

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-45**

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

Amendment Group 2

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 Chapter 4 - Land Use Element, 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 April 4, 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) Amend Section 314-21.1 "F - Flood Hazard Areas",
 - (b) Amend Section 314-61.1 Streamside Management Areas and Wetlands, and
 - (c) Amend 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 April 4, 2019.

The motion was made by Commissioner Mitchell and second by Commissioner Newman, and the following ROLL CALL vote:

AYES: Commissioners Mitchell, Levy, Newman, Bongio, McCavour and O'Neill

ABSENT: Commissioner Morris

DECISION: Motion carries 6/0.

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
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>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</p> <p>(BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p>	<p>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.</p>

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter addresses the conservation of open space lands</p> <p>(CO-G3. Conservation and Open Space Program)</p>	<p>The General Plan Conservation and Open Space Element – Open Space Section establishes policies to address the conservation of open space lands, including issues related to working lands and park lands, the orderly development of residential land, and coordination with other agency programs related to conserving open space lands.</p> <p>Proposed amendments to Section 312, Administration, Procedures, Amendments and Enforcement is intended to incorporate findings of consistency with the General Plan Open Space Plan and implements Policy CO-P12, Development Review, which requires that development proposed on conservation and open space lands be reviewed for consistency with Conservation and Open Space Element policies, and CO-S3, Conservation and Open Space Element Consistency Determination, requires that no building permit may be issued, no subdivision map approved, and no open space ordinance adopted unless the proposed action is consistent with the local open space plan.</p> <p>Proposed amendments to Section 314-21.1 "F - Flood Hazard Areas" requires 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. This Zone amendment implements General Plan standard CO-S4. Open Space Consistency Determination on Legal Non-Conforming Parcels of the Conservation and Open Space Element.</p>

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:

MODIFICATIONS TO EXISTING COMBINING ZONES AND OTHER ZONING REGULATIONS

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
- This Zone amendment implements 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:
 - New definition for the boundaries of the SMA, including buffer widths
 - New wetland definition
 - New provisions for reducing buffers, including for building permits without the requirement for a Special Permit
 - Requirements for mitigation and erosion control

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.
- Amend 312-2.1 Zoning Clearance Certificate Procedures:
 - To correct references to the "Community Development Services" Department;
 - To state that the Planning Division shall review the proposed development for conformance with the Humboldt County General, in particular the Open Space Plan and Open Space Action Program;
 - That upon completion of the required Planning Division review, to make a finding that "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.)."

- Amend 312-17.1 Required Findings for all Permits to add a finding that:
 - "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.)."

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.
- 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/626/Draft-Environmental-Impact-Report-EIR>

ATTACHMENT 4

Proposed Zoning Text Amendments

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 Plan, 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 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 Framework General 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 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 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 “CDFGW” means the California Department of Fish and GameWildlife.

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 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 determinations 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.

61.1.7.6.6 Development standards for wetlands shall be consistent with the standards for Streamside Management Areas, as applicable except that the widths of the SMA for wetlands are as follows:

seasonal wetlands = 50 ft.
perennial wetlands = 150 ft.

and the setback begins at the edge of the delineated wetland. Buffers may be reduced based on site specific information and consultation with the California Department of Fish and Wildlife. No buffer shall be required for man-made wetlands except wetlands created for mitigation purposes.

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.
- 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) ~~ten~~ 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)

SUPPLEMENTAL INFORMATION for Item #G-1

For Planning Commission Agenda of:
April 4, 2019



Public Hearing Item:

#G-1

Attached for the Planning Commission's consideration and review is the staff report regarding the General Plan Update Zoning item.



