



AGENDA ITEM NO.

C-1

COUNTY OF HUMBOLDT

Meeting Date: February 1, 2016

To: Board of Supervisors

From: Rob Wall, AICP, Director of Planning and Building Department *JPH for Rob Wall*

Subject: Continued Board review of the Planning Commission Approved Draft General Plan. In particular, consideration of the Planning Commission recommendations on selected consistency review items referred to them in December, and consistency review of the Board's tentative markup of the General Plan with the 2012 Draft Environmental Impact Report (DEIR). Also the Board may discuss a schedule and process for possible recirculation of the DEIR.

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing.
2. Consider the Planning Commission recommendations on selected consistency review items referred to them in December.
3. Deliberate on the consistency between the Board's tentative markup of the General Plan with the 2012 DEIR.
4. Deliberate on a process for possible revision and recirculation of the DEIR.
5. Deliberate on the review schedule for the Draft General Plan as needed.
6. Continue the meeting to Monday, August 22, 2016, beginning at 1:30 pm or as soon thereafter as possible.

SOURCE OF FUNDING: General Fund and General Plan User Fees.

Prepared by

Michael Richardson

Michael Richardson, Senior Planner

CAO Approval

Cheryl D. Mingham

REVIEW:

Auditor _____ County Counsel *WE* _____ 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 December 14, 2015

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor
Seconded by Supervisor

Ayes
Nays
Abstain
Absent

SEE ACTION SUMMARY

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

DISCUSSION:

December 14 GPU Meeting Results

At the December 14th meeting, the Board straw-voted the following land use designations on the General Plan Land Use Maps:

APN	Owner Name	Current Land Use Designation	Planning Commission	Land Owner Request	Board Action 12/14/15
202-151-002	Fortuna Loop LI LLC	AE	UR	RA5-20	Approved
314-113-021	PWM Inc.	AG	PF	AG	Approved
314-113-020	PWM Inc.	AG	PF	AG	Approved
516-101-008	Aalfs Charles D & Rebecca	DISP HS;GRAZING	CS	CS/IG	Approved
516-101-017	Aalfs Charles D & Rebecca	DISP HS;GRAZING	RL	CS/IG	Approved
516-101-040	Aalfs Charles D & Rebecca	DISP HS;GRAZING	RL	CS/IG; RL	Approved
516-101-041	Aalfs Charles D & Rebecca	DISP HS;GRAZING	RL	CS/IG	Approved
516-101-060	Blue Lake Forest Products Inc	DISP HS;GRAZING	MU	CS/IG	Approved
516-101-063	Aalfs Charles D & Rebecca	DISP HS;GRAZING	RL	CS/IG	Approved
516-101-064	Aalfs Charles D & Rebecca	DISP HS;GRAZING	RL	CS/IG	Approved
516-101-081	Aalfs Charles D & Rebecca	DISP HS;GRAZING	MU	CS/IG	Approved
516-101-084	Aalfs Charles D & Rebecca	DISP HS;GRAZING	RL/MU	CS/IG	Approved
516-111-062	Aalfs Charles D & Rebecca	DISP HS;GRAZING; COMM	RL/MU	CS/IG	Approved
516-111-063	Blue Lake Forest Products	DISP HS;GRAZING; COMM	MU	CS/IG	Approved

The Board also straw-voted several remaining items to achieve consistency between the GPU and state law, which are presented in Attachment 1. At the Board's direction, notices were sent to property owners of properties with a proposed "Urban Reserve - UR" designation notifying them that a "Residential Low Density - RL" base designation is proposed to also apply. Any communications received from those property owners will be forwarded to the Board as a supplemental item.

Continued Consistency Review

Substantial Changes Referred to the Planning Commission for consideration

At the previous meeting, the Board reviewed the consistency of the GPU with the Planning Commission considerations. The Board determined there were substantial changes that had not been reviewed by the Planning Commission, and referred those items to the Planning Commission for review at their regularly scheduled meetings on January 7 and January 21, 2016. .

