

ATTACHMENT 2

Draft Board of Supervisors Ordinance

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings

Meeting of June 11, 2019

Ordinance No. _____

AMENDING TITLE III, DIVISION 1, CHAPTERS 2 AND 4 OF THE HUMBOLDT COUNTY CODE (ZONING CODE) TO BE CONSISTENT WITH THE GENERAL PLAN BY AMENDING SECTION 312-2.1, ZONING CLEARANCE CERTIFICATE PROCEDURES, AND SECTION 312-17.1, REQUIRED FINDINGS FOR ALL PERMITS; ADDING SECTION 314-4.5 (PR - PUBLIC RESOURCE AND RECREATION ZONE), AND SECTION 314-7.6 (TL - TRIBAL LANDS); AMENDING SECTION 314-21.1 "F – FLOOD HAZARD AREAS" COMBINING ZONE; ADDING SECTION 314-28.2 (MR - MINERAL RESOURCES COMBINING ZONE), AND SECTION 314-33.2 (RR - RAILROAD RIGHTS OF WAY PROTECTION COMBINING ZONE) AND BY AMENDING SECTION 314-61.1 STREAMSIDE MANAGEMENT AREA REGULATIONS.

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS. Chapter 4 of the Zoning Regulations (Title III of Humboldt County Code) is hereby being amended to be consistent with the Humboldt County General Plan adopted on October 23, 2017, by amending Section 312-2.1, Zoning Clearance Certificate Procedures; amending Section 312-17.1, Required Findings for all Permits; adding Section 314-4.5 (PR - Public Resource and Recreation Zone) and Section 314-7.6 (TL - Tribal Lands); amending Section 314-21.1 "F – Flood Hazard Areas" Combining Zone; adding Section 314-28.2 (MR - Mineral Resources Combining Zone), and Section 314-33.2 (RR - Railroad Rights of Way Protection Combining Zone); and Amending Section 314-61.1 Streamside Management Area Regulations.

SECTION 2. The following subdivisions of Section 312-2 regarding Zoning Clearance Certificate Procedures in Title III, Division 1, Chapter 2 of the Humboldt County Code are amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

- 2.3.2 **Application Form.** The Planning and Building ~~Community Development Services~~ Department shall provide standard forms on which applications for zoning clearance certificates can be filed.
- 2.3.3 **Filing Applications.** Applications for a zoning clearance certificate shall be filed with the Planning Division of the Planning and Building ~~Community Development Services~~ Department on the forms provided. At the time the application is filed, the applicant shall submit the required filing fees prescribed by the Board of Supervisors. All other plans, specifications and information that may be required by the Department to demonstrate compliance with the zoning regulations shall be filed with the application.
- 2.3.4 **Processing Applications.** Within five (5) working days of accepting an application, the Planning Division shall review the proposed development for conformance with the Humboldt County General Plan, in particular the Open Space Plan and Open Space Action

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Program, and the Humboldt County Zoning Regulations, and, if applicable, the terms and conditions of any previously approved development permit, variance, or subdivision.

- 2.4.1.1 The proposed development is in conformance with the Humboldt County General Plan, Open Space Plan, and the Open Space Action Program (CO-IM5. Zoning Ordinance Revision for Open Space Consistency Determinations); and
- 2.4.1.2 The proposed development conforms with all requirements of the Humboldt County Zoning Regulations; and
- 2.4.1.3 The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and
- 2.4.1.4 The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel.

SECTION 3. Subdivision 17.1.1 of Section 312-17.1 regarding the Required Findings for All Permits in Title III, Division 1, Chapter 2 of the Humboldt County Code is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

17.1.1 The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program (CO-IM5);

SECTION 4. Section 314-4.5 (PR - PUBLIC RESOURCE AND RECREATION ZONE) is added to Title III, Division 1, Chapter 4 of the Humboldt County Code, as follows:

314-4.5 PR: PUBLIC RESOURCE AND RECREATION

The PR or Public Recreation and Recreation Zone is intended to be applied on properties under the jurisdiction of federal, state, county, or another other district authority or public corporation, or agency thereof and where the intended use is public recreation, or resource protection or production. The County has no land use jurisdiction over federal or state owned lands. The following regulations shall apply in all PR or Public Resource and Recreation Zones over which the County has land use jurisdiction.