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: April 4, 2019

To: Humboldt County Planning Commission

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

Subject: **Continued Public Hearing on the Zoning Text Amendments to Implement the General Plan**

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	4
Draft Resolution - Group 1	7
Attachment 1: Evidence Supporting the Required Findings	10
Attachment 2: Addendum to the Programmatic EIR	14
Attachment 3: Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089 (hyperlink)	19
Attachment 4: Proposed Zoning Text Amendments	20
 Draft Resolution - Group 2	 34
Attachment 1: Evidence Supporting the Required Findings	37
Attachment 2: Addendum to the Programmatic EIR	42
Attachment 3: Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089 (hyperlink)	47
Attachment 4: Proposed Zoning Text Amendments	48
 Attachment 5 – Public Comments	 69

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 4, 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 being reviewed at the April 4, 2019 meeting include:

1. Adding a new 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,
2. Adding a new “PRD – Planned Rural Development” Combining Zone to provide voluntary clustering of home sites on resource lands.
3. Amending 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;
4. Amending Section 314-7.4 “TPZ - Timberland Production Zone” to allow the uses specified in the T – Timber Production General Plan designation,
5. Amending 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,
6. Amending Section 314-61.1 Streamside Management Areas and Wetlands to align with the standards of the Open Space Element, and
7. Amending Section 312, Administration, Procedures, Amendments and Enforcement to incorporate findings of consistency with the General Plan Open Space Plan.

And at the April 18, 2019 meeting the Planning Commission will also be considering:

8. Adding new Mixed Use Zones that applied to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations, and
9. Amending the “B-1” Special Building Site Combining Zone to reduce the Building Site Area in the “B-1” Combining Zone from 8,000 square feet to 6,000 square feet.

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 and 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 (Repeat for Group #2)

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 adopt Resolution #1 recommending adoption of the zoning text amendments in Group 1 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.

At the meeting on March 21, 2019 the Planning Commission decided to review the Zoning Ordinance changes in three groups, two of which will be presented during the April 4th hearing:

- **Group 1 – Land Use Element/Agricultural & Forest Resources Related Zoning Changes, which involve the following:** 1) 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; 2) a new “PRD – Planned Rural Development” Combining Zone to provide voluntary clustering of home sites on resource lands and 3) amendments to Section 314-7.1 “AE - Agriculture Exclusive Zone”, and Section 314-7.4 “TPZ - Timberland Production Zone” to implement key policies from the Agricultural Resources Section of the Land Use Element and to include allowable uses specified in Land Use Element Table 4-G (Allowable Use Types for Resource Production Land Use Designations).
- **Group 2 – Conservation and Open Space Elements Changes,** which involve the following: 1) amendments to Section 314-21.1 “F - Flood Hazard Areas” Combining Zone, to be consistent with General Plan standard CO-S4. Open Space Consistency Determination on Legal Non-Conforming Parcels; 2) amendments to Section 314-61.1 Streamside Management Areas and Wetlands 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; and 3) amendments to Zoning Regulations Chapter 2, Amendments and Enforcement, Section 312-2.1 Zoning Clearance Certificate Procedures, and Section 312-17.1 Required Findings for all Permits, to incorporate findings of consistency with the General Plan Open Space Plan.

Group 3 – Land Use Element – Urban Lands Related Zoning Changes [adding Mixed Use 1 (Urban), Mixed Use 2 (Rural), and amending the “B-1” Special Building Site Combining Zone] is proposed be considered by the Planning Commission at the meeting on April 18th.

Following is a summary of the recommended amendments scheduled for review at the April 4, 2019 meeting. 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.

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.

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.

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 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
Amendment Group 1**

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 Chapter 4 - Land Use Element, 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 April 4, 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:
 - o 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, and
 - o 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”,

