



**COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT**

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3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: October 18, 2018  
To: Humboldt County Planning Commission  
From: John H. Ford, Director, Planning and Building Department  
Subject: **Thompson Zone Reclassification**  
Application Number 12748  
Case Number ZR-16-007  
Assessor Parcel Number 522-272-006  
39621 State Highway 299, Willow Creek area

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Please contact Trevor Estlow, Senior Planner, at 268-3740 if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Meeting Date</b> October 18, 2018	<b>Subject</b> Zone Reclassification	<b>Contact</b> Trevor Estlow
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**Project Description:** A Zone Reclassification to change the zoning from Agricultural General (AG) to Community Commercial (C-2) and Flood Plain (FP). As part of the County's General Plan Update, the land use designation of the subject parcel was changed from Agriculture Suburban (AS) to Commercial Services (CS) and Conservation Floodway (CF) adjacent to the Trinity River. This change will implement the General Plan in advance of the County's rezone process. The adjacent parcels to the north are also zoned C-2. Upon adoption of the zone reclassification the applicant is proposing to develop a drive-through coffee business that will be built on a permanent foundation. The subject parcel is within the water service area of the Willow Creek Community Services District. The parcel is currently vacant.

**Project Location:** The project is located in the Willow Creek area, on the east side of State Highway 299, approximately 3,000 feet south of the intersection of State Highway 96 and State Highway 299, on the property known as 39621 State Highway 299.

**Present Plan Land Use Designation:** Commercial Services (CS), Conservation Floodway (CF); 2017 General Plan; Density: n/a.

**Present Zoning:** Agriculture General (AG).

**Application Number:** 12748

**Case Numbers:** ZR-16-007

**Assessor Parcel Number:** 522-272-006

<b>Applicant</b>	<b>Owner</b>	<b>Agent</b>
Tyler Thompson PO Box 143 Burnt Ranch, CA 95527	Same as applicant	

**Environmental Review:** Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017.

**Major Issues:** None.

**State Appeal Status:** Project is not appealable to the California Coastal Commission.

## THOMPSON ZONE RECLASSIFICATION

Case Number ZR-16-007

Assessor Parcel Number 522-272-006

### RECOMMENDED COMMISSION ACTION:

1. Describe the application as a part of the Consent Agenda,
2. Call for public testimony regarding the agenda item,
3. If no one requests discussion, make all the following motion to approve the application as a part of the Consent Agenda:

*Move to recommend that the Board of Supervisors adopt the Addendum to the Environmental Impact Report (EIR) 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 find that there is no substantial evidence that the proposed Zone Reclassification will have a significant effect on the environment, and make all of the required findings, based on evidence in the staff report and public testimony, and recommend the Board of Supervisors approve the Thompson Zone Reclassification application.*

### EXECUTIVE SUMMARY

The applicant proposes a Zone Reclassification (ZR) to change the zoning of the parcel to reflect the recent changes to the general plan designation completed under the General Plan Update. The land use designation was changed from Agricultural Suburban (AS) to Commercial Services (CS) along the highway and Conservation Floodway (CF) along the Trinity River. The ZR will change the zoning from Agriculture General (AG) to a combination of Community Commercial (C-2) to coincide with the CS plan designation and to Flood Plain (FP) to coincide with the CF plan designation.

The site is located at the south end of Willow Creek, on the east side of State Highway 299, with parcels planned and zoned for commercial uses immediately to the north. The parcel is currently vacant, and the applicant has proposed a drive-through coffee shop on the site. The parcel was created by a subdivision approved by the Humboldt County Planning Commission on March 22, 1966.

The site sits between State Highway 299 and the Trinity River with the eastern portion of the parcel containing a Streamside Management Area (SMA), the extent of which was determined by Timberland Resource Consultants (Attachment 4). All proposed activities fall outside of the mapped SMA. Additionally, a Development Plan will be prepared to identify the SMA for future development proposed on the site. This has been made a condition of approval.

The rezone is in the public interest and is consistent with General Plan policies. The rezone implements the recently changed General Plan designations and Implementation Measure GP-IM6 which states:

**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.*

This change is included in the County's implementation of the General Plan to change the zoning, however, the applicant wishes to change the zoning in advance of the two-year timeline set by the General Plan.

Based on the on-site inspection, a review of Planning Department reference sources, and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the project.

**ALTERNATIVES:**

The Planning Commission could elect not to recommend approval of the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning staff is confident that the required findings can be made and does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 18-**

**Case Number ZR-16-007  
Assessor Parcel Number 522-272-006**

**Recommends the Humboldt County Board of Supervisors certify compliance with the California Environmental Quality Act and approves the Thompson Zone Reclassification request.**

**WHEREAS**, the applicant submitted an application and evidence in support of approving a Zone Reclassification (ZR) to reclassify approximately 10 acres from Agriculture General (AG) to a combination of Community Commercial (C-2) and Flood Plain (FP); and

**WHEREAS**, the proposed ZR 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 County Planning Division reviewed the submitted application and evidence and referred the application and evidence to reviewing agencies for site inspections, comments and recommendations; and

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

**WHEREAS**, the County Planning Department, the lead agency, prepared an Addendum to the Programmatic EIR (PEIR) for the adoption of the County General Plan (SCH# 2007012089) adopted by the County Board of Supervisors on October 23, 2017, where the Board of Supervisors certified the Final PEIR as complete and adequate in that it addresses all environmental effects of the proposed project and fully complies with all of the requirements of CEQA. The project site was included in discussions of the PEIR, as required by Section 15074(b) of the CEQA Guidelines, and finds there is no substantial evidence that the proposed project will have a significant effect on the environment; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zone Reclassification; and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on October 18, 2018.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. There is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The proposed ZR is in the public interest; and
3. The proposed ZR is consistent with the General Plan; and

4. 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
5. The Planning Commission makes the findings in Attachment 2 of the Planning Department Staff Report for Case Number ZR-16-007 based on the submitted evidence.