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314-4.5 PR: PUBLIC RESOURCE AND RECREATION	
<u>Use Type</u>	<u>Principal Permitted Use</u>
<u>Agricultural and Resource Use Types</u>	<u>General Agriculture</u> <u>Timber Production</u>
<u>Civic Use Types</u>	<u>Public Recreation and Open Space</u> <u>Community Assembly</u>
<u>Natural Resource Use Type</u>	<u>Fish and Wildlife Habitat Management</u> <u>Watershed Management</u> <u>Wetland Restoration</u> <u>Resource-Related Recreation</u> <u>Boating Facilities</u>
<u>Use Type</u>	<u>Conditionally Permitted Use</u>
<u>Residential Use Types</u>	<u>Caretaker's Residence</u>
<u>Commercial Use Types</u>	<u>Temporary RV Park</u>
<u>Civic Use Types</u>	<u>Administrative</u> <u>Essential Services</u> <u>Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations</u> <u>Minor Generation and Distribution Facilities</u> <u>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</u>
<u>Extractive Use Type</u>	<u>Surface Mining - 2; subject to the Surface Mining Regulations</u>
<u>Use Types Not Listed in This Table</u>	<u>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PR zone.</u>

SECTION 5. Section 314-7.6 (TL - Tribal Lands) is added to Title III, Division 1, Chapter 4 of the Humboldt County Code, as follows:

314-7.6 TL: TRIBAL LANDS

The Tribal Lands or TL Zone is intended to implement the Tribal Lands (TL) and the Tribal Trust Lands (TTL) Land Use Designations contained in General Plan Land Use Element Section 4.8, Land Use Designations. The TL Zone is intended to be applied to land planned Tribal Trust Land (TTL) or land located on Native American Reservations and Rancherias that is not zoned TPZ and is identified as Tribal Lands (TL) on the General Plan Land Use Map.

7.6.1 TL Regulations.

7.6.1.1 Jurisdiction:

7.6.1.1.1 The County does not have land use jurisdiction over land within a Reservation or Rancheria held in trust by the Federal government for a Tribe or its Members, or owned in fee by the Tribe or by Members of the Tribe.

7.6.1.1.2 The County may have land use jurisdiction over land owned in fee by non-tribal members within the boundaries of a Rancheria or Reservation, except land owned in fee by non-tribal members within the boundaries of the Hoopa Reservation.

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- 7.6.1.1.3 Applicants for land use and permit approvals for land zoned TL may be requested to provide additional information to allow the County to determine if the County has land use jurisdiction.
- 7.6.1.1.4 In the event the County has land use jurisdiction, the Planning and Building Department shall (1) notify the Tribal government of the application, (2) determine if the Tribal government has an adopted land use plan, and (3) the County shall refer the project to and engage with the Tribal government for comment prior to approval.
- 7.6.1.2 Adopted Tribal Land Use Plan. If the Tribal government has an adopted land use plan, this plan shall be used by the County as policy guidance for all land use and permit approvals.
- 7.6.1.3 Applications for Land Use and Permit Approvals within Urbanized Areas. For land use and permit approvals on land Zoned TL within or adjacent to urbanized areas, the Permitted and Conditionally Permitted Use and Minimum Yard Setbacks and Ground Coverage, Maximum Structure Height, and Permitted Main Building Types shall be those specified for Rural Residential Agriculture Zone (Minimum Lot Size Less Than 2.5 Acres) in Section 314-6.6 of these Regulations.
- 7.6.1.4 Applications for Land Use and Permit Approvals Outside of Urbanized Areas. For land use and permit approvals on land Zoned TL outside and not adjacent to urbanized areas, the Permitted and Conditionally Permitted Use and Minimum Yard Setbacks and Ground Coverage, Maximum Structure Height, and Permitted Main Building Types shall be those specified for Rural Residential Agriculture Zone (Minimum Lot Size 2.5 Acres or Greater) in Section 314-6.6 of these Regulations.
- 7.6.1.5 Subdivisions:
- 7.6.1.5.1 Subdivisions of land Zoned TL within urbanized areas shall have a maximum residential density of one (1) acre per dwelling unit.
- 7.6.1.5.2 Subdivisions of land Zoned TL outside urbanized areas shall have a maximum residential density of maximum residential density of 40 acres per dwelling unit.
- 7.6.1.5.2 Policies relating to Rural Lands contained in General Plan Section 4.4, Rural Lands, shall apply to all subdivisions of land Zoned TL.

