



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**

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Hearing Date: March 21, 2019

To: Humboldt County Planning Commission

From: John H. Ford, Director of the Planning and Building Department

Subject: **Zoning Text Amendments to Implement the General Plan**

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Please contact John Miller, Senior Planner, at 707-268-3721, or by email at [jpmiller@co.humboldt.ca.us](mailto:jpmiller@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
March 21, 2019	General Plan Implementation Zone Text Amendments	John Miller

**Project Description:** Amendments to the Zoning Ordinance including New Zoning Districts and modifications to existing Zoning Districts and sections of the Zoning Ordinance in order to be consistent with the General Plan. New Zoning Districts include:

1. Mixed Use Zones that applied to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations,
2. TE – Timberland Exclusive zone applied to areas with a “T - Timberland” General Plan Land Use designation that are not zoned “TPZ” or AE-B-5-(160) and part of an agricultural preserve,
3. “PR - Public Resource and Recreation” Zone applied to publicly owned lands with a “Public Lands” General Plan Land Use designation,
4. “TL - Tribal Land” Zone applied to areas with a “TL - Tribal Lands” General Plan Land Use designation and that are not zoned “TPZ” and to lands with a “TTL - Tribal Trust Lands” General Plan Land Use designation,
5. “RR - Railroad” Combining Zone applied to railroad rights of way held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake,
6. “MR - Mineral Resources” Combining Zone applied to parcels with permitted surface mining operations, and
7. “PRD – Planned Rural Development” Combining Zone to provide voluntary clustering of home sites on resource lands.

In addition, existing zoning text is proposed to be amended to be consistent with the Plan. These changes include

- (a) Section 314-7.1 “AE - Agriculture Exclusive Zone”, to increase the minimum parcel size to 60 acres, allow the uses specified in the AE – Agricultural Exclusive General Plan designation, allow subdivisions to increase agricultural productivity, and to limit conversion of prime agricultural soils;
- (b) Section 314-7.4 “TPZ - Timberland Production Zone” to allow the uses specified in the T – Timber Production General Plan designation,
- (c) Section 314-21.1 “F - Flood Hazard Areas” to require a Special Permit for residential development on substandard-sized parcels in a flood hazard zone,
- (d) Section 314-61.1 Streamside Management Areas and Wetlands to align with the standards of the Open Space Element, and
- (e) Section 312, Administration, Procedures, Amendments and Enforcement to incorporate findings of consistency with the General Plan Open Space Plan.

**Project Location:** The proposed new and amended zoning regulations would apply throughout the non-coastal areas of unincorporated Humboldt County.

**General Plan Land Use Designations:** Various

**Zoning Classifications:** Various

**Assessor Parcel Number:** Various

**Environmental Review:** An addendum to 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, has been prepared finding that there are no new impacts not previously evaluated as part of the General Plan that would be realized with adoption of the Text Amendments in accordance with Section 15168 (c)(2) and 15162 of the State CEQA Guidelines.

**Major Issues:** The proposed amendments have been developed to implement the General Plan. The issue is whether the changes adequately implement the General Plan.

**State Appeal Status:** The project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

## ZONING TEXT AMENDMENTS TO IMPLEMENT THE GENERAL PLAN

Case Numbers N/A

Assessor's Parcel Number (APN): Various

### Recommended Commission Action

1. Describe the zoning text amendments as a Public Hearing;
2. Request staff to present the project;
3. Open the public hearing and receive public testimony; and
4. Close the public hearing, deliberate on the proposed zoning text amendments;
5. Make the following motion to recommend approval of the zoning text amendments to the Board of Supervisors:

Consider the Addendum and the Environmental Impact Report for the Humboldt County General Plan and find that there are no new impacts not previously addressed in accordance with CEQA Guidelines 15162; make all of the required findings for approval based on evidence in the staff report and public testimony; and recommend adoption of the zoning text amendments to the Board of Supervisors to implement the General Plan, subject to any recommended modifications.

### Executive Summary

The ultimate objective of these amendments are to achieve consistency of the Zoning Regulations with the 2017 Humboldt County General Plan, as required by the state Planning Law, Government Code section 65860 (a). The Environmental Impact Report (EIR) prepared for the General Plan requires and envisions amendments to the Zoning Regulations to implement the General Plan and achieve consistency between the Zoning Ordinance and General Plan. Implementation Measure GP-IM6 Zoning Consistency, in the Growth Planning Section of the Land Use Element requires the County to revise the Zoning Regulations to achieve consistency with the policies of the General Plan. These amendments do that by adding Principal and Combining Zones and amending existing zones to the Inland Zoning Ordinance, to be consistent with the General Plan.

The proposed zoning text amendments will apply countywide. There are no changes proposed to the zoning maps at this time. Amendments to the zoning maps will be considered by the Planning Commission at a future hearing that will be noticed separately.

Following is a summary of the recommended amendments to achieve consistency between the Zoning Regulations and the General Plan. Attachment 4 contains the proposed text amendments themselves.

**TE - Timberland Exclusive.** Add a new "TE - Timberland Exclusive" Zone to be applied to areas with a "T - Timberland" General Plan Land Use designation that are not zoned "TPZ" or AE-B-5-(160) and part of an agricultural preserve. This new Zoning District is recommended to create a district appropriate to areas where timberland is the predominant use because the "T - Timberland" General Plan Land Use Designation is an Open Space Land Use designation and "AE - Agriculture Exclusive" Zone is the only Open Space zone other than "TPZ" that can be applied. The AE - Agriculture Exclusive" district is intended to be applied to "fertile areas in which agriculture is the desirable predominant use" which may include timberlands, but are not intended to be the predominant use.

**RR - Railroad Rights-of-Way Protection.** Add a new "RR - Railroad Rights-of-Way Protection" Combining Zone to be applied to NCRA railroad rights of way, and along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake. The "RR" Combining Zone implements Policy C-P14 - "Rail Rights-of-Way" and Implementation Measure C-IM16 -

"Mapping of Rail Rights-of-Way as Railroad" from the Circulation Element requiring 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 have a combining zone applied to them to protect the rail rights of way from development that may interfere with the use of the rights-of-way for transportation purposes.

**MR - Mineral Resources.** Add a new "MR - Mineral Resources" Combining Zone to be applied to parcels with permitted surface mining operations. The "MR" Combining Zone implements MR-IM4 – "Combining Zone" of the Mineral Resources Section of the Conservation and Open Space Element. The purpose of the "MR" Combining Zone is to ensure compatibility of adjacent uses. The MR combining zone shall be applied to parcels with permitted surface mining operations and facilitate implementation of the County's regulations for surface mining, conservation, and reclamation. Staff is recommending this combining zone be applied to properties within 1,000 of permitted mineral extraction sites to best implement the policy objectives.

**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.

**Mixed Use.** Add a new "MU1" (Urban) and "MU2" (Rural) Mixed Use Zones to be applied to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan land use designations. 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. The goal of the mixed-use zones is to offer a range of commercial, office, housing and civic activities. The 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.

**PR - Public Resource and Recreation.** Add a new "PR - Public Resource and Recreation" district to be applied to publicly owned lands with a "Public Lands" General Plan Land Use designation. This applies to lands where the intended use is public recreation, or resource protection or production and where the County may lack land use jurisdiction. This new Zoning District is recommended because it better conveys to the public the intended uses of public land shown on the Zoning Map in comparison to other Zoning Districts that could be applied, such as "AE" or "PF – Public Facility."

**TL - Tribal Land.** Add a new "TL - Tribal Land" Zone to be applied to areas with "TL - Tribal Lands" and "TTL - Tribal Trust Lands" General Plan Land Use designations and that are not zoned "TPZ". This new Zoning District is recommended because the "TL - Tribal Land" Zone would show land located on Native American Reservations and Rancherias on the Zoning Map and specifies a process to determine if the County has jurisdiction to issue land use permit approvals.

**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 requirements for secondary residential units.

**F - Flood Hazard Areas.** Amend Section 314-21.1 "F - Flood Hazard Areas" Combining Zone to require an open space consistency determination be made for the development of residential structures on legal non-conforming parcels and to require a Special Permit for the development of a residential structure on a substandard lot located wholly within a flood hazard zone to implement General Plan standard CO-S4. Open Space Consistency Determination on Legal Non-Conforming Parcels of the Conservation and Open Space Element.

**Streamside Management Areas and Wetlands Regulations.** Amend Section 314-61.1 Streamside Management Areas and Wetlands regulations to be consistent with General Plan Standard BR-S5, Streamside Management Area Defined and other policies of the of the Conservation and Open Space Elements.

**Other Zoning Changes.** Amend Section 312, Administration, Procedures, Amendments and Enforcement to incorporate findings of consistency with the General Plan Open Space Plan per CO-S3, Conservation and Open Space Element Consistency Determination, of the Conservation and Open Space Elements.

#### **Previous Planning Commission Review of the Proposed Zoning Text Amendments**

The Planning Commission reviewed many of the proposed zoning ordinance amendments in Attachment 4 at a series of three meetings in October and November 2018. At that time, the project also included all the zoning map changes necessary to implement the General Plan. On November 1, the Planning Commission voted 5 – 2 to recommend approval of the zoning text and zoning map amendments along with a recommendation that the Board of Supervisors outreach to the Blue Lake, Glendale and Willow Creek community plan areas given the expresses public concern about the effects of the proposed zoning ordinance amendments.

The Board of Supervisors held meetings to discuss the proposed zoning text and zoning map amendments in December, 2018 and January 2019, and voted to take a more measured approach that involves four steps: 1) amending the zoning text, 2) working with cities to identify concerns within their Spheres of Influence, 3) amending the zoning maps for areas outside specified community plan areas (McKinleyville, Blue Lake/Fieldbrook-Glendale, and Willow Creek), and 4) amending the zoning maps within those communities as part of a broader community planning effort. This item is the first step in that process.

The proposed zoning ordinance amendments in Attachment 4 not previously reviewed by the Planning Commission are the proposed new PRD – Planned Rural Development Combining Zone, and changes to the AE – Agricultural Exclusive Zone, TPZ – Timber Production Zone, the F – Flood Hazard Combining Zone, and the Streamside Management Area Ordinance. These changes incorporate performance measures and other requirements of the Agriculture and Forest Resources section of the Land Use Element and the Conservation and Open Space Element of

the General Plan.

### **Public Outreach and Comment on the Proposed Zoning Text Amendments**

At the direction of the Board of Supervisors, Planning staff held a series of workshops to present, discuss, and gather public input on the proposed zoning text amendments:

- Farm Bureau (January 24)
- Williamson Act Advisory Committee (January 30)
- Northcoast Environmental Center, BayKeeper, Friends of the Eel River, Coalition for Responsible Transportation Priorities (February 5)
- Humboldt Association of Realtors (February 5)
- Southern Humboldt Public Workshop – Redway (February 5)
- Freshwater Public Workshop (February 6)
- Westhaven/Trinidad Public Workshop - Westhaven (February 7)
- Jacoby Creek Public Workshop - Bayside (February 11)
- Willow Creek Public Workshop (March 6)

The meetings prompted several written comments in Attachment 5. Summaries of the verbal comments from these workshops is also included in Attachment 5. In addition, public workshops to discuss the proposed zoning ordinance amendments are scheduled with the McKinleyville Municipal Advisory Committee on March 13<sup>th</sup>, at the Greenpoint School in Redwood Valley on March 14<sup>th</sup> and with the Forestry Review Committee on March 15<sup>th</sup>.

In response to the comments from Colin Fiske and others, parking requirements in mixed use zones were modified to allow more flexibility and inappropriate land uses such as oil and gas pipelines were deleted from those zones. In response to comments from the California Department of Fish and Wildlife, the term "Wetlands" was inserted into the title of the ordinance, biological report review period for that agency was increased from ten to 20 days, and definition of the term "Other Wet Areas" was clarified.

**Planning Commission Alternatives:** The public comments in Attachment 5 include alternatives for the Planning Commission to consider. In addition, some of the comments at the public workshops expressed concern about allowing new single family residential development in rural areas adjacent to timberlands creating potential fire hazard issues and conflicts with continued timber operations in these areas.

These concerns could be addressed by adding performance measures to the General Provisions section of the zoning ordinance that require additional findings be made for approval of compatible, non-timber related uses adjacent to the AE - Agriculture Exclusive, TE – Timberland Exclusive, TPZ – Timber Production Zone, and the FR – Forestry Recreation zone. In other jurisdictions such as El Dorado County, the supplemental findings include:

- The proposed use is compatible with and will not detract from the land's ability to produce timber; and
- Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Zoning Text Amendments  
to Implement the General Plan**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and approves the Zoning Text Amendments to Implement the Humboldt County General Plan.**

**WHEREAS**, Humboldt County initiated zoning text amendments 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 establish zoning consistency with the policies of the General Plan and General Plan Land Use Map; and

**WHEREAS**, amendments to the Zoning Regulations were developed to achieve consistency with the applicable General Plan Land Use Designation, Table 4-H Zoning Consistency Matrix and Chapter 10 – the Conservation and Open Space Element; and

**WHEREAS**, the proposed zoning text amendments may be approved if findings can be made 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**, the Programmatic Environmental Impact Report (PEIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, was certified by the Board of Supervisors on October 23, 2017. The recommended amendments to the Zoning Regulations were considered in discussions of the PEIR as required by Section 15074(b) of the CEQA Guidelines; and

**WHEREAS**, The 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**, Attachment 1 to this resolution includes substantial evidence in support of making all the required findings for approving the proposed amendments to the zoning text; and



**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on March 21, 2019.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings are hereby made:

1. The Planning Commission has considered the Addendum to the PEIR in Attachment 2 of this Resolution, and the PEIR in Attachment 3 of this Resolution and finds there is no substantial evidence that the proposed amendments to the zoning text to Implement the General Plan in Attachment 4 of this Resolution will have a significant effect on the environment not already considered in the EIR for the General Plan and no new mitigation measures are necessary; and
2. The proposed amendments to the zoning text to implement the General Plan are in the public interest; and
3. The proposed amendments to the zoning text to implement the General Plan are consistent with the General Plan; and
4. The proposed amendments to the zoning text do 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
5. The Planning Commission makes the findings in Attachment 1 and Attachment 2 to this resolution, which are incorporated fully herein, based on the evidence provided.