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the Addendum to the previously approved Environmental Impact Report and make the necessary findings prepared by Planning staff.
3. Approve the rezoning of approximately ten acres out of AG into both C-2 and FP.
4. Adopt Ordinance No. \_\_\_\_\_ amending Section 311-7 of the Humboldt County Code by reclassifying approximately ten acres in the Willow Creek area [ZR-16-007] into Community Commercial (C-2) and Flood Plain (FP).
5. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

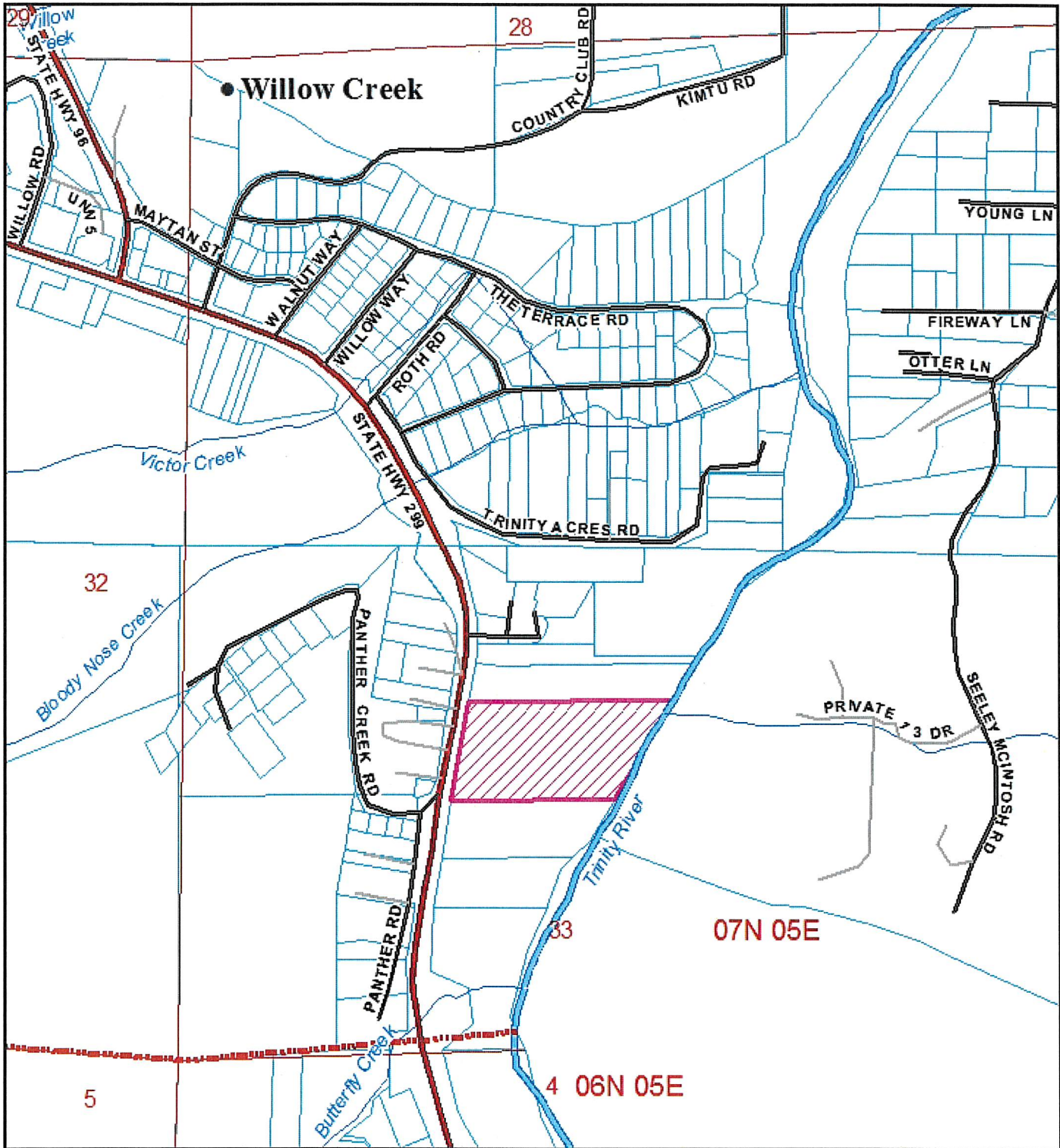
Adopted after review and consideration of all the evidence on October 18, 2018.

The motion was made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ with the following ROLL CALL vote.

AYES: Commissioners:  
 NOES: Commissioners:  
 ABSTAIN: Commissioners:  
 ABSENT: Commissioners:  
 DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
 John H. Ford  
 Director, Planning and Building Department




