



AGENDA ITEM NO.

COUNTY OF HUMBOLDT

For the meeting of February 9, 2015

Date: February 2, 2015

To: Board of Supervisors

From: Kevin R. Hamblin, Director of Planning and Building Department *KH*

Subject: Continued Board review of the Planning Commission Approved Draft General Plan. In particular, deliberations on Chapter 10, Section 10.2 Open Space Community Separator Items (CO-G6, CO-P4, CO-P4x, CO-S6, CO-S7, CO-IM6); 10.7 Scenic Resources, Chapter 11 Water Resources, and a draft work plan for public notification of the land use map meetings.

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing.
2. Deliberate on Chapter 10, Section 10.2 Open Space Community Separator Items (CO-G6, CO-P4, CO-P4x, CO-S6, CO-S7, CO-IM6).
3. Deliberate on Chapter 10 Conservation and Open Space Element Section 10.7 Scenic Resources.
4. Deliberate on Chapter 11 Water Resources.
5. Deliberate on a draft work plan for public notification of the land use map meetings.
6. Deliberate on the Board's review schedule for the Draft General Plan.
7. Continue the meeting to Monday, February 23, 2015 beginning at 1:30 p.m. or as soon thereafter as possible to continue deliberations on the remaining items listed above, and the other maps in Appendix F.

Prepared by

Michael Richardson

Michael Richardson, Senior Planner

CAO Approval

Larry Olsen

REVIEW:

Auditor _____ County Counsel *DS* _____ Human Resources _____ Other _____

TYPE OF ITEM:

____ Consent
____ Departmental
☒ Public Hearing
____ Other _____

PREVIOUS ACTION/REFERRAL:

Board Orders No. C-1

Meetings of: beginning June 12, 2012, and continuing through
January 12, 2015

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor
Seconded by Supervisor

Ayes
Nays
Abstain
Absent

and carried by those members present, the Board hereby approves
the recommended action contained in this Board report.

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

General Fund and General Plan User Fees.

DISCUSSION:

January 12, 2015 Actions

At the January 12, 2015 meeting, the Board straw-voted all the following items in Chapter 11 the Water Resources Element:

Added and modified text on pages 11-1, 11-2, 11-5 and 11-6.

WR-P2x1. Unpermitted Development.

WR-P3. Proactive Protections.

WR-P4. Critical Municipal Water Supply Areas.

WR-P5. Critical Watershed Areas.

WR-P6. Subdivisions Water Supply.

WR-Px1. Requirements for Water Storage in temperature-Flow Impaired Watersheds.

WR-Px7. Rain Catchment Systems.

WR-Pxx Funding.

WR-P8. Erosion and Sediment Discharge.

WR-Px2. Mitigate Controllable Sediment Discharge Sites.

WR-P9. County Facilities Management.

WR-P10. Project Design.

WR-P11 Small and Micro Hydroelectric.

WR-P12. Groundwater Quality Protection.

WR-Px5. Important Groundwater Recharge Areas.

WR-P13. Saltwater Intrusion.

WR-P14. Pathogen and Nutrient Discharge from Septic Systems.

WR-P15. Nutrient Discharge from Agricultural Operations.

WR-P16. State and Federal Regulation.

WR-P17. Watershed Planning.

WR-P18. Watershed and Community Based Efforts.

WR-P19. Regional Water Management Planning.

WR-P20. State and Federal Watershed Initiatives.

WR-P21. Sufficient Water Supply.

WR-P22. Critical Water Supply Areas.

WR-P23. Conservation and Re-use Strategy.

WR-P24. Restoration of Flow Rates.

WR-P26. Impact Analysis.

WR-P27. County Needs.

WR-P28. Public Trust Resources and Interests.

WR-P29. Public Input.

WR-Px. Water Export Facilities.

The wording for the approved items is shown in Attachment 3 and the revised Chapter 11 - Water Resources chapters on the GPU website:

<http://www.humboldt.gov.org/572/Board-of-Supervisors-Draft>

Remaining Chapter 10 - Conservation and Open Space Items

Community Separators

Based on public comment at the December meeting from Craig Compton representing the Humboldt County Resource Lands Working Group (HCRLWG), the Board directed staff to bring

back for further consideration the wording of the Community Separator items now grouped together in Section 10.2 - Open Space. The text of the straw-voted community separator items is as follows:

CO-G6 Community Separators. ~~Visible and aesthetic~~ Open space areas between urban development areas that separate and preserve unique identities of the county's cities and communities. Straw vote: 5-0 [10-20-14]

CO-P4. Greenbelts. Community Separation. Maintain separation of urbanized communities through appropriate land use designations and zoning density. Avoid merging urban development boundaries of adjacent communities.
Straw vote: 5-0 [5-19-2014]

