

Attachment 1

Draft Board of Supervisors Resolution

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____

Resolution No. ____ - ____

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

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

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

WHEREAS, 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; and

WHEREAS, Exhibit A of this Resolution includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Text Amendments; 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, 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 of this 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

By:

KATHY HAYES

Date: _____, 2019

By _____
Deputy

Exhibit "A" -- Findings of approval for Zoning Text amendments

California Environmental Quality Act Findings

Project Description

The project is part of the Implementation of the General Plan to make the Zoning Regulations consistent with the General Plan. The project involves the amendments to the Zoning Regulations to establish new Principal and Combining Zones specifically called out in General Plan policies and standards. They are summarized as follows:

New Principal Zones

Mixed Use.

- Add a new “MU1” (Urban) Mixed Use Zone to be applied to areas planned MU - Mixed Use, and “MU2” (Rural) Mixed Use Zone to be applied to VC - Village Center, or RCC - Rural Community Center General Plan land use designations.
- The goal of the mixed-use zones is to offer a range of commercial, office, housing and civic activities.
- These new zones are intended to minimize conflicts between uses through performance measures used to guide approval of principally permitted uses and findings to guide the approval of discretionary uses.
- This implements UL-P6, “Mixed-Use Zoning”, UL-S1, “Allowed Uses” in Mixed-Use Areas, and UL-IM1, Neighborhood and Town Centers of the Urban Lands Section of the Land Use Element.

New Combining Zones

PRD – Planned Rural Development.

- Add a new “PRD – Planned Rural Development” Combining Zone to provide voluntary clustering of home sites at a density above what would otherwise be allowed in order to concentrate permitted development and preserve lands most suitable for permanent continued agricultural production.
- The “PRD” Combining Zone would implement AG-P1, “Planned Rural Development”, AG-S4, Planned Rural Development Program Clustering Incentive Options, and FR-S1, Planned Rural Development Program Clustering Incentive Options from the Agricultural and Forest Resources Sections of the Land Use Element.

Modifications to Existing Zones

AE - Agriculture Exclusive Zone.

- Amend Section 314-7.1 “AE - Agriculture Exclusive Zone” to include allowable uses specified in Land Use Element Table 4-G (Allowable Use Types for Resource Production Land Use Designations)
- And to implement key policies from the Agricultural Resources Section of the Land Use Element, such as to:
 - establish criteria for no net loss of ag lands and minimization of the footprint of buildings and impermeable surfaces on prime ag soils;
 - to change the minimum lot size from 20 acres to 60 acres; and
 - to provide an exception to the minimum parcel size for planned agricultural land for the purposes of historic preservation.

TPZ - Timberland Production Zone.

- Amend Section 314-7.4 “TPZ - Timberland Production Zone” to include allowable uses from Land Use Element Table 4-G and to implement key policies from the Forest Resources Section of the Land

Use Element, such as:

- The requirements for secondary residential units.

B – Special Building Site.

- Amend Section 314-1731 “B” Special Building Site Combining Zone to change the “B-1” designation from an 8,000 square foot minimum parcel size to a 6,000 square foot minimum parcel size.
- Currently an asterisk (“*”) is applied to all residentially zoned property in the Eureka Community Plan Area to indicate that the minimum parcel size is 6,000 square feet instead of the 5,000 square foot parcel size specified for residential zones in the Zoning Ordinance.
- The “B-1” Combining Zone is proposed to be applied to residentially zoned properties in the Eureka Community Plan Area instead of an asterisk to indicate 6,000 square foot minimum parcel size.
- The amendment of this Combining Zone is not called out in the General Plan. Staff recommends this change for clarity.

Finding

1. The County of Humboldt adopted findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and certified an Environmental Impact Report (EIR) for the General Plan on October 23, 2017 (State Clearinghouse # 2007012089). The Project will not result in additional environmental effects that were not adequately examined in the EIR certified for the General Plan.