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Consider the Addendum and 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 (Attachments 2 and 3). Find that it is sufficient for adoption of the Zoning text amendments based on the evidence provided in the Addendum; and
3. Adopt the ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 4 of this Resolution and summarized as follows:
  - (a) new Mixed Use Zones that will be applied to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations,
  - (b) new TE – Timberland Exclusive zone to be applied to areas with a "T - Timberland" General Plan Land Use designation that are not zoned "TPZ" or AE-B-5-(160) and part of an agricultural preserve,
  - (c) new "PR - Public Resource and Recreation" Zone to be applied to publicly owned lands with a "Public Lands" General Plan Land Use designation,
  - (d) new "TL - Tribal Land" Zone to be applied to areas with a "TL - Tribal Lands" General Plan Land Use designation and that are not zoned "TPZ" and to lands with a "TTL - Tribal Trust Lands" General Plan Land Use designation,
  - (e) new "RR - Railroad" Combining Zone that will be applied to railroad rights of way held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake,

- (f) new "MR - Mineral Resources" Combining Zone that will be applied to parcels with permitted surface mining operations, and
- (g) new "PRD – Planned Rural Development" Combining Zone to provide voluntary clustering of home sites on resource lands.

In addition, existing zoning text is proposed to be amended to be consistent with the Plan. These changes include amendments to

- (a) Section 314-7.1 "AE - Agriculture Exclusive Zone",
- (b) Section 314-7.4 "TPZ - Timberland Production Zone",
- (c) Section 314-21.1 "F - Flood Hazard Areas",
- (d) Section 314-61.1 Streamside Management Areas and Wetlands, and
- (e) Section 312, Administration, Procedures, Amendments and Enforcement to incorporate findings of consistency with the General Plan Open Space Plan as shown in Attachment 4 of the staff report.

4. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on \_\_\_\_\_, 2019.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: Commissioners:  
 NOES: Commissioners:  
 ABSTAIN: Commissioners:  
 ABSENT: Commissioners:  
 DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
 John Ford, Director  
 Planning and Building Department

## ATTACHMENT 1

### Evidence Supporting the Required Findings

**A. Zone Ordinance Amendments Required Findings:** Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve amendments to the Zoning Ordinance. The required findings are as follows:

1. The proposed change is in the public interest; and
2. The proposed change is consistent with the General Plan; and
3. The proposed 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 unless the following written findings are made supported by substantial evidence:
  - a. The reduction is consistent with the adopted general plan, including the housing element, and
  - b. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and
  - c. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

In addition, the following sections of the California Environmental Quality Act (CEQA) apply:

4. CEQA requires that subsequent activities in a program must be examined in the light of the Program Environmental Impact Report (PEIR) to determine whether an additional environmental document must be prepared. If an agency finds that pursuant to Section 15162 of CEQA, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

**1. Public Interest:** The following table identifies the evidence which supports finding that the proposed zoning text amendments are in the public interest.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§312-50 of Humboldt County Code	The proposed zone reclassification is in the public interest	The text amendments are designed to achieve consistency between the General Plan and the Zoning Regulations. The amendments to the Zoning Regulations add new and amend existing Principal and Combining Zones as specified in the General Plan. It is in the public interest to have the Zoning Ordinance consistent with the General Plan because it is required by state law (Government Code section 65860 (a)) and the public benefits with there is clarity and consistency between policy and ordinance provisions. This provides for the orderly development of land and protection of important resources. This project is in the public interest because it achieves consistency between the General Plan and the Zoning Regulations.

## 2. General Plan Consistency

The following table identifies the evidence that supports the finding that the proposed zoning text amendments are in conformance with other applicable policies and standards of the Humboldt County General Plan.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4  Land Use Designations Section 4.8	Land Use Designations  Table 4-H. Zoning Consistency Matrix	The proposed zoning ordinance amendments are written to implement General Plan policies for the MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations; the "T - Timberland" General Plan designation that are not zoned "TPZ" or AE-B-5-(160) and part of an agricultural preserve; publicly owned lands with a "Public Lands" General Plan designation; areas with a "TL - Tribal Lands" General Plan designation and that are not zoned "TPZ" and areas with a "TTL - Tribal Trust Lands" General Plan designation, the AE- Agriculture Exclusive and T - Timber Production General Plan designations, areas with railroad rights of way, streamside management areas, and mineral extraction sites to incorporate findings of consistency with the General Plan Conservation and Open Space Element.



Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10  Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)	The General Plan Conservation and Open Space Element - Biological Resources Section establishes policies relating to Streamside Management Areas. Implementation Measure BR-IM6, Modifications to the Streamside Management Area (SMA) Ordinance, requires modification to the Zoning Regulations to implement these requirements. The "WR- Streamside Management Area and Wetlands" Combining Zone is prepared consistent with BR-S5, Streamside Management Areas Defined in order to implement the policy direction of the General Plan.
Conservation and Open Space Chapter 10  Mineral Resources Section 10.4	Goals and policies contained in this Chapter relate to the identification of the county's known mineral resources and support the conservation, development, and utilization of these resources (MR-G1. Long-Term Supply of Mineral Resources and MR-G2. In-stream Sand and Gravel Extraction)	The "MR - Mineral Resources" Combining Zone is applied to parcels with permitted surface mining operations, or SMARA sites consistent with the policies and standards of Section 10.4 of the General Plan. This zoning district is written to implement the policy requirements of the General Plan.

**3. The zoning text amendments do 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.**

Chapter 8, Housing Element, of the Humboldt County General Plan requires the County to accommodate its Regional Housing Need Allocation. The proposed Zoning Text Amendments establish new Zoning Classifications such as the new mixed use zone which supports increased residential densities alongside commercial uses consistent with the General Plan.

During the process of General Plan adoption, a rigorous analysis of General Plan consistency was performed, including an analysis of consistency between the Land Use Element and Land Use Maps and the Housing Element, where the General Plan was found to 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. As the proposed zoning text

amendments are necessary to implement the General Plan, the proposed amendments will likewise 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.

#### **4. Environmental Review.**

The Addendum to the PEIR for 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 2 of this Resolution), identifies that the EIR is sufficient for adoption of the zoning ordinance amendments in Attachment 4 of this Resolution in accordance with Section 15168 (c)(2) and 15162 of the State CEQA. The amendments to the Zoning Regulations were included in discussions of the PEIR, as required by Section 15074(b) of the CEQA Guidelines, and there is no substantial evidence that the proposed project will have a significant effect on the environment and no additional mitigation measures are necessary for the proposed zoning ordinance amendments.

## ATTACHMENT 2

### Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan (State Clearinghouse No. 2007012089)

**Project Description** – The project involves the amendments to the Zoning Regulations shown in Attachment 4 of this Resolution to establish new Principal and Combining Zones and to amend existing Principal and Combining Zones specifically called out in General Plan policies and standards. They are summarized as follows:

- **TE - Timberland Exclusive.** Add a new “TE - Timberland Exclusive” Zone that is to be applied to areas with a “T - Timberland” General Plan Land Use designation that are not zoned “TPZ” or AE-B-5-(160) and part of an agricultural preserve. This new Zoning District is recommended because the “T - Timberland” General Plan Land Use Designation is an Open Space Land Use designation and “AE – Agriculture Exclusive” Zone is the only Open Space zone other than “TPZ” that can be applied. In addition, AE – Agriculture Exclusive” is intended to be applied to “fertile areas in which agriculture is the desirable predominant use,” which may include timberlands, but are not intended to be the predominant use.
- **RR - Railroad Rights-of-Way Protection.** Add a new “RR - Railroad Rights-of-Way Protection” Combining Zone that is to be applied to NCRA railroad rights of way, and along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake. The “RR” Combining Zone implements Policy C-P14, Rail Rights-of-Way and Implementation Measure C-IM16, Mapping of Rail Rights-of-Way as Railroad from the Circulation Element and these areas are mapped as “Railroad” on the General Plan Land Use Map.
- **MR - Mineral Resources.** Add a new “MR - Mineral Resources” Combining Zone that is to be applied to parcels with permitted surface mining operations. The “MR” Combining Zone implements MR-IM4, Combining Zone of the Mineral Resources Section of the Conservation and Open Space Element. The purpose of the “MR” Combining Zone is to ensure compatibility of adjacent uses. The MR combining zone shall be applied to parcels with permitted surface mining operations and facilitate implementation of the County's regulations for surface mining, conservation, and reclamation. Staff is recommending that this combining zone be applied to properties within 1,000 of permitted mineral extraction sites to best implement the policy objectives.
- **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 when lands most suitable for agricultural production are retained for permanent continued 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.
- **Mixed Use.** Add a new “MU1” (Urban) and “MU2” (Rural) Mixed Use Zones to be applied to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations to implement 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. The goal of the mixed-use zone is to offer a range of commercial, office, housing and civic activities and the zone is intended to minimize conflicts between uses standards to guide approval of principally permitted uses and findings to guide the approval of discretionary uses.

- **PR - Public Resource and Recreation.** Add a new "PR - Public Resource and Recreation" Zone to be applied to publicly owned lands with a "Public Lands" General Plan Land Use designation to clearly show areas where the intended use is public recreation, or resource protection or production and where the County may lack land use jurisdiction. This new Zoning District is recommended because it better conveys to the public the intended uses of public land shown on the Zoning Map in comparison to other Zoning Districts that could be applied, such as "AE" or "PF – Public Facility."
- **TL - Tribal Land.** Add a new "TL - Tribal Land" Zone to be applied to areas with a "TL - Tribal Lands" General Plan Land Use designation and that are not zoned "TPZ" and to lands with a "TTL - Tribal Trust Lands" General Plan Land Use designation. This new Zoning District is recommended because the "TL - Tribal Land" Zone would show land located on Native American Reservations and Rancherias on the Zoning Map and specifies a process to determine if the County has jurisdiction to issue land use and permit approvals.
- **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 require no net loss of ag lands and minimize the development 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 may be made 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 requirements for secondary residential unit construction.
- **F - Flood Hazard Areas.** Amend Section 314-21.1 "F - Flood Hazard Areas" Combining Zone to require an open space consistency determination be made for the development of residential structures on legal non-conforming parcels and to require a Special Permit for the development of a residential structure on a substandard lot located wholly within a flood hazard zoned to implement standard CO-S4. Open Space Consistency Determination on Legal Non-Conforming Parcels of the Conservation and Open Space Element.
- **Streamside Management Areas and Wetlands Regulations.** Amend Section 314-61.1 Streamside Management Areas and Wetlands regulations to be consistent with General Plan Standard BR-S5, Streamside Management Area Defined and other policies of the of the Conservation and Open Space Elements.

- **Other Zoning Changes.** Amend Section 312, Administration, Procedures, Amendments and Enforcement to incorporate findings of consistency with the General Plan Open Space Plan per CO-S3, Conservation and Open Space Element Consistency Determination, of the Conservation and Open Space Elements.

### **Description of the Program EIR**

An Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089 was certified by the Board of Supervisors on October 23, 2017 (Attachment 3 of this Resolution). The PEIR requires and envisions amendments to the Zoning Regulations to implement the General Plan and achieve consistency between the Zoning Ordinance and General Plan in several ways:

- On page 1-2 the PEIR states, "Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance..."
- On page 2-16 the PEIR describes the Land Use Element of the General Plan in this way, "The Land Use Element provides for the distribution, location and extent of uses of land for housing, business, industry, natural resources, open space, recreation, and other uses. The Element guides patterns of development for the county, providing a long-range context for decisions made regarding zoning..."
- On page 2-22 the PEIR describes the Safety Element, "This Element identifies hazards and hazard abatement provisions to guide local decisions related to zoning..."
- On page 2-26 the PEIR states, "Following adoption of the plan, the Implementation Action Plan will be carried out. Key implementing actions include updating the Zoning Code..."
- On page 3.1-2 the PEIR states, "zoning regulations serve as the primary implementation tool for the general plan, and must be consistent with the general plan..."
- On page 3.1-4 the PEIR states, "When a general plan amendment creates inconsistency with zoning regulations, the zoning regulations must be changed to re-establish consistency..."
- On page 3.1-12, the PEIR states:

"Amendments to the Zoning Regulations will be necessary to implement the General Plan Update and ensure continuing consistency between to two documents. Examples of required amendments include:

- Changes to Streamside Management Area regulations specified in BR-S5, Streamside Management Area Defined, which will require amendments to Streamside Management Area Regulations contained in Title 3, Division 1 of the County Code, addressed in Conservation and Open Space Element Implementation Measure BR-IMx4, Modifications to the Streamside Management Area Ordinance.
- Establishment of mixed use zoning as directed by the Land Use Element, Urban Lands Policy UL-P6, Mixed Use Zoning, would implement the Mixed Use "MU" plan designation set forth in General Plan Update Section 4.8 and applied in various areas around the County."
- Page 3.1-17 of the PEIR includes a mitigation measure directing changes made to the zoning ordinance:

**"Mitigation Measure 3.1.3.2.a.** Add the following implementation measure to the Growth Planning section of the Land Use Element to reduce potential impacts related to conflict between the General Plan Update and applicable land use regulations:

**Implementation Measure GP-IMX, 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."*

### **Evidence of Consistency with CEQA**

Section 15162(c) of the CEQA Guidelines provides that when a PEIR has been prepared and certified, "(s)ubsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared." If a later activity would have effects that were not examined in the program EIR, subsequent environmental review would be required. Also, if new effects could occur or new mitigation measures would be necessary, subsequent environmental review would be required. The following paragraphs describe how the proposed zoning ordinance amendments are within the scope of the project covered by the PEIR in Attachment 3 of this Resolution, will involve no new effects and will require no new mitigation other than what was included in the PEIR.

1. The Humboldt County General Plan, through Land Use Element, Growth Planning Implementation Measure GP-IM6. Zoning Consistency, anticipates the need to revise the Zoning Map and Zoning Regulations and directs the County, within two years after the adoption of the General Plan Update, to revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and to achieve consistency with the General Plan Land Use Map.
2. Program 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 Code. Program 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 Regulations for zoning consistency.
3. In addition to serving as the environmental document for the approval of the General Plan Update, the Program 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.
4. The Program EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the General Plan Update. In addition, the Program EIR identified significant and unavoidable impacts 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.
5. On October 23, 2017, the Board of Supervisors made Findings, adopted a Statement of

Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the Program EIR and adopted the General Plan.

6. The County has analyzed the proposed new and amended Zone Districts pursuant to Public Resources Code Section 21094(c) and Section 15168(c)(2) of the CEQA Guidelines to determine if the Project may cause significant effects on the environment that were not examined in the Program EIR and whether the Project is within the scope of the Program EIR.
7. The proposed zoning ordinance amendments will not result in additional environmental effects that were not adequately examined in Program EIR. As documented in Attachment 1 of this Resolution, Evidence Supporting the Required Findings, the Project will not increase the severity of, significant environmental impacts previously identified in the Program EIR.
8. For the reasons discussed in Attachment 1, Evidence Supporting the Required Findings, the proposed new and amended Zone Districts is consistent with the General Plan.
9. 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:
  - a. 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 Update, so the Program 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.
  - b. No new information of substantial importance, which was not known and could not have been known at the time that the Program EIR was certified as complete, shows that the Project would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the Program EIR, that mitigation measures or alternatives found infeasible in the Program EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the Program EIR would substantially reduce one or more significant environmental impacts found in the Program EIR.
10. All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the Program EIR mitigation measures adopted in connection with the Board of Supervisor's approval of the Program EIR. All Program EIR mitigation measures applicable to the Project are incorporated into the proposed zoning ordinance amendments.
11. In accordance with Public Resources Code Section 21094(d), 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 Program EIR and in the Findings adopted by the Board of Supervisors in connection with the approval of the Program EIR, as incorporated by reference and reaffirmed herein.

12. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Project is consistent with the General Plan Update, falls within the environmental parameters analyzed in the Program 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 Program EIR, nor would new mitigation be required for the Project.

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.

### **ATTACHMENT 3**

Program EIR for the Humboldt County General Plan,  
State Clearinghouse No. 2007012089

The Program EIR for the 2017 General Plan may be accessed at the following link:  
<https://humboldt.gov.org/626/Draft-Environmental-Impact-Report-EIR>

## ATTACHMENT 4

### Proposed Zoning Text Amendments

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## **Proposed New Zone: 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 1,000 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 to the Zoning Maps covering 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. Land located within 300 feet of 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)

28.5.3.2 Non-mining projects located within the MR Combining Zone or located within 300 feet of mapped mining haul routes may be approved only if the project incorporates the best mitigation measures feasible to minimize potential conflicts with continued mining operations. Incompatible land uses shall be suitably buffered from mining activity.

#### **28.5.4 Hearing Notification.**

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

28.5.4.2 Applications for discretionary projects within 1,000 feet of mining operations, shall include public hearing notice 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 1,000 feet of vested and permitted surface mining extraction sites or within 300 feet of 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 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."

28.5.4.3 The statement set forth in subsection 28.5.4.2 shall be used under the following circumstances and in the following manners:

28.5.4.3.1 Upon the issuance of a discretionary development permit, including but not limited to subdivision approvals, Conditional Use Permits, and

Special Permits, for use within 1,000 feet of vested and permitted surface mining extraction sites or within 300 feet of 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 28.5.4.2.

## **Proposed New Zone: 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 is 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.

## **Proposed New Zone: “PRD – Planned Rural Development” Combining Zone (added text)**

### **314-31 “P” COMBINING ZONE DESIGNATIONS**

#### **314-31.5 PRD - PLANNED RURAL DEVELOPMENT**

**31.5.1 Purpose.** The purpose of these provisions is to allow for the voluntary clustering of homesites on land designated Agricultural Grazing (AG) and Timberland (T) on the General Plan Land Use Map at a density above what would otherwise be allowed when lands most suitable for agricultural or timber production are retained for permanent continued resource production

#### **31.5.2 Applicability.**

31.5.2.1 These regulations shall apply to areas designated "PRD" on the Zoning Maps.

31.5.2.2 These regulations may be applied to land designated Agricultural Grazing (AG) and Timberland (T) on the General Plan Land Use Map.

**31.5.3 Modifications of Development Standards.** The following development standard modifications may be approved by the Planning Commission reviewing the Planned Rural Development permit applications:

#### **31.5.3.1 Residential Density Standards.**

31.5.5.1.1 The maximum allowable residential density specified in the General Plan may be increased by as much as fifty percent (50%) if:

31.5.5.1.1.1 Development is clustered to minimize conflicts with agricultural production or timber harvesting as well as impacts to water resources, biological resources, and minimizes wildland fire potential; and

31.5.5.1.1.2 95% of subject lands are protected though a conservation easement or equivalent protection.

31.5.5.2 Lot Size Standards. The applicable lot size standards may be modified to carry out the intent of the Planned Rural Development Regulations provided all other development standards set forth herein are met.

31.5.5.3 Lot Coverage Standards. The applicable lot coverage standards shall apply, except that building coverage shall be calculated over the entire development instead of being applicable to each lot in the development.

31.5.5.4 Setback Standards. The applicable setback standards may be modified provided:

31.5.5.4.1 Lot coverage requirements herein are met; and

31.5.5.4.2 Setbacks for lots located in the perimeter of the development shall conform with the setback requirements for the zone

31.5.6 Other Requirements. The following design criteria shall be used in the design and evaluation of projects within a Planned Rural Development:

31.5.6.1 Natural Considerations. The site design must maintain the prominent natural features of the site.

31.5.6.1.1 Major trees and shrubs should be retained to the maximum extent possible, and should become the basis of the design of lots, roads, and other open spaces in the PRD. They add permanence and a sense of continuity to new developments, and new landscaping will take many years to provide the same benefits that mature existing vegetation will provide immediately.

31.5.6.1.2 New homesites should be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and topography of the site requires development on hillsides, new construction and grading should follow the natural contours.

31.5.6.1.3 To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes should be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines should not affect the ridgeline silhouette

31.5.6.1.4 Natural slopes in excess of twenty-five percent should remain undisturbed

31.5.6.1.5 Disturbed areas not proposed for development shall be revegetated as quickly as feasible.

31.5.6.2.2 Requirements for Water Storage. New development not served by a public water system that seeks to rely upon surface water shall install water storage capable of providing 100 percent of the necessary water storage volume for the summer low-flow season (e.g. July-August-September). A forbearance agreement prohibiting water withdrawals during low-flow season shall be included as a performance standard for the project.

### **31.5.7 Roads and Driveways.**

31.5.7.1 Access. Planned Rural Developments shall be designed to minimize traffic safety hazards to pedestrians, bicyclists and vehicles.

31.5.7.21 Emergency Access. Planned Rural Developments shall not require the approval of exceptions to Fire Safe Regulations, Chapter 2, Emergency Access.

**31.5.8 Conservation Easement or Equivalent Protection.** A conservation easement or equivalent protection, in a form acceptable to County Counsel, shall be required to permanently protect resource production on the site consistent with applicable policies in the Agricultural and Forest Resources Sections of the Land Use Element of the General Plan.

**Proposed New Zone: 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.

<b><u>314-4.5 PR: PUBLIC RESOURCE AND RECREATION</u></b>	
<b><u>Use Type</u></b>	<b><u>Principal Permitted Use</u></b>
<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>
<b><u>Use Type</u></b>	<b><u>Conditionally Permitted Use</u></b>
<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>



## Proposed New Zone: 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.

<b>314-7.5 TE: TIMBERLAND EXCLUSIVE ZONE</b>	
<b>Principal Permitted Uses</b>	
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 and wetland restoration . (Table 4-G).	
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	
<b>Uses Permitted with a Use Permit</b>	
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.	
Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use. . (Table 4-G)	
Public Recreation and Public Access Facilities. (Table 4-G)	
Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities. . (Table 4-G)	
Oil & Gas Drilling & Processing, Metallic Mining, Surface Mining . (Table 4-G)	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TE zone.	
<b>Other Regulations</b>	
<b>Minimum Lot Area</b>	Forty (40) acres.
<b>Minimum Lot Width</b>	One hundred feet (100').
<b>Maximum Lot Depth</b>	(None specified.)
<b>Minimum Yard Setbacks</b>	

<u>Front</u>	<u>Thirty feet (30');</u>
<u>Rear</u>	<u>Twenty feet (20');</u>
<u>Side</u>	<u>Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.</u>
<u>Outbuildings</u>	<u>Outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.</u>
<b><u>Maximum Ground Coverage</u></b>	<u>Thirty-five percent (35 %).</u>
<b><u>Maximum Building Height</u></b>	<u>(None specified.)</u>

\*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

## **Proposed New Zone: 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.

## Proposed New Zones: Mixed Use Urban 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).

<b>314-9.1 MU1: MIXED USE (URBAN)</b>	
<b><u>Use Type</u></b>	<b><u>Principal Permitted Use</u></b>
<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>
<b><u>Use Type</u></b>	<b><u>Conditionally Permitted Use</u></b>
<u>Civic Use Types</u>	<u>Public Recreation and Open Space</u> <u>Minor Generation and Distribution Facilities</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>

<b>314-9.1 MU1: MIXED USE (URBAN)</b>	
<b>Development Standards</b>	
<b>Minimum Lot Area</b>	<u>2,000 square feet.</u>
<b>Minimum Lot Width</b>	<u>Twenty-five feet (25').</u>
<b>Minimum Yard Setbacks*</b>	
<u>Front</u>	<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>
<u>Rear</u>	<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>
<u>Side</u>	<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.</u>
<b>Maximum Ground Coverage</b>	<u>One hundred percent (100%)</u>
<b>Maximum Structure Height</b>	<u>Seventy-five (75) feet.</u>

\*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 the same development site when the demand for the parking spaces does not conflict as determined by the Planning Commission at a noticed public hearing.

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.

<b>314-9.2 MU2: MIXED USE (RURAL)</b>	
<b><u>Use Type</u></b>	<b><u>Principal Permitted Use</u></b>
<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>
<b><u>Use Type</u></b>	<b><u>Conditionally Permitted Use</u></b>
<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>Minor Generation and Distribution Facilities</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>

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<b>314-9.2</b>	<b>MU2: MIXED USE (RURAL)</b>
<b>Development Standards</b>	
<b>Minimum Lot Area</b>	<u>5,000 square feet.</u>
<b>Minimum Lot Width</b>	<u>Fifty feet (50').</u>
<b>Minimum Yard Setbacks*</b>	
<u>Front</u>	<u>Fifteen (15) feet.</u>
<u>Rear</u>	<u>Ten (10) feet.</u>
<u>Interior Side</u>	<u>Five (5) feet.</u>
<u>Exterior Side</u>	<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.)</u>
<b>Maximum Ground Coverage</b>	<u>Fifty percent (50%)</u>
<b>Maximum Structure Height</b>	<u>Fifty (50) feet.</u>

\*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 shall be designed and located so as to confine direct lighting to the premises and.

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 the same development site when the demand for the parking spaces does not conflict as determined by the Planning Commission at a noticed public hearing.

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.

## Proposed Amendment to “B-1 Special Building Site Combining Zone” (modified 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	<del>6,000 square feet</del> 8,000 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.

## **Proposed Amendment to “F - Flood Hazard Areas” Combining Zone (modified text)**

### **314-21.1 F - FLOOD HAZARD AREAS**

21.1.1 **Purpose.** The purpose of these regulations is to minimize public and private losses due to flood and tsunami conditions in specific areas of the County. (Former Section INL#315-8.1(A); Added by Ord. 2205, Sec. 1, 4/11/00)

21.1.2 **Applicability.** These regulations shall apply to all areas designated "F" on the Zoning Maps and situated within the areas of special flood hazard as identified on the Federal Insurance Administration's Federal Insurance Rate Maps (FIRM) for Humboldt County. (Former Section INL#315-8.1(B); Added by Ord. 2205, Sec. 1, 4/11/00)

21.1.3 **Modifications Imposed by Flood Hazard Regulations.** These regulations shall be in addition to the requirements imposed by the principal zones, development regulations, and other special area regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulations with most restrictive regulation shall apply. (Former Section INL#315-8.1(C); Added by Ord. 2205, Sec. 1, 4/11/00)

**21.1.4 Special Permit Required.** A Special Permit is required for the development of a residential structure on a legal non-conforming lot that is substandard to the minimum lot size standards of the Principal Zone and is located wholly within a flood hazard zone.

21.1.54 **Prohibited New Development within 100-Year Floodway and Floodplain.** New development within the 100-year floodway and floodplain shall be restricted as follows: (Former Section INL#315-8.1(D); Added by Ord. 2205, Sec. 1, 4/11/00)

21.1.54.1 Within designated floodways the following is prohibited unless overriding considerations are made with specific factual findings with respect to the public health, safety and welfare: (Former Section INL#315-8.1(D)(1); Added by Ord. 2205, Sec. 1, 4/11/00)

Mobilehome Parks

21.1.54.2 Within both designated floodways and floodplains the following use types are prohibited unless overriding considerations are made with specific factual findings with respect to the public health, safety and welfare: (Former Section INL#315-8.1(D)(2); Added by Ord. 2205, Sec. 1, 4/11/00)

Health Care Services  
Extensive Impact Civic Use  
Solid Waste Disposal  
Hazardous Industrial

See Section C, Index of Definitions of Language and Legal Terms for definitions of “Floodway” and “Flood Plain.” See Section D, Part 2 of this Chapter: Glossary of Use Types, for definitions of these use types.

## **Proposed Amendment to Required Findings for all Permits and Variances (modified text)**

### **17.1 REQUIRED FINDINGS FOR ALL PERMITS.**

Unless waived by State law, the Hearing Officer may approve or conditionally approve an application for a Special Permit, Use Permit, Coastal Development Permit, or Planned Unit Development Permit only if all of the following findings, in addition to any applicable findings in Sections 312-18 through 312-49, Supplemental Findings, are made: (Former Section INL#317-36, 317-40.7; CZ#A315-14; Ord. 946, Sec. 4, 10/2/73; Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

**17.1.1 The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program; (CO-IM5. Zoning Ordinance Revision for Open Space Consistency Determinations.).**

17.1.2 The proposed development is consistent with the purposes of the existing zone in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone; (Former Section INL#317-36(a), 317-40.7(1); CZ#A315-14(B))

17.1.3 The proposed development conforms with all applicable standards and requirements of these regulations; and (Former Section CZ#A315-14(C))

17.1.4 The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. (Former Section INL#317-36(b), 317-40.7(2); CZ#A315-14(D))

17.1.5 The proposed development 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 (the mid point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:

17.1.5.1 The reduction is consistent with the adopted general plan, including the housing element, and

17.1.5.2 The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and

17.1.5.3 The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

# **Proposed Amendment to “Zoning Clearance Certificate Procedures” (modified text)**

## **ZONING CLEARANCE CERTIFICATE PROCEDURES**

### **2.1 PURPOSE**

A zoning clearance certificate certifies that a proposed development conforms with all current requirements of the Zoning regulations and, if applicable, the terms and conditions of any previously approved development permit or variance. (Former Section INL#316-22; CZ#A315-2(A); Added by Ord. 1280, Sec. 3, 10/10/78)

### **2.2 REQUIRED ZONING CLEARANCE CERTIFICATE**

A Zoning Clearance Certificate is required whenever a building permit is required, and must be secured prior to the issuance of the building permit. (Former Section INL#316-22; CZ#A315-2(B); Added by Ord. 1280, Sec. 3, 10/10/78)

### **2.3 FILING AND PROCESSING APPLICATIONS FOR A ZONING CLEARANCE CERTIFICATE**

2.3.1 Applications Any individual may apply for a zoning clearance certificate in conjunction with or prior to application for a building permit for a proposed development. (Former Section CZ#A315-2(C)(1); Ord. 1705, 9/10/85)