**LOCATION MAP**

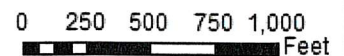
**PROPOSED THOMPSON  
ZONE RECLASSIFICATION  
WILLOW CREEK AREA  
ZR-16-007**

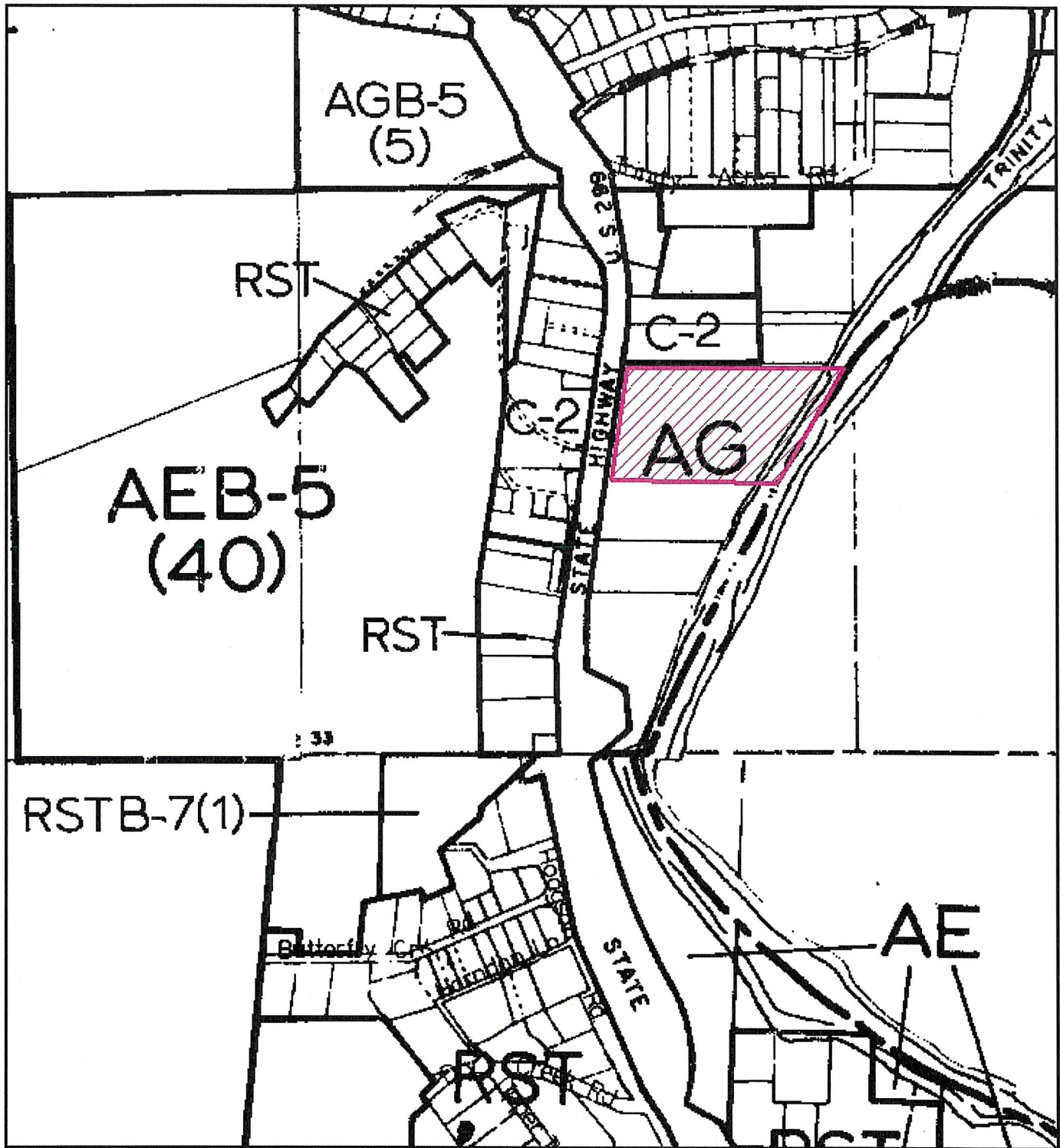
**APN: 522-272-006**

**T07N R05E S33 HB&M (Salyer)**

**Project Area =** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





**ZONING MAP**

**PROPOSED THOMPSON  
ZONE RECLASSIFICATION  
WILLOW CREEK AREA  
ZR-16-007**

**APN: 522-272-006**

**T07N R05E S33 HB&M (Salyer)**

**Project Area =** 

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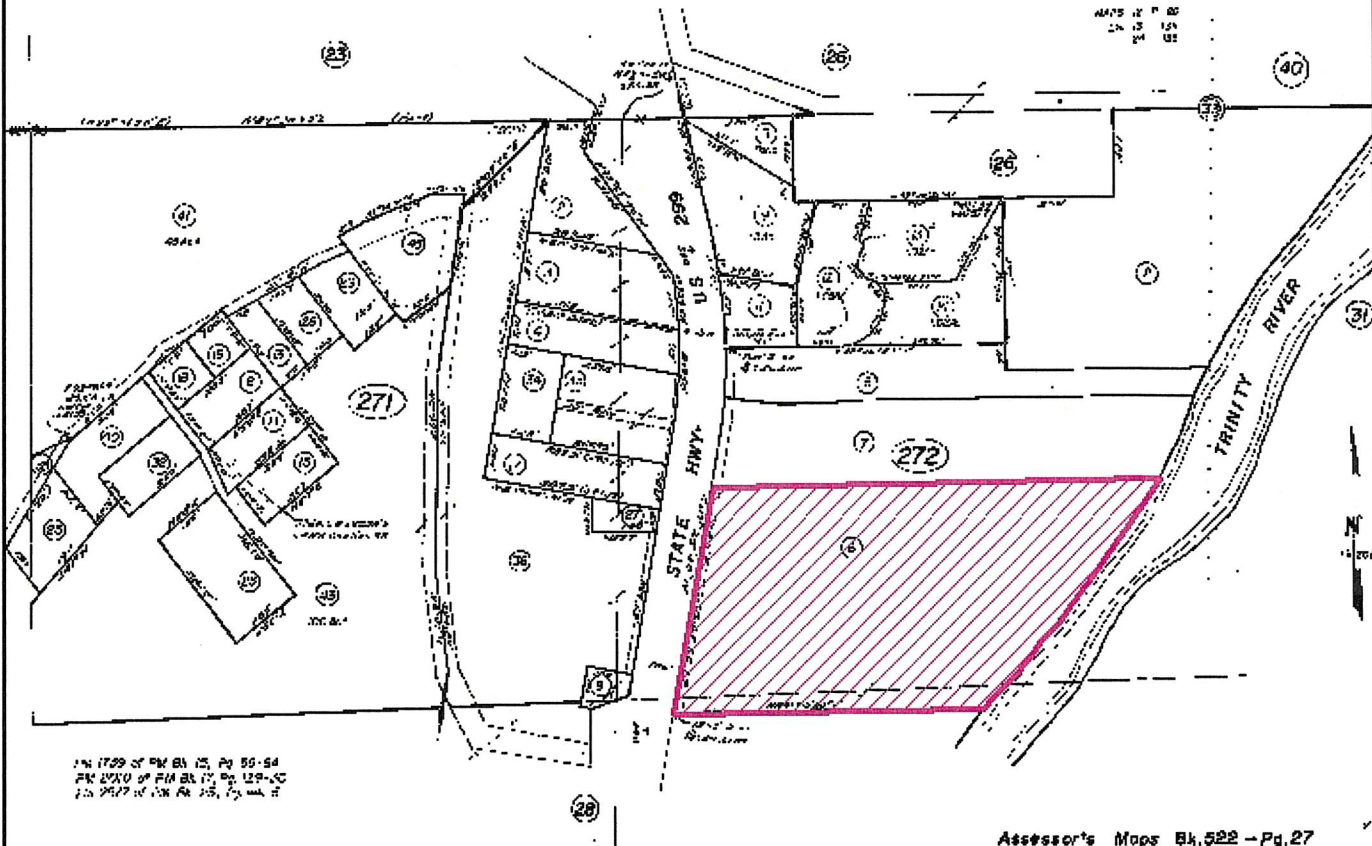
**MAP NOT TO SCALE**