SECTION 6. Subdivisions 21.1.4 and 21.1.5 of Section 314-21.1 regarding Flood Hazard Combining Zones of Title III, Division 1, Chapter 4 of the Humboldt County Code are amended to read as follows (text insertions shown as ~~strikeouts~~, insertions as underlined):

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21.1.4 Special Permit Required. A Special Permit is required for the development of a residential structure on a legal non-conforming lot that is substandard to the minimum lot size standards of the Principal Zone and is located wholly within a flood hazard zone.

21.1.5 Prohibited New Development within 100-Year Floodway and Floodplain. New development within the 100-year floodway and floodplain shall be restricted as follows: (Former Section INL#315-8.1(D); Added by Ord. 2205, Sec. 1, 4/11/00)

21.1.5.1 Within designated floodways the following is prohibited unless overriding considerations are made with specific factual findings with respect to the public health, safety and welfare: (Former Section INL#315-8.1(D)(1); Added by Ord. 2205, Sec. 1, 4/11/00)

Mobilehome Parks

21.1.5.2 Within both designated floodways and floodplains the following use types are prohibited unless overriding considerations are made with specific factual findings with respect to the public health, safety and welfare: (Former Section INL#315-8.1(D)(2); Added by Ord. 2205, Sec. 1, 4/11/00)

Health Care Services
Extensive Impact Civic Use
Solid Waste Disposal
Hazardous Industrial

See Section C, Index of Definitions of Language and Legal Terms for definitions of “Floodway” and “Flood Plain.” See Section D, Part 2 of this Chapter: Glossary of Use Types, for definitions of these use types.

SECTION 7. Section 314-28.2 (MR - Mineral Resources Combining Zone) is added to Title III, Division 1, Chapter 4 of the Humboldt County Code, as follows:

314-28.2 MR – MINERAL RESOURCES COMBINING ZONE

28.2.1 Purpose. The purposes of these provisions are to: (a) identify permitted surface mining operations; (b) ensure compatibility of adjacent uses; (c) establish a process through which notice may be provided to owners of land seeking discretionary approval for projects within 1,000 feet of vested and permitted surface mining extraction sites; and (d) to facilitate implementation of the County's regulations for surface mining, conservation, and reclamation.

28.2.2 Applicability. The Mineral Resources Combining Zone, indicated by "MR" on the Zoning Maps, shall be applied to the Zoning Maps covering parcels with vested or permitted surface mining operations, as shown on the Mineral Resources – Mining Operations Map contained in General Plan Appendix F, Map Book and land within 1,000

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feet of the outside edge of Assessor's Parcels containing surface mining operations. Land located within 300 feet of mapped mining haul routes shall also be subject to these regulations.

28.2.3 Permitted Uses.

28.2.3.1 Applications for new mining operations shall be subject to the approval of a conditional use permit, pursuant to Title III – Land Use and Development, Division 9, Mining Operations, of the Humboldt County Code and the California Surface Mining and Reclamation Act (SMARA)

28.2.3.2 Non-mining projects located within the MR Combining Zone or located within 300 feet of mapped mining haul routes may be approved only if the project incorporates the best mitigation measures feasible to minimize potential conflicts with continued mining operations. Incompatible land uses shall be suitably buffered from mining activity.

28.2.4 Hearing Notification.

28.2.4.1 Applications for discretionary approval associated with SMARA mining operations shown on maps in Humboldt County General Plan Appendix F - Map Book, shall provide public notice to landowners within 1,000 feet of the mining operation or 1,500 feet from any associated processing plant, and a within 300 feet of proposed or existing haul routes.

28.2.4.2 Applications for discretionary projects within 1,000 feet of mining operations, shall include public hearing notice to the mine owners.

28.2.4.3 Applications for all discretionary projects subject to the Mineral Resources Combining Zone shall provide notice to any public water system whose service area includes the project site.