2.3.2 Application Form The ~~Planning and Building Community Development Services~~ Department shall provide standard forms on which applications for zoning clearance certificates can be filed. (Former Section CZ#A315-2(C)(2); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

2.3.3 Filing Applications Applications for a zoning clearance certificate shall be filed with the Planning Division of the ~~Planning and Building Community Development Services~~ Department on the forms provided. At the time the application is filed, the applicant shall submit the required filing fees prescribed by the Board of Supervisors. All other plans, specifications and information that may be required by the Department to demonstrate compliance with the zoning regulations shall be filed with the application. (Former Section CZ#A315-2(C)(3); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

2.3.4 Processing Applications. Within five (5) working days of accepting an application, the Planning Division shall review the proposed development for conformance with the Humboldt County Zoning Regulations and the Humboldt County General, in particular the Open Space Plan and Open Space Action Program, and, if applicable, the terms and conditions of any previously approved development permit, variance, or subdivision. (Former Section CZ#A315-2(C)(4); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

## **2.4 ISSUANCE OF CERTIFICATE**

- 2.4.1 Upon completion of the required Planning Division review (subsection 312-2.6), zoning clearance certificates shall be approved and immediately issued by the Director, or designee, if, based upon information provided by the applicant, all of the following findings are made: (Former Section CZ#A315-2(C)(5); Ord. 1705, 9/10/85)
- 2.4.1.1 The proposed development is in conformance with the Humboldt County General Plan, Open Space Plan, and the Open Space Action Program (CO-IM5. Zoning Ordinance Revision for Open Space Consistency Determinations.).
- 2.4.1.2 The proposed development conforms with all requirements of the Humboldt County Zoning Regulations; and (Former Section CZ#A315-2(C)(5)(a); Ord. 1705, 9/10/85)
- 2.4.1.3 The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and (Former Section CZ#A315-2(C)(5)(b); Ord. 1705, 9/10/85)
- 2.4.1.4 The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel. (Former Section CZ#A315-2(C)(5)(c); Ord. 1705, 9/10/85; Ord. 2407, § 1, 12/16/2008)
- 2.4.2 A public hearing shall not be required to be held prior to the Director's decision to approve or deny an application for a zoning clearance certificate. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85)
- 2.4.3 Written notification of the Director's decision shall be transmitted to the Building Division, within five (5) working days of the decision. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 2.4.4 Decisions on zoning clearance certificate applications are not appealable. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85)

## Proposed Amendment to “AE – Agriculture Exclusive Zone” (modified text)

### 314-7.1 AE: AGRICULTURE EXCLUSIVE ZONE

The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture Exclusive or AE Zones.

<b>314-7.1 AE: AGRICULTURE EXCLUSIVE</b>	
<b>Principal Permitted Uses</b>	
All general agricultural uses, including 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), except those specified in the following subsection, Uses Permitted with a Use Permit. (Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)	
<b>Timber Production</b>	
<b>Single Family Residence (Table 4-G)</b>	
<b>Second Residential Unit Farm dwellings.</b> On lots 40 acres or larger in size, <b>two single detached dwellings are permitted within the same contiguous two (2) acre building envelope containing the primary residence (Table 4-G)</b>	
<b>Manufactured homes-used as farm dwellings.</b>	
<b>Uses Permitted with a Use Permit</b>	
Hog farms, turkey farms, frog farms and fur farms.	
<b>Aquaculture (Table 4-G)</b>	
Animal feed yards and sales yards.	
Agricultural and timber products processing plants.	
<b>Agriculture-Related Recreation, Resource-Related Recreation (Table 4-G)</b>	
<b>Agriculture-Related Visitor-Serving:</b> cheese factories and sales rooms, wineries and wine tasting and sales rooms, produce sales, etc., which do not change the character of the principal use. (Table 4-G)	
<b>Public Recreation and Public Access Facilities (Table 4-G)</b>	
Rental and sales of irrigation equipment and storage incidental thereto.	
Animal hospitals.	
<b>Stables and Kennels (Table 4-G)</b>	
<b>Farm Employee Housing,</b> Labor camps and labor supply camps. (Table 4-G)	
<b>Fish and Wildlife Habitat Management, Watershed Management, Wetland Restoration (Table 4-G)</b>	
<b>Utilities &amp; Energy Facilities:</b> The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities. (Table 4-G)	
<b>Metallic Mining, Surface Mining (Table 4-G)</b>	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.	
<b>Other Regulations</b>	
<b>No Subdivisions</b>	<b>No subdivisions or residential developments, whether by may only be approved by official map, record of survey or recorded subdivision, for the managed production of resources, where parcels are subject to a binding and recorded restriction prohibiting the development of a residential structures or residential accessory structures shall be permitted in Agriculture Exclusive or AE Zones.</b>



<b>Agricultural Land Conversion</b>	<p>Conditionally Permitted Uses that would convert zoned Agriculture Exclusive or AE Zone land to non-agricultural uses shall not be approved unless the Planning Commission makes the following findings:</p> <p>A. <u>There</u> are no feasible alternatives that would prevent or minimize conversion;</p> <p>B. The <u>facts</u> support an overriding public interest in the conversion; and</p> <p>C. For lands outside of designated Urban Development Boundaries, sufficient off-setting mitigation has been provided to prevent a net reduction in the agricultural land base and agricultural production. This requirement shall be known as the “No Net Loss” agricultural lands policy. “No Net Loss” mitigation is limited to one or more of the following:</p> <ol style="list-style-type: none"> <li>1. <u>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</u></li> <li>2. <u>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</u></li> <li>3. <u>Financial contribution to an agricultural land fund in an amount sufficient to fully offset the agricultural land conversion for those uses enumerated in subsections a and b. The operational details of the land fund, including the process for setting the amount of the financial contribution, shall be established by ordinance. (AG-P6. Agricultural Land Conversion - No Net Loss; AG-IM4. No Net Loss of Prime Agricultural Lands)</u></li> </ol>
<b>Conversion of Prime Agricultural Land</b>	<p>Development on Agriculture Exclusive or AE Zone land shall be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or non-agricultural uses on land as defined in Government Code Section 51201(c) 1- 5 as prime agricultural lands. (AG-P16. Protect Productive Agricultural Soils)</p> <p><u>Except for the construction of the primary single family residence or a second residence within the same contiguous two (2) acres building envelope containing the existing primary residence, Prime Agricultural Land lands shall not be converted without provisions for mitigation offsets, as specified in the No Net Loss” agricultural lands policy above.</u></p>
<b>Minimum Lot Area</b>	<p><u>Sixty Twenty (620) acres. (AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands.)</u></p> <p><u>Exceptions to the minimum parcel size for the purpose of historic preservation, may be approved, where the following findings are made:</u></p> <p>A. <u>The site or structure qualifies and is included on a local, state or federal historic registry; and,</u></p> <p>B. <u>The viability of continued agricultural operations is not inhibited, and;</u></p> <p>C. <u>No additional density beyond what would be permitted as part of the existing agricultural operations is created.</u></p>
<b>Minimum Lot Width</b>	One hundred feet (100').
<b>Maximum Lot Depth</b>	(None specified.)

<b>Minimum Yard Setbacks*</b>	
Front	Thirty feet (30');
Rear	Twenty feet (20');
Side	Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.
Farm Outbuildings	Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.
<b>Maximum Ground Coverage</b>	<del>Thirty-five percent (35 %).</del> Two acres maximum (Table 4-G)
<b>Maximum Building Height</b>	(None specified.)

## Proposed Amendment to “TPZ – Timberland Production Zone” (modified text)

### 314-7.4 TPZ: TIMBERLAND PRODUCTION ZONE

The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. (Former Section INL#314-10; and INL#314-11; Ord. 1099 Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88; Amended by Ord. 1907, Sec. 1, 8/21/90; Amended by Ord. 2166, Sec. 11, 4/7/98; Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

<b>314-7.4 TPZ: TIMBERLAND PRODUCTION</b>
<b>Principal Permitted Uses</b>
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). (Added by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)
<b>Principal Permitted Uses Compatible with Timber Production</b>
The following accessory uses are deemed to be compatible with the growing and harvesting of timber provided they do not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber: (Former Section INL#314-11)
Management for watershed and wetland restoration. (Table 4-G)
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.
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.
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. (Former Section INL#314-11(h); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 2, 8/21/90)
<b>Uses Permitted with a Use Permit</b>
Note: Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. (Former Section INL#314-10(b)(1-2); Ord. 1099, Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88, Amended by Ord. 1907, Sec. 1, 8/21/90, Amended by Ord. 2166, Sec. 11, 4/7/98)
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.
Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities. (Table 4-G)
Oil & Gas Drilling & Processing, Metallic Mining, Surface Mining. (Table 4-G)
Public Recreation and Public Access Facilities. (Table 4-G)
Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses. (Amended by Ord. 2166, Sec. 11, 4/7/98)
Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use. (Table 4-G)

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.
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#### 7.4.1 **Other TPZ Regulations.**

7.4.1.1 Provisions of Article 1 "General Provisions" (Section 51100); Article 2 "Establishment of Timberland Production Zone" (Subsections 51110 and 51119.5); Article 3 "Rezoning" (Subsection 51120 and 51121); Article 4 "Immediate Rezoning" (Subsection 51130-51134); and Article 5 "Removal from Zone" (Subsection 51140-51146) of the Government Code of the State of California as it now reads, or may be hereafter amended, shall apply. (Former Section INL#314-12(a); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 3, 8/21/90)

7.4.1.2 An owner of real property may petition the Board of Supervisors to zone land as Timberland Production or TPZ Zone. The Board, by ordinance, after the recommendation of the Planning Commission pursuant to Section 51110.2 of the Government Code, and after public hearing, shall zone as a Timberland Production or TPZ Zone all parcels submitted to it by petition pursuant to Section 51113 which meet all of the following criteria: (Former Section INL#314-12(b))

7.4.1.2.1 A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned Timberland Production or TPZ Zone. (Former Section INL#314-12(b)(1))

7.4.1.2.2 A plan (or a timber management guide) for forest management of the property must be prepared or approved as to content by a registered forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the prepared of the plan. (Former Section INL#314-12(b)(2))

7.4.1.2.3 The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the state Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. The agreement shall provide that if the parcel is subsequently zoned as Timberland Production or TPZ and fails to meet the stocking standards and forest practice rules within the time period, the Board of Supervisors shall rezone the parcel to another zone pursuant to Section 51113(c)(3) or 51121 of the Government Code. (Former Section INL#314-12(b)(3))

7.4.1.2.4 The land to be rezoned Timberland Production or TPZ shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single parcel or a unit of contiguous parcels as defined in Section 51104 of the Government Code, which is eighty (80) acres or one-half of one-quarter section in size or larger.

(Former Section INL#314-12(b)(4))

7.4.1.2.5 The land to be included in the Timberland Production or TPZ Zone shall be timberland as defined by Section 51104(f) of the Government Code. (Former Section INL#314-12(b)(5); Ord. 1126, Sec. 1, 3/12/77; Amended by Ord. 1907, Sec. 3, 8/21/90)

7.4.1.2.6 The land shall be in compliance with the land use standards of the Timberland Production or TPZ Zone. (Former Section INL#314-12(b)(6))

7.4.1.3 Minimum parcel size:

7.4.1.3.1 160 acres; or (Former Section INL#314-12(c)(1))

7.4.1.3.2 40 acres if the provisions of Government Code Section 51119.5 are met. (Former Section INL#314-12(c)(2))

7.4.1.4 Special Subdivision Provisions For Mixed Zone Parcels. Parcels containing Timberland Production or TPZ zoned land may be subdivided below the minimum parcel size allowed pursuant to subsection 314-7.4.1.3 where TPZ zoned land of a smaller size already exists and all of the following requirements are satisfied: (Former Section INL#314-12(d))

7.4.1.4.1 TPZ zoned land within the parcel is not being divided or separated by the subdivision; and (Former Section INL#314-12(d)(1))

7.4.1.4.2 Adequate access is available for timber management for the TPZ zoned land; and (Former Section INL#314-12(d)(2))

7.4.1.4.3 A timber management guide for the TPZ zoned land approved by the County Forestry Review Committee has been submitted for the subdivision; provided, however, that such a timber management guide shall not be required if the subdivision is restricted to prohibit residential or other development from the TPZ portion of the parcel; and (Former Section INL#314-12(d)(3))

7.4.1.4.4 The subdivision meets all other regulatory requirements applicable to subdivisions; and (Former Section INL#314-12(d)(4))

7.4.1.4.5 The parcel in which the TPZ zoned land will be contained is no smaller than the minimum parcel size for the adjacent non-TPZ portion of the parcel. (Former Section INL#314-12(d)(5))

7.4.1.5 Minimum yard setbacks\*: (Former Section INL#314-12(e)(1-4))

7.4.1.5.1 Front: Twenty (20) feet;

7.4.1.5.2 Side: Thirty (30) feet;

7.4.1.5.3 Rear: Thirty (30) feet;

7.4.1.5.4 For Flag Lots, the Director, in consultation with the Public Works Department, shall establish, in addition to a required minimum front yard setback, the minimum yard that is required for a vehicular turn around on the parcel.

\*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.

7.4.1.6 Special Restrictions Regarding Residences.

7.4.1.6.1 The total residential density shall not exceed one (1) dwelling unit per ~~forty twenty~~ (420) acres. (Former Section INL#314-12(f)(1))

7.4.1.6.2 Second Residential Units may be permittted on parcels greater than 160 acres, and on parcels less than 160 acres only in the area already converted, intended to be converted, or that does not meet the definition of timberlands.

7.4.1.6.32 ~~Parcels smaller than forty (40) acres shall not have second or secondary dwelling units,~~ unless located within a Community Planning Areas. (Former Section INL#314-12(f)(2))

7.4.1.6.43 Residences and the associated accessory structures and uses shall not exceed two (2) acres per parcel. (Former Section INL#314-12(f)(3))

## **Proposed Amendment to Streamside Management Area Regulations (modified text)**

### **314-61.1 STREAMSIDE MANAGEMENT AREAS AND WETLANDS ORDINANCE**

#### **61.1.1 Short Title**

This section shall be known and cited as the “Streamside Management Areas and Wetlands Ordinance of the County of Humboldt” (SMAWO). In any administrative action taken by any public official under the authority of this code, the use of the term “Streamside Management Areas and Wetlands Ordinance” or “SMAWO”, unless further modified, shall also refer to and mean this section.

#### **61.1.2 Purpose**

The purpose of this section is to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs), wetlands and other wet areas such as: natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year long or riparian vegetation).