The Planning Commission considered the substantial policy and mapping changes during their January 7th meeting. Staff presented the Board straw voted changes to the land use maps in various parts of the County (Planning Commission Staff Report for January 7, 2016-Attachment 1b). To more easily enable their review of the mapping changes, the Planning Commission divided the changes into individual land use requests and mapping changes resulting from the Board deletion of the Conservation Floodplain Recreation (CFR) land use designation. The Planning Commission unanimously recommended approval of Board straw voted land use requests as a slate after hearing all public comments. The Planning Commission reviewed the changes relating to CFR in greater detail as well as heard public comment and then unanimously recommended approval of the mapping changes.

The Planning Commission reviewed the Board straw voted changes to Table 4-E (Industrial Land Use Classifications); the new Tribal Lands (TL) and Tribal Trust Lands (TTL) land use designations; Table 4-F (Open Space and Public Lands Land Use Classifications), and Table 4-G (Resource Production Land Use Classifications). Following public comment and discussion between Commissioners, the Planning Commission unanimously recommended approval of the straw voted changes.

Environmental Review Status Update

The Draft Environmental Impact Report (State Clearinghouse #2007012089), which evaluated the potential environmental effects of the Planning Commission Draft GPU, was completed in 2012 and circulated for public comment. Fifty one letters containing written comment were received and approximately sixteen verbal comments were compiled during the April 17, 2012 public hearing before the Planning Commission. The public comments are listed in Attachment 3, Summary of Comments Received on the 2012 DEIR.

To address comments received on the 2012 DEIR (summarized in Attachment 3), staff recommends the DEIR be modified in the following ways:

- Update traffic modeling and transportation impact analysis
 - The DEIR uses 2002 baseline information that generalized land use mapping information and more current land use mapping consistent with Board straw-voted changes should be utilized.
- Add noise level information and analysis for major noise sources
 - Noise levels associated with major roads should be calculated and mapped
- Update Greenhouse Gas (GHG) Emission data and analysis
 - More recent information regarding GHG emissions is available and should be incorporated and analyzed in the DEIR
- Expand the Alternatives Analysis to reflect best practices used in comparable General Plan EIR's.

In addition, straw votes by your Board to the proposed General Plan change the project description on which the EIR was based. Some of the changes potentially increase the intensity of development countywide or within specific areas and other may reduce development intensity within specific areas. For instance, straw voted changes to Land Use Element Table 4-G add second residential units as principally permitted uses within the contiguous acres containing the primary residence. The EIR should be modified to address potential direct and indirect impacts of this change, including potential effects on traffic. The Board straw vote to map the Westhaven Rural Village to Residential Estates will likely reduce direct impacts within the Westhaven Area, but may alter the origin-destination assumptions used in the traffic impact analysis. The EIR should be modified to properly characterize the Board's straw voted GPU in the project description and to capture all potential direct, indirect, and cumulative impacts of the new or modified policies and maps.

Updating the traffic, noise and GHG analysis will require the use of one or more consultants. If the Board concurs with this recommendation, staff will bring forward as a separate agenda item authorization for the Planning Director to circulate a Request for Proposals to get that work done. Should the Board concur with this analysis, staff would prepare a Request for Proposal, select the best candidates for telephone or in-person interview, and bring a recommendation to enter into a contract to your Board. At its discretion, the Board could direct staff to keep all or portions of the DEIR as it is currently drafted, although staff does not recommend this as the current draft General Plan Update incorporating amendments by the Board of Supervisors is not adequately addressed in the 2012 EIR, and more current information is now available which should be incorporated. A revision will also permit changes that are responsive to comments made on the 2012 Draft EIR that will improve the EIR prior to final certification.

GPU Review Schedule

Attachment 3 is the updated draft schedule for completion of the remaining GPU tasks for review, comment and modification.

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 2015-2016 budget and the General Plan User Fees Trust Fund 3698.

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.

ATTACHMENTS:

- Attachment 1. Board Straw-Voted Items from the December 14, 2015 GPU Meeting.
- Attachment 2. Summary of Comments Received on the 2012 DEIR
- Attachment 3: Updated Schedule for Completion of the Remaining GPU Tasks.

