

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of August 27, 2019

RESOLUTION NO. 19-86

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

WHEREAS, Humboldt County adopted its current General Plan on October 23, 2017 resulting in changes in the land use designation of many parcels within the County, and new policies which require implementation through modification of the Zoning Ordinance; and,

WHEREAS, Humboldt County initiated Zoning Text Amendments and Zone Reclassifications to Implement Humboldt County General Plan Land Use Element Implementation Measure GP-~~IM6: Zoning Consistency, which directs the County to, within two years after the adoption of the~~ General Plan Update, revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and apply appropriate zone classifications to areas to achieve consistency with the Land Use Map (Appendix A, p. A-2); and,

WHEREAS, the proposed Zoning Text Amendments 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 in that the uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan as required by Government Code section 65860 (a)(2); 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; and,

WHEREAS, public hearings were held on the matter before the Humboldt County Planning Commission on October 4, October 18, and November 1, 2018, and April 18, and May 2, 2019.

NOW, THEREFORE be it resolved by the Humboldt County Board of Supervisors that the Board of Supervisors has reviewed and considered the proposed amendments to Title III, Division 1, Chapter 4 of Humboldt County Code amending sections:

- (a) 314-7.1 "AE - Agriculture Exclusive Zone"; and
- (b) 314-7.4 "TPZ - Timberland Production Zone," and
- (c) 314-17.1 "B-1- Special Building Site" Combining Zone

and adding Sections

- (d) 314-7.5 "TE - Timberland Exclusive" Principal Zone, and
- (e) 314-9.1 "MU1 - Mixed Use (Urban)" Principal Zone, and
- (f) 314-9.2 "MU2 - Mixed Use (Rural)" Principal Zone, and
- (g) 314-31.2 "PRD - Planned Rural Development" Combining Zone;

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BE IT FURTHER RESOLVED, that the Board of Supervisors has reviewed and considered comments, responses and revisions at the public hearings, and makes all the following findings:

1. **CEQA.** The Board of Supervisors has considered the Programmatic Environmental Impact Report certified as part of the adoption of the 2017 General Plan and finds that the PEIR adequately addresses the potential environmental impacts associated with the amendments to the Zoning Ordinance as described above.
 - a. CEQA Guidelines Section 15162(a) allows use of a previously certified EIR when substantial evidence supports finding that there are not substantial changes in the project requiring major revisions, there have not been substantial changes in circumstances and when no new information has been presented which was not and could not have been known at the time of certification of the EIR.
 - ~~b. The Board of Supervisors certified the Programmatic Environmental Impact Report~~ ("PEIR"), State Clearinghouse No. 2007012089, prepared for adoption of the comprehensive update of the County General Plan on October 23, 2017.
 - c. The Board of Supervisors approved Group 1 of the Zoning Text Amendments to implement the General Plan by adopting Resolution 19-51 on June 11, 2019, making findings of consistency with the California Environmental Quality Act and the General Plan, and adopting Ordinance 2629 amending the following Sections of Chapter 4 of the Zoning Regulations: Section 312-2.1, Zoning Clearance Certificate Procedures; Section 312-17.1, Required Findings for all Permits; Section 314-21.1 "F - Flood Hazard Areas" Combining Zone; and Section 314-61.1 Streamside Management Area Regulations; and adding the following Sections: Section 314-4.5 (PR - Public Resource and Recreation Zone); and Section 314-7.6 (TL - Tribal Lands); Section 314-28.2 (MR - Mineral Resources Combining Zone) and Section 314-33.2 (RR - Railroad Rights of Way Protection Combining Zone).
 - d. Group 2 of the Zoning Text Amendments to implement the General Plan includes amending Section 314-7.1 (AE - Agriculture Exclusive Zone); Section 314-7.4 (TPZ - Timberland Production Zone); and Section 214-17.1 (B-1 - Special Building Site) Combining Zone; and adding Section 314-7.5 "TE - Timberland Exclusive" Principal Zone, and adding Section 314-9.1 (MU1 - Mixed Use (Urban)) Principal Zone, Section 314-9.2 (MU2 - Mixed Use (Rural)), and Section 314-31.2 (PRD - Planned Rural Development Combining Zone); and Section 3, General Plan Consistency, (subsections a through h) of this Resolution provides evidence that the proposed amendments are consistent with the General Plan and specifically identifies the Humboldt County General Plan policy objectives that are implemented.
 - e. No substantial evidence has been submitted to the public record that substantial changes are proposed by Group 2 of the Zoning Text Amendments to implement the General Plan which require major revisions of the PEIR, that there are substantial changes to the circumstances under which the Group 2 amendments are being undertaken that require major revisions in the PEIR, or that that there is new

