

ATTACHMENT 2

Draft Board of Supervisors Ordinance

Ordinance No. ____ amending Title III of Humboldt County Code (Zoning Ordinance) by adding Section 314-4.5 (PR - Public Resource and Recreation Zone), Section 314-7.5 (TE - Timberland Exclusive Zone), Section 314-7.6 (TL - Tribal Lands), Section 314-9 (Mixed Use Zone Districts), amending Section 314-17.1 (B - Building Site Combining Zone), adding Section 314-28.5 (MR - Mineral Resources Combining Zone), and Section 314-33.5 (RR - Railroad Rights of Way Protection Combining Zone), and Amending Section 311-7 of the Humboldt County Code by Rezoning Property in the Unincorporated Areas of Humboldt County to be consistent with the General Plan.

Exhibit A: Text to be added to and amended in Chapter 4 of the Zoning Regulations

Exhibit B: Zoning Map

Ordinance No. _____

AMENDING TITLE III OF HUMBOLDT COUNTY CODE (ZONING ORDINANCE) BY ADDING SECTION 314-4.5 (PR - PUBLIC RESOURCE AND RECREATION ZONE), SECTION 314-7.5 (TE - TIMBERLAND EXCLUSIVE ZONE), SECTION 314-7.6 (TL - TRIBAL LANDS), SECTION 314-9 (MIXED USE ZONE DISTRICTS) AMENDING SECTION 314-17.1 (B - BUILDING SITE COMBINING ZONE), ADDING SECTION 314-28.5 (MR - MINERAL RESOURCES COMBINING ZONE), ADDING SECTION 314-33.5 (RR - RAILROAD RIGHTS OF WAY PROTECTION COMBINING ZONE), AND AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE UNINCORPORATED AREAS OF HUMBOLDT COUNTY TO BE CONSISTENT WITH THE GENERAL PLAN.

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

SECTION 1. ZONE AMENDMENT. Chapter 4 of the Zoning Regulations (Title III of Humboldt County Code) is hereby amended by Adding Section 314-4.5 (PR - Public Resource and Recreation Zone), Section 314-7.5 (TE - Timberland Exclusive Zone), Section 314-7.6 (TL - Tribal Lands), Section 314-9 (Mixed Use Zone Districts) amending Section 314-17.1 (B - Building Site Combining Zone), Adding Section 314-28.5 (MR - Mineral Resources Combining Zone), Adding Section 314-33.5 (RR - Railroad Rights of Way Protection Combining Zone) as shown in Exhibit A, and Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Unincorporated Areas of Humboldt County to be consistent with the General Plan. The area described is shown on the map attached as Exhibit B and on the County's webGIS:

URL: <https://webgis.co.humboldt.ca.us/HCeGIS2.0/index.html>:
Shapefile: GP_REZONE_11-16-18.shp.

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

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

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairperson of the 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

Deputy

Exhibit A: Text to be added to and amended in Chapter 4 of the Zoning Regulations

PR – Public Resource and Recreation Principal Zone (added text)

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.

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>

TE –Timberland Exclusive Principal Zone (added text)

314-7.5 TE: TIMBERLAND EXCLUSIVE ZONE

The Timberland Exclusive or TE Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber where land planned Timberland on the General Plan Land Use Map is not zoned TPZ pursuant to Section 314-7.4 of these Regulations and the California Timberland Productivity Act of 1982, Government Code Section 51100, et seq.

<u>314-7.5</u> <u>TE: TIMBERLAND EXCLUSIVE ZONE</u>	
<u>Principal Permitted Uses</u>	
Growing and harvesting of timber and accessory uses compatible thereto.	
Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures).	
One-family dwelling or manufactured home and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences in Section 314-7.4.1.6	
Management for watershed.	
Management for fish and wildlife habitat.	
A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of "processing").	
The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.	
Grazing and other agricultural uses.	
Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.	
Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.	
Cottage Industry, subject to Cottage Industry Regulations	
<u>Uses Permitted with a Use Permit</u>	
Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.	
Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TE zone.	
<u>Other Regulations</u>	
<u>Minimum Lot Area</u>	Forty (40) acres.
<u>Minimum Lot Width</u>	One hundred feet (100').
<u>Maximum Lot Depth</u>	(None specified.)
<u>Minimum Yard Setbacks*</u>	
<u>Front</u>	Thirty feet (30');
<u>Rear</u>	Twenty feet (20');
<u>Side</u>	Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.
<u>Outbuildings</u>	Outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.
<u>Maximum Ground Coverage</u>	Thirty-five percent (35 %).
<u>Maximum Building Height</u>	(None specified.)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11

TL - Tribal Lands Principal Zone (added text)

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 the Reservations or Rancherias that is 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 the Rancheria or Reservation, except land owned in fee by non-tribal members within the boundaries of the Hoopa Reservation.