28.2.5 Disclosure.

28.2.5.1 Humboldt County has over 90 extraction sites including active hard rock quarries and in-stream gravel mining operations from bars along the Eel, Mad, Trinity, and Van Duzen Rivers and their tributaries. According to the Mineral Resources Chapter of the Humboldt County General Plan Conservation and Open Space Elements, the production of sand and gravel, hard rock, and metals is essential for the economic well-being of the county. The County's vested and permitted surface mining operations must be protected, including in areas near residential development.

28.2.5.2 This section further requires discretionary projects within 1,000 feet of vested and permitted surface mining extraction sites or within 300 feet of existing haul routes

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to record a notice of the "right to mine" 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. The notice shall be in substantially the following form:

"You are hereby notified that if the property you are purchasing is located close to vested and permitted surface mining extraction sites, you may be subject to inconvenience or discomfort from the following mining operations: noise, dust and emissions from mobile equipment used in mining operations such as bull dozers, scrapers, loaders, water trucks, and haul trucks, and stationary equipment such as conveyors, screeners, washing/crushing plants, and batch plants for the production of asphalt or concrete; and the lawful and proper use of chemicals and regulated explosives. Mining operations may involve excavation, drilling and blasting, with subsequent excavating and sorting. These operations may generate, among other things, dust, smoke, noise and odor. If you live near vested and permitted surface mining extraction sites, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county whose economy is reliant upon the production and conservation of minerals, while preserving to the maximum extent feasible the values relating to recreation, watershed, wildlife, timber management and agriculture, science, and aesthetic enjoyment. For information concerning where mining operations are located in relation to your property, you may contact the Planning Division of the Humboldt County Planning and Building Department. Nothing in this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available action to remedy any unlawful or improper mining practice."

28.2.4.3 Upon the issuance of a discretionary development permit, including but not limited to a subdivision approval, Conditional Use Permit, or Special Permit, for a use within 1,000 feet of vested and permitted surface mining extraction sites or within 300 feet of mapped mining haul routes to vested and permitted surface mining extraction sites, the discretionary development permit shall include a condition that the owners of the property shall be required to record a notice of the right to mine against the property for which a discretionary permit is sought containing the Disclosure set out in subsection 28.2.4.2.

SECTION 8. Section 314-33.2 (RR - Railroad Rights of Way Protection Combining Zone) is added to Title III, Division 1, Chapter 4 of the Humboldt County Code, as follows:

314-33.2 RR – RAILROAD RIGHTS-OF-WAY PROTECTION.

33.2.1 Purpose. The purpose of these provisions is to protect specified contiguous rail rights-of-way from development that may interfere with the use of the rights-of-way for rail and other public transportation uses.

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33.2.2 **Applicability.** The Railroad Rights-of-Way Protection Combining Zone, indicated by "RR" on the Zoning Maps, shall apply to contiguous rail rights of way currently held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake that are 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.

33.2.3 **Compatible Uses.** The following uses are permitted within areas designated as a Railroad Rights-of-Way Protection Combining Zone:

33.2.3.1 Railroad and accessory uses carried out by the applicable rail authority or successor entity, or licensee.

33.2.3.2 Paved public roads, surfaced pedestrian walkways, bicycle paths; semi-improved recreational trails for walkers, bicyclists, and equestrians; and unimproved rural trails for hikers, mountain biking, and horse-riding, carried out by the applicable rail authority or successor entity, or licensee.

33.2.3.2 Management and maintenance of trees, shrubs, and other plant life consistent with the Zoning Regulations and other applicable provisions of the Humboldt County Code.

33.2.3.3 Incidental public service purposes, including, but not limited to, pipelines for water, sewer and natural gas utilities, electrical transmission and telecommunication lines.

33.2.4 **Other Development.** All development proposed on land designated Railroad Rights-of-Way Protection Combining Zone on the Zoning Maps other than the compatible uses described in 33.2.3 above shall be sited and designed to protect these areas from activities that may interfere with the use of the rights-of-way for rail and other public transportation purposes and conducted in accordance with applicable law. Evidence that the development is sited and designed to protect the rights-of-way for rail and other public transportation uses shall include, but not be limited to, license agreements between the proponent of the development and the applicable rail authority or successor entity.