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information has become available which was not known at the time the PEIR was certified that require major revisions in the PEIR.

- f. PEIR Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies updating the Zoning Code in a manner consistent with the General Plan as a key implementing action.
- g. The project actions are specifically enumerated in the General Plan and contemplated in Mitigation Measure 3.1.3.2.a of the PEIR.
- h. In addition to serving as the environmental document for the approval of the General Plan Update, the EIR was intended by the County to serve as the basis for compliance with CEQA for future actions to implement the General Plan Update, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.

2. Public Interest: The Zoning Text amendments are in the public interest.

- a. The purpose these amendments is to ensure consistency between General Plan Land Use policy and the Zoning Regulations
- b. The General Plan establishes the policy direction for land use development in the county and the Zoning Ordinance provides the legal framework to implement the General Plan by establishing regulations that are consistent with and further the policies of the General Plan.
- c. It is in the public interest to have well written Zoning Ordinance provisions to implement the General Plan which are specific, provide clear definitions, are easily understood and allow for orderly development. The ordinance provisions being adopted accomplish these objectives.

3. General Plan Consistency: The zoning ordinance amendments are consistent with the Humboldt County General Plan. 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.) Zoning consistency with General Plan land use designations or policies is not limited to principal zoning classifications that were in existence at the time when the 2017 General Plan was adopted (summarized in Table 4-H p. 4-55), where new zoning district classifications will more appropriately implement the goals, policies, standards, land use designations and programs set forth in the General Plan, particularly where precise Zoning Map and text amendments are necessary to apply appropriate Zone Classifications and regulations to areas currently zoned Unclassified, as identified in Appendix A Implementation Action Plan as a priority to accomplish within 1 – 2 years (p. A-2).

- a. Each addition or change to the Zoning Code has been made in order to implement specific policy objectives of the Humboldt County General Plan. These are itemized

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below.

- b. The "AE - Agriculture Exclusive Zone," or "AE" Zone (Section 314-7.1), is consistent with the "AE - Agricultural Exclusive" and "AG - Agricultural General" Land Use Designations specified in Section 4.8, Land Use Designations, and the objectives of goal AG-G2, "Preservation of Agricultural Lands" and related policies, standards, and implementation measures of Section 4.5 Agricultural Resources, of the Land Use Element of Humboldt County General Plan.
- i. General Plan Land Use Designations as listed in Table 4-G establishes allowable uses for the Agricultural Exclusive Land Use Designation. The Agricultural Exclusive Zone implements these allowed use types.
 - ii. The minimum lot size is changed from twenty (20) acres to sixty (60) acres as specified in Table 4-G Resource Production Land Use Designations and AG-S1, Subdivision of Planned Agricultural Exclusive (AE) Lands, which requires that no agricultural land division will be approved whereby any parcel thusly created will be less than 60 acres. In addition, the amendments allow for exceptions to minimum parcel size for planned agricultural land for the purposes of historic preservation where findings are made pursuant to AG-S5, Historical Preservation.
 - iii. The amendment will preserve agricultural land to the maximum extent possible for continued agricultural use consistent with AG-G2, "Preservation of Agricultural Lands", AG-P6, "Agricultural Land Conversion - No Net Loss" AG-P16, "Protect Productive Agricultural Soils" and AG-IM4, "No Net Loss of Prime Agricultural Lands" by establishing criteria for no net loss of agricultural lands in the AE Zone. The proposed amendment requires one or more of the following mitigations for conversion of agricultural land:
 1. Re-planning of vacant agricultural lands from a non-agricultural land use designation to an agricultural plan designation along with the recordation of a permanent conservation easement on this land for continued agricultural use; or
 2. The retirement of non-agricultural uses on lands planned for agriculture and recordation of a permanent conservation easement on this land for continued agricultural use; or
 3. Financial contribution to an agricultural land fund in an amount sufficient to fully offset the agricultural land conversion for those uses enumerated in (the above paragraphs).
 - iv. The amendments establish a two acre "Building Envelope" for secondary units and other residential uses consistent with footnote #4 of Land Use Element Table 4-G which limits the footprint of principally permitted second units to be "within the same two-acre building envelope containing the primary residence".
- c. The "TPZ - Timberland Production Zone," or "TPZ" Zone (Section 314-7.4) , is