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.

Mixed Use Urban and Rural Principal Zones (added text)

314-9 MIXED USE ZONE DISTRICTS

314-9.1 MU1: MIXED USE (URBAN)

The purpose of the Mixed Use (Urban) or MU1 Zone is to provide for pedestrian-oriented, mixed use development (commercial, office, and higher density residential).

314-9.1 MU1: MIXED USE (URBAN)	
Use Type	Principal Permitted Use
<u>Residential Use Types</u>	<u>Two family dwellings and multiple dwellings and dwelling groups</u> <u>Single Family Residential</u> <u>Accessory Dwelling Unit</u> <u>Guest House</u>
<u>Commercial Use Types</u>	<u>Neighborhood Commercial</u> <u>Retail Sales and Retail Services</u> <u>Transient Habitation</u> <u>Office and Professional Service</u> <u>Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations</u> <u>Commercial and Private Recreation</u>
<u>Civic Use Types</u>	<u>Minor Utilities</u> <u>Essential Services conducted entirely within an enclosed building</u> <u>Community Assembly</u> <u>Public and parochial parks, playgrounds and playing fields</u> <u>Non-Commercial Recreation</u>
<u>Industrial Use Types</u>	<u>Cottage Industry; subject to the Cottage Industry Regulations</u>
Use Type	Conditionally Permitted Use
<u>Civic Use Types</u>	<u>Public Recreation and Open Space</u> <u>Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations</u> <u>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</u> <u>Minor Generation and Distribution Facilities</u>
<u>Extractive Use Type</u>	<u>Surface Mining - 2; subject to the Surface Mining Regulations</u>
<u>Natural Resource Use Types</u>	<u>Fish and Wildlife Management</u> <u>Watershed Management</u> <u>Wetland Restoration</u> <u>Coastal Access Facilities</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 MU zone.</u>

314-9.1	MU1: MIXED USE (URBAN)
Development Standards	
Minimum Lot Area	2,000 square feet.
Minimum Lot Width	Twenty-five feet (25').
Minimum Yard Setbacks*	
<u>Front</u>	None, except that where frontage is in a block which is partially in a Residential Zone (RS, R-1, R-2, R-3, R-4) the front yard shall be the same as that required in such Residential Zone.
<u>Rear</u>	Fifteen feet (15'), except that where a rear yard abuts on an alley, such rear yard may be not less than five feet (5').
<u>Side</u>	None, except that a side yard of an interior lot abutting on a Residential Zone (RS, R-1, R-2, R-3, R-4) or Agricultural Zone (AE, AG) shall be not less than the front yard required in such Residential Zone or Agricultural Zone.
Maximum Ground Coverage	One hundred percent (100%)
Maximum Structure Height	Seventy-five (75) feet.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11.

9.1.1 Other MU1 - Mixed Use (Urban) Regulations

9.1.1.1 Landscaping. All new residential and commercial projects shall use landscaping to enhance the appearance of neighborhoods, control erosion, conserve water, improve air quality and improve pedestrian and vehicular safety.

9.1.1.1.1 Landscaping shall be required for new development which creates five (5) or more new parking spaces.

9.1.1.1.2 The landscaping policies shall be accomplished by the submittal of a landscaping plan.

9.1.1.2 Outdoor Lighting. New outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. New development and projects that would make significant parking lot improvements or add new exterior lighting to submit a lighting plan consistent with these regulations. Lighting designs should address:

9.1.1.2.1 All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises.

9.1.1.2.2 A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted.

9.1.1.2.3 No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.

9.1.1.3 Parking. Parking requirements are as specified in Section 314-109.1 Off-Street Parking, except that Section 314-109.1.2.6, Multiple Uses, shall not apply when mixed residential and non-residential uses are proposed within a single parcel. Off-street parking facilities for one mixed use may provide parking facilities for other proposed uses within a development site. The parking requirement for the proposed mixed-use development shall be the highest sum total off-street parking spaces of the uses proposed.

9.1.1.4 Outdoor Trash Storage (nonresidential only). All outside trash storage and collection facilities shall be enclosed by a solid masonry wall or view-obscuring fence at least one foot higher than the trash container.

9.1.1.5 On-site Performance Standards. On-site performance standards are as follows:

9.1.1.5.1 Odors. No use shall create objectionable odors readily detectable beyond the property line.

9.1.1.5.2 Dust and Smoke. No use shall create dust or smoke that is readily detectable beyond the property line (in addition to meeting all air pollution requirements).