Attachment 1

**Board Straw-Voted Items from the
December 14, 2015 GPU Meeting**

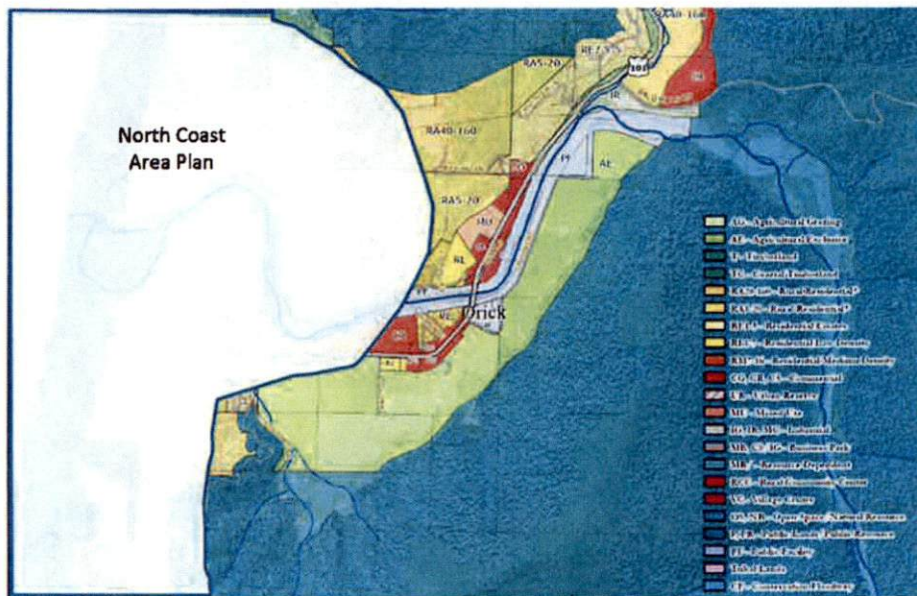
1) Modify Appendix E - Coastal Plans

The following text will be moved to Appendix E - Coastal Plans, and added to the Local Coastal Plans upon certification by the Coastal Commission:

- **Chapter 4. Land Use** - All the land use designations in Section 4.8 - Land Use Classifications that apply in coastal areas will be copied to Appendix E - Coastal Plans.
- **Chapter 6. Telecommunications**
 - T-S1. Communications Siting Standard.
 - T-IM1. Communications Facilities Ordinance.
- **Chapter 9. Economic Development**
 - ED-P11. Port Development.
- **Chapter 10. Conservation and Open Space**
 - BR-S13. Principally Permitted Accessory Use.
 - SR-G1. Conservation of Scenic Resources.
 - SR-P3. Scenic Highway Protection.
 - SR-P6. Term of Off-Premise Billboards and Prohibition.
 - WR-P13. Saltwater Intrusion.
- **Chapter 12. Energy Element**
 - E-S3. Wind Generating Facilities.
 - E-S4. Oil and Gas Pipelines.
 - E-S5. Electrical Transmission Lines.
- **Chapter 14. Safety Development**
 - S-P2. Coastal Zone Hazards.
 - S-PX4. Development on, or Adjacent to, Coastal Bluffs and Beaches.
 - S-P30. Tsunami Ready Program.

Also the land use maps in the Map Book will be revised to identify the applicable coastal plan land use maps for the coastal zone similar to Figure #1 below. The land use maps for the coastal areas will be moved to Appendix E - Coastal Plans, and added to the Local Coastal Plans upon certification by the Coastal Commission.

Figure 1. Example of Revisions to Maps in Appendix F - Map Book



2) Revised maps adding base land use designations to each property now designated "UR".

See below proposed changes to the land use maps modifying the "Urban Reserve - UR" designation to add a "Residential Low Density - RL" base designation (Figures 2 - 4). Planning staff sent the property owners letters explaining the proposed changes, and notifying them that the Board will be reviewing these changes at the meeting on February 1, 2016 if they have any questions or comments. Staff will review any comments received at the February 1 meeting.