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-G - Resource Production Land Use Designations	<p>The proposed zoning ordinance amendments are written to implement General Plan policies for the "T - Timberland" General Plan designation, especially where the "T - Timberland" General Plan designation are not zoned "TPZ" or AE-B-5-(160) and part of an agricultural preserve, and the "AE- Agriculture Exclusive" General Plan designations. Compatible uses defined in Table 4-G - Resource Production Land Use Designations, are incorporated into new "TE - Timberland Exclusive" Zone and the Zoning Regulations Section 314-7.4 "TPZ - Timberland Production Zone" and Section 314-7.1 "AE - Agriculture Exclusive Zone."</p> <p>In addition, the minimum lot size for land zoned "AE" from 20 acres to 60 acres to be consistent with Land Use Element Standard AG-S1, Subdivision of Planned Agricultural Exclusive (AE) Lands. Requirements relating to the conservation of agricultural land and prime agricultural soils to implement Land Use Element policy AG-P6, Agricultural Land Conversion - No Net Loss.</p>
Land Use Chapter 4 Section 4.5 Agricultural Resources	<p>Land Use Designations</p> <p>This section establishes policies to ensure the stability and productivity of the county's agricultural lands and industries.</p> <p>(Goal AG-G2, Preservation of Agricultural Lands)</p>	<p>The Land Use Element Section 4.5 Agricultural Resources establishes policies to ensure the stability and productivity of the county's agricultural lands and industries.</p> <p>Policy AG-P1, Planned Rural Development, and Implementation Measure AG-IM1, Develop Planned Rural Development Program, direct the County to update the Zoning Regulations to include provisions for Planned Rural Development (PRD) and implement a program to assist landowners with PRD applications. .</p>

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:

NEW PRINCIPAL ZONES

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 in order to create a district that is appropriate for areas that are predominantly timberland.
- 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 as anything other than a holding zone.
- 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 the growing and harvesting of timber is not intended to be the predominant use.
- The TE Zone is not specifically called out in the General Plan.

MODIFICATIONS TO EXISTING PRINCIPAL ZONES

AE - Agriculture Exclusive Zone.

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

TPZ - Timberland Production Zone.

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

- o The requirements for secondary residential units.

NEW COMBINING ZONES

PRD – Planned Rural Development.

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

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 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.

- 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/626/Draft-Environmental-Impact-Report-EIR>

ATTACHMENT 4

Group 1 Proposed Zoning Text Amendments

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 through 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: 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.

314-7.5	TE: TIMBERLAND EXCLUSIVE ZONE
	Principal Permitted Uses
	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, <u>Special Restrictions Regarding Residences in Section 314-7.4.1.6</u>
	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
	Uses Permitted with a Use Permit
	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)

<u>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)</u>	
<u>Oil & Gas Drilling & Processing, Metallic Mining, Surface Mining . (Table 4-G)</u>	
<u>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TE zone.</u>	
<u>Other Regulations</u>	
<u>Minimum Lot Area</u>	<u>Forty (40) acres.</u>
<u>Minimum Lot Width</u>	<u>One hundred feet (100').</u>
<u>Maximum Lot Depth</u>	<u>(None specified.)</u>
<u>Minimum Yard Setbacks</u>	
<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>
<u>Maximum Ground Coverage</u>	<u>Thirty-five percent (35 %).</u>
<u>Maximum Building Height</u>	<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 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.

314-7.1	AE: AGRICULTURE EXCLUSIVE
Principal Permitted Uses	
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)	
Timber Production	
Single Family Residence (Table 4-G)	
Second Residential Unit Farm dwellings. On lots 40 acres or larger in size, two single detached dwellings are permitted within the same contiguous two (2) acre building envelope containing the primary residence (Table 4-G)	
Manufactured homes used as farm dwellings.	
Uses Permitted with a Use Permit	
Hog farms, turkey farms, frog farms and fur farms.	
Aquaculture (Table 4-G)	
Animal feed yards and sales yards.	
Agricultural and timber products processing plants.	
Agriculture-Related Recreation, Resource-Related Recreation (Table 4-G)	
Agriculture-Related Visitor-Serving: 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)	
Public Recreation and Public Access Facilities (Table 4-G)	
Rental and sales of irrigation equipment and storage incidental thereto.	
Animal hospitals.	
Stables and Kennels (Table 4-G)	
Farm Employee Housing, Labor camps and labor supply camps. (Table 4-G)	
Fish and Wildlife Habitat Management, Watershed Management, Wetland Restoration (Table 4-G)	
Utilities & Energy Facilities: 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)	