POR S 1/2 SEC 33, T7N R5E

522-27

MATS 12 P 80  
24 13 124  
24 13 124



1/4 1729 of PM Bk 15, Pg 50-54  
2/4 2010 of PM Bk 17, Pg 129-30  
2/4 2017 of PM Bk 15, Pg 44, 4

Assessor's Maps Bk. 522 - Pg. 27  
County of Humboldt, Calif.

NOTE - Assessor's Block Numbers Appear in Italics  
Assessor's Parcel Numbers Appear in Circles

**ASSESSOR PARCEL MAP**  
**PROPOSED THOMPSON**  
**ZONE RECLASSIFICATION**  
**WILLOW CREEK AREA**  
**ZR-16-007**

**APN: 522-272-006**  
**T07N R05E S33 HB&M (Salyer)**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



MAP NOT TO SCALE



**AERIAL MAP**

**PROPOSED THOMPSON  
ZONE RECLASSIFICATION  
WILLOW CREEK AREA  
ZR-16-007**

**APN: 522-272-006**

**T07N R05E S33 HB&M (Salyer)**

**Project Area =** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 Feet



## ATTACHMENT 1

### CONDITIONS OF APPROVAL

APPROVAL OF THE ZONE RECLASSIFICATION IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE ZONE RECLASSIFICATION CAN BE SCHEDULED FOR ACTION BY THE BOARD OF SUPERVISORS:

1. The applicant shall submit a legal description of the lands to be re-zoned for review and approval by the County Land Surveyor. The applicable review fee (currently \$271.00) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Zone Reclassification being scheduled for a decision by the Board of Supervisors.
  2. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Department, payable to "Humboldt County Recorder" in the amount of \$50. This check is to cover the County Clerk's costs for filing the Notice of Determination pursuant to Section 15067 of the CEQA Guidelines.
  3. The property owner(s) shall execute and file with the Planning Department the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.
  4. The applicant shall submit at least two (2) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site-development details:
    - A. Mapping
      - (1) Streamside Management Area (SMA) for the Trinity River labeled "non-buildable".
    - B. Notes to be placed on the Development Plan:
      - (1) "Development within Streamside Management Areas shall be limited to the following uses:
        - a. Development permitted within stream channels pursuant to Section 3432.6 of the General Plan (Volume I, Framework).
        - b. Timber management and harvests not otherwise excluded by Applicability Section as well as noncommercial cutting of firewood and clearing for pasturage, provided that cottonwoods are retained and remaining willows and alders, as well as other unmerchantable hardwoods or shrubs should be protected from unreasonable damage.
        - c. Road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
        - d. Removal of vegetation for disease control or public safety purposes.
- Note: A Special Permit is required for all new development in Streamside Management Areas not exempt per Section 314-61.1(d)(1-7) of the Humboldt County Zoning Regulations".**

- (2) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed".
5. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$386.00 plus applicable recordation fees) will be required

**Informational Notes:**

1. The document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts that describe that document are available from the Planning Department.
2. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.

## ATTACHMENT 2

### Staff Analysis of the Evidence Supporting the Required Findings

**A. Zone Reclassification Required Findings:** Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve a Zone Reclassification. The required findings are as follows:

1. The proposed change is in the public interest; and
2. That the proposed change is consistent with the General Plan; and
3. The proposed 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 unless the following written findings are made supported by substantial evidence:
  - a. The reduction is consistent with the adopted general plan, including the housing element, and
  - b. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and
  - c. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

In addition, of the California Environmental Quality Act (CEQA) apply:

4. CEQA requires that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA
  - a) That the project is either categorically or statutorily exempt; or
  - b) That there is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
  - c) That an environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of significance, or the required findings in Section 15091 of the CEQA Guidelines are made.

**1. Public Interest:** The following table identifies the evidence which supports finding that the proposed zone reclassification is in the public interest.

<b>Section(s)</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
§312-50 of Humboldt County Code	The proposed zone reclassification is in the public interest	The purpose of the proposed zone reclassification is to allow commercial uses consistent with the commercial General Plan designation. Presently, the Agriculture General (AG) Zone that applies to the parcel restricts commercial uses. The recent adoption of the 2017 General Plan changed the plan designation to Commercial Services (CS) which allows commercial uses as proposed. The existing AG zone is inconsistent with the current CS plan designation and the zone change will make the zoning consistent with the land use designation. This project is in the public interest because it facilitates uses allowed under the General Plan designation and corrects an inconsistency in the zoning.

**2. General Plan Consistency**

The property is planned Commercial Services (CS). The project proposes to rezone the approximately 10 acre parcel into both Community Commercial (C-2) and Flood Plain (FP). The Zoning Consistency Matrix, Table 4H of the Humboldt County General Plan specifies that the zoning into C-2 is consistent with the underlying CS plan designation and the zoning into FP is consistent with the underlying CF plan designation. Staff believes that the proposed zone reclassification is consistent with the goals and policies of the General Plan.