Figure 2. Proposed Area to Change from "UR" to "UR/RL" (Area 1 - East Fortuna)

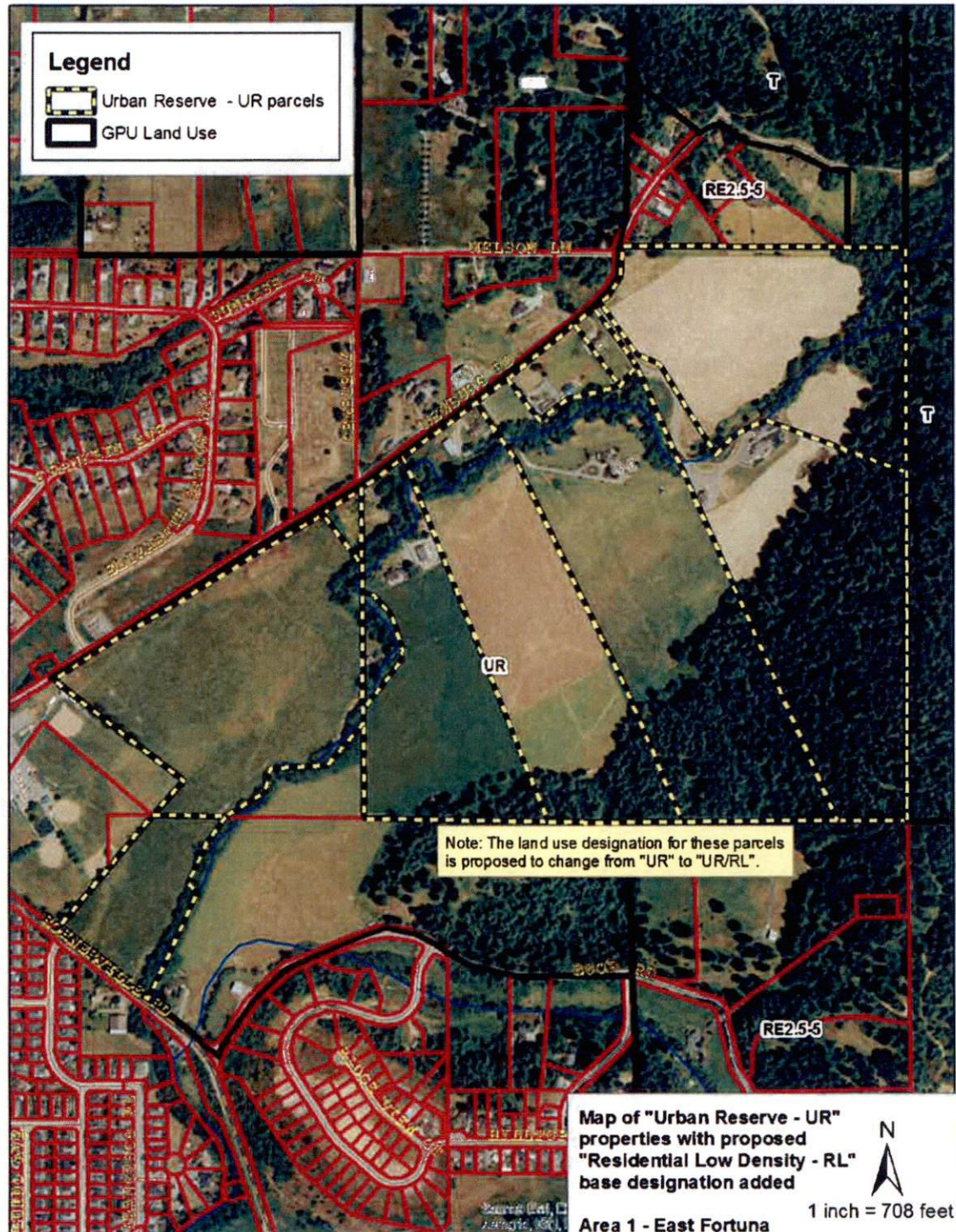


Figure 3. Proposed Area to Change from "UR" to "UR/RL" (Area 2 - East Blue Lake)