CO-P4X SR-P5 Development within Community Separators. Retain a rural character and promote low intensities of development in community separators, consistent with the LAFCo process. ~~Prohibit Avoid annexation or inclusion in spheres of influence for sewer and water services.~~ Provide opportunities for additional development in urban development areas transfer of development rights in exchange for permanent open space preservation within community separators.
Straw Vote 5-0, [10-20-2014]

CO-S6 SR-S4. Development in Mapped Community Separators. ~~Unless there are existing design standards adopted for community separators, New structures development within mapped community separators shall:~~

- A. Site and design structures to take maximum advantage of existing topography and vegetation in order to substantially screen structures from view along scenic corridors.
- B. Minimize cuts and fills on hills and ridges.
- C. Minimize the removal of trees and other mature vegetation.
- D. Install landscaping consisting of native vegetation in natural groupings that fits with the character of the area in order to screen structures from view where existing topography and vegetation would not screen structures from view from scenic corridors.
- E. Design structures to use building materials and color schemes that blend with the natural landscape.
- F. Cluster structures on each parcel within existing built areas ~~and near existing natural features,~~ to the maximum extent feasible.
- G. Locate building sites and roadways to preserve natural features, native vegetation and existing trees. Straw Vote 5-0 [10-20-14]

CO-S7 SR-S5. Subdivisions in Community Separators. Subdivisions in community separators shall:

- A. Ensure developments are subordinate to or consistent with the viewscape, from the point of view of public roadways and public trails.
- B. Reduce visual impact where consistent with the Land Use Element by clustering.
- C. Preserve natural features and native vegetation by locating building sites and roadways.
- D. Where appropriate, Require encourage the dedication of permanent open space easement at the time of subdivision ~~to the extent possible allowable by law.~~
- E. ~~Be accompanied by a visual analysis that demonstrates that the development is not detrimental to or enhances the visual quality of the Community Separators as a whole.~~

- ~~F. Adequate additional public services and infrastructure are available to serve the development.~~
- ~~G. The development is compatible with surrounding properties especially those used for agricultural pursuits.~~
- ~~H. In addition to the mandatory criteria set forth above, special consideration will be given to projects that incorporate one or more of the following:~~
- ~~1) Aggregation of parcels within the Community Separator to achieve a project design that enhances the separators as a whole.~~
 - ~~2) Creative financing mechanisms to maintain and preserve open space or parkland that may be dedicated in fee as part of the proposed development.~~
 - ~~3) Project design features that provide for pedestrian or bicycle links between the communities on either side of the Community Separator and to any parkland that may be dedicated in fee as part of the proposed development.~~
- ~~Straw Vote 5-0 [10-20-14]~~

CO-IM6 SR-IM2.Community Separators. Identify, map, and designate an overlay zone for community separators with specific standards for open space protections **and consistency with the design standards in CO-S6** and design review.
Straw Vote 5-0 [10-20-14]

Staff met with representatives of the HCRLWG on January 21, 2014 to discuss the measures. At that meeting, they presented suggested changes to the text, Goal CO-G6 and CO-P4X which are in Attachment 2. They also reiterated their request to delete the community separator standards and the implementation measure to map the community separator areas.

The HCRLWG's request to not include the community separator standards and implementation measure was considered by the Board prior to taking straw-votes. The standards and implementation measure are important because they will clarify how the community separator policy is supposed to be applied, which helps ensure consistent and fair treatment for all persons including property owners. To help address the HCRLWG's concerns about the cost and effort to map community separators, staff is prepared to include preliminary community separator area maps as part of the set of maps reviewed by the Board during deliberations on other maps in the GPU.

Heritage Landscapes

At the December 15, 2014 GPU meeting the Board directed staff to research whether a voluntary heritage landscape program would be consistent with state requirements, and to identify areas that may be included in a heritage landscape program. There are three items in the Scenic Resources chapter recommended by the Planning Commission that address heritage landscapes:

"SR-P2. Development in Mapped Heritage Landscapes. Protect the scenic quality of mapped heritage landscape areas with appropriate land use designations and design review standards to ensure that new development preserves or enhances the heritage landscape values of the site."

"SR-S2. Development in Mapped Heritage Landscapes. Protect the scenic and historical qualities of mapped heritage landscapes as a resource of public importance. Discretionary and ministerial development shall be sited and designed to protect views, minimize the alteration of natural land forms, be visually compatible with the character of surrounding areas, and preserve significant historical features. Discretionary development should restore and enhance visual quality in visually degraded areas."

"SR-IM1. Mapping of Scenic Areas, Heritage Landscapes and Scenic Roadways Highways.

Initiate a public process to identify, map, and designate Scenic Areas, Heritage Landscapes and Scenic ~~Roadways~~ Highways, including specific ordinance standards for scenic protections and design review."