Additionally, the following table identifies the evidence which supports finding that the proposed development is in conformance with other applicable policies and standards of the Humboldt County General Plan.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Commercial Services (CS):</b> This designation is intended for heavy commercial uses and compatible light industrial uses not serving day to day needs.</p> <p><b>Conservation Floodway (CF):</b> This designation applies to the channels of river and streams, including the areas which carry normal flood waters or the area between existing or planned levees, dikes or other such flood control features, and in which agriculture and limited recreational uses may be desirable or permissible.</p>	<p>The lands proposed to be rezoned from AG to C-2 were changed from AS to CS under the recently adopted General Plan. The C-2 zoning will make the parcel consistent with the underlying General Plan designation and facilitate the development of a commercial enterprise on the site. The lands proposed to be rezoned from AG to FP were changed to CF under the recently adopted General Plan. The FP zoning will make the parcel consistent with the underlying General Plan designation.</p>
<p>Land Use Chapter 4</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 reclassification will facilitate the development of the parcel with a commercial use. The site is or will be served with community water provided by the Willow Creek Community Services District and an on-site wastewater treatment system.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>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 Trinity River forms the eastern property line. No development is proposed within the Streamside Management Area (SMA). A condition of approval requires a Development Plan to demonstrate the extent of the SMA and label it unbuildable. Future development must comply with the provisions of this section, and future building installations must meet County Building regulations.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>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>The project was referred to the Northwest Information Center (NWIC) and the Tsnungwe Council. The NWIC has recommended a cultural resource study, however, further review by the local Tsnungwe Council determined that a study was not required provided the applicant follow standard inadvertent discovery procedures. This has been included in the conditions of approval.</p>



<p>Safety Element Chapter 14</p> <p>Geologic and Seismic</p>	<p>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 parcel is located in an area of moderate slope instability and outside of any Alquist-Priolo Fault Hazard Area. Future development will be required to comply with all building code requirements.</p> <p>Portions of the parcel below the 480 foot elevation lie within the Department of Water Resources (DWR) Awareness Floodplain. This portion is proposed to be zoned FP, Flood Plan. The proposed C-2 Zone is located above the 640 foot elevation contour and has a low flood risk.</p>
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**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.**

The parcel is listed on the Humboldt County Housing Inventory as contributing one housing unit to meet the unincorporated County's moderate and above moderate income households housing needs for this Housing Element planning period. The General Plan designation of the parcel at the time of the Housing Inventory was AS, however, the recent adoption of the General Plan changed the designation to CS, a commercial designation. While the commercial designation no longer allows residential use as a principal use, it does allow residential uses accessory to established commercial uses. Nonetheless, The County is obligated to accommodate its Regional Housing Need Allocation of 512 moderate and above moderate income households this Housing Element planning period (Humboldt County General Plan Table 8-5, Projected Fair Share Housing Needs, Humboldt County Unincorporated Areas, 2014 – 2019). The Housing Element indicates that the County has an inventory of 1,566 units to meet the moderate and above moderate need. Therefore, with the loss of this one unit to a non-residential land use, the County would still have a surplus inventory available to meet the projected housing need. The loss of this parcel from the Housing Inventory will not reduce the residential density below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.

**4. Environmental Review.**

As lead agency, the Department prepared an Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017. The property subject to the Zone Reclassification was evaluated as part of the change in land use designation to Commercial Services (CS) and the proposed rezoning implements this General Plan change. This Addendum is included as Attachment 5 of this staff report. Based on the information in the application and a review of

relevant references in the Department, staff has determined that there is no evidence before the Department that the proposed project will have a potential adverse effect either individually or cumulatively, on the environment.

**ATTACHMENT 3**

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE WILLOW CREEK AREA (ZR-16-007, THOMPSON)**

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

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying ten acres in the Willow Creek area from Agricultural General to Community Commercial (C-2) and Flood Plain (FP) to coincide with the respective General Plan designations of Commercial Services (CS) and Conservation Floodway (CF), respectively, as described in the attached Exhibit A.

The area described is also shown on the Humboldt County Zoning Map [wcapz] and on the map attached as Exhibit A.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

\_\_\_\_\_  
Chair, Humboldt County Board of Supervisors

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

(SEAL)

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

EXHIBIT A



**PROPOSED ZONE CHANGE**

**PROPOSED THOMPSON  
ZONE RECLASSIFICATION  
WILLOW CREEK AREA**

**ZR-16-007**

**APN: 522-272-006**

**T07N R05E S33 HB&M (Salyer)**

## **ATTACHMENT 4**

### **Applicant's Evidence In Support of the Required Findings**

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are attached unless otherwise noted to be on file with the Planning Division:

- Application Form (on file)
- Plot Plan (attached)
- Streamside Management Area (SMA) Evaluation (attached)
- DWR Awareness Floodplain Map (attached)





165 South Fortuna Boulevard, Fortuna, CA 95540  
707-725-1897 • fax 707-725-0972  
trc@timberlandresource.com



August 23, 2018

Attention: Trevor Estlow  
Humboldt County Planning Department  
315 H Street  
Eureka, CA 95501

Dear Trevor:

Re: APN 522-272-006 / Application #: 12748

### **Project Description**

An application for a Zone Reclassification to change the zoning district from Agricultural General (AG) to Community Commercial (C2). As part of the County's General Plan Update, the subject parcel is proposed to have land use designation of Commercial Services (CS). The current land use designation is Agricultural Suburban (AS) under the Willow Creek Community Plan. The adjacent parcels to the north and west are zoned C-2. Upon adoption of the zone reclassification the applicant is proposing to develop a drive-through coffee business that will be built on a permanent foundation. The subject parcel is within the water service area of the Willow Creek Community Services District. The parcel is currently only developed with a private road that provides access to APN 522-282-003, which is adjacent to the south and is also vacant.

### **SMA Evaluation**

Per your request, the following is an evaluation of whether the project area is located within the Stream Management Area (SMA) of the Trinity River. The SMA is defined in the General Plan, as follows:

*100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.*

Riparian Vegetation for the purpose of this evaluation is defined as follows:

*Vegetation commonly occurring adjacent to stream banks and including, but not limited to such plants as willows, alders, cottonwood, wax myrtle, big leaf maple, California laurel, red elderberry, etc.*

Chris Carroll (RPF#2628) inspected the hillslopes located between the project area and Trinity River on July 14, 2018. The section of Trinity River adjacent to the project area contains a confined stream channel. A *Confined Channel* means a watercourse with an incised channel that does not shift position on a floodplain, the channel has no contiguous flat, flood prone areas, and the width of the valley floor is less than 2 times the channel width at bankfull stage.