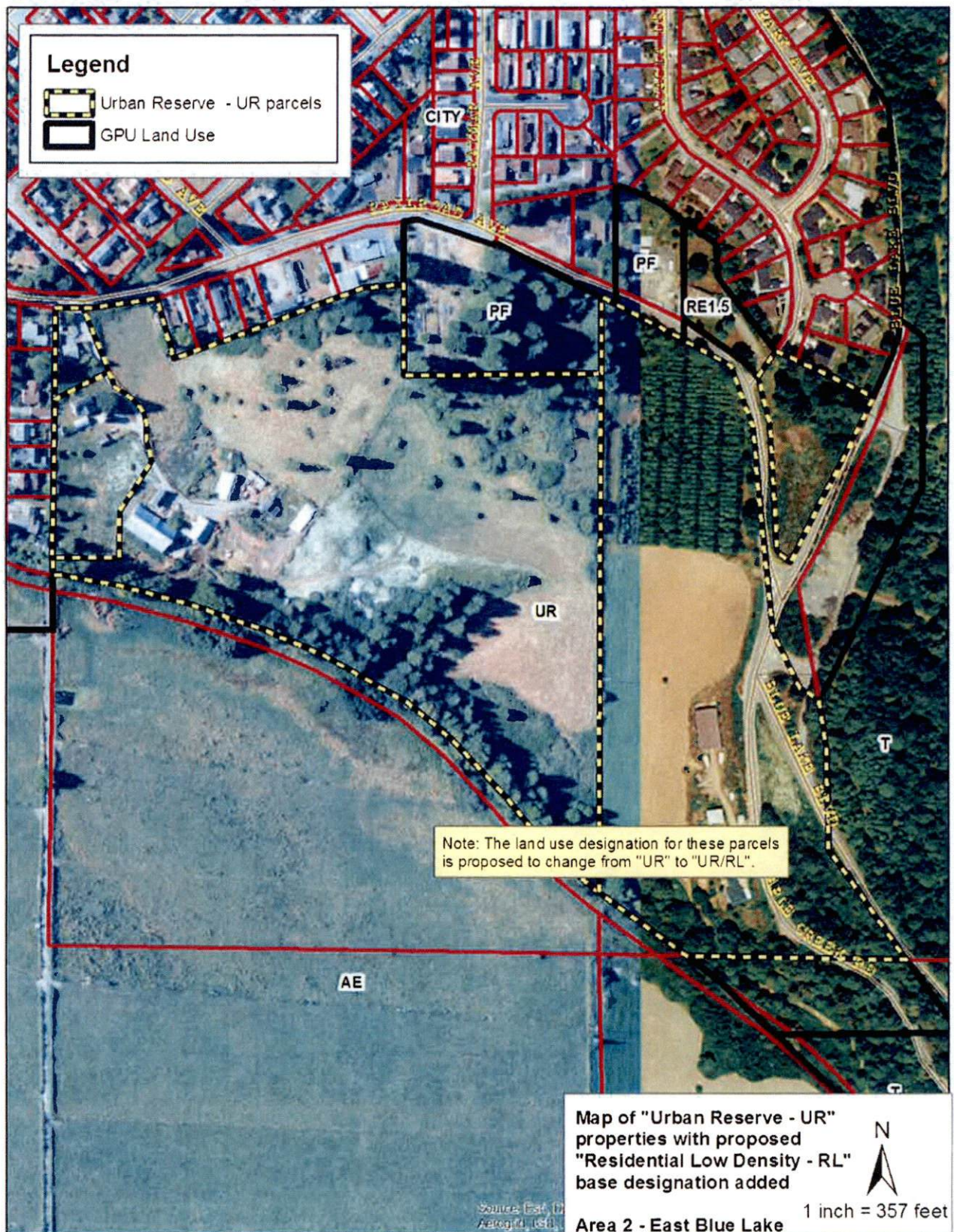
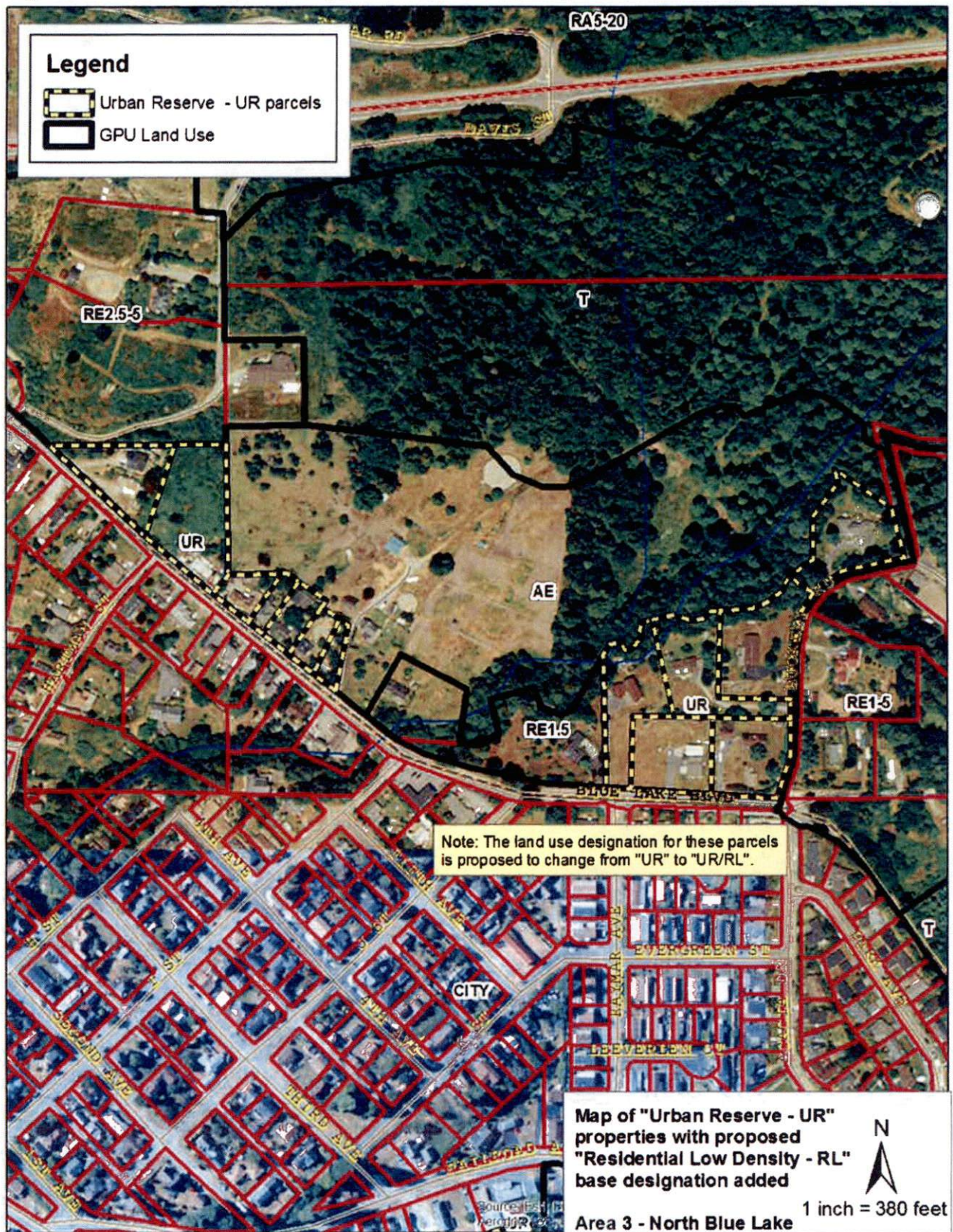


