



COUNTY OF HUMBOLDT

For the meeting of: 8/27/2019

File #: 19-1216

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Zoning Text Amendments to Implement the General Plan - Group 2 Land Use Element Agricultural & Forest Resources Related Zoning Changes

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing and receive the staff report and public testimony;
2. Close the public hearing;
3. Adopt the attached resolution (Resolution 19-__ (Attachment 1)) making the required findings regarding CEQA compliance and for approval of zoning ordinance amendments;
4. Adopt the attached ordinance (Ordinance No. ____ (Attachment 2)) amending Title III, Division 1, Chapter 4 of the Humboldt County Code to be Consistent with the 2017 General Plan by amending Section 314-7.1 "AE - Agriculture Exclusive Zone"; Section 314-7.4 "TPZ - Timberland Production Zone," and Section 314-17.1 "B-1- Special Building Site" Combining Zone; and by adding Section 314-7.5 "TE - Timberland Exclusive" Principal Zone; Section 314-9.1 "MU1 - Mixed Use (Urban)" Principal Zone, Section 314-9.2 "MU2 - Mixed Use (Rural)" Principal Zone; and Section 314-31.2 "PRD - Planned Rural Development" Combining Zone;
5. Direct the Planning and Building Department to:
 - a. initiate, as separate future amendments:
 - i. Building Envelope provisions within Resource Zones;
 - ii. Develop ordinances to implement General Plan Policies addressing Fire Hazards, to be completed by June of 2020;
 - iii. Prepare an ordinance amending Fire Safe Regulations to remove the limitation that only on-site access roads need to meet fire safe regulations. This is to also be completed by June 2020; and
 - iv. Implement a "D" combining zone in the following community plan areas: Arcata,

Jacoby Creek, Freshwater, Mckinleyville, Fieldbrook-Glendale, Tinidad-Westhaven and Orick;

- b. include discussion of ridgeline and viewshed protection measures as part of the community planning work in the McKinleyville, Glendale/Fieldbrook/Blue Lake and Willow Creek areas the Board has already directed;
 - c. file a Notice of Determination with the Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act; and
6. Direct the Clerk of the Board to publish summaries of the Ordinance amendments within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against each ordinance (Attachment 3) and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance correction along with the names of those Supervisors voting for and against the ordinance.

SOURCE OF FUNDING:

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

DISCUSSION:

Adoption of the attached resolution and ordinance will amend the Zoning Ordinance to implement General Plan policies relative to natural resource zones (timberland and agricultural), create new Mixed Use zoning districts and modify the Special Building Site Combining District. In response to the Board's discussion on July 9, 2019, the attached ordinance has been modified to conform to the Planning Commission recommendation with the addition of a new TE - Timberland Exclusive Zone with a 60-acre minimum parcel size, and reduced parking requirements for residential uses in mixed use developments within the new MU1 - Mixed Use (Urban) zone. As a separate action in the recommendation, staff is directed to initiate work on amendments to the natural resource zones to include building envelopes and would include ridgeline protection policies to be developed as part of work in community plans.

This public hearing is a continuance of hearings from June 18th and July 9th, 2019. At the June 18th meeting, the Board received the recommendation of the Planning Commission which was to adopt an ordinance to:

1. Modify the "AE - Agriculture Exclusive Zone"; to allow subdivision of AE zoned land, implement the Agricultural Land Conversion and Conversion of Prime Agricultural Land policies of the General Plan, and to allow single family residences and second residential units. Other changes were made to recognize certain uses allowed by other provisions of the Zoning Ordinance but that had not previously been enumerated in the AE District.
2. Modify the "TPZ - Timberland Production Zone," to include certain conditionally permitted uses already allowed by other ordinance provisions.
3. Modify the "B-1- Special Building Site" Combining Zone to modify the minimum building site

area from 8,000 square feet to 6,000 square feet.