33.2.5 **Special Permit Required.** Development, other than compatible uses identified in 33.2.3 above, may be approved in areas designated as Railroad Rights-of-Way Protection Combining Zone on the Zoning Maps upon approval of a Special Permit and may require approvals from other concerned agencies. Applications for Special Permits shall be referred to the Public Works Department for review and comment.

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SECTION 9. Section 314-61.1 (Streamside Management Area Regulations) of Title III, Division 1, Chapter 4 of the Humboldt County Code is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined), except that subdivisions 314-61.1.13 through 314-61.1.18 shall remain as currently codified:

314-61.1 STREAMSIDE MANAGEMENT AREAS AND WETLANDS ORDINANCE

61.1.1 **Short Title.** This section shall be known and cited as the “Streamside Management Areas and Wetlands Ordinance of the County of Humboldt” (SMAWO). In any administrative action taken by any public official under the authority of this code, the use of the term “Streamside Management Areas and Wetlands Ordinance” or “SMAWO”, unless further modified, shall also refer to and mean this section.

61.1.2 **Purpose.** The purpose of this section is to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs), wetlands and other wet areas such as: natural ponds, springs, vernal pools, marshes, and wet meadows (~~exhibiting standing water year long or riparian vegetation~~).

The purpose of establishing the standards ~~are~~is to:

- Create a Streamside Management Areas and Wetlands ordinance within the zoning regulations of the County of Humboldt pursuant to the mandates of state law.
- Implement portions of the County’s General Plan policies and standards pertaining to open space, conservation, housing, water resources, biological resources, and public facilities.

61.1.3 **Relationship to Other Regulations.** These regulations shall be in addition to regulations imposed by the principal zone, combining zone, development regulations, and other open space or resource protection regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the most protective of natural resources shall apply.

61.1.4 **Scope of Application.** This section shall be applicable to all development within or affecting SMAs, wetlands or other wet areas within the unincorporated areas of the County and outside the Coastal Zone.

The provisions of this section shall be applicable to all development permits issued by the County pursuant to:

- (1) Title III, Land Use and Development, Division 1, Planning.
- (2) Title III, Land Use and Development, Division 2, Subdivision Regulations.
- (3) Title III, Land Use and Development, Division 3, Building Regulations.

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(4) Title IV, Streets and Highways, Division 1, Protection and Control of County Roads and Permits.

These regulations shall not apply to:

- 61.1.4.1 Routine maintenance activities associated with existing public or private facilities, defined as “activities to support, keep and continue in an existing state or condition without decline.” Routine activities include the replacement of culverts and related structures when conducted pursuant to a Department of Fish and ~~Game~~ Wildlife Lake or Streambed Alteration Agreement (LSAA).

For the purpose of these regulations, routine maintenance activities do not include:

- removal of trees with a diameter of 12 inches or greater (38-inch circumference), or
- removal of trees from within a contiguous or non-contiguous area of more than 6,000 square feet as measured under the tree canopy, or
- activities that could result in significant environmental impacts where the removal will:
 - be located within a streamside management area, wetland, or other wet area as defined in County regulations, or
 - occur on slopes greater than 15%, or
 - will expose more than 2,000 square feet of soil to erosion.

A site evaluation shall be made where necessary to determine if a project meets the exemption standards of these regulations or if the proposed development requires a special permit.

- 61.1.4.2 Grading and construction activities associated with onsite wells and sewage disposal systems for single-family dwellings which have received all required County and State permits; or
- 61.1.4.3 Any project where a complete application for grading or construction was accepted by the Planning and Building~~Community Development Services~~ Department prior to April 25, 1995; or
- 61.1.4.4 To any construction or grading on property which was subdivided and subject to discretionary and environmental review by the County after the effective date of the 1984 General Plan, January 2, 1985, and any subsequent and applicable Community Plans, if the Responsible Department has determined that all

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conditions of approval and specific mitigation requirements have been fully met;
or

- 61.1.4.5 Development activities proposed and carried out under the provisions of the County Code Title III, Land Use and Development, Division 9, Mining Operations.
- 61.1.4.6 Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities which are not exempt from the local regulation pursuant to Public Resources Code Section 4516.5(f) are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.

The exemptions contained in Section 331-14.D.2., Grading, Excavation, Erosion and Sedimentation Control do not apply in SMAs, wetlands or other wet areas.