Facts

1(a) The EIR states “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 (EIR).” In addition, the EIR specifically added Mitigation Measure 3.1.3.2.a. to add an implementation measure to the Growth Planning section of the Land Use Element (GP-IM6, Zoning Consistency) to reduce potential impacts related to conflict between the General Plan Update and applicable land use regulations:

“Implementation Measure GP-IM6, 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.”

1(b) 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.

1(c) EIR Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies that following adoption of the General Plan Update, the General Plan Implementation Action Plan will be carried out. Key implementing actions include updating the Zoning Map.

1(d) EIR Section Chapter 3.1 Land Use, Housing and Population, Impact 3.1.3.2: Conflict with Applicable Land Use Plans, Policies or Regulations, analyzes potential conflict with any applicable land use plan, policy, or regulation, including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance and found that impacts would be less than significant upon the implementation of a mitigation measure to revise the Zoning Map for zoning consistency.

1(e) The project actions are specifically enumerated in the General Plan and contemplated in the in Mitigation Measure 3.1.3.2.a of the EIR.

1(g) 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.

Finding

2. In accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) of the CEQA Guidelines, none of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Project:

Facts

2(a) The EIR was presented to the Board of Supervisors in advance of the public meeting on January 15, 2019.

2(b) The Board of Supervisors reviewed and considered the EIR prior to taking action on the Zoning Text amendments to add the following new Zone Classification: “MU1 – Mixed Use (Urban)” Principal Zone, “MU2 – Mixed Use (Rural)” Principal Zone, and “PRD – Planned Rural Development” Combining Zone; and amend the following existing Zoning Regulations, Section 314-7.1 “AE - Agriculture Exclusive Zone” and Section 314-7.4 “TPZ - Timberland Production Zone,” and Section 314-17.1”B-1– Special Building Site” Combining Zone.

2(c) The proposed Zoning Text amendments would be consistent with the General Plan.

2(d) All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the EIR mitigation measures adopted in connection with the Board of Supervisor’s approval of the EIR. All Program EIR mitigation measures applicable to the Project have been incorporated into the Project.

2(e) In accordance with Public Resources Code Section 21094(d), the Planning Commission found that any significant and unavoidable impacts of the Project with regard to agricultural and timber resources, utilities and services systems, transportation, hazards and hazardous materials, geology and soils, hydrology and water quality, air quality, greenhouse gas emissions, cultural resources, scenic resources, and energy consumption and conservation are outweighed by overriding considerations as set forth in the EIR and in the Findings adopted by the Board of Supervisors in connection with the approval of the EIR, as incorporated by reference and reaffirmed herein.

2(f) The Project does not include any changes in the General Plan and no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken consistent with the General Plan, so the EIR does not require any revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

- No new information of substantial importance, which was not known and could not have been known at the time that the EIR was certified as complete, shows that the Zoning Map amendments would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the EIR, that mitigation measures or alternatives found infeasible in the EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the EIR would substantially reduce one or more significant environmental impacts found in the EIR.

- No information was submitted which identified potentially significant impacts not addressed in the EIR.

2(g) Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Board of Supervisors, exercising its independent judgment and analysis, finds that the Project is consistent with the General Plan, falls within the environmental parameters analyzed in the EIR, and would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the EIR, nor would new mitigation be required for the Project.

2(h) The Planning and Building Department is the custodian of the records of the proceedings on which this decision is based. The records are located at the Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501.