4. Add a PRD - Planned Rural Development Zone to allow for the voluntary clustering of homesites on land designated Agricultural Grazing (AG) and Timberland (T) on the General Plan Land Use Map at a density above what would otherwise be allowed when lands most suitable for agricultural or timber production are retained for permanent continued resource production.
5. Add a “MU1 - Mixed Use (Urban)” Principal Zone to provide for pedestrian-oriented, mixed use development (commercial, office, and higher density residential).
6. Add a “MU2 - Mixed Use (Rural)” Principal Zone to provide for small-scale mixed use development (commercial, office, and residential) for smaller population bases.

The Planning Commission considered a proposed “TE - Timberland Exclusive” Principal Zone designed to address land designated Timberland and not zoned TPZ, but the Planning Commission recommended this not be adopted.

At the Hearing of June 18, the Board received comments from the public and discussed concerns relative to fire risk in natural resources zones associated with development of residences, a desire to see the TE - Timberland Exclusive Zone adopted, reduced parking for the MU districts, additional measures to protect prime agricultural land and timberland, and ridgeline protection measures instituted in areas around the north end of Humboldt Bay. A motion was passed to bring back an ordinance which included the TE Zone and allowed for a reduction in parking within the MU-Urban zoning district and to propose alternatives to address the other concerns raised.

A revised ordinance was presented to the Board on July 9, including the TE Zone and reductions in parking for the MU - Urban zone, and alternatives to address preservation of Prime Agricultural Land implementing the General Plan’s use of a building envelope, setbacks to reduce residential conflicts in timberland, and ridgeline protection language taken from the proposed PRD Zone. At the July 9 hearing, the Board received public testimony both in support of and in opposition to the proposed revisions. The opposition included statements that what was proposed was inconsistent with the General Plan and required a General Plan Amendment. The Board discussed a motion which would have adopted the Zoning Ordinance amendment as recommended by the Planning Commission including the TE Zone and a reduction in parking for the MU-1 zoning district, but there was a desire to see the language and a revised resolution prior to action. The whole item was continued including discussion of giving direction on items which were not part of the motion on the amendment (access fire safety requirements, building envelopes and setbacks within Timberlands).

The ordinance and recommendation are written to reflect the motion under consideration by the Board prior to the continuance. The resolution has also been modified to address concerns brought up by the public as to whether the proposed ordinances are consistent with the General Plan and consistent with CEQA.

The General Plan, adopted on October 23, 2017, changed the land use designation of many parcels

within the county. The proposed ordinance is needed to make the county zoning regulations consistent with the land use designations in Humboldt County General Plan (see Govt. Code §65860). The General Plan also contains new policies which require modification of the Zoning Ordinance for consistency. The General Plan anticipates that these changes are necessary and directs the county to revise the zoning regulations to ensure that zoning classifications are consistent with the policies of the General Plan, and to apply appropriate zone classifications in a way that achieves consistency with the new land use designations (see Implementation Measure GP-IM6. Zoning Consistency, General Plan p. 4-14).

An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and will not inhibit or obstruct their attainment (see General Plan Guidelines, Ch. 9, p. 255, Office of Planning & Research, 2017 ed.; *Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 153). Perfect conformity with each and every item in the plan is not required. (*San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498, 514.) The proposed new zones do not appear in the Zoning Compatibility Matrix in Table 4-H of the General Plan, but that matrix is not a required element of the General Plan. Nevertheless, the requirement for a reclassification to add mixed use zones is expressly referenced in the General Plan. In addition, the General Plan Land Use Element Table 4-G establishes allowable uses for the Timberland Land Use Designation. The TE zone implements these allowed use types and is consistent with Goals FR-G3 and FR-G4 in the General Plan.

There was also concern about whether the reduction in parking in the MU-1 zone is consistent with the General Plan. General Plan Policy UL-P7 encourages reductions in parking requirements in Neighborhood and Town Centers in locations where the MU-1 would be implemented to encourage multi-modal access options and allow ministerial approval of development that conforms to performance standards adopted by ordinance. This modification is also called for by the General Plan.