- 61.1.5 **Permit Required and Processing.** All development as defined in the ~~Framework~~General Plan within or affecting SMAs, wetlands or other wet areas not exempted under subsection 314-61.1.4 above shall require a permit pursuant to an application for development within SMAs, wetlands or other wet areas and processed as a Special Permit pursuant to the Humboldt County Zoning Regulations (Section 312-3.1.1 et seq).

For those activities subject to these regulations and conducted by the County Department of Public Works, the Director of the Department (of Public Works) shall be responsible for the environmental review and public notice requirement, be empowered to approve and issue a special permit following the making of findings, be empowered to meet with and work out solutions with impacted parties, and be required to provide notice and staff support to the Planning Commission when a hearing is requested. The impacted parties shall have a mandatory meeting with the Department of Public Works in an attempt to work out any issues before a hearing is requested or an appeal to the Planning Commission is filed.

- 61.1.6 **Findings of Exception - Written Report.** Where there is disputed evidence, or controversy, regarding a finding of exception, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which a finding of exemption is made. Copies of the report shall be sent to CDFGW or any person or group requesting such report in writing. Any person dissatisfied with the finding of exemption may request a formal review pursuant to Section 314-61.1.8.
- 61.1.7 **Definitions.** Whenever the words listed below are used in the Zoning Regulations or other regulations related to the Streamside Management Areas and Wetlands Ordinance, they shall have the following meaning:

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- 61.1.7.1 “Grading” means all grading, filling, land contouring, clearing and grubbing, drainage activities, site preparation, and road building.
- 61.1.7.2 “CDFGW” means the California Department of Fish and ~~Game~~Wildlife.
- 61.1.7.3 “Construction” means the erection or construction of, or addition to, any building or structure but shall not include the structural alteration, repair, remodeling, or demolition and reconstruction of and additions to any building or structure where the work would not increase the “footprint” of the building or structure. “Construction” does not include “minor additions” as defined in this section.
- 61.1.7.4 “Minor Additions” means an exception to these standards for additions to buildings or structures existing on April 25, 1995, of up to 500 square feet of floor area. From this date forward, any number of individual additions to an existing building or structure may be permitted provided the aggregated total increase in square footage for all changes does not exceed 500 square feet of floor area. A “minor addition” is not “construction” as defined in these standards. Note: Physical additions to a building or structure where a condition or a prior discretionary permit or subdivision approval indicated that any future additions would be prohibited are not minor additions as defined in these Implementation Standards.
- 61.1.7.5 “Project” means any “grading” or “construction” activities subject to the provisions of these standards.
- 61.1.7.6 “Streamside Management Areas” (SMAs) [~~section 3432(5) of the Humboldt County 1984 Policy BR-S5. Streams~~ Streamside Management Areas Defined of the 2017 General Plan] shall be as defined in the Humboldt County General Plan (Page ~~G-8~~ Section 10.3 Biological Resources of Chapter 10, Conservation and Open Space Elements of the Humboldt County General Plan) and includes, a natural resource area along both sides of streams containing the channel and adjacent land. SMAs do not include watercourses consisting entirely of a man-made drainage ditch, or other man-made drainage device, construction, or system. Streamside Management Areas (SMA) are identified and modified as follows:
- 61.1.7.6.1 Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures ~~In areas outside of Urban Development and Expansion Areas (as defined in the Humboldt County General Plan Page G-9), the outer boundaries for streams (which do not consist entirely of drainage ditch or other manmade drainage device, construction or system) shall be defined as:~~
- 61.1.7.6.1.1 ~~100 feet, measured as the horizontal distance from the stream transition line (as defined in the Humboldt County General Plan Page G-8), on either side of perennial streams.~~

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- ~~61.1.7.6.1.2 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.~~
- 61.1.7.6.2 For areas along streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA In areas inside of Urban Development and Expansion Areas, the outer boundaries for streams (which do not consist entirely of a drainage ditch or other manmade drainage device, construction or system) shall be defined as:
- 61.1.7.6.2.1 100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater 50 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams.
- 61.1.7.6.2.2 50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater 25 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.