9.1.1.5.3 Vibration. No use shall create vibration detectable without instruments at the property line.

9.1.1.5.4 Electromagnetic Interference. No use shall produce electromagnetic interference with normal radio or television service beyond the property line.

9.1.1.5.5 Glare. No use shall create intense light or glare that causes a nuisance or hazard beyond the property line.

9.1.1.6 Applicable Standards. Noise, atmospheric emissions, toxic or noxious matter, radiation, heat and humidity, fire and explosive hazards, or liquid and solid wastes shall be regulated by applicable county, state or federal standards.

314-9.2 MU2: MIXED USE (RURAL)

The purpose of the Mixed Use (Rural) or MU2 Zone is to provide for small-scale mixed use development (commercial, office, and residential) for smaller population bases.

314-9.2 MU2: MIXED USE (RURAL)	
Use Type	Principal Permitted Use
<u>Residential Use Types</u>	<u>Two Family dwellings</u> <u>Single Family Residential</u> <u>Accessory Dwelling Unit</u> <u>Guest House</u>
<u>Commercial Use Types</u>	<u>Neighborhood Commercial</u> <u>Retail Sales and Retail Services</u> <u>Office and Professional Service</u> <u>Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations</u> <u>Commercial and Private Recreation</u>
<u>Civic Use Types</u>	<u>Minor Utilities</u> <u>Essential Services conducted entirely within an enclosed building</u> <u>Community Assembly</u> <u>Public and parochial parks, playgrounds and playing fields</u> <u>Non-Commercial Recreation</u>
<u>Industrial Use Types</u>	<u>Cottage Industry; subject to the Cottage Industry Regulations</u>
<u>Agricultural Use Types</u>	<u>General Agriculture</u>
Use Type	Conditionally Permitted Use
<u>Residential Use Types</u>	<u>Multiple dwellings containing four or fewer units per building</u> <u>Manufactured Home Parks</u>
<u>Commercial Use Types</u>	<u>Heavy Commercial</u> <u>Transient Habitation</u>
<u>Civic Use Types</u>	<u>Public Recreation and Open Space</u> <u>Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations</u> <u>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</u> <u>Minor Generation and Distribution Facilities</u>
<u>Extractive Use Type</u>	<u>Surface Mining - 2; subject to the Surface Mining Regulations</u>
<u>Natural Resource Use Types</u>	<u>Fish and Wildlife Management</u> <u>Watershed Management</u> <u>Wetland Restoration</u> <u>Coastal Access Facilities</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 MU zone.</u>

314-9.2	MU2: MIXED USE (RURAL)
Development Standards	
Minimum Lot Area	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Minimum Yard Setbacks*	
<u>Front</u>	Fifteen (15) feet.
<u>Rear</u>	Ten (10) feet.
<u>Interior Side</u>	Five (5) feet.
<u>Exterior Side</u>	Same as front or one-half the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
Maximum Ground Coverage	Fifty percent (50%)
Maximum Structure Height	Fifty (50) feet.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11.

9.2.1 Other MU2: Mixed Use (Rural) Regulations

9.2.1.1 Landscaping. All new residential and commercial projects shall use landscaping to enhance the appearance of neighborhoods, control erosion, conserve water, improve air quality and improve pedestrian and vehicular safety.

9.2.1.1.1 Landscaping shall be required for new development which creates five (5) or more new parking spaces.

9.2.1.1.2 The landscaping policies shall be accomplished by the submittal of a landscaping plan.

9.2.1.2 Outdoor Lighting. New outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. New development and projects that would make significant parking lot improvements or add new exterior lighting to submit a lighting plan consistent with these regulations. Lighting designs should address:

9.2.1.2.1 All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises.

9.2.1.2.2 A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted.

9.2.1.2.3 No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.

9.2.1.3 Parking. Parking requirements are as specified in Section 314-109.1 Off-Street Parking, except that Section 314-109.1.2.6, Multiple Uses, shall not apply

when mixed residential and non-residential uses are proposed within a single parcel. Off-street parking facilities for one mixed use may provide parking facilities for other proposed uses within a development site. The parking requirement for the proposed mixed-use development shall be the highest sum total off-street parking spaces of the uses proposed.

9.2.1.4 Outdoor Trash Storage (nonresidential only). All outside trash storage and collection facilities shall be enclosed by a solid masonry wall or view-obscuring fence at least one foot higher than the trash container.

9.2.1.5 On-site Performance Standards. On-site performance standards are as follows:

9.2.1.5.1 Odors. No use shall create objectionable odors readily detectable beyond the property line.

9.2.1.5.2 Dust and Smoke. No use shall create dust or smoke that is readily detectable beyond the property line (in addition to meeting all air pollution requirements).