Heritage landscapes are different from historic resources because they involve an array of elements that work together to create a whole. They can encompass buildings, structures, landforms, plantings, and viewsapes. The focus is not on a specific structure or element but on how a group of elements work together to represent the heritage of a property.

State law does not require protection of heritage landscapes, so the County may define the program in a way that best fits its overall goals. This may include a voluntary component, where the County includes properties in the heritage landscape program only with the consent of the affected property owners. A voluntary program would be sufficient if all the owners of properties in the heritage landscape area consent to it. Otherwise a voluntary program may not be effective in retaining these landscapes as part of the County's cultural heritage.

The General Plan document recommended by the Planning Commission provides some guidance for the areas to be mapped as heritage landscapes when it states:

"This Plan provides recognition of "heritage landscapes," which are lands with combined historical, cultural, and scenic values, such as the Arcata and Ferndale Bottoms areas."

As with the maps of community separator areas discussed above, staff is prepared to bring forward preliminary maps showing possible heritage landscape areas for discussion during deliberations on other maps of the GPU. Attachment 1 of this staff report contains the large-format worksheet with all the Scenic Resources items.

Chapter 11 Water Resources

The Board requested staff return with more discussion on several items:

- WR-P7. Cumulative Impacts of Rural Subdivision: Clarify meaning of "prior to the zoning" and add discussion of relationship to GPU EIR and mitigations and discussion of WR-S6
- WR-Px4. Well Permit Applications: Bring back in coordination with the Division of Environmental Health (DEH).
- Bring back definition of "alternative disposal systems" in coordination with DEH for Glossary
- WR-P25. Compliance with Water Code Export Law: Clarify language and consider separating into multiple policies.

The worksheet for the Water Resources Element in Attachment 2 includes discussion of all the above items as well as all the other items in the Element for the Board's consideration.

Land Use Map Scheduling and Noticing

Land Use Mapping Meetings

At the November 5, 2013 meeting, and continuing into December, the Board directed staff to prepare draft notices to all property owners who will have a change to their Land Use Designation through the General Plan Update. The Board's direction also included noticing minor changes such as the renaming of a land use classification.

Staff reports prepared for those meetings estimated that the robust form of noticing selected by the Board would involve sending 10,000 one-page notices, which translated into a cost of \$38,000. The estimate was based on the cost of mailing, a newspaper notice, and

administrative and planner costs. The relevant portions of the 2013 staff report are included for reference in Attachment 3 of this staff report.

A little more than a year ago, on January 13, 2014, the Board discussed a map workshop schedule that would distribute meetings by Supervisorial Districts. The Board agreed with the overall process presented by staff, but preferred the areas be divided geographically, rather than by political district. The three regions are Southern, Central, and North/Eastern Humboldt. The detailed work plan in Attachment 3 reflects this change. It includes the following three meetings for each area:

1. Supervisor(s) and staff meeting – Prior to sending the notice, Supervisors and planners will meet to discuss the changes in each of the three areas, Supervisors will receive copies of maps, and a list of property owners with APN numbers, which will assist Supervisors in responding to constituent questions.
2. Regional informational meeting – After the notice is sent, regional meetings will be held in each of the three areas where planners will post maps and discuss the mapping for each area in detail. The meetings will provide an opportunity for the public and property owners to attend and ask specific questions to planners. The date and place of each meeting will be chosen by the Supervisors.
3. Public Hearing Board meeting – After the regional meetings, the Board of Supervisors will hold one or more public hearings to deliberate on the draft land use maps.

Draft Notice

A draft of the notice that will be sent to all the affected property owners is in Attachment 3 of this staff report. The Board directed staff to attempt to keep it to a one page notice, using both the front and back sides of the paper. Other noticing enhancements discussed and rejected by the Board as cost prohibitive, were registered mail, notices with in-depth descriptions of the proposed Land Use Map change, and combined notices for persons/corporations with multiple property ownership.

There was discussion regarding whether the notice should distinguish between a land use change was "minor or major." The Board settled on directing people to the County's website and to Planning staff to find out if potential minor or major changes would apply.

The Board also discussed the difference between land use designations and zoning classifications. Zone changes to properties within Humboldt County will not occur simultaneously with adoption of the General Plan Update. Instead, zoning changes for consistency with the new plan will follow as an implementation measure of the Plan. A common misperception is that with the approval of the GPU the zoning of properties will also be changed concurrently. This is not the case and is conspicuously noted on the draft notice.

Public Noticing Procedures

At the January 13, 2014 meeting, the Board selected a noticing scenario that goes beyond the minimum requirements of state law. Under that scenario, an estimated 20,777 property owners will receive notices at a total cost of \$66,673, which is detailed in the table below.