The purpose of establishing the standards are to:

- Create a Streamside Management Areas and Wetlands ordinance within the zoning regulations of the County of Humboldt pursuant to the mandates of state law.
- Implement portions of the County’s General Plan policies and standards pertaining to open space, conservation, housing, water resources, biological resources, and public facilities.

#### **61.1.3 Relationship to Other Regulations**

These regulations shall be in addition to regulations imposed by the principal zone, combining zone, development regulations, and other open space or resource protection regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the most protective of natural resources shall apply.

#### **61.1.4 Scope of Application**

This section shall be applicable to all development within or affecting SMAs, wetlands or other wet areas within the unincorporated areas of the County and outside the Coastal Zone.

The provisions of this section shall be applicable to all development permits issued by the County pursuant to:

- (1) Title III, Land Use and Development, Division 1, Planning.

- (2) Title III, Land Use and Development, Division 2, Subdivision Regulations.
- (3) Title III, Land Use and Development, Division 3, Building Regulations.
- (4) Title IV, Streets and Highways, Division 1, Protection and Control of County Roads and Permits.

These regulations shall not apply to:

61.1.4.1 Routine maintenance activities associated with existing public or private facilities, defined as “activities to support, keep and continue in an existing state or condition without decline.” Routine activities include the replacement of culverts and related structures when conducted pursuant to a Department of Fish and ~~Game~~Wildlife Lake or Streambed Alteration Agreement (LSAA).

For the purpose of these regulations, routine maintenance activities do not include:

- removal of trees with a diameter of 12 inches or greater (38-inch circumference), or
- removal of trees from within a contiguous or non-contiguous area of more than 6,000 square feet as measured under the tree canopy, or
- activities that could result in significant environmental impacts where the removal will:
  - be located within a streamside management area, wetland, or other wet area as defined in County regulations, or
  - occur on slopes greater than 15%, or
  - will expose more than 2,000 square feet of soil to erosion.

A site evaluation shall be made where necessary to determine if a project meets the exemption standards of these regulations or if the proposed development requires a special permit.

61.1.4.2 Grading and construction activities associated with onsite wells and sewage disposal systems for single-family dwellings which have received all required County and State permits; or

61.1.4.3 Any project where a complete application for grading or construction was accepted by the Planning and Building~~Community Development Services~~ Department prior to April 25, 1995; or

61.1.4.4 To any construction or grading on property which was subdivided and subject to discretionary and environmental review by the County after the effective date of the 1984



General Plan, January 2, 1985, and any subsequent and applicable Community Plans, if the Responsible Department has determined that all conditions of approval and specific mitigation requirements have been fully met; or

61.1.4.5 Development activities proposed and carried out under the provisions of the County Code Title III, Land Use and Development, Division 9, Mining Operations.

61.1.4.6 Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities which are not exempt from the local regulation pursuant to Public Resources Code Section 4516.5(f) are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.

The exemptions contained in Section 331-14.D.2., Grading, Excavation, Erosion and Sedimentation Control do not apply in SMAs, **wetlands** or other wet areas.

#### **61.1.5 Permit Required and Processing**

All development as defined in the **FrameworkGeneral** Plan within or affecting SMAs, **wetlands** or other wet areas not exempted under subsection 314-61.1.4 above shall require a permit pursuant to an application for development within SMAs, **wetlands** or other wet areas and processed as a Special Permit pursuant to the Humboldt County Zoning Regulations (Section 312-3.1.1 et seq).

For those activities subject to these regulations and conducted by the County Department of Public Works, the Director of the Department (of Public Works) shall be responsible for the environmental review and public notice requirement, be empowered to approve and issue a special permit following the making of findings, be empowered to meet with and work out solutions with impacted parties, and be required to provide notice and staff support to the Planning Commission when a hearing is requested. The impacted parties shall have a mandatory meeting with the Department of Public Works in an attempt to work out any issues before a hearing is requested or an appeal to the Planning Commission is filed.

#### **61.1.6 Findings of Exception - Written Report**

Where there is disputed evidence, or controversy, regarding a finding of exception, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which a finding of exemption is made. Copies of the report shall be sent to CDFG**W** or any person or group requesting such report in writing. Any person dissatisfied with the finding of exemption may request a formal review pursuant to Section 314-61.1.8.

#### **61.1.7 Definitions**

Whenever the words listed below are used in the Zoning Regulations or other regulations related to the Streamside Management Areas **and Wetlands** Ordinance, they shall have the following meaning:

61.1.7.1 “Grading” means all grading, filling, land contouring, clearing and grubbing, drainage activities, site preparation, and road building.

61.1.7.2 “CDFG~~W~~” means the California Department of Fish and ~~Game~~Wildlife.

61.1.7.3 “Construction” means the erection or construction of, or addition to, any building or structure but shall not include the structural alteration, repair, remodeling, or demolition and reconstruction of and additions to any building or structure where the work would not increase the “footprint” of the building or structure. “Construction” does not include “minor additions” as defined in this section.

61.1.7.4 “Minor Additions” means an exception to these standards for additions to buildings or structures existing on April 25, 1995, of up to 500 square feet of floor area. From this date forward, any number of individual additions to an existing building or structure may be permitted provided the aggregated total increase in square footage for all changes does not exceed 500 square feet of floor area. A “minor addition” is not “construction” as defined in these standards. Note: Physical additions to a building or structure where a condition or a prior discretionary permit or subdivision approval indicated that any future additions would be prohibited are not minor additions as defined in these Implementation Standards.

61.1.7.5 “Project” means any “grading” or “construction” activities subject to the provisions of these standards.

61.1.7.6 “Streamside Management Areas” (SMAs) [~~section 3432(5) of the Humboldt County 1984 Policy BR-S5. Streamside Management Areas Defined of the 2017 General Plan~~] shall be as defined in the Humboldt County General Plan (Page G-8 Section 10.3 Biological Resources of Chapter 10, Conservation and Open Space Elements of the Humboldt County General Plan) and includes, a natural resource area along both sides of streams containing the channel and adjacent land. SMAs do not include watercourses consisting entirely of a man-made drainage ditch, or other man-made drainage device, construction, or system. Streamside Management Areas (SMA) are identified and modified as follows:

61.1.7.6.1 Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures ~~In areas outside of Urban Development and Expansion Areas (as defined in the Humboldt County General Plan Page G-9), the outer boundaries for streams (which do not consist entirely of drainage ditch or other manmade drainage device, construction or system) shall be defined as:~~

61.1.7.6.1.1 — 100 feet, measured as the horizontal distance from the stream transition line (as defined in the Humboldt County General Plan Page G-8), on either side of perennial streams.

~~61.1.7.6.1.2 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.~~

61.1.7.6.2 For areas along streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA ~~In areas inside of Urban Development and Expansion Areas, the outer boundaries for streams (which do not consist entirely of a drainage ditch or other manmade drainage device, construction or system)~~ shall be defined as:

61.1.7.6.2.1 100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater ~~50 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams.~~

61.1.7.6.2.2 50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater ~~25 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.~~

Where necessary, as determined by the responsible department, the width of SMAs shall be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 200 feet ~~measured as a horizontal distance from the top of bank as necessary to include slides, or areas with visible evidence of slope instability as a horizontal distance, as measured pursuant to subsection 314 61.1.7.6.1 or 314 61.1.7.6.2 above, as applicable.~~

61.1.7.6.3 The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that:

61.1.7.6.3.1 ~~The USGS mapping of the stream as perennial or intermittent is not accurate, and typical stream flow can be shown to be less than that required to be classified as either perennial or intermittent mapping of the SMA is not accurate, there are no in-channel wetland characteristics or off-channel riparian vegetation, the reduction will not significantly affect the biological resources of the SMA on the property, or,~~

61.1.7.6.3.2 For projects subject to ministerial review, reductions may be allowed without a special permit in consultation with California Department of Fish and Wildlife ~~It will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability.~~

~~When the prescribed buffer would prohibit development of the site for the principal use for which it is designated, measures shall be applied that result in the least environmentally damaging feasible project.~~

Such a determination ~~will shall~~ require ~~a permit to be processed as~~ a Special Permit pursuant to Section 312-3.1.1 et seq of the Zoning Regulations.

61.1.7.6.47 “Other Wet Areas” ~~[section 3432(10) of the 1984 General Plan]~~, i.e., natural ponds, springs, vernal pools, marshes and wet meadows ~~which exhibit standing water year long or riparian vegetation~~. The existence of possible Other Wet Areas shall be identified by the responsible department using normal soils investigation criteria. These criteria indicate the presence of any of the following: standing water, evidencing a natural pond or poor drainage conditions, ~~marshy~~ wetland soils, or ~~hydrophilic~~ hydrophytic vegetation (e.g., swamp grass).

61.1.7.6.58 “Wetlands” - as defined in the ~~California Department of Fish and Game Code Section 2785, Subdivision (g)~~ the US Army Corps of Engineers Wetland Delineation manual in the identification and classification of wetlands which considers wetlands as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

#### 61.1.8 Administration and Enforcement

The regulations of this section are to be administered and enforced by the respective Administrative or Enforcement Official designated by the Code for each section cited in subsection 314-61.1.4 above and hereinafter referred to as “Responsible Department.” In case of disagreement in the application of the regulations, the Director of the ~~Community Development Services~~ Planning and Building Department shall decide, subject to appeal to the Board of Supervisors pursuant to Section 312-13.

#### 61.1.9 Development Allowed

61.1.9.1 Development within stream channels is limited to the following projects:

61.1.9.1.1 Fishery, wildlife, and aquaculture enhancement and restoration projects.

61.1.9.1.2 Road crossings consistent with subsection (j) below.

61.1.9.1.3 Flood control and drainage channels, levees, dikes and floodgates.

61.1.9.1.4 Mineral extraction consistent with other County regulations.

61.1.9.1.5 Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies.

61.1.9.1.6 Wells and spring boxes, and ~~a~~Agricultural diversions and wells.

61.1.9.1.7 New fencing, so long as it would not impede the natural drainage or wildlife movement and ~~or~~ would not adversely ~~effect~~ affect the stream environment or wildlife.

61.1.9.1.8 Bank protection, provided it is the least environmentally damaging alternative.

61.1.9.1.9 Other essential public projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety.

61.1.9.1.10 Improvements to non-conforming uses and structures when consistent with Section 314-131 - 314-132 of the County Code and these regulations.

61.1.9.2 Development within Streamside Management Areas shall be limited to the following:

61.1.9.2.1 Development permitted within stream channels.

61.1.9.2.2 Timber management and harvests activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(d) not otherwise excluded by the Applicability Section as well as noncommercial cutting of firewood and clearing for pasturage, provided:

61.1.9.2.2.1 Cottonwoods are retained.

61.1.9.2.2.2 Remaining willows and alders, as well as other unmerchantable hardwoods or shrubs, are to be protected from unreasonable damage.

61.1.9.2.3 Road and bridge replacement or construction, where the length of the road within the SMA shall be minimized, and when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

61.1.9.2.4 Removal of vegetation for disease control or public safety purposes.

61.1.9.2.5 Normal, usual and historical agricultural and surface mining practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.

61.1.9.3 Bank Protection

61.1.9.3.1 Protection measures for County river and stream banks may be permitted for the following purposes:

61.1.9.3.1.1 Maintenance, replacement, or construction of necessary public or private roads;

61.1.9.3.1.2 Maintenance, replacement, or construction of levees and dikes;

61.1.9.3.1.3 Protection of principal structures in danger due to erosion;

61.1.9.3.1.4 Protection of lands zoned AE, Agricultural Exclusive, from erosion.

61.1.9.3.2 The bank protection measures which may be permitted are listed below in order of preference. The measures chosen for any bank protection project shall employ the highest ranking protection measure wherever feasible. The preference ranking for permitted protection measures shall be as follows:

- (1) Piling fence;
- (2) Rock hard points;
- (3) Continuous revetment.

#### 61.1.10 Mitigation Measures

61.1.10.1 Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:

61.1.10.1.1 Retaining snags unless felling is required by CAL-OSHA, or by California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director ~~appropriate County department~~. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels as they have no economic value.

61.1.10.1.2 Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.

61.1.10.1.3 Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall be required unless natural regeneration does not occur within two years of the completion of the development project. The mitigation and monitoring

report adopted as a part of project approval shall include an alternative regeneration plan in case natural regeneration is not successful.

61.1.10.1.4 Revegetation along channelized streams and other wet areas shall be required where the habitat has been converted to other uses. For development allowed within a Streamside Management or Other Wet Areas where the riparian habitat has been converted to other uses, the project shall be conditioned to require the development of new riparian or wetland habitat of an area equal to the area in which the development is to occur or, the area of an existing or proposed easement or right-of-way, whichever is larger.

61.1.10.1.5 Erosion control measures: As found within the Building Regulations, Section 331-14, Grading, Excavating, Erosion, and Sedimentation Control, and the following:

61.1.10.1.5.1 During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here:

61.1.10.1.5.2 Construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per mitigations as recommended in writing by the lead agency with native or non-invasive vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation;

61.1.10.1.5.3 Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction

61.1.10.1.5. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels;

61.1.10.1.6. Runoff shall be controlled to prevent erosion by on-site or off- site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal

of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding;

61.1.10.1.7. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board requirements;

61.1.10.1.8. Winter operations (generally October 15 thru April 15) shall employ the following special considerations:

(1) Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations, and;

(2) Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

#### **61.1.11 Prohibited Activities**

61.1.11.1 The following prohibitions pertain to all development and related activities within Streamside Management Areas Wetlands and Other Wet Areas within the County:

61.1.11.1.1 The discharge of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County's Streamside Management Area Ordinance, onsite or offsite, into any Streamside Management or Other Wet Area in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.

61.1.11.1.2 The placement of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County's Streamside Management Area Ordinance, onsite or offsite, where such material could pass into any Streamside Management or Other Wet Area in quantities which could be deleterious to fish, wildlife, or other beneficial uses.

#### **61.1.12 Confirmation of Development Within SMAs and Wetlands**

As a part of a development application review, the Responsible Department shall check USGS maps, or other information available to the department, to determine if grading, construction, or



other activity is proposed to be located within a SMA or other wet area.

A preliminary onsite inspection shall be performed prior to any grading, construction, or other development permit issuance to determine if the project area contains SMAs or other wet areas.

Where there is disputed evidence or controversy regarding the confirmation of development within SMAs or other wet areas, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which the confirmation is made.

Copies of the report shall be sent to CDFGW and to any person or group requesting such report in writing.

#### **61.1.13 Biological Report Required**

An application proposing development activities within a SMA or Other Wet Area shall include a site-specific biological report prepared consistent with these regulations.

The written report prepared by a qualified biologist shall be referred to CDFGW for review and comment. If no reply is received from CDFGW within ~~ten (10)~~ twenty working days of the date of the referral, it shall be assumed that the report satisfies CDFG requirements the County may complete review of the project.