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consistent with the "T – Timberland" Land Use Designation as specified in Section 4.8, Land Use Designations, and the goals, and related policies, standards, and implementation measures of Section 4.6 Forest Resources, of the Land Use Element of Humboldt County General Plan, in particular FR-IM5, Develop Ordinance to Regulate Land Uses in TPZ lands, which directs preparation of an ordinance to implement the policies for the designation and residential use of lands zoned TPZ.

- i. General Plan Land Use Designations as listed in Table 4-G establishes allowable uses for the Timberland Land Use Designation. The Timberland Production Zone implements these allowed use types.
 - ii. The "Special Restrictions Regarding Residences" is modified to make Section 314-7.4.1.6.1 of the zoning ordinance consistent with the maximum allowable density, forty acres, as specified on Page 4-53 of the Land Use Element and on Table 4-G Resource Production Land Use Designations. Sections 314-7.4.1.6.1 and 6.2 are modified to be consistent with Policy FR-P10, Secondary Residential Construction on TPZ Zoned Parcels, which states that Second residential units may be allowed on TPZ parcels greater than 160 acres, and that Second units may be allowed on TPZ parcels of less than 40 acres within Community Planning Areas.
- d. A Guiding Principle of the General Plan is to "provide a clear statement of land use values and policies to provide clarity in the County's permit processing system and simplify review of projects." The Eureka Community Plan establishes a 6,000 square foot minimum lot size for residentially zoned parcels. This information is provided to the public and county staff through a note indicated by an asterisk on the Eureka Community Plan Land Use Map and an asterisk next to the Zoning District name as part of publicly available electronic parcel data. This reference to the Eureka Community Plan residential minimum lot size is not a part of the Zoning Code and as a result it may be difficult for planners, the public and policy makers to readily determine the meaning of the asterisk and the appropriate residential minimum lot size for the Eureka Community Plan.
- i. Section 314-1731 "B" Special Building Site Combining Zone is used to specify seven different standard modifications to the minimum parcel size. The "B-1" designation applies an 8,000 square foot minimum parcel size; however, the B-1 designation is not currently applied to private property the within the county. There are over 4,000 Assessor's Parcels where the publicly available zoning information is presented with a "*" and there is no clear pathway for the public to determine that the "*" indicates that the minimum parcels size is 6,000 square feet. Modifying the "B-1" designation from an 8,000 square foot minimum parcel size to a 6,000 square foot minimum parcel size would "provide a clear statement of land use values and policies to provide clarity in the County's permit processing system and simplify review of projects" consistent with the Guiding Principles of the General Plan.
- e. The proposed "TE - Timberland Exclusive Zone," (Section 314-7.5) implements the

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“T - Timberland” General Plan Land Use Designation as specified in General Plan Section 4.8, Land Use Designations, of the Land Use Element and implements the goals and policies of Section 4.6 Forest Resources, of the Land Use Element of Humboldt County General Plan.