Table 1. Summary of Noticing Costs

Description	Quantity	Staff Hours	Total
Legal Notice Publication costs - 1/8 page ad @ \$375 each	6	--	\$ 2,250
Publication costs - mailing @ \$.60 each	20,777	--	\$ 12,466
Subtotal Publication Costs			\$ 14,716
Preparation staff costs (Senior Planner, GIS, Admin)	65	200	\$ 13,000
Respond to public inquiries (Admin, Senior Planners)	2,078*	519**	\$ 38,957
Subtotal Staff Time			\$ 51,957
TOTAL			\$ 66,673

Notes: * An estimated 10% of those receiving notices will make inquiries to staff.

** Each inquiry will involve an estimated 15 minutes of staff time. Fifty percent of the total hours will come from existing advanced planning staff and 50% will come from additional staff, which will be funded through the supplemental budget request in this staff report.

These costs could go either up or down based on the Board's directions on what land use changes warrant a public notice being sent. Figure 1 compares the relative costs of the noticing components directed by the Board.

Figure 1. Possible Noticing Additions and/or Subtractions

	Possible Subtractions						Possible Additions	
	1968 CPA	Coastal Zone	AL to RA	AR to RA	AS to RE	Resource Lands	Hoopa Valley to Tribal	To Public
# Notices	4,340	3,471	2,160	1,783	1,668	1,508	1,207	1,110
Cost (\$)	\$10,741	\$8,591	\$5,346	\$4,412	\$4,128	\$3,732	\$2,987	\$2,747

To cover additional noticing and staff costs associated with sending 20,777 notices, staff estimates \$40,000 will need to be added to the Department's budget for Advance Planning (Budget Unit 282) through approval of a supplemental budget request. Staff is anticipating bringing that request forward to be considered at a regularly scheduled Board meeting prior to mailing the notices.

The Board directed staff to mail individual notices 30 days in advance of each workshop, having a notice published in a local paper, and posting at the library. In addition, staff will print a general flyer for groups and agencies to post or circulate via e-mail distribution lists.

Another component of the public outreach for the land use designation workshops is use of the GPU web page. Staff continues to refine the website to make it as user friendly as possible. It will

complement the public outreach of mailed notices by enabling property owners to check the existing and proposed land use designations for their properties at their convenience using the online mapping system, "WebGIS". Staff is also investigating use of the County's Open Humboldt online forum to engage citizens in the land use mapping effort.

GPU Review Schedule

Attachment 4 is the updated draft schedule for completion of the remaining GPU tasks for review, comment and modification as needed. Based on a recent meeting with County Counsel and Advance Planning Staff, the schedule has been extended to reflect a mid-2016 completion date. The preponderate schedule factor is the recirculation of the draft environmental impact report (DEIR). Essentially, the DEIR project description has and will change, since it was first circulated in the spring of 2012. Staff has scheduled general plan internal consistency Board hearings for late fall of this year. The GPU consistency findings and map land use changes, due to be heard this spring, will certainly result in a modified project description. That modified GPU project description is the legal basis upon which the DEIR's analysis is centered on. Confidence regarding the legal defensibility of The 2012 DEIR project description is low and Staff and Legal Counsel strongly recommend the revised schedule. The revised schedule reflects DEIR preparation, noticing, comment periods, response to comment periods, and public hearings.

FINANCIAL IMPACT:

The cost of preparing this staff report is borne by the General Fund through the Planning and Building Department, Advance Planning Division's FY 2014-2015 budget, and the General Plan User Fees Trust Fund 3698.

The robust publication and noticing costs were not included in this year's budget, and need to be added. The proposed supplemental budget will increase revenue from the General Plan User Fee by \$15,000 and increase the publication and legal noticing line item by \$15,000.

While most of the salary costs for the noticing effort are already covered in the advanced planning budget, in order to provide proper noticing and prompt customer service there will be increased administrative and planning staff assigned to this task. These staff members are in Budget Unit #277. Staff is estimating that approximately ½ of the additional work will be done by central administration and current planning staff. The proposed appropriation transfer will move \$25,000 from the current planning budget (Budget Unit 277) to the advanced planning budget (Budget Unit 282).

OTHER AGENCY INVOLVEMENT:

The General Plan Update program has been a multi-year project. Multiple agencies have been involved in the review and preparation of the Planning Commission approved Draft General Plan. The County has been in communication with the Planning Commissioners, County Counsel and the County Administrator's office on the transmittal of these draft documents.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board's discretion.

The Board could modify the scope of public noticing for the land use mapping meetings, which could decrease or increase noticing costs.

ATTACHMENTS:

- Attachment 1 Board Worksheet for Chapter 10, Section 10.7 – Scenic Resources
- Attachment 2 Board Worksheet for Chapter 11, Water Resources Element
- Attachment 3 Draft Work Plan and Public Notice for Land Use Mapping Meetings, and Excerpt from the Staff Report Prepared for December 2, 2013 GPU Meeting
- Attachment 4 Updated Draft Schedule for Completion of the Remaining GPU Tasks