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 AE zone.	
Other Regulations	
No Subdivisions	No subdivisions or residential developments, whether by <u>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.</u>
Agricultural Land Conversion	<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"> <u>1. Re-planning of vacant agricultural lands from a non-agricultural land use designation to an agricultural plan designation along with the recordation of a permanent conservation easement on this land for continued agricultural use; or</u> <u>2. The retirement of non-agricultural uses on lands planned for agriculture and recordation of a permanent conservation easement on this land for continued agricultural use; or</u> <u>3. 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>

Conversion of Prime Agricultural Land	<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>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.</p>
Minimum Lot Area	<p>Sixty Twenty (620) acres. (AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands.)</p> <p>Exceptions to the minimum parcel size for the purpose of historic preservation, may be approved, where the following findings are made:</p> <p>A. The site or structure qualifies and is included on a local, state or federal historic registry; and,</p> <p>B. The viability of continued agricultural operations is not inhibited, and;</p> <p>C. No additional density beyond what would be permitted as part of the existing agricultural operations is created.</p>
Minimum Lot Width	One hundred feet (100').
Maximum Lot Depth	(None specified.)
Minimum Yard Setbacks*	
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.
Maximum Ground Coverage	Thirty five percent (35 %). Two acres maximum (Table 4-G)
Maximum Building Height	(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)

314-7.4	TPZ: TIMBERLAND PRODUCTION
Principal Permitted Uses	
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)	
Principal Permitted Uses Compatible with Timber Production	
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 <u>and wetland restoration</u> . (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)	
Uses Permitted with a Use Permit	
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.

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 permitted 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.

7.4.1.6.3~~2~~ 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))

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

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

AMENDMENT GROUP 2

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 Chapter 4 - Land Use Element, 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 April 4, 2019.

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

6. 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
7. The proposed amendments to the zoning text to implement the General Plan are in the public interest; and
8. The proposed amendments to the zoning text to implement the General Plan are consistent with the General Plan; and
9. 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
10. 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:

5. Hold a public hearing in the manner prescribed by law.
6. 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
7. 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:
 - (c) Amend Section 314-21.1 "F - Flood Hazard Areas",
 - (d) Amend Section 314-61.1 Streamside Management Areas and Wetlands, and
 - (e) Amend 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.
8. 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:

4. The proposed change is in the public interest; and
5. The proposed change is consistent with the General Plan; and
6. 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
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>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</p> <p>(BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p>	<p>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.</p>

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter addresses the conservation of open space lands</p> <p>(CO-G3. Conservation and Open Space Program)</p>	<p>The General Plan Conservation and Open Space Element – Open Space Section establishes policies to address the conservation of open space lands, including issues related to working lands and park lands, the orderly development of residential land, and coordination with other agency programs related to conserving open space lands.</p> <p>Proposed amendments to Section 312, Administration, Procedures, Amendments and Enforcement is intended to incorporate findings of consistency with the General Plan Open Space Plan and implements Policy CO-P12, Development Review, which requires that development proposed on conservation and open space lands be reviewed for consistency with Conservation and Open Space Element policies, and CO-S3, Conservation and Open Space Element Consistency Determination, requires that no building permit may be issued, no subdivision map approved, and no open space ordinance adopted unless the proposed action is consistent with the local open space plan.</p> <p>Proposed amendments to Section 314-21.1 “F - Flood Hazard Areas” requires 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. This Zone amendment implements General Plan standard CO-S4. Open Space Consistency Determination on Legal Non-Conforming Parcels of the Conservation and Open Space Element.</p>

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:

MODIFICATIONS TO EXISTING COMBINING ZONES AND OTHER ZONING REGULATIONS

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
- This Zone amendment implements 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:
 - New definition for the boundaries of the SMA, including buffer widths
 - New wetland definition
 - New provisions for reducing buffers, including for building permits without the requirement for a Special Permit
 - Requirements for mitigation and erosion control

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.
- Amend 312-2.1 Zoning Clearance Certificate Procedures:
 - To correct references to the "Community Development Services" Department;
 - To state that the Planning Division shall review the proposed development for conformance with the Humboldt County General, in particular the Open Space Plan and Open Space Action Program;
 - That upon completion of the required Planning Division review, to make a finding that "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.)."