#### **61.1.14 Incorporation of Recommendations as Conditions**

The recommendations contained within the written report shall be incorporated into any development permit as conditions of approval by the Responsible Department.

#### **61.1.15 Project Monitoring, Security, and Certificate of Completion**

The monitoring of mitigation measures and reporting of monitoring activities made as conditions to any permit issued pursuant to this section shall be performed as specified in the project's adopted mitigation and monitoring plan.

No development permit final acceptance, certificate of compliance or certificate of occupancy, nor any further development permits shall be issued unless and until all initial mitigation measures are completed and accepted by the County.

Where a project is phased or where mitigation measures are to be monitored beyond an initial building, grading, or construction period, or where mitigation measures are required beyond this initial period, as described within the development permit, the permittee shall post a bond or equal security with the Responsible Department prior to commencing any grading or construction activities. The amount of the bond or security is to be based upon the cost of performing the required mitigation measures, the related monitoring and report activities, and the County's administrative and processing costs.

Following a written notice to the permittee of a failure to complete or fully implement mitigation

or monitoring measures within the time period specified within the permit conditions, the bond or other security may be forfeited and applied to the incomplete mitigation or monitoring measures at the discretion of the Responsible Department.

#### **61.1.16 Waiver of Procedures for Emergencies**

The provisions of Section 312-15, Subsections 1-5, of the County Zoning regulations shall be followed in cases of emergencies. Following the issuance of an emergency development permit or variance, application shall be made and processed for the required development permit or variance in accordance with the applicable provisions of the County Code.

#### **61.1.17 Biological Report**

Where a Biological Report is required by these regulations, the report shall be prepared by a qualified professional educated, trained, and experienced in the subject matter, and the report shall contain the following:

- Section I      Summary of Findings and Conclusions
- Section II     Introduction, Background, and Project Understanding
- Section III    Methods
  - A. Field Observation and Studies
  - B. Trustee and Other Agency Consultation
  - C. Document and Report Review
  - D. Cumulative Biological and Watershed Effects
- Section IV    Results and Discussion
  - A. Existing Site Conditions
    - 1. Terrestrial
    - 2. Hydrologic and Aquatic
    - 3. Sensitive Species or Habitats
  - B. Offsite Conditions
    - 1. Terrestrial
    - 2. Hydrologic and Aquatic
    - 3. Sensitive Species or Habitats
  - C. Development Effects
    - 1. Direct
    - 2. Indirect
    - 3. Cumulative
  - D. Recommended Mitigation and Monitoring Measures
- Section V     References
  - A. Plant Species Observed
  - B. Other Species Observed directly or indirectly (e.g. nests, scats, tracks, etc.)
  - C. Sensitive Species or Habitats in the Project Vicinity (listing)

#### **61.1.18 Mitigation and Monitoring Plan**

61.1.18.1 When a mitigation or monitoring plan is required, information sufficient to answer all of the following is required:

61.1.18.1.1 Statement of project/mitigation goals – what do you want to create?

61.1.18.1.1.1 Map and/or description of existing site conditions.

61.1.18.1.2 Schedule for implementation, inspection, and maintenance.

61.1.18.1.3 Description of site preparation; i.e., excavation, grading, stockpile of topsoil, etc.

61.1.18.1.4 Identify the planting material; i.e., cuttings, seedlings, seed, plugs, container size (source if not obtained from commercial nursery).

61.1.18.1.4.1 Use of mulch and/or fertilizers.

61.1.18.1.4.2 Description of plant preparation, if necessary; i.e., how cuttings were obtained, size, treatment with rooting hormone.

61.1.18.1.4.3 Necessity for irrigation and/or fencing.

61.1.18.1.5 Performance Standards – how to measure success through defined criteria; i.e., number of viable species, cover values, height, growth, etc. For example:

61.1.18.1.5.1 Year one – 80% tree species viable and achieving at least 4 inches of growth from initiation of planting.

61.1.18.1.5.2 Year three – plugs of silverweed shall cover at least 30% of project site.

61.1.18.1.6 Monitoring Requirements – (standard is five years of monitoring).

61.1.18.1.6.1 Conduct during June each year; however, may be modified if specific species are involved (i.e., annual that blooms in April).

61.1.18.1.6.2 Photos.

61.1.18.1.7 Reporting – listing of appropriate agencies to receive copies of monitoring report.

61.1.18.1.8 Remedial Measures – plan shall include measures for mitigation not achieving specified performance criteria; i.e., replanting, irrigation, fencing, etc. (Added by Ord. 2275 Sec. D; 5/28/02)

**Attachment 5**  
**Public Comments**

## **Zoning Ordinance Amendments for Consistency with the General Plan Comments from the Community/Agency/Advocacy Group Meetings**

### **McKinleyville Rotary Club 3-13-2019**

- The McKinleyville Community Plan envisions design review standards to be applied in the Town Center area. These standards are supposed to be administered by the County, not a design review committee.

### **McKinleyville Municipal Advisory Committee 3-13-2019**

- Questions about how boundaries are determined and what they mean. I.e. mckinleyville cpa and how it was determined: Watershed based community plan
- Unclassified zone, does that mean "no zone". They still have a GP land use designation
- What is the change to the property tax with rezoning? No direct impact until sale or development...
- Process to provide comments? Can they provide comments that will be read and they be concerned for a proposed change?
- To clarify, a change can still be made, and that decision is still going to PC and BOS?
- Public comment period coming to an end? In the next week or so? In that time, are you giving people only that much time in a week?
- It's very hard for the public to digest all the information, changing times. Takes time for public to become aware of what is happening and come up to speed with proposals, zoning is a lot to digest.
- ONLY text changes.
- Question about process, ie Green Diamond proposes changes in McKinleyville CPA, will something happen again in the future? Text changing and request in change, but where will that happen?
- GP did actual change the McKinleyville Community Plan. Is it a stand-alone Plan or a "feel-good" plan?
- Raises the question about a Community Plan, got passed through extensive input from Community, what is that relationship? How does land use changes go into effect with a Community Plan in place?
- Q: Azalea Reserve, what is the implication of changing? Why did you change it to PR? A: To clarify that the use is recreational.
- Q: Area of RE 2.5, a lot of land is 1 acre lots. Doesn't seem to match.
- Why are we thinking about putting houses in forests? Why are we putting spending our tax dollars to fight fires for people to live next to forests?
- We have a LOT of TPZ zones that are enjoying TPZ tax reductions credits and have no intent of using lands as timber production and that needs to be reconciled.
- Agree
- Open space considerations? How much Ag lands would be converted?
- Any zoning that allows only for timber production and nothing else?
- Proposed zoning amendment, will it help with the lack of affordable housing?
- Are you looking at changing SB2 zones?
- What are wetlands zoned?
- Area that are going to change zoning, i.e. Murray Road, industrial uses – will they be held to wetlands buffers and SMA requirements. An existing operation would have to comply? No existing development would have to change?

- What would be the process to reduce wetland buffers? A: Would have to work with a biologist and the CA Department of F&W.
- Wetland definition changing? Yes, will be using ACOE definition of wetland.
- Q: Rezoning to make consistent with GP. Change along Murray Road, creeping use of land uses have changed slightly over time. Can we request overlays to require things like "car lots" to have to get an additional permit over and above the allowed uses in the zoning? A: Yes.
- Q: Are there any areas that are zoned U in McKinleyville? A: No.
- Q: Example of good text change?
- When will you come back to McKinleyville about community plan? Mid-summer?  
Hearing that people are talking and raising questions about the community plan. Maybe having a workshop prior to a formal meeting to make sure that the community plan is update to date (was written in 2002), so may need a bit (or a lot) of updating. Make sure what is moving forward with robust public engagement in that community planning effort. A: County is to lean on the community for what they want!
- McMac encourages community to dig into the zoning texts, and submit commits in the next few days and/or to PC.
- No zoning changes will be enacted until after the community plan is approved? A: Yes,
- Lives in McK in the Coastal Zone, any changes there? A: We will get to the Coastal Zone will we can.
- MU zone, the process idea submitted to the County – if the text of the MU zoning is submitted, if we come to community and change some things. Idea to strip out standards and to wait until the community plan effort is underway, that they identify
- Comments provided will be included where?
- There not a lot of changes in McK, the underlying land use is not changing. Text changes are mainly just clarification changes, definition changes. The real changes will come later is the Town Center, he hopes that McKMac would invite the remaining members of the CAC Citizens Advisory Committee that spent 8 years working on the original McKinleyville Community Plan. Would be beneficial to invite original CAC members to the community plan.
- McKMAC: is appreciative that the County has really tried to get information out to the community. Question re-opened changing definition of MU text to open to area community is specific to the community that adopts a plan to substitute those adopted standards that the community.
- Recommends that the position of the McKMac to be refine MU zone once the community planning is underway.
- TE question re: the erection, construction, etc., listed twice – as principally permitted or with a use permit? It's a typo that needs to be updated
- MU/Rural, has there been a conversation about tiny houses been discussed?
- Could you add recreation uses to include a list?

#### **Willow Creek/East County 3-7-2019**

- What is the status of the cannabis manufacturing permit on Main Street across from the pizza parlor, Is it permitted? We don't want cannabis activities in our downtown area.
- Use the 500 year flood plain (marker) level in zoning and planning
- What does the County use for the 100 year flood plain in Willow Creek? [there is a FIRM panel for portions of the Willow Creek CPA, but not all of it]:  
<https://webgis.co.humboldt.ca.us/FLOOD/06023C0760F.PDF>

- The county should form a Community Advisory Committee for this community planning effort.
- The County has formed a Municipal Advisory Committee in McKinleyville, one should be formed in Willow Creek
- This area has poor internet, so the county should put hard copy information in the Willow Creek Library and at the Willow Creek CSD
- The County should use a community plan update process like was used for the pedestrian safety planning with Caltrans
- The County needs to improve its community engagement for this community planning
  - Need maps on the wall
  - Need hand outs with the text changes
  - Need more active note takers
- The county should increase the time available for community planning
- The county should seek grant funding for a facilitator for community planning
- Is it possible to change the CPA/General Plan during the community planning process?
- What is the process/procedure/outline for the community planning process?
- What happened to all of the text from the 1986 Willow Creek Community Plan in the General Plan Update?
- How can the Willow Creek Community Vision from the 1990 and the Community Action Plan from the 2000's be incorporated into the community planning process?

#### **City of Fortuna Meeting 3-7-2019 [Merritt Perry and Liz Shorey]**

- 1985 Fortuna Community Plan is very old and should be updated
- The community sentiment is likely to be "anything but cannabis"
- Consider a "Q" zone for the area south of Drake Hill Road to limit cannabis and preserve the character of this area
  - Preserve Ag land in "traditional" Ag use
  - Industrial uses are OK
- The City is considering annexing the area south of Drake Hill Road
- The county should modify the work program to include a look at the Fortuna CPA
- City of set up workshops or meeting with the Planning Commission in April (April 9<sup>th</sup>?)
  - These could serve as focused community planning meetings
  - County to outline zoning changes
  - County to draft components of a letter of recommendation from the Planning Commission to the City Council

**City of Eureka Meeting 3-6-2019 [Greg Sparks, Rob Holmlund, Kristin Goetz]**

- County should consider updating the Eureka Community Plan to align with the new Eureka General Plan
  - 5,000 square foot minimum lot size
- City is considering three dwelling units per parcel in the R-1 zone
- City would like to see increased residential density in Myrtle town and the urbanized areas directly adjacent to the City
- City planning residential development in coastal zone adjacent to Bar View Ct in the Bayview area (CZ) and asked about permitting wastewater extensions

**City of Trinidad Meeting 3-4-2019 [Trevor Parker, Gabe Adams]**

- City of Trinidad is preparing water system capacity analysis and reviewing development potential within "service area" outside City limit. There may be a need to do an analysis of streamflow, but this is not yet scoped or funded.
- City may annex commercial area along Patricks' Point Drive but does not think that annexation of residential areas will occur
- There are concerns about cannabis projects within Luffenholtz watershed

**City of Arcata and City of Blue Lake meeting 2-25-2019 [Karen Diemer, Mark Andre, David Loya, Amanda Mager]**

- Consider adopting an Open Space zone to apply to areas planned Open Space
- Glendale area and City of Blue Lake have strong community relationship
- Provide General Plan policies relating to community planning issues discussed to City of Blue Lake
- Trucks associated with gravel extraction have impacts on City of Blue Lake roads

**Williamson Act Committee 2-14-2019**

- The Williamson Act Committee expressed concern about a trail along the NCRA ROW and suggested that the land should (or must) go back to the underlying fee owner. I let them know that an assessment will be undertaken by the state that will include an evaluation of the property, rights of way, and easements to determine the viability of a trail on the entirety or a portion of the area.
- The WAC generally expressed concerns regarding:
  - the potential for trespassing;
  - increased fire hazard due to the presence of more people
  - potential illegal camping
  - increased litter and trash
  - disturbances to livestock due to dogs
- In addition, they noted that NCRA was required to install and maintain fencing along the ROW, which they say has not occurred. They say that instead some ranchers have had to install fences. I believe that one or more of them may submit individual comments.

**Humboldt Association of Realtors 2-5-2019**

- Reduce parking requirements

**NEC/BayKeeper/Friends of the Eel River, Coalition for Responsible Transportation 2-5-2019 [Larry Glass, Jennifer Kalt, Stephanie Tidwell, Colin Fiske]**

- Make a matrix of zones that shows the total acres for each
- ⚡ Look at State TPZ law to ensure that we are applying the correct minimum parcel size
- Add a requirement like B-5(160) to TPZ
- ⚡ Look at SMA mapping of the Van Duzen



- Check 61.1.13 and revise the number of days that CDFW has to respond
- Mixed Use (Urban?)
  - Single family should not be principally permitted in MU zones
  - Take out transmission facilities, pipelines, and surface mining as allowable uses
  - Parking standards should not be sum total of all uses
  - Use a parking plan for exceptions and to provide reciprocal or shared parking
  - Don't rule out 100% lot coverage

**Humboldt County Farm Bureau 1-24-2019**

- Questioned the need for a TE – Timberland Exclusive Zone
- Notice of zoning map changes should be sent to all property affected owners
- Explain what the PRD - Planned Rural Development zone is supposed to do
- Questions about whether greenhouses would be allowed in the new TE zone

**From:** TK Williams <[twilliams.rcsd@gmail.com](mailto:twilliams.rcsd@gmail.com)>  
**Sent:** Wednesday, February 6, 2019 10:22 AM  
**To:** Miller, John <[jpmiller@co.humboldt.ca.us](mailto:jpmiller@co.humboldt.ca.us)>  
**Subject:** Southern Humboldt Community Meeting

Hello John:

I'm writing to thank you for taking time to discuss the changes that are being implemented with the 2017 Humboldt County General Plan. Many of the community members here in Redway are under the impression that by changing the zoning in a particular area, that 100% build-out is eminent. What I see is that most of the changes made, at least in the community of Redway, reflect the historic and current land uses. I also see that the current water and waste water capacity limitations are limiting growth in this area and will continue to do so until we can identify and secure funding for infrastructure upgrades. If you have any concerns or would like to provide feedback for us please don't hesitate to contact me.