- i. The Timberland designation is utilized to classify land primarily suitable for the growing, harvesting and production of timber (Appendix B, Glossary and Definitions, p. B-28, incorporating by reference the definition of timberlands in Public Resources Code § 4526 of the Z'berg-Nejedly Forest Practice Act of 1973). TPZ is currently the only zoning district primarily focused on this objective. The Timberland Exclusive zone provides a second district to achieve this objective for land owners who do not want to enroll in TPZ, or for timberlands that were not rezoned TPZ by Humboldt County in the initial implementation of the Timberland Productivity Act (Gov. Code § 51100, *et. seq.*) in 1978, and that are currently zoned U – Unclassified.
- ii. Goal FR-G3, Supply of Productive Forestlands calls for an adequate and stable supply of forestlands whose economic and ecosystem services are sustained by policies and standards governing minimum parcel sizes, public acquisition, incompatible uses, public infrastructure investments, environmental protection and incentives for sustainable uses.
- iii. Goal FR-G4, Incompatible and Conflicting Uses, encourages timberlands to be protected from the encroachment of incompatible uses and managed for the inclusion of compatible uses.
- iv. The “T - Timberland” General Plan Land Use Designation is identified in CO-S2, Identification of the Open Space Action Program, as a Land Use Designation intended to protect and conserve timberlands land for long-term utilization. The “AE – Agriculture Exclusive” Zone is the only currently existing Principal Zone Classification listed in CO-S2, Identification of the Open Space Action Program, that is consistent with the “T - Timberland” General Plan Land Use Designation and can be applied to privately-owned timberland, without having to meet the requirements of Government Code § 51113. The “AE” Zone” is intended to be applied to fertile areas where agriculture is the predominant use and where timber production is also a permitted, but not the predominant, use.
- v. The “TE” Zone also serves to implement the open space standards of the Conservation and Open Space Element in a manner equivalent to the “TPZ” Zone as a more appropriate zone applied to land planned Timberland than the “AE” Zone, which may include uses incompatible with timberland such as cannabis cultivation.
- vi. General Plan Land Use Element Table 4-G establishes allowable uses for the Timberland Land Use Designation. The TE - Timberland Exclusive Zone implements these allowed use types.

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- vii. Only a small portion of the properties zoned Unclassified are proposed to be rezoned to TE. Of the 800,000 or more acres of land zoned Unclassified, only 4,000 acres are planned "Timberland" that would potentially be rezoned to TE. And almost 90% of that property is classified as "Forest" or "Woodland" by the California Department of Forestry and Fire Protection Fire and Resource Assessment Program (FRAP).
- f. The "Mixed Use 1 (Urban)" (Section 314-9.1), implements the "Mixed Use (MU)" Land Use Designation specified in General Plan Section 4.8, Land Use Designations, and implementation measures of Section 4.3 Urban Lands:
 - i. Policy UL-P6 calls for utilization of a Mixed Use zone to promote higher density urban housing in concert with retail and commercial uses.
 - ii. General Plan Land Use Element Table 4-D establishes allowable uses for the Mixed Use Land Use Designation. The Mixed Use Zone implements these allowed use types.
 - iii. Policy UL-S5, Landscaping Standards, which specifies that landscaping must be provided for new development which creates five (5) or more new parking spaces and requires the submittal of a landscaping plan.
 - iv. Conservation and Open Space Element Standard SR-S4, Light and Glare, and Implementation Measure SR-IM5, Lighting Design Guidelines, which specify that lighting shall be designed and installed to minimize off-site lighting and direct light within the property boundaries.
 - v. Policy UL-P7. encourages reductions in parking requirements to encourage multi-modal access options and allow ministerial approval of development that conforms to performance standards adopted by ordinance.
- g. The "Mixed Use 2 (Rural)" Zone (Section 314-9.2), implements the "Village Center (VC)" and "Rural Community Center (RCC)" Land Use Designations specified in General Plan Section 4.8, Land Use Designations, and implementation measures of Section 4.3 Urban Lands:
 - i. Section 4.8 establishes the Village Center and Rural Community Center Land Use Designations distinctly from the Mixed Use Designation to address areas without public utilities and areas which may not have identifiable commercial and residential districts. These are addressed separately from those areas that are intended to be more urban.
 - ii. Policy UL-P6 calls for utilization of a Mixed Use zone to promote higher density urban housing in concert with retail and commercial uses.
 - iii. General Plan Land Use Element Table 4-D establishes allowable uses for the Mixed Use Land Use Designation. The Mixed Use Zone implements these allowed use types.