- Amend 312-17.1 Required Findings for all Permits to add a finding that:
 - "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.)."

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.
- 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.

13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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/626/Draft-Environmental-Impact-Report-EIR>

ATTACHMENT 4

Group 2 Proposed Zoning Text Amendments

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 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 BuildingCommunity 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 **GW** 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 “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 determinations 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 ~~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) ~~ten~~ 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

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 9th?)
 - 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: Nancy Correll <duning@humboldt1.com>

Sent: Tuesday, March 19, 2019 12:15 PM

To: Planning Clerk <planningclerk@co.humboldt.ca.us>; Richardson, Michael <MRichardson@co.humboldt.ca.us>; Miller, John <jpmiller@co.humboldt.ca.us>; Madrone, Steve <smadrone@co.humboldt.ca.us>

Subject: Zoning

To Planning Clerk: Please send this email to the members of the Planning Commission.

Thanks,

Nancy Correll

McKinleyville, CA

duning@humboldt1.com

To: Supervisor Madrone, Mr. Richardson, Mr. Miller, and Planning Commissioners:

These are my comments on the current zoning definitions:

Re: Forestry

It seems to me that there ought to be a category of zoning that does not allow residences on land intended for forest production. No [new] residences. Here are the reasons:

1. Fire. Out-of-control wildfires have become common during the dry season. Adding any more residences increases the risk of tragic loss of life and property, and is a severe drain on personal and government resources.
2. Loss of timberland. Every residence takes *some* land out of production, diminishes land actually available for growing trees, mixes non-native plants and animals with the native ones, disrupting the natural ecosystem. Construction and roads also can pollute the environment, and increase soil erosion, degrading water.
3. Urban sprawl (i.e. residences in non-urban areas) is expensive, uses public resources for roads and other infrastructure.

I would also suggest that, for the three reasons given above, that any increase in residences on forest land under current zoning (and possibly also on other agricultural lands) should be limited.

Thank you for your attention to these comments.

Nancy Correll

1922 A Ave.

McKinleyville

duning@humboldt [1.com](mailto:duning@humboldt1.com)



March 15, 2019

Planning Commission
County of Humboldt
3015 H Street
Eureka, CA 95501
via email: planningclerk@co.humboldt.ca.us

RE: Comments on Proposed Zoning Text Amendments to Implement the General Plan Update

Commissioners:

The mission of the Coalition for Responsible Transportation Priorities (CRTP) is to promote transportation solutions that protect and support a healthy environment, healthy people, healthy communities and a healthy economy on the North Coast of California. CRTP appreciates the opportunity to comment on the proposed zoning text amendments meant to implement the County's new General Plan. Our comments are focused on town center areas and the proposed new Mixed Use zones, as these contain the greatest opportunity to allow and encourage active and public transportation.

Proposed Mixed Use Zone Parking Standards Run Contrary to the Zones' Purpose

The purpose of the proposed mixed use zones is to "help create town centers" and to "promote higher density urban housing in concert with retail commercial uses, day care centers, and shop fronts" (General Plan Policy UL-P6). Moreover, arguably the most prominent proposed mixed-use zoning area is in the county's only currently designated town center area, in McKinleyville, and General Plan Policy UL-P7 requires town centers to be developed with a pedestrian orientation. The proposed text for the mixed use zones also recognizes explicitly that development therein must be "pedestrian-oriented."