Figure 4. Proposed Area to Change from "UR" to "UR/RL" (Area 3 - North Blue Lake)



3) Implementation measure for a local real estate disclosure form. Below is the new implementation measure in Chapter 14 - Safety Element to establish a local disclosure requirement for all sales of property:

S-IMXXX. Local Real Estate Disclosure Ordinance. In consultation with the Humboldt County Association of Realtor's, revise the County Code to add a local real estate transfer disclosure statement ordinance to include disclosure items such as:

- a. Tsunami hazard
- b. Proximity to Timber Production Zone (TPZ) lands
- c. Right to Conduct Timber Harvest Operations (Right-to-Harvest)
- d. Proximity to agriculturally zoned land
- e. Right to Conduct Agricultural Operations (Right-to-Farm) [Title III - Land Use and Development, Chapter 3, Part 1, 313-43.2]
- f. Existence of Williamson Act contract [Title II – Administration, Division 16, Williamson Act Disclosure Statement]
- g. Proximity to nuclear power plant
- h. Proximity to mining operation
- i. Relevant specific community ordinances
- j. Endangered Species Act or other wildlife considerations
- k. Watershed related restrictions or information
- l. Area not served by adequate police or fire protection
- m. Airport noise
- n. Cultural sites
- o. Parcel Legal Status and Permits for Buildings. (BOS straw vote 12-14-15: 5-0)