Sincerely,

TK

--

Terrence Williams  
General Manager

Office: 707-923-3101  
[twilliams.rcsd@gmail.com](mailto:twilliams.rcsd@gmail.com)

Redway CSD  
PO Box 40  
Redway, CA 95560

**From:** Larry Henderson <henderson95524@gmail.com>  
**Sent:** Monday, February 11, 2019 9:38 AM  
**To:** Miller, John <jpmiller@co.humboldt.ca.us>; Richardson, Michael <MRichardson@co.humboldt.ca.us>  
**Subject:** Bayside Rezoning Proposal

Following is for input into this evening's public meeting regarding the proposed rezoning of the Bayside and Jacoby Creek communities.  
As a long-time resident of Bayside, I have concerns regarding the proposed rezoning of the area.

The proposal is based on the Jacoby Creek Community Plan that has not been updated since its adoption in 1982. The scenarios and projections on which that plan was developed have changed significantly. It is not appropriate to continue to use them to guide and regulate land use.

Further, it is misleading to assert that the recently adopted GPU's Appendix C (entitled Community Area Plans Extract) constitutes the current general plan for the Bayside and Jacoby Creek Communities. This appendix, as described, consolidates and incorporates the policy excerpts from the Jacoby Creek Community Plan. It is the stated intent that the policy excerpts, together with the preceding Countywide policies and applicable maps, will constitute the general plan for the Communities. Because it is not explicitly addressed, the presumption is that adoption of the GPU in 2017 did not update, revise, nor amend the policies or land-use mapping of the original community plans. The problem is two-fold. First, the policy excerpts set forth in the Appendix are not accurate and do not correctly represent the original adopted Jacoby Creek Community Plan. Second, there has been zero input by the affected land-owners into what turns out to be an amendment and update of that Plan.

The citizens of Bayside and Jacoby Creek have only recently become aware of the changes and have not had time to meet and discuss it. It is not right to take further action toward any zoning changes until the Bayside and Jacoby Creek communities have been provided a chance to understand what the new plan will and won't allow, and an opportunity to voice their feelings about the changes.

I agree with the requests by Susan Ornelas and Denise Javet that you please consider additional "planning" workshops to discuss the Bayside and Jacoby Creek areas with a more targeted focus on a long-term development strategy.

Thank you. Larry Henderson, 1933 Golf Course Road.

**From:** Colin Fiske <[colin.fiske@gmail.com](mailto:colin.fiske@gmail.com)>

**Sent:** Wednesday, February 13, 2019 10:28 AM

**To:** Ford, John <[JFord@co.humboldt.ca.us](mailto:JFord@co.humboldt.ca.us)>; Richardson, Michael <[MRichardson@co.humboldt.ca.us](mailto:MRichardson@co.humboldt.ca.us)>; Miller, John <[jpmiller@co.humboldt.ca.us](mailto:jpmiller@co.humboldt.ca.us)>

**Subject:** Mixed-Use Zones

Hi John, Michael and John,

Thanks for the good conversation about mixed-use zones at the meeting last week. Here are the outcomes I recorded (just about the mixed-use zones):

- Reduce parking requirements in both mixed-use zones and allow greater flexibility. Consider the option of a discretionary permit for parking, required if other transportation options are not provided.
- Remove surface mining and gas pipelines as conditionally permitted uses in both mixed-use zones.
- Add language to the lighting standards in mixed-use zones to ensure it is pedestrian-appropriate.
- Consider removing maximum lot coverage limit in the rural mixed-use zone and minimum lot size in the urban mixed-use zone.
- Consider not including single-family homes as a principally permitted use in mixed-use zones.

An idea that occurred to me after the meeting, that might help to resolve a lot of potential issues and help ensure intended outcomes for the mixed-use zones, is to make regs in these zones form-based. Have you given any thought to this possibility?

I know you have a lot on your plates, and I appreciate your consideration of these issues. Do you have an amended timeline for when you expect to bring the zoning text amendments back to the Supervisors?

Thanks again,

Colin Fiske  
Executive Director  
Coalition for Responsible Transportation Priorities  
[www.transportationpriorities.org](http://www.transportationpriorities.org)

**From:** Victoria Copeland <thekeygroupvc@gmail.com>  
**Sent:** Wednesday, February 20, 2019 1:17 PM  
**To:** Miller, John <jpmiller@co.humboldt.ca.us>  
**Subject:** Humboldt Association of Realtors Comments

Hi John,

Thank you again for meeting with our General Plan group a few weeks back, we appreciate the time that you all took to go over the information with us. These are our questions, comments and revisions. It looks like on the agenda that the item is being continued to the March 31 meeting, is it correct then that no presentation will be made by Staff on this at tomorrow's meeting? Let me know yes or no to that as soon as you can, and then please let me know what of these question, comments etc that you can address.

After review of the GPU Zoning Text Amendments, the Humboldt Association of Realtors has the following questions:

- A. Is there a GIS overlay for Planned Rural Development (PRD) so we can see the areas it affects?
- B. Can you have PRD in TPZ or just in T? What about TE? Or AG?
- C. TE: Timberland Exclusive Zone, Please provide an example of where land planned for Timberland is not zoned TPZ currently? GIS Layer available? What is it currently zoned and would TE be a down-zone or up-zone?
- D. 21.1.4 Special Permit Required, please explain why this cannot be a regular permit if all development requirements are met? Please give an example.
- E. Where is rooftop landscaping allowable or encouraged?

We would suggest the following edits::

- A. 31.2.3 – Grammatical – add Conditional in front of Use Permit, last sentence.
- B. 31.2.5.3 – need further explanation, sentence is not clearly understandable to read.
- C. 314-7.6 TL – Tribal Lands Possible edit 7.6.1.1.2 – Should this also say Yurok?

We would request the following revisions be made:

- A. We support PRD if it is kept as an option as a way to develop, but not the only way.
- B. 31.2.6 OTHER REQUIREMENTS – We support that this Section be DELETED from the Zoning Text entirely. Our reasons are that it is not always feasible, and may add unnecessary costs to the production of housing, our hillsides are some of the few remaining areas left to develop, and development on slopes and hillsides can be done according to local engineers. Potentially we support re-wording, or certainly support deleting this section.

In the event that Planning Commission elects to not delete Section 31.2.6, these are our comments on the text: Continued on next page.

31.2.6.1 Natural Considerations – this seems like a stop to the developable area we have left, not always practical, many of this items are unfinished sentences.

31.2.6.1.1 – Last sentence is incomplete

31.2.6.1.3 – Strike or add where feasible

If 31.2.6 is deleted, we would suggest adding in 31.2.6.2.2 – Requirements to Water Storage, must be common sense and recognize existing/historical Rights to water, for normal residential use.

Again we appreciate your time, and sorry it too so long to get our comments and questions to you.

Victoria Copeland, Broker/Owner Cal BRE No 01429257

The Key Real Estate Group Cal BRE No 02055285

707-834-3328 Mobile

212 J St., Eureka CA 95501

[thekeygrouppvc@gmail.com](mailto:thekeygrouppvc@gmail.com)



**From:** Van Hattem, Michael@Wildlife <Michael.vanHattem@wildlife.ca.gov>  
**Sent:** Wednesday, February 20, 2019 4:06 PM  
**To:** Miller, John <jpmiller@co.humboldt.ca.us>; Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>  
**Cc:** Leppig, Gordon@Wildlife <Gordon.Leppig@wildlife.ca.gov>  
**Subject:** RE: Notice of Availability of a Draft Environmental Impact Report for the Samoa Peninsula Wastewater Project

Hi John,

Attached are brief comments as you requested. We also met with Jen Kalt and Friends of the Eel to discuss this per John Ford's request. Let me know if you have any questions. Thank you.

M

**Michael G. van Hattem** | Senior Environmental Scientist | Coastal Conservation Planning | 707-445-5368 Office | 707-499-9457 Cell | [Michael.vanHattem@Wildlife.ca.gov](mailto:Michael.vanHattem@Wildlife.ca.gov)

### 314-61.1 STREAMSIDE MANAGEMENT AREA ORDINANCE -OR- OTHER WET AREAS

**Commented [VHM1]:** I have always thought of this as SMAOWA, since wetlands play such a prominent role in development and project review, and are introduced as early as paragraph

#### 61.1.1 Short Title

This section shall be known and cited as the “Streamside Management Area Ordinance of the County of Humboldt” (SMAO). In any administrative action taken by any public official under the authority of this code, the use of the term “Streamside Management Area Ordinance” or “SMAO”, unless further modified, shall also refer to and mean this section.

#### 61.1.2 Purpose

The purpose of this section is to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas such as: natural ponds, springs, vernal pools, marshes, and wet meadows. ~~(exhibiting standing water year-long or riparian vegetation).~~

**Commented [VHM2]:** The reason why this should be deleted is some form of wetlands, such as vernal pools, do not exhibit standing water year-long or have riparian vegetation. It’s old language but its not factual in this context.

The purpose of establishing the standards are to:

- Create an Streamside Management Area ordinance within the zoning regulations of the County of Humboldt pursuant to the mandates of state law.
- Implement portions of the County’s General Plan policies and standards pertaining to open space, conservation, housing, water resources, biological resources, and public facilities.

#### 61.1.3 Relationship to Other Regulations

These regulations shall be in addition to regulations imposed by the principal zone, combining zone, development regulations, and other open space or resource protection regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the most protective of natural resources shall apply.

#### 61.1.4 Scope of Application

This section shall be applicable to all development within or affecting SMAs or other wet areas within the unincorporated areas of the County and outside the Coastal Zone.

The provisions of this section shall be applicable to all development permits issued by the County pursuant to:

- (1) Title III, Land Use and Development, Division 1, Planning.
- (2) Title III, Land Use and Development, Division 2, Subdivision Regulations.
- (3) Title III, Land Use and Development, Division 3, Building Regulations.



- (4) Title IV, Streets and Highways, Division 1, Protection and Control of County Roads and Permits.

These regulations shall not apply to:

- 61.1.4.1 Routine maintenance activities associated with existing public or private facilities, defined as “activities to support, keep and continue in an existing state or condition without decline.” Routine activities include the replacement of culverts and related structures when conducted pursuant to a Department of Fish and ~~Game~~ Wildlife Lake or Streambed Alteration Agreement (LSAA).

For the purpose of these regulations, routine maintenance activities do not include:

- removal of trees with a diameter of 12 inches or greater (38-inch circumference), or
- removal of trees from within a contiguous or non-contiguous area of more than 6,000 square feet as measured under the tree canopy, or
- activities that could result in significant environmental impacts where the removal will:
  - be located within a streamside management or other wet area as defined in County regulations, or
  - occur on slopes greater than 15%, or
  - will expose more than 2,000 square feet of soil to erosion.

A site evaluation shall be made where necessary to determine if a project meets the exemption standards of these regulations or if the proposed development requires a special permit.

- 61.1.4.2 Grading and construction activities associated with onsite wells and sewage disposal systems for single-family dwellings which have received all required County and State permits; or

- 61.1.4.3 Any project where a complete application for grading or construction was accepted by the Planning and Building ~~Community Development Services~~ Department prior to April 25, 1995; or

- 61.1.4.4 To any construction or grading on property which was subdivided and subject to discretionary and environmental review by the County after the effective date of the 1984 General Plan, January 2, 1985, and any subsequent and applicable Community Plans, if the Responsible Department has determined that all conditions of approval and specific mitigation requirements have been fully met; or

61.1.4.5 Development activities proposed and carried out under the provisions of the County Code Title III, Land Use and Development, Division 9, Mining Operations.

61.1.4.6 Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities which are not exempt from the local regulation pursuant to Public Resources Code Section 4516.5(f) are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.

The exemptions contained in Section 331-14.D.2., Grading, Excavation, Erosion and Sedimentation Control do not apply in SMAs or other wet areas.

#### **61.1.5 Permit Required and Processing**

All development as defined in the **FrameworkGeneral** Plan within or affecting SMAs or other wet areas not exempted under subsection 314-61.1.4 above shall require a permit pursuant to an application for development within SMAs or other wet areas and processed as a Special Permit pursuant to the Humboldt County Zoning Regulations (Section 312-3.1.1 et seq).

For those activities subject to these regulations and conducted by the County Department of Public Works, the Director of the Department (of Public Works) shall be responsible for the environmental review and public notice requirement, be empowered to approve and issue a special permit following the making of findings, be empowered to meet with and work out solutions with impacted parties, and be required to provide notice and staff support to the Planning Commission when a hearing is requested. The impacted parties shall have a mandatory meeting with the Department of Public Works in an attempt to work out any issues before a hearing is requested or an appeal to the Planning Commission is filed.

#### **61.1.6 Findings of Exception - Written Report**

Where there is disputed evidence, or controversy, regarding a finding of exception, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which a finding of exemption is made. Copies of the report shall be sent to CDFGW or any person or group requesting such report in writing. Any person dissatisfied with the finding of exemption may request a formal review pursuant to Section 314-61.1.8.

#### **61.1.7 Definitions**

Whenever the words listed below are used in the Zoning Regulations or other regulations related to the Streamside Management Area Ordinance, they shall have the following meaning:

61.1.7.1 "Grading" means all grading, filling, land contouring, clearing and grubbing, drainage activities, site preparation, and road building.

61.1.7.2 “CDF ~~GW~~” means the California Department of Fish and ~~Game~~ Wildlife.

61.1.7.3 “Construction” means the erection or construction of, or addition to, any building or structure but shall not include the structural alteration, repair, remodeling, or demolition and reconstruction of and additions to any building or structure where the work would not increase the “footprint” of the building or structure. “Construction” does not include “minor additions” as defined in this section.

61.1.7.4 “Minor Additions” means an exception to these standards for additions to buildings or structures existing on April 25, 1995, of up to 500 square feet of floor area. From this date forward, any number of individual additions to an existing building or structure may be permitted provided the aggregated total increase in square footage for all changes does not exceed 500 square feet of floor area. A “minor addition” is not “construction” as defined in these standards. Note: Physical additions to a building or structure where a condition or a prior discretionary permit or subdivision approval indicated that any future additions would be prohibited are not minor additions as defined in these Implementation Standards.

61.1.7.5 “Project” means any “grading” or “construction” activities subject to the provisions of these standards.