Where necessary, as determined by the responsible department, the width of SMAs shall be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance from the top of bank as necessary to include slides, or areas with visible evidence of slope instability as a horizontal distance, as measured pursuant to subsection 314 61.1.7.6.1 or 314 61.1.7.6.2 above, as applicable.

- 61.1.7.6.3 The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that:
- 61.1.7.6.3.1 The USGS mapping of the stream as perennial or intermittent is not accurate, and typical stream flow can be shown to be less than that required to be classified as either perennial or intermittent mapping of the SMA is not accurate, there are no in-channel wetland characteristics or off-channel riparian vegetation, the reduction will not significantly affect the biological resources of the SMA on the property., or,
- 61.1.7.6.3.2 For projects subject to ministerial review, reductions may be allowed without a special permit in consultation with California Department of Fish and Wildlife. It will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability.

When the prescribed buffer would prohibit development of the site for the principal use for which it is designated, measures shall be applied that result in the least environmentally damaging feasible project.

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Such a determinations ~~will shall~~ require a permit to be processed as a Special Permit pursuant to Section 312-3.1.1 et seq of the Zoning Regulations.

61.1.7.6.47 “Other Wet Areas” [~~section 3432(10) of the 1984 General Plan~~], i.e., natural ponds, springs, vernal pools, marshes and wet meadows ~~which exhibit standing water year-long or riparian vegetation~~. The existence of possible Other Wet Areas shall be identified by the responsible department using normal soils investigation criteria. These criteria indicate the presence of any of the following: standing water, evidencing a natural pond or poor drainage conditions, marshy wetland soils, or hydrophilic hydrophytic vegetation (e.g., swamp grass).

61.1.7.6.58 “Wetlands” - as defined in the ~~California Department of Fish and Game Code Section 2785, Subdivision (g)~~ the US Army Corps of Engineers Wetland Delineation manual in the identification and classification of wetlands which considers wetlands as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

61.1.7.6.6 Development standards for wetlands shall be consistent with the standards for Streamside Management Areas, as applicable except that the widths of the SMA for wetlands are as follows:

- seasonal wetlands = 50 ft.
- perennial wetlands = 150 ft.

and the setback begins at the edge of the delineated wetland. Buffers may be reduced based on site specific information and consultation with the California Department of Fish and Wildlife. No buffer shall be required for man-made wetlands except wetlands created for mitigation purposes.

61.1.8 **Administration and Enforcement.** The regulations of this section are to be administered and enforced by the respective Administrative or Enforcement Official designated by the Code for each section cited in subsection 314-61.1.4 above and hereinafter referred to as “Responsible Department.” In case of disagreement in the application of the regulations, the Director of the ~~Community Development Services~~ Planning and Building Department shall decide, subject to appeal to the Board of Supervisors pursuant to Section 312-13.

61.1.9 **Development Allowed**

61.1.9.1 Development within stream channels is limited to the following projects:

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- 61.1.9.1.1 Fishery, wildlife, and aquaculture enhancement and restoration projects.
- 61.1.9.1.2 Road crossings consistent with subsection (j) below.
- 61.1.9.1.3 Flood control and drainage channels, levees, dikes and floodgates.
- 61.1.9.1.4 Mineral extraction consistent with other County regulations.
- 61.1.9.1.5 Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies.
- 61.1.9.1.6 Wells and spring boxes, and agricultural diversions and wells.
- 61.1.9.1.7 New fencing, so long as it would not impede the natural drainage or wildlife movement and ~~or~~ would not adversely ~~effect~~ affect the stream environment or wildlife.
- 61.1.9.1.8 Bank protection, provided it is the least environmentally damaging alternative.
- 61.1.9.1.9 Other essential public projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety.
- 61.1.9.1.10 Improvements to non-conforming uses and structures when consistent with Section 314-131 - 314-132 of the County Code and these regulations.
- 61.1.9.2 Development within Streamside Management Areas shall be limited to the following:
 - 61.1.9.2.1 Development permitted within stream channels.
 - 61.1.9.2.2 Timber management and harvests activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(d) not ~~otherwise excluded by the Applicability Section~~ as well as noncommercial cutting of firewood and clearing for pasturage, provided:
 - 61.1.9.2.2.1 Cottonwoods are retained.
 - 61.1.9.2.2.2 Remaining willows and alders, as well as other unmerchantable hardwoods or shrubs, are to be protected from unreasonable damage.
 - 61.1.9.2.3 Road and bridge replacement or construction, where the length of the road within the SMA shall be minimized, and when it can be demonstrated that

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it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

61.1.9.2.4 Removal of vegetation for disease control or public safety purposes.

61.1.9.2.5 Normal, usual and historical agricultural and surface mining practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.