Findings of Approval for Zoning Text amendments

Finding

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

Facts

(a) The purpose this project is to ensure consistency between the General Plan Land Use policy and the Zoning Regulations. The proposed project would: add a new “MU1” (Urban) Mixed Use Zone to be applied to areas planned MU - Mixed Use, and “MU2” (Rural) Mixed Use Zone to be applied to VC - Village Center, or RCC - Rural Community Center General Plan land use designations implementing policy UL-P6, “Mixed-Use Zoning”, UL-S1, “Allowed Uses” in Mixed-Use Areas, and UL-IM1, Neighborhood and Town Centers of the Urban Lands Section of the Land Use Element; and add a new “PRD – Planned Rural Development” Combining Zone to provide voluntary clustering of home sites at a density above what would otherwise be allowed in order to concentrate permitted development and preserve lands most suitable for permanent continued agricultural production consistent with policy AG-P1, “Planned Rural Development” and standard AG-S4, Planned Rural Development Program Clustering Incentive Options, and standard FR-S1, Planned Rural Development Program Clustering Incentive Options from the Agricultural and Forest Resources Sections of the Land Use Element. The proposed project would also amend Section 314-7.1 “AE - Agriculture Exclusive Zone” and Section 314-7.4 “TPZ - Timberland Production Zone” to include allowable uses specified in Land Use Element Table 4-G and implement key policies from the Agricultural Resources Section of the Land Use Element, such as to establish criteria for no net loss of ag lands and minimization of the footprint of buildings and impermeable surfaces on prime ag soils, to change the minimum lot size from 20 acres to 60 acres, and to provide an exception to the minimum parcel size for planned agricultural land for the purposes of historic preservation. This project is in the public interest because it achieves consistency between the General Plan and the Zoning Regulations, and amend Section 314-1731 “B” Special Building Site Combining Zone to change the “B-1” designation from an 8,000 square foot minimum parcel size to a 6,000 square foot minimum parcel size to be applied to residentially zoned properties in the Eureka Community Plan Area instead of an asterisk to indicate 6,000 square foot minimum parcel size.

Finding

2. General Plan Consistency: The Zoning Map amendments are in conformance with other applicable policies and standards of the Humboldt County General Plan.

Facts

(a) The following paragraphs explain how the project is consistent with the General Plan:

General Plan Goal, Policy and/or Standard	Evidence
Chapter 4 - Land Use Element	
Section 4.3 Urban Lands 3	To maintain consistency with the General Plan, the Zoning Regulations are recommended to be amended to establish Urban and Rural Mixed Use Zone Classifications consistent with General Plan Land Use Element Urban Land policies and implementation measures. The new Zoning Classification,

General Plan Goal, Policy and/or Standard	Evidence
	<p>“MU1 – Mixed Use (Urban)” will be applied as appropriate to urban mixed use areas designated MU and VC on the Land Use Map, and “MU2 – Mixed Use (Rural)” will be applied to rural mixed use areas, as appropriate, to areas designated VC, and RCC on the Land Use Map.</p> <p>Adding the Urban and Rural Mixed Use Zone Classifications implements Urban Lands policy UL-P6, Mixed-Use Zoning; standard UL-S1, Allowed Uses in Mixed-Use Areas; and implementation measure UL-IM1, Neighborhood and Town Centers</p>
Section 4.5 Agricultural Resources	<p>The proposed Zoning Code amendments add the “PRD,” Planned Rural Development Combining Zone to implement policy AG-P4, Planned Rural Development, which provides for voluntary clustering of homesites at a density above what would otherwise be allowed when lands most suitable for agricultural production are retained for permanent continued production. The “PRD” Combining Zone also implements standard AG-S4, Planned Rural Development Program Clustering Incentive Options, and FR-S1, Planned Rural Development Program Clustering Incentive Options from the Agricultural and Forest Resources Sections of the Land Use Element.</p> <p>Amendments to the “AE” Zone implement policy AG-P6. Agricultural Land Conversion - No Net Loss and policy AG-P16, Protect Productive Agricultural Soils, to limit the conversion of prime agricultural land.</p>
Section 4.8: Land Use Designations Table 4-H. Zoning Consistency Matrix	The proposed Zoning Code amendments are written to implement General Plan policies for the AE- Agriculture Exclusive and T – Timber Production General Plan designations specified in Table 4-H. Zoning Consistency Matrix.
Chapter 8 - Housing Element	
<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	The Housing Element obligates that County to accommodate its Regional Housing Need Allocation. The adoption of new Zoning Classifications would not affect the county’s ability to meeting it regional housing need obligation.