9.2.1.5.3 Vibration. No use shall create vibration detectable without instruments at the property line.

9.2.1.5.4 Electromagnetic Interference. No use shall produce electromagnetic interference with normal radio or television service beyond the property line.

9.2.1.5.5 Glare. No use shall create intense light or glare that causes a nuisance or hazard beyond the property line.

9.2.1.6 Applicable Standards. Noise, atmospheric emissions, toxic or noxious matter, radiation, heat and humidity, fire and explosive hazards, or liquid and solid wastes shall be regulated by applicable county, state or federal standards.

Amendment to B - Special Building Site Combining Zone (amended text)

314-17 "B" COMBINING ZONE DESIGNATIONS.

314-17.1 B - SPECIAL BUILDING SITE.

The Special Building Site Combining or B Zones and subzones thereunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. The following regulations shall apply in any zone which is combined with a Special Building Site Combining or B Zone in lieu of the lot area and yard requirements normally applicable in such principal zone.

314-17.1 SPECIAL BUILDING SITE COMBINING ZONE	
DESIGNATION	BUILDING SITE AREA
B-1	8,000 square feet 6,000 square feet
B-2	10,000 square feet
B-3	20,000 square feet
B-4	One (1) acre
B-5	As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.
B-6	Building site area as shown on subdivision maps of record. Front, side and rear yards to be not less than B-4 requirements unless otherwise indicated on the subdivision map of record.
B-7	Minimum lot size specified by B-7(x) on the zoning maps, where "x" indicates the minimum lot size, and where the subdivision of any parcel results in a density consistent with the General Plan. As part of the subdivision action, a rezone to the appropriate B-7 parcel size designation shall be required, and, as necessary, other enforceable restrictions where necessary to maintain consistency with the General Plan shall also be required. See the following examples of the application of this section.

MR – Mineral Resources Combining Zone (added text)

314-28 “M” COMBINING ZONE DESIGNATIONS

314-28.5 MR – MINERAL RESOURCES COMBINING ZONE

28.5.1 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 1000 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.

28.5.2 Applicability. The Mineral Resources Combining Zone, indicated by "MR" on the Zoning Maps, shall be applied on the Zoning Maps to include 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 feet of the outside edge of Assessor's Parcels containing surface mining operations. Discretionary projects located a minimum of 300 feet along mapped mining haul routes shall also be subject to these regulations.

28.5.3 Permitted Uses.

28.5.3.1 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)

28.5.3.1.1 Applications shall address allowable dust and noise levels, hours of operation, fencing, traffic, access, setbacks, and other performance standards necessary to minimize significant environmental impacts and conflicts with adjacent land uses, to the extent feasible.

28.5.3.2 When mining activity ceases, the landowner and/or mining company shall be responsible for the reclamation of the site.

28.5.3.3 Reclamation shall include but not be limited to the reasonable mitigation or elimination of residual hazards.

28.5.3.4 Non-mining projects located within the MR Combining Zone or located a minimum of 300 feet along mapped mining haul routes may be approved only if the following finding is made in the affirmative: Even though the project may otherwise be determined to be incompatible with mineral resource protection policies, the project will incorporate the best mitigation measures feasible to minimize potential conflicts with these policies.

28.2.3.4.1 Incompatible land uses shall be suitably buffered from mining activity. Appropriate transition measures shall be taken to minimize

conflicts between mining activity and surrounding land uses.

28.5.4 Hearing Notification.

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

28.5.4.2 For applications for discretionary projects within 1000 feet of mining operations, notice shall be provided to the mine owners.

28.5.4.3 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.

28.5.5 Disclosure.

28.5.5.1 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.

28.5.5.2 This section further requires discretionary projects within 1000 feet of vested and permitted surface mining extraction sites or a minimum of 300 feet along existing haul routes 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 these regulations or 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."

28.5.5.3 The statement set forth in subsection 28.5.5.2 shall be used under the following circumstances and in the following manners:

28.5.5.3.1 Upon the issuance of a discretionary development permit, including but not limited to subdivision approvals, Use Permits, and Special Permits, for use within 1,000 feet of vested and permitted surface mining extraction sites or a minimum of 300 feet along 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 28.5.5.2.

RR – Railroad Rights-of-Way Protection Combining Zone (added text)

314-33 “R” COMBINING ZONE DESIGNATIONS

314-33.5 RR – RAILROAD RIGHTS-OF-WAY PROTECTION.

33.5.1 Purpose. The purpose of these provisions are 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.

33.5.2 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.

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

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

33.5.3.2 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.

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

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

33.5.4 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 33.5.3 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.

33.5.5 **Special Permit Required.** Development, other than compatible uses identified in 33.5.3 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.

Exhibit B: Zoning Map