4) Added Glossary Terms The following language was added to the Glossary:

"Emerging Industries: industries that export knowledge-based, specialty, and technology-driven products and services." (BOS straw vote 12-14-15: 5-0)

"Value Added Manufacturing: Manufacturing which raises the value of a product through labor and technology. Examples include manufacturing furniture from raw wood products, or manufacturing cheese from milk." (BOS straw vote 12-14-15: 5-0)

"Haul Route: The route from a mining site to the first County-maintained road or State Highway." (BOS straw vote 9-22-14: 5-0)

Attachment 2

Summary of Comments Received on the 2012 DEIR

Index #	Comment Source	Date Received	Summary of Comments
1	David Temblador (on behalf of HumCPR)	04-12-12	Request for extension of comment public period
2	Kay Backer (on behalf of HELP)	04-24-12	
3	Tina Wright, RMM (on behalf of McKinleyville CSD)	04-19-12	PRA information request
4	Tina Wright, RMM (on behalf of McKinleyville CSD)	04-19-12	Request for extension of comment public period
5	Kay Backer (on behalf of HELP)	03-14-12	General Plan Update and community input process
6, attach	Eric Nelson	05-14-12	Environmental impacts of marijuana cultivation
7	Debora Bruce	05-11-12	County's failure to enforce regulations is deemed an unacceptable adverse environmental impact
8	Richard L. Martin, APCO (NCUAQMD)	05-16-12	Detailed comments from NCUAQMD on Humboldt County General Plan Draft EIR
9	Humboldt County Resource Lands Working Group	05-03-12	GPU needs implementation plan; NOP references zoning changes which are not included in GPU
10	Kay Backer (on behalf of HELP)	05-10-12	GPU DEIR preparers, out of date background documents, feasibility of mitigation measures, lack of implementing ordinances
11	North Coast Growers Association	05-08-12	Newer soil survey information available
12, attach	David Hulse (Naval Facilities Engineering Command Southwest)	04-26-12	Consistency of Plan with Military Operating Areas

Index #	Comment Source	Date Received	Summary of Comments
13	David Temblador (on behalf of HumCPR)	06-1-12	Delay deliberations on GPU until FEIR is prepared
14	Mona Dougherty (North Coast Regional Water Quality Control Board)	05-21-12	Standard comments on development (Low Impact Development, water use, waters of the state, future permit requirements)
15	Denver Nelson	05-21-12	When will "Issues to be Resolved" be resolved, other comments on GPU
16	Richard L. Martin, APCO (NCUAQMD)	05-16-12	NCUAQMD Comments on Draft Climate Action Plan
17	Sandy Feretto	05-31-12	Impact of service district annexation – growth inducing impacts (primarily Garberville SD),
18	Kay Backer (on behalf of HELP)	06-1-12	Summary of Impacts and Mitigation Measures Table 1-2 does not disclose impacts
19	Bernie Garrigan	05-26-12.	Impact of multi-family rezone on McKinleyville
20	Tina Wright, RMM (on behalf of McKinleyville CSD)	06-04-12	32 pages of specific comments
21 attach	Julie Williams (on behalf of Northern California Association of Home Builders)	06-08-12	21 pages of specific comments
22	Deborah & Jeremy Ketelsen	06-07-12	MF Rezone related impacts in McKinleyville
23	Stacy Becker	06-12-12	Resident of McKinleyville, support County General Plan Draft EIR
24	Department of Fish and Game	06-11-12	Specific comments regarding mitigation measures
25	Tim Gill	06-13-12	13 pages of specific comments