61.1.7.6 “Streamside Management Areas” (SMAs) [~~section 3432(5) of the Humboldt County 1984 Policy BR-S5. Streamside Management Areas Defined of the 2017 General Plan~~] shall be as defined in the Humboldt County General Plan (Page ~~G-8~~ Section 10.3 Biological Resources of Chapter 10, Conservation and Open Space Elements of the Humboldt County General Plan) and includes, a natural resource area along both sides of streams containing the channel and adjacent land. SMAs do not include watercourses consisting entirely of a man-made drainage ditch, or other man-made drainage device, construction, or system. Streamside Management Areas (SMA) are identified and modified as follows:

61.1.7.6.1 Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures ~~In areas outside of Urban Development and Expansion Areas (as defined in the Humboldt County General Plan Page G-9), the outer boundaries for streams (which do not consist entirely of drainage ditch or other manmade drainage device, construction or system) shall be defined as:~~

61.1.7.6.1.1 — 100 feet, measured as the horizontal distance from the stream transition line (as defined in the Humboldt County General Plan Page G-8), on either side of perennial streams.

61.1.7.6.1.2 — 50 feet, measured as the horizontal distance from the

stream transition line on either side of intermittent streams.

61.1.7.6.2 For areas along streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA in areas inside of Urban Development and Expansion Areas, the outer boundaries for streams (which do not consist entirely of a drainage ditch or other manmade drainage device, construction or system) shall be defined as:

61.1.7.6.2.1 100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater 50 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams.

61.1.7.6.2.2 50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater 25 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.

Where necessary, as determined by the responsible department, the width of SMAs shall be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance from the top of bank as necessary to include slides, or areas with visible evidence of slope instability as a horizontal distance, as measured pursuant to subsection 314-61.1.7.6.1 or 314-61.1.7.6.2 above, as applicable.

61.1.7.6.3 The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that:

61.1.7.6.3.1 The USGS mapping of the stream as perennial or intermittent is not accurate, and typical stream flow can be shown to be less than that required to be classified as either perennial or intermittent mapping of the SMA is not accurate, there are no in-channel wetland characteristics or off-channel riparian vegetation, the reduction will not significantly affect the biological resources of the SMA on the property, or,

61.1.7.6.3.2 For projects subject to ministerial review, reductions may be allowed without a special permit in consultation with California Department of Fish and Wildlife. It will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability.

When the prescribed buffer would prohibit development of the site for the principal use for which it is designated, measures shall be applied that result in the least environmentally damaging feasible project.

Such a determination will shall require a permit to be processed as a Special Permit pursuant to Section 312-3.1.1 et seq of the Zoning Regulations.

- 61.1.7.6.47 “Other Wet Areas” [section 3432(10) of the 1984 General Plan], i.e., natural ponds, springs, vernal pools, marshes and wet meadows, which exhibit standing water year long or riparian vegetation. The existence of possible Other Wet Areas shall be identified by the responsible department using normal soils investigation criteria. These criteria indicate the presence of any of the following: standing water, evidencing a natural pond or poor drainage conditions, marshy wetland soils, or hydrophytic hydrophilic vegetation (e.g., swamp grass).

**Commented [VHM3]:** Explained previously.

**Commented [VHM4]:** Hydrophilic means dissolves in water. Hydrophytic is a water plant.

- 61.1.7.6.58 “Wetlands” - as defined in the California Department of Fish and Game Code Section 2785, Subdivision (g) the US Army Corps of Engineers Wetland Delineation manual in the identification and classification of wetlands which considers wetlands as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

#### 61.1.8 Administration and Enforcement

The regulations of this section are to be administered and enforced by the respective Administrative or Enforcement Official designated by the Code for each section cited in subsection 314-61.1.4 above and hereinafter referred to as “Responsible Department.” In case of disagreement in the application of the regulations, the Director of the Community Development Services Planning and Building Department shall decide, subject to appeal to the Board of Supervisors pursuant to Section 312-13.

#### 61.1.9 Development Allowed

- 61.1.9.1 Development within stream channels is limited to the following projects:

- 61.1.9.1.1 Fishery, wildlife, and aquaculture enhancement and restoration projects.
- 61.1.9.1.2 Road crossings consistent with subsection (j) below.
- 61.1.9.1.3 Flood control and drainage channels, levees, dikes and floodgates.
- 61.1.9.1.4 Mineral extraction consistent with other County regulations.
- 61.1.9.1.5 Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies.
- 61.1.9.1.6 Wells and spring boxes, and agricultural diversions and wells.

**Commented [VHM5]:** All of these activities are within the jurisdiction CDFW and subject to issuance of an LSAA. I'll let you decide how that is wrapped in.

61.1.9.1.7 New fencing, so long as it would not impede the natural drainage or wildlife movement and ~~or~~ would not adversely effect the stream environment or wildlife.

61.1.9.1.8 Bank protection, provided it is the least environmentally damaging alternative.

61.1.9.1.9 Other essential public projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety.

61.1.9.1.10 Improvements to non-conforming uses and structures when consistent with Section 314-131 - 314-132 of the County Code and these regulations.

61.1.9.2 Development within Streamside Management Areas shall be limited to the following:

61.1.9.2.1 Development permitted within stream channels.

61.1.9.2.2 Timber management and harvests activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(d) ~~not otherwise excluded by the Applicability Section~~ as well as noncommercial cutting of firewood and clearing for pasturage, provided:

61.1.9.2.2.1 Cottonwoods are retained.

61.1.9.2.2.2 Remaining willows and alders, as well as other unmerchantable hardwoods or shrubs, are to be protected from unreasonable damage.

61.1.9.2.3 Road and bridge replacement or construction, where the length of the road within the SMA shall be minimized, and when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

61.1.9.2.4 Removal of vegetation for disease control or public safety purposes.

61.1.9.2.5 Normal, usual and historical agricultural and surface mining practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.

### 61.1.9.3 Bank Protection

61.1.9.3.1 Protection measures for County river and stream banks may be permitted for the following purposes:

61.1.9.3.1.1 Maintenance, replacement, or construction of necessary public or private roads;

61.1.9.3.1.2 Maintenance, replacement, or construction of levees and dikes;

61.1.9.3.1.3 Protection of principal structures in danger due to erosion;

61.1.9.3.1.4 Protection of lands zoned AE, Agricultural Exclusive, from erosion.

61.1.9.3.2 The bank protection measures which may be permitted are listed below in order of preference. The measures chosen for any bank protection project shall employ the highest ranking protection measure wherever feasible. The preference ranking for permitted protection measures shall be as follows:

- (1) Piling fence;
- (2) Rock hard points;
- (3) Continuous revetment.

### 61.1.10 Mitigation Measures

61.1.10.1 Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:

61.1.10.1.1 Retaining snags unless felling is required by CAL-OSHA, or by California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director appropriate County department. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels as they have no economic value.

61.1.10.1.2 Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.

61.1.10.1.3 Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall be required unless natural regeneration does not occur within two years of the

completion of the development project. The mitigation and monitoring report adopted as a part of project approval shall include an alternative regeneration plan in case natural regeneration is not successful.

61.1.10.1.4 Revegetation along channelized streams and other wet areas shall be required where the habitat has been converted to other uses. For development allowed within a Streamside Management or Other Wet Areas where the riparian habitat has been converted to other uses, the project shall be conditioned to require the development of new riparian or wetland habitat of an area equal to the area in which the development is to occur or, the area of an existing or proposed easement or right-of-way, whichever is larger.

61.1.10.1.5 Erosion control measures: As found within the Building Regulations, Section 331-14, Grading, Excavating, Erosion, and Sedimentation Control, and the following:

61.1.10.1.5.1 During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here:

61.1.10.1.5.2 Construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per mitigations as recommended in writing by the lead agency with native or non-invasive vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation:

61.1.10.1.5.3 Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction

61.1.10.1.5. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels:

61.1.10.1.6. Runoff shall be controlled to prevent erosion by on-site or off-site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge



or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding;

61.1.10.1.7. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board requirements;

61.1.10.1.8. Winter operations (generally October 15 thru April 15) shall employ the following special considerations:

(1) Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations, and;

(2) Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

#### 61.1.11 Prohibited Activities

61.1.11.1 The following prohibitions pertain to all development and related activities within Streamside Management or Other Wet Areas within the County:

61.1.11.1.1 The discharge of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County's Streamside Management Area Ordinance, onsite or offsite, into any Streamside Management or Other Wet Area in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.

61.1.11.1.2 The placement of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County's Streamside Management Area Ordinance, onsite or offsite, where such material could pass into any Streamside Management or Other Wet Area in quantities which could be deleterious to fish, wildlife, or other beneficial uses.

#### 61.1.12 Confirmation of Development Within SMAs and Other Wet Areas

As a part of a development application review, the Responsible Department shall check USGS maps, or other information available to the department, to determine if grading, construction, or

other activity is proposed to be located within a SMA or other wet area.

A preliminary onsite inspection shall be performed prior to any grading, construction, or other development permit issuance to determine if the project area contains SMAs or other wet areas.

Where there is disputed evidence or controversy regarding the confirmation of development within SMAs or other wet areas, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which the confirmation is made.

Copies of the report shall be sent to CDFGW and to any person or group requesting such report in writing.

#### 61.1.13 Biological Report Required

An application proposing development activities within a SMA or Other Wet Area shall include a site-specific biological report prepared consistent with these regulations.

The written report prepared by a qualified biologist shall be referred to CDFGW for review and comment. If no reply is received from CDFGW within ten (10) working days of the date of the referral, ~~it shall be assumed that the report satisfies CDFGW requirements.~~

#### 61.1.14 Incorporation of Recommendations as Conditions

The recommendations contained within the written report shall be incorporated into any development permit as conditions of approval by the Responsible Department.

#### 61.1.15 Project Monitoring, Security, and Certificate of Completion

The monitoring of mitigation measures and reporting of monitoring activities made as conditions to any permit issued pursuant to this section shall be performed as specified in the project's adopted mitigation and monitoring plan.

No development permit final acceptance, certificate of compliance or certificate of occupancy, nor any further development permits shall be issued unless and until all initial mitigation measures are completed and accepted by the County.

Where a project is phased or where mitigation measures are to be monitored beyond an initial building, grading, or construction period, or where mitigation measures are required beyond this initial period, as described within the development permit, the permittee shall post a bond or equal security with the Responsible Department prior to commencing any grading or construction activities. The amount of the bond or security is to be based upon the cost of performing the required mitigation measures, the related monitoring and report activities, and the County's administrative and processing costs.

Following a written notice to the permittee of a failure to complete or fully implement mitigation or monitoring measures within the time period specified within the permit conditions, the bond

**Commented [VHM6]:** I'd suggest giving CDFW more time here, two weeks or more? In my experience, county planning refers project well before anything will happen on the county end.

**Commented [VHM7]:** I'd suggest not assuming what CDFW thinks, better just to delete this.

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or other security may be forfeited and applied to the incomplete mitigation or monitoring measures at the discretion of the Responsible Department.

#### **61.1.16 Waiver of Procedures for Emergencies**

The provisions of Section 312-15, Subsections 1-5, of the County Zoning regulations shall be followed in cases of emergencies. Following the issuance of an emergency development permit or variance, application shall be made and processed for the required development permit or variance in accordance with the applicable provisions of the County Code.

#### **61.1.17 Biological Report**

Where a Biological Report is required by these regulations, the report shall be prepared by a qualified professional educated, trained, and experienced in the subject matter, and the report shall contain the following:

- Section I      Summary of Findings and Conclusions
- Section II     Introduction, Background, and Project Understanding
- Section III    Methods
  - A.    Field Observation and Studies
  - B.    Trustee and Other Agency Consultation
  - C.    Document and Report Review
  - D.    Cumulative Biological and Watershed Effects
- Section IV    Results and Discussion
  - A.    Existing Site Conditions
    - 1.    Terrestrial
    - 2.    Hydrologic and Aquatic
    - 3.    Sensitive Species or Habitats
  - B.    Offsite Conditions
    - 1.    Terrestrial
    - 2.    Hydrologic and Aquatic
    - 3.    Sensitive Species or Habitats
  - C.    Development Effects
    - 1.    Direct
    - 2.    Indirect
    - 3.    Cumulative
  - D.    Recommended Mitigation and Monitoring Measures
- Section V     References
  - A.    Plant Species Observed

- B. Other Species Observed directly or indirectly (e.g. nests, scats, tracks, etc.)
- C. Sensitive Species or Habitats in the Project Vicinity (listing)

#### 61.1.18 Mitigation and Monitoring Plan

61.1.18.1 When a mitigation or monitoring plan is required, information sufficient to answer all of the following is required:

61.1.18.1.1 Statement of project/mitigation goals – what do you want to create?

61.1.18.1.1.1 Map and/or description of existing site conditions.

61.1.18.1.2 Schedule for implementation, inspection, and maintenance.

61.1.18.1.3 Description of site preparation; i.e., excavation, grading, stockpile of topsoil, etc.

61.1.18.1.4 Identify the planting material; i.e., cuttings, seedlings, seed, plugs, container size (source if not obtained from commercial nursery).

61.1.18.1.4.1 Use of mulch and/or fertilizers.

61.1.18.1.4.2 Description of plant preparation, if necessary; i.e., how cuttings were obtained, size, treatment with rooting hormone.

61.1.18.1.4.3 Necessity for irrigation and/or fencing.

61.1.18.1.5 Performance Standards – how to measure success through defined criteria; i.e., number of viable species, cover values, height, growth, etc. For example:

61.1.18.1.5.1 Year one – 80% tree species viable and achieving at least 4 inches of growth from initiation of planting.

61.1.18.1.5.2 Year three – plugs of silverweed shall cover at least 30% of project site.

61.1.18.1.6 Monitoring Requirements – (standard is five years of monitoring).

61.1.18.1.6.1 Conduct during June each year; however, may be modified if specific species are involved (i.e., annual that blooms in April).

61.1.18.1.6.2 Photos.

61.1.18.1.7 Reporting – listing of appropriate agencies to receive copies of

monitoring report.

61.1.18.1.8 Remedial Measures – plan shall include measures for mitigation not achieving specified performance criteria; i.e., replanting, irrigation, fencing, etc. (Added by Ord. 2275 Sec. D; 5/28/02)

### **314-62.1 TEMPORARY USES**

62.1.1 Special Events and Attractions. No circus, carnival, open-air or drive-in theater, automobile racetrack, religious revival tent, or similar assemblage of people and motorized vehicles shall be permitted in any zone unless a Use Permit is first secured in each case. (Former Section INL#316-5; Ord. 519 Sec. 605, 5/11/65; Amended by Ord. 2214, 6/6/00)