The findings set forth in Resolution 19- (Attachment 1) establish the link between implementation via this zoning amendment, and policy, as set forth in the General Plan. Because all the proposed classifications are consistent with the land use policies defined in the General Plan, it is unnecessary to amend the Plan to revise Table 4-H to include the new zones.

One of the questions raised during the July 9, 2019 hearing was related to how much property currently zoned Unclassified with a Land Use Designation of Timberland would be rezoned to Timberland Exclusive if the TE zone were adopted. There are 312 parcels consisting of approximately 4,000 acres that would be rezoned to TE.

In preparation for this hearing, staff conducted a public workshop on July 25, 2019 to discuss the areas of disagreement expressed during the July 9 hearing. During that meeting, there was broad agreement that any proposed changes to the zoning ordinance, such as alternatives the Board of Supervisors requested on June 18, 2019, brought forward on July 9, 2019 not previously considered by the Planning Commission, (specifications for development within the building envelope in AE and TPZ zones, greater setbacks in the TE and TPZ zones, and design guidelines for ridgeline and hillside development), should first be reviewed by the Planning Commission for a recommendation.

There was consensus among those present at the workshop that the term “Building Envelope” used in the AE - Agriculture Exclusive Zone is generally an appropriate concept but requires more definition. Several speakers expressed that driveways should not be included in the two-acre Building Envelope and that there could be added flexibility to reflect specific circumstances. Planning staff will use comments from the July 25th workshop to guide General Plan implementation actions brought forward in the future. Recommendation 5a directs Planning staff to initiate, as a separate future item, amendments to the Building Envelope provisions of the Resource Zones to provide better definition.

Recommendation 5b directs Planning staff to include discussion of ridgeline and viewshed protection measures as part of the community planning work in the McKinleyville, Glendale/Fieldbrook/Blue Lake and Willow Creek areas. Implementation of the Fire Hazard Policies contained in the General Plan is also included in recommendation 5a.

FINANCIAL IMPACT:

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

STRATEGIC FRAMEWORK:

This action supports the Board’s Strategic Framework by beginning General Plan policy implementation, building interjurisdictional and regional cooperation and streamlining county permit processes

OTHER AGENCY INVOLVEMENT:

The proposed new zones were discussed with the cities of Arcata, Blue Lake, Eureka, Fortuna, and Trinidad. No comments from cities or other local or state agencies were received regarding the proposed Zoning text amendments.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could elect to not adopt any or some of the proposed zoning text amendment provisions. Should that decision be made, the Board could direct staff to prepare alternative means to address inconsistencies between the goals, policies, standards, land use designations, programs or implementation measures of the 2017 General Plan with the existing provisions of the Zoning Regulations in the Humboldt County Code for consideration of and recommendations by the Planning Commission. Another option discussed by the Planning Commission would be to adopt the recommendation of the Planning Commission which is included in Alternative 5.

ATTACHMENTS:

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

1. Draft Board of Supervisors Resolution.
2. Draft Board of Supervisors Ordinance amending Title III, Division 1, Chapter 4 of Humboldt

County Code to be Consistent with the 2017 General Plan by amending Section 314-7.1 “AE - Agriculture Exclusive Zone”; Section 314-7.4 “TPZ - Timberland Production Zone,” and Section 314-17.1”B-1- Special Building Site” Combining Zone; and by adding Section 314-7.5 “TE - Timberland Exclusive” Principal Zone Section 314-9.1 “MU1 - Mixed Use (Urban)” Principal Zone; Section 314-9.2 “MU2 - Mixed Use (Rural)” Principal Zone; and Section 314-31.2 “PRD - Planned Rural Development” Combining Zone; and.

3. Post Approval Summary of the Ordinance.
4. Link to the Environmental Impact Report for the 2017 General Plan Update
5. Planning Commission recommended Zoning Ordinance Amendment (Transmitted to the Board June 18, 2019).

PREVIOUS ACTION/REFERRAL:

Board Order No.: J-21

Meeting of: January 15, 2019 June 18, 2019, July 9, 2019, August 20, 2019 (continuance only)

File No.: 18-1694