The western hillslopes leading from the project area down to the Trinity River are very steep (~65%) consisting primarily of second growth Douglas-fir, tanoak, and madrone. Review of 1947 historic aerial imagery revealed dense stands of old growth Douglas-fir within the subject property and surrounding north-facing slopes. Review of historic aerial imagery from 1972 shows no remaining old growth Douglas-fir stands and signs of major ground disturbance or changes in stand structure or composition suggesting that timber harvesting occurred between 1948-1972.

The portion of stream bank located directly adjacent to Trinity River's active channel contains red alder, which is "riparian vegetation". Red alder also occurs on the hillslopes above the river within a narrow band of approximately 50-75 feet slope distance from the Trinity River's active channel.

The project area is located on an existing flat that is approximately 500 feet slope distance from the Trinity River on approximately 65% slopes. To be conservative and consider the red alder's "drip-line"; this evaluation will assume that riparian vegetation extends 100 feet slope distance above the Trinity River's active channel. Consequently, the distance from the outer extent of riparian vegetation to the project area is 400 feet slope distance. Converting from slope distance to horizontal distance:

$$\begin{aligned} \text{HD} &= \text{SD} * \text{cosine (slope degrees)} \\ \text{HD} &= 400 * \text{cosine (34.2)} \\ \text{HD} &= 374 \text{ feet} \end{aligned}$$

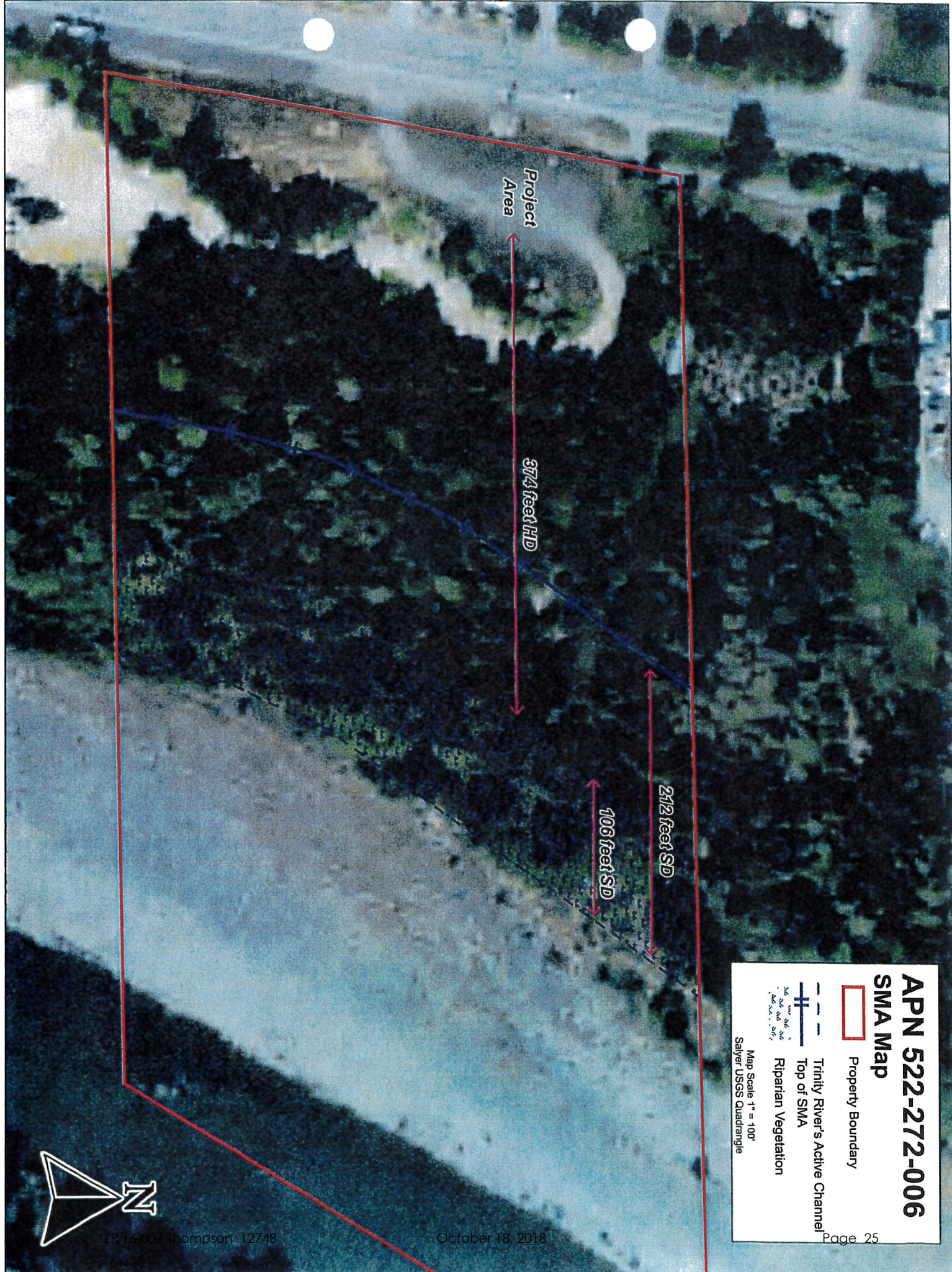
The project area is approximately 374 feet horizontal distance from the top of the riparian vegetation growing alongside the Trinity River. The proposed project is not located within Trinity River's SMA.

