size to lands within an Class B agricultural preserve or subject to a Williamson Act contract that are currently zoned “U - Unclassified”. Parcels within a Class B agricultural preserve or subject to a Williamson Act contract are required by contract to be a minimum of 160 acres in size.

- Apply the “TE – Timberland Exclusive” Zone 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. “
- Apply the “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".
- Apply the “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.

Finding

2. General Plan Consistency: The Zoning Text and Zoning Map amendments are in conformance with other applicable policies and standards of the Humboldt County General Plan.

Facts

(a) The following paragraphs explain how the project is consistent with the General Plan:

General Plan Goal, Policy and/or Standard	Project Evidence
Chapter 4 - Land Use Element	
Section 4.8: Land Use Designations Table 4-H. Zoning Consistency Matrix	Using the Geographic Information System (GIS), existing Zoning Classifications on the Zoning Map were compared to the General Plan Land Use Designations identified on the Land Use Element Maps. Where Zoning Classifications were found to be consistent based on Table 4-H, Zoning Consistency Matrix and the minimum lot size was consistent with the specified residential density range, no changes were made. Where an inconsistency was found, appropriate Principal and Combining Zoning Classifications are recommended to applied to ensure that the minimum lot size is consistent with General Plan density range, and that appropriate zones are used to reflect General Plan policy for properties in proximity to public use airports, railroad rights of way, streamside management areas, and mineral extraction sites based on the General Concepts in Applying Compatible Zones per Table 4-H, Zoning Consistency Matrix and described above in the staff report.

General Plan Goal, Policy and/or Standard	Project Evidence
<p>Section 4.3 Urban Lands: Goals and policies contained in this Chapter relate to adequate water and wastewater services and urbanized areas. UL-P6, Mixed-Use Zoning; UL-S1, Allowed Uses in Mixed-Use Areas; and UL-IM1, Neighborhood and Town Centers</p>	<p>To maintain consistency with the General Plan, the Zoning Regulations are recommended to be amended to establish Urban and Rural Mixed Use Zone Classifications consistent with General Plan Land Use Element Urban Land policies and implementation measures. The new Zoning Classification, “MU1 – Mixed Use (Urban)” will be applied as appropriate to urban mixed use areas designated MU and VC on the Land Use Map, and “MU2 – Mixed Use (Rural)” will be applied to rural mixed use areas, as appropriate, to areas designated VC, and RCC on the Land Use Map.</p>
Chapter 7 - Circulation Element	
<p>Goals and policies contained in this Chapter relate to existing and proposed major thoroughfares, transportation routes, terminals, and other local transportation facilities and includes consideration of roads, public transportation, bicycle and pedestrian travel, airports, and marine and rail transportation. (C-P14. Rail Rights-of-Way and C-IM16. Mapping of Rail Rights-of-Way as Railroad)</p>	<p>The “RR - Railroad” Combining Zone is recommended 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.</p>
Chapter 8 - Housing Element	
<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>The Housing Element obligates that County to accommodate its Regional Housing Need Allocation. The countywide rezoning project establishes new Zoning Classifications such as the new mixed use zone which supports increased residential densities coupled with commercial uses and applies Zoning Districts to the Zoning Map to be consistent with the General Plan. During the process of General Plan adoption, a rigorous analysis of General Plan consistency was performed, including an analysis of consistency between the Land Use Element and Land Use Maps and the Housing Element, where the General Plan was found to 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. The proposed Zoning Maps conform to and carry out the General Plan Land Use Map. They also do 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>

General Plan Goal, Policy and/or Standard	Project Evidence
Chapter 10 - Conservation and Open Space Element	
<p>Section 10.3 Biological Resources 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>The General Plan Conservation and Open Space Element Biological Resources Section amended the policies relating to Streamside Management Areas, and Implementation Measure BR-IM6, Modifications to the Streamside Management Area (SMA) Ordinance would modify the Zoning Regulations to be consistent. The “WR- Streamside Management Area and Wetlands” Combining Zone is applied to areas subject to SMA regulations and the Zoning Map is recommended to be modified to reflect SMAs as prescribed by BR-S5, Streamside Management Areas Defined.</p>
<p>Section 10.4 Mineral Resources Goals and policies contained in this Chapter relate to the identification of the county’s known mineral resources and support the conservation, development, and utilization of these resources (MR-G1. Long-Term Supply of Mineral Resources and MR-G2. In-stream Sand and Gravel Extraction).</p>	<p>The “MR - Mineral Resources” Combining Zone is recommended to be added to parcels with permitted surface mining operations, or SMARA sites. Although the implementation measure associated with this action limits the application of the “MR Combining Zone to parcels with permitted surface mining operations, Policy MR-P3. Right to Mine, in the Mineral Resources Section Would suggest that the “MR” Combining Zone should be applied to 1000 feet of vested and permitted surface mining extraction sites to ensure that notice of the right to mine can be recorded against the property for which a discretionary permit is sought. The notice shall advise owners and subsequent interests in ownership that the existing mining operation has a permitted right to continued mining operations. Staff has identified 1000 feet of mining extraction sites areas and recommends that the Planning Commission applying the “MR” Combining Zone to these areas in addition to SMARA sites.</p>
Chapter 14 - Safety Element	
<p>Goals and policies contained in this Chapter relate to to reduce the risk of death, injuries, property damage, and economic and social dislocation resulting from earthquake, fire, flood, and other hazards (S-G5, Airport Safety).</p>	<p>To ensure that all new development in the vicinity of airports that minimizes exposure to aircraft hazards the “AP - Airport Safety Review” Combining Zone is applied to match the outer boundaries of the Recommended Compatibility Zones contained in the March 1993 Airport Land Use Compatibility Plan.</p>