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- iv. Policy UL-S5, Landscaping Standards, which specifies that landscaping must be provided for new development which creates five (5) or more new parking spaces and requires the submittal of a landscaping plan.
 - v. Conservation and Open Space Element Standard SR-S4, Light and Glare, and Implementation Measure SR-IM5, Lighting Design Guidelines, which specify that lighting shall be designed and installed to minimize off-site lighting and direct light within the property boundaries.
 - vi. Policy UL-P7. encourages reductions in parking requirements to encourage multi-modal access options and allow ministerial approval of development that conforms to performance standards adopted by ordinance.
- h. The proposed "Planned Rural Development" Combining Zone (Section 314-31.2) is consistent with General Plan Land Use Element Section 4.5, Agricultural Resources, and Section 4.6, Forest Resources, goals and policies relating to Planned Rural Development.
- i. The "PRD" Zone carries out General Plan Land Use Element Section 4.3, Agricultural Resources Policy AG-P1. Planned Rural Development and Implementation Measure AG-IM1, Develop Planned Rural Development Program, and Forest Resources Policy FR-P15, Planned Rural Development by updating the Zoning Regulations to include provisions for the Planned Rural Development of land Planned Agriculture Grazing or Timberland and by specifying that lands most suitable for agricultural production are retained for permanent continued production and that identified homesite parcels must be clustered to avoid increasing use conflicts. The proposed "PRD" Zone incorporates these provisions in Section 314-31.2.3 of the zoning ordinance.
 - ii. The "PRD" Zone contains a density credit incentive of five times existing entitlements when 95% of subject lands are protected through a conservation easement or equivalent protection as well as other criteria specified in General Plan policies AG-S4. Planned Rural Development Program Clustering Incentive Options and FR-S1. Planned Rural Development Program Clustering Incentive Options.
- i. The adoption of the amendments to Section 314-7.1 "AE - Agriculture Exclusive Zone" and Section 314-7.4 "TPZ - Timberland Production Zone" and Section 314-1731 "B" Special Building Site Combining Zone and the new "TE - Timberland Exclusive Zone," "MU1" (Urban) Mixed Use Zone," "MU2" (Rural) Mixed Use Zone, and the "PRD - Planned Rural Development" Combining Zone would not affect the county's ability to meet its regional housing need obligation
- i. Goals and policies contained in Housing Element, in particular H-P3, Development of Parcels in the Residential Land Inventory, seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.

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- ii. The new mixed use zones, "MU1" and "MU2" would support the development of housing in community areas that are currently zoned for commercial uses, consistent with H-P3, Development of Parcels in the Residential Land Inventory.
- iii. The new "TE" Zone and "PRD" Combining Zone and modifications to the "AE" and "TPZ" Zones provide performance standards for single family residential construction in areas that are not a part of the residential land inventory.
- iv. Modifications to the B-1 Special Building Site Combining Zone would not change minimum parcel size of residential land and would therefore have no impact on the Residential Land Inventory.

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

1. The Board of Supervisors has considered the Environmental Impact Report (EIR) for the Humboldt County General Plan - State Clearinghouse No. 2007012089, certified by the Board of Supervisors on October 23, 2017 (Attachment 6 to the staff report) - and finds that the EIR for the General Plan is sufficient to addresses the potential environmental impacts associated with adoption of the Text Amendment Ordinance and was prepared in accordance with Section 15168 (c)(2) of the CEQA Guidelines to anticipate adoption of Zoning Text Amendments to implement the General Plan and no new information has been presented that change the findings of the EIR in accordance with section 15162 of the State CEQA Guidelines; and
2. The Board of Supervisors has made all required Findings for adoption of an Amendment to the Zoning Ordinance
3. Directs the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
4. Directs the Clerk of the Board to publish a summary of the ordinance within 15 days of adoption including the names of the Supervisors voting for and against the Ordinance.

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Dated: August 27, 2019



Rex Bohn, Chair
Humboldt County Board of Supervisors

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

| | | |
|----------|-------------|--------------------------------|
| AYES: | Supervisors | Fennell, Wilson, Bass, Madrone |
| NAYS: | Supervisors | Bohn |
| ABSENT: | Supervisors | -- |
| ABSTAIN: | Supervisors | -- |

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California