61.1.9.3 Bank Protection

61.1.9.3.1 Protection measures for County river and stream banks may be permitted for the following purposes:

61.1.9.3.1.1 Maintenance, replacement, or construction of necessary public or private roads;

61.1.9.3.1.2 Maintenance, replacement, or construction of levees and dikes;

61.1.9.3.1.3 Protection of principal structures in danger due to erosion;

61.1.9.3.1.4 Protection of lands zoned AE, Agricultural Exclusive, from erosion.

61.1.9.3.2 The bank protection measures which may be permitted are listed below in order of preference. The measures chosen for any bank protection project shall employ the highest ranking protection measure wherever feasible. The preference ranking for permitted protection measures shall be as follows:

(1) Piling fence;

(2) Rock hard points;

(3) Continuous revetment.

61.1.10 **Mitigation Measures**

61.1.10.1 Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:

61.1.10.1.1 Retaining snags unless felling is required by CAL-OSHA, or by California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director appropriate County department. Felled snags shall be left on the ground if consistent with fire protection regulations and the required

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treatment of slash or fuels as they have no economic value.

- 61.1.10.1.2 Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
- 61.1.10.1.3 Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall be required unless natural regeneration does not occur within two years of the completion of the development project. The mitigation and monitoring report adopted as a part of project approval shall include an alternative regeneration plan in case natural regeneration is not successful.
- 61.1.10.1.4 Revegetation along channelized streams and other wet areas shall be required where the habitat has been converted to other uses. For development allowed within a Streamside Management or Other Wet Areas where the riparian habitat has been converted to other uses, the project shall be conditioned to require the development of new riparian or wetland habitat of an area equal to the area in which the development is to occur or, the area of an existing or proposed easement or right-of-way, whichever is larger.
- 61.1.10.1.5 Erosion control measures: As found within the Building Regulations, Section 331-14, Grading, Excavating, Erosion, and Sedimentation Control- and the following:
- 61.1.10.1.5.1 During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here;
- 61.1.10.1.5.2 Construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per mitigations as recommended in writing by the lead agency with native or non-invasive vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation;
- 61.1.10.1.5.3 Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction
- 61.1.10.1.6. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge,

where discharge is to natural ground or channels;

61.1.10.1.7. Runoff shall be controlled to prevent erosion by on-site or off- site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding;

61.1.10.1.8. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board requirements;

61.1.10.1.9. Winter operations (generally October 15 thru April 15) shall employ the following special considerations:

(1) Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations, and;

(2) Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

61.1.11 Prohibited Activities

61.1.11.1 The following prohibitions pertain to all development and related activities within Streamside Management Areas Wetlands and Other Wet Areas within the County:

61.1.11.1.1 The discharge of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County's Streamside Management Area Ordinance, onsite or offsite, into any Streamside Management or Other Wet Area in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.

61.1.11.1.2 The placement of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County's Streamside Management Area Ordinance, onsite or offsite,

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where such material could pass into any Streamside Management or Other Wet Area in quantities which could be deleterious to fish, wildlife, or other beneficial uses.

61.1.12 Confirmation of Development Within SMAs and Wetlands. As a part of a development application review, the Responsible Department shall check USGS maps, or other information available to the department, to determine if grading, construction, or other activity is proposed to be located within a SMA or other wet area.

A preliminary onsite inspection shall be performed prior to any grading, construction, or other development permit issuance to determine if the project area contains SMAs or other wet areas.

Where there is disputed evidence or controversy regarding the confirmation of development within SMAs or other wet areas, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which the confirmation is made.

Copies of the report shall be sent to CDFGW and to any person or group requesting such report in writing.

SECTION 10. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this 11th day of June, 2019, by the following vote, to wit:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:

Rex Bohn, Chair
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

By: Ryan Sharp, Deputy