Index #	Comment Source	Date Received	Summary of Comments
26	Tim Gill	06-13-12	Comment letter requesting responses made on other EIRs
27	Norman Shopay	06-13-12	3 pages of specific comments regarding impacts to McKinleyville
28	Bruce San Filippo	06-14-12	Impacts to McKinleyville from additional RM land
29	Tim Gill	06-13-12	Comments regarding traffic analysis
30	Kristin Costanos (on behalf of Green Diamond Resource Company)	06-14-12	27 pages of specific comments
31	Humboldt County Resource Lands Working Group	06-14-12	GPU needs implementation plan; NOP references zoning changes which are not included in GPU plus specific comments
32	David Temblador (on behalf of HumCPR)	06-12-14	42 pages of specific comments
33	Sandy Feretto	06-15-12	DEIR does not adequately address the cumulative impacts of maximum development allowable on the watershed of the South Fork Eel River
34	Kay Backer (on behalf of HELP)	06-14-12	Alternatives, FRC Recommendations, Critical Choices, Consistency
35	Donald Courtemanche	06-14-12	in the area around Garberville there are many critical issues with water not addressed in the GPU/ Draft EIR
36	Kay Backer (on behalf of HELP)	05-21-12	DEIR, Appendix "U", Page 54 of Humboldt County Climate Action Plan B. Family Planning
37	Kay Backer (on behalf of HELP)	06-10-12	GPU process

Index #	Comment Source	Date Received	Summary of Comments
38 attach1 attach2	Ed Voice	06-15-12	Comments regarding Mineral Resources and Water Quality
39	Caltrans	06-15-12	Comments regarding the traffic impact analysis
40	City of Eureka	06-15-12.	Comments regarding the characterization of the Eureka Community Plan
41	North Coast Growers Association	06-11-12	Comments regarding soils mapping
42 attach	Scott Greacen (for Friends of the Eel River)	06-15-12	Comments regarding hydrology and water quality and biological resources
43	Dan Taranto	06-15-12	Comments regarding Timber Production Zone
44	Judith Mayer	06-15-12	General comment
45	Janet Eidsness, Blue Lake Rancheria	06-15-12	Comments regarding Cultural Resources
46	Kristin M. Vogel	06-15-12	Comments regarding water resources and water quality
47	Baykeeper	6-15-12	Comments regarding hydrology and water quality and biological resources
attach1	Larry Glass (for Northcoast Environmental Center)	6-15-12	Comments regarding urban decay, sea level rise, timberlands, transportation, water resources, community separation, and scenic resources.
attach2	Tom Grover	6-15-12	Comments regarding a variety of topics
1	National Marine Fisheries Service - NOAA	6-25-12	Comments regarding biological and water resources

Index #	Comment Source	Date Received	Summary of Comments
2	Steve Davidson, HCSD	6-18-12	Comments regarding traffic and urban services

Attachment 3

Updated Schedule for Completion of the Remaining GPU Tasks

2016 DRAFT CALENDAR

January	February	March	April	May	June	July	August	September	October	November	December
Board of Supervisors Hearing Process											
	BOS Hearing 2-1-16 1:30-6:00 TENTATIVE Review Planning Commission Recommenda- tions & Consistency with 2012 EIR	Staff Work Enviromental Impact Report Recirculation					BOS Hearing 8-22-16 1:30-6:00 TENTATIVE Environmental Impact Report	BOS Hearing 9-19-16 1:30-6:00 TENTATIVE Environmental Impact Report	BOS Hearing 10-17-16 1:30-6:00 TENTATIVE FINAL VOTE		

Cancelled
BOS deliberation
Future Proposed Meeting
Staff Work

GPU PART 1 – SETTING **FINISHED REVIEW**

Chapter 1. Introduction
 Chapter 2. Public Guide
 Chapter 3. Governance Policy

GPU PART 2 – BUILDING COMMUNITIES **FINISHED REVIEW**

Chapter 4. Land Use Element
 Chapter 5. Community Infrastructure and Services
 Chapter 6. Telecommunications
 Chapter 7. Circulation Element
 Chapter 8. Housing Element Summary
 Chapter 9. Economic Development Element

GPU PART 3 – RESOURCE MANAGEMENT **FINISHED REVIEW**

Chapter 10. Conservation and Open Space Elements
 Chapter 11. Water Resources Element
 Chapter 12. Energy Element

GPU PART 4 – PUBLIC HEALTH AND SAFETY **FINISHED REVIEW**

Chapter 13. Noise Element
 Chapter 14. Safety Element
 Chapter 15. Air Quality Element

GPU PART 5 – MAPS **FINISHED REVIEW**