Sincerely,



Chris Carroll, RPF #2628  
Timberland Resource Consultants





**APN 522-272-006**  
**SMA Map**

-  Property Boundary
  -  Trinity River's Active Channel
  -  Top of SMA
  -  Riparian Vegetation
- Map Scale 1" = 100'  
 Salver USGS Quadrangle

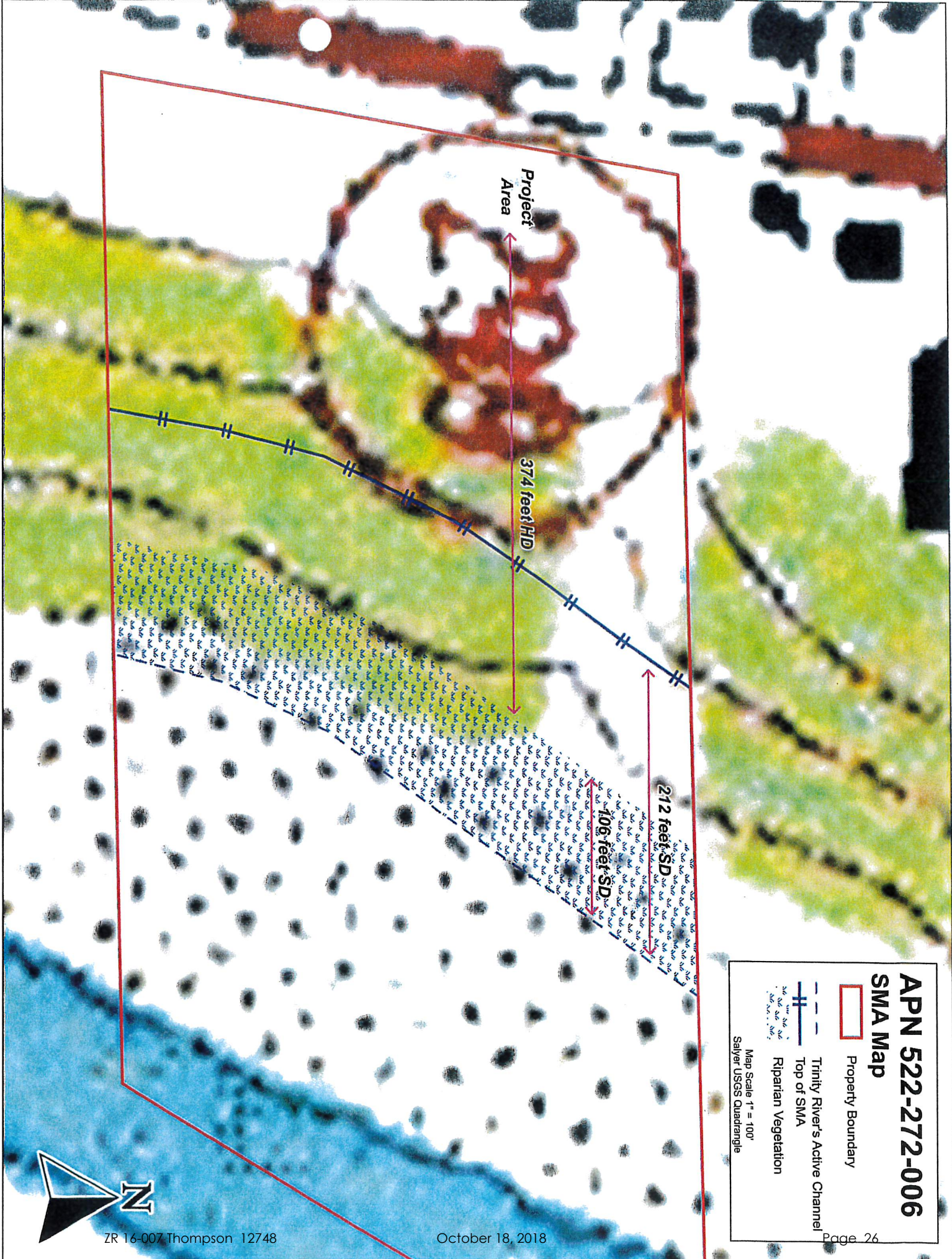
Project Area

374 feet HD

212 feet SD

106 feet SD



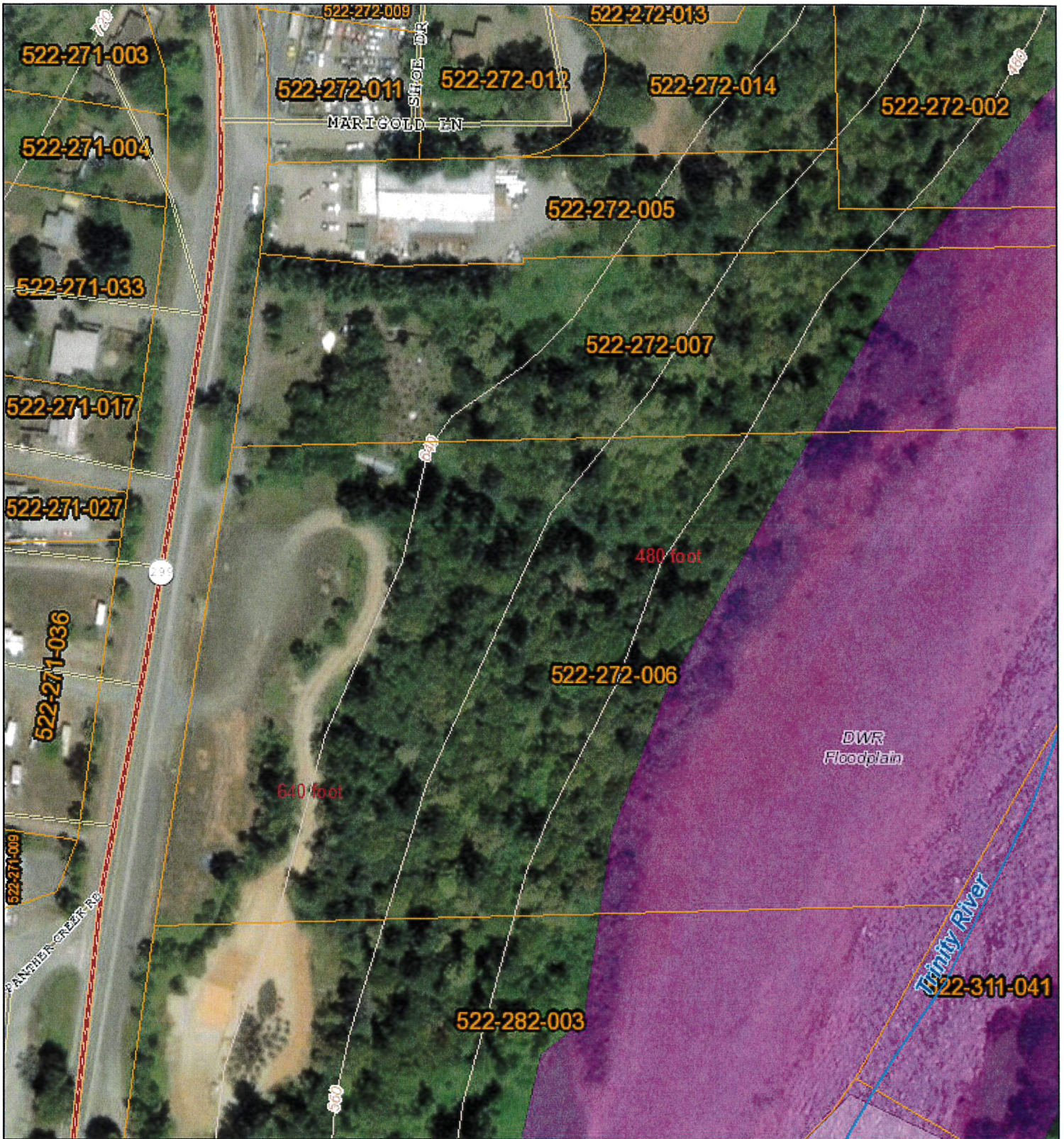


**APN 522-272-006**  
**SMA Map**

- Property Boundary
- Trinity River's Active Channel
- Top of SMA
- Riparian Vegetation

Map Scale 1" = 100'  
 Silver USGS Quadrangle

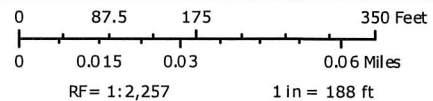




# POD GIS Map

Humboldt County Planning and Building Department

- Highways and Roads**
- Private or Unclassified
  - Intermittent
  - Principal Arterials
  - Major River or Stream
  - Subsurface
  - Minor Arterials
  - Blue Line Streams
  - City Boundary
  - Major Collectors
  - Perennial 1-3
  - Counties
  - Minor Collectors
  - Perennial >4
  - Parcels (Owners)
  - Local Roads
  - Parcels (Owners, no labels)



Printed: September 11, 2018      Web AppBuilder 2.0 for ArcGIS  
 Map Disclaimer:  
 While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.  
 Source: Humboldt County GIS, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, NRCS, NWI, CDFW, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS

**ATTACHMENT 5**

**CEQA ADDENDUM TO THE  
PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT**

**The General Plan Update Program Environmental Impact Report (EIR)  
(State Clearinghouse # 2007012089), October 23, 2017**

**APN 522-272-006, 39621 State Highway 299, Willow Creek, Humboldt County**

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**August 2018**

## Background

**Modified Project Description and Project History** - The project involves a Zone Reclassification (ZR) to change the zoning of APN 522-272-006 from Agriculture General (AG) to Community Commercial (C-2) and Flood Plain (FP) in order to implement the General Plan land use designation of Commercial Services (CS) and Conservation Floodway (CF). The CS land use designation is intended for heavy commercial uses and compatible light industrial uses not serving day to day needs. The CF land use designation applies to the channels of river and streams, including the areas which carry normal flood waters or the area between existing or planned levees, dikes or other such flood control features, and in which agricultural and limited recreational uses may be desirable or permissible.

Within the General Plan EIR it is noted that:

"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 RDEIR."

Furthermore, 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.

The modified project description involves a zone reclassification from Agriculture General (AG) to Community Commercial (C-2) and Flood Plain (FP) to be consistent with General Plan designations of CS and CF, respectively. The Zoning Consistency Matrix contained in Table 4-H of the adopted EIR shows that the proposed zoning is consistent with the compatible zones within the Commercial Services and Conservation Floodway land use designations. Conversely, the existing zoning of AG is not listed as a compatible zoning district for either land use designation.

The parcel is currently vacant, however, the applicant has proposed a drive-through coffee shop on a portion of the parcel. The parcel is within the water service area of the Willow Creek Community Services District.

The land use patterns in the area transition from commercial to agricultural parcels as you leave the town of Willow Creek travelling south on State Highway 299. The parcel immediately north and west are both planned and zoned for commercial uses.

The General Plan Environmental Impact Report (EIR) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the General Plan update which included adoption of land use designations.

The uses proposed on the parcel are consistent with the General Plan designation and the proposed zoning. Additionally, the parcel was created by a subdivision that was approved by the Humboldt County Planning Commission on March 22, 1966.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration (MND) have occurred. Section 15162

states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR or MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous EIR or MND; B) significant effect previously examined will be substantially more severe than shown in the previous EIR or MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

#### Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original EIR recommended mitigations. Further, the proposal to construct a small drive-through coffee shop results in no significantly adverse environmental effects beyond those identified in the PEIR.

#### Other CEQA Considerations

Staff suggests no changes for the revised project.

#### EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR was adopted. Based upon this review, the following findings are supported:

#### FINDINGS

1. The proposed project will change the zoning at the site from AG to C-2 and FP which is consistent and compatible with the land use designations of CS and CF. The land use designations of CS and CF for this site were evaluated within the adopted EIR. The requested zone reclassification implements the General Plan land use designations and does not constitute a substantial change, is minor in nature, and does not require additional mitigation measures not included in the original EIR.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

#### CONCLUSION

Based on these findings it is concluded that an Addendum to the certified EIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

**ATTACHMENT 6**

**Referral Agency Comments and Recommendation**

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Approval		✓
County Public Works, Land Use Division	✓	No comment		✓
County Division of Environmental Health	✓	Conditional approval		✓
Northwest Information Center	✓	Recommend study		✓
Tsnungwe Council	✓	Conditional approval		✓
Willow Creek Community Services District		No response		
California Department of Fish and Wildlife		No response		
Cal Fire	✓	Standard comments		✓
California Department of Transportation		No response		
U.S. Fish and Wildlife Service		No response		