However, by applying substantially the same off-street parking standards to mixed use zones as to all other zones, the proposed text will result in auto-oriented development which is low-density and unfriendly to pedestrians. Furthermore, General Plan Policy UL-P7.B requires the county to reduce off-street parking requirements in town center areas (where McKinleyville's and likely other future mixed use zones will be located). While we appreciate that in response to our previous comments, the proposed standards have been modified to allow some potential reductions in parking requirements at the Commission's discretion, this provision does not go nearly far enough to ensure or even allow pedestrian-oriented development. The

mixed use zone parking standards should be amended to exempt new development in these zones from any off-street parking minimums and instead require developments to demonstrate accommodation of transportation needs through pedestrian, bicycle, car share and/or transit amenities.

Proposed Mixed Use Development Standards Do Not Encourage Required Density

In addition to the problem of parking standards noted above, other development standards do not meet the General Plan's requirement of providing higher density development (Policy UL-P6). Most notably, although proposed yard setbacks have been somewhat reduced compared to other zones, they still will be applied in many cases, resulting in lower density. Precisely in order to avoid this scenario, General Plan Implementation Measure UL-IM1 calls for "establishing build-to lines rather than setback lines, or a combination of the two" in town center areas. To ensure conformance with the General Plan, the mixed use zoning regulations—and regulations for any other zones anticipated to be located within town center areas—must be amended to include build-to lines which encourage higher density.

Mixed Use Zones Must Be Expanded, or Text Amendments Made to Other Zones

General Plan Policy UL-P7.A requires the county to allow a mix of residential and commercial uses in town center areas. The county's only currently designated town center area is in McKinleyville, and here the urban mixed-use zone is proposed to apply only to a fraction of the land within the town center boundaries. We recognize that the Commission is currently only considering zoning text amendments and not zoning map amendments. However, if the County does not plan to apply the mixed-use zones to all parcels within town center boundaries, then the regulations for other zones found within those boundaries—notably various commercial and residential multifamily zones—must be amended to encourage mixed uses and pedestrian orientation in order to ensure compliance with the General Plan.

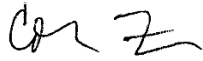
We Propose a Different Approach to Regulating Use Types in Mixed Use Zones

Given that the mixed use zones and town center areas are intended to allow a diversity of uses at pedestrian scales, and that the County has not yet embarked on the community planning process which will develop standards and priorities for these areas informed by each local community, we suggest that the typical approach of enumerating principally and conditionally permitted uses may be inappropriate in this case. Instead, we recommend that the mixed use zone regulations eliminate lists of uses (and possibly many of the development standards as well), and instead simply require new development in these zones to meet the yet-to-be-developed standards and use restrictions of the community planning area in which they are located. The McKinleyville Municipal Advisory Committee has recommended a substantially similar approach.

If you do not take this recommended approach, at the very least, single family residential should not be considered a principally permitted use in mixed use zones, as this will result in lower density and auto-oriented development, contrary to Policies UL-P6 and UL-P7.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colin Fiske', with a stylized flourish at the end.

Colin Fiske

Executive Director

Coalition for Responsible Transportation Priorities

colin@transportationpriorities.org

McKinleyville Municipal Advisory Committee
Recommendation to Humboldt County Planning Commission

March 19, 2019,

RE: New zoning implementation

Dear Commissioners,

At our last meeting, a Special meeting, on August 13th, we received a presentation by the Humboldt County Planning Dept. long range planning staff. The presentation was regarding the county wide zoning text changes. All the new zoning designations, language, purpose and text were reviewed. There are no unclassified zonings in our planning area. However there are 'Mixed Use' properties and 'Timberland Exclusive' properties to be rezones.

The committee listened to the presentation, participated with the public in a questions and answers session, and received further public input. The committee then deliberated on some of the text included in the new zonings (MU, and T) and passed a Motion.

The motion reads:

With respect to the Town Center, the [currently proposed] text definitions, of 'Mixed Use' to be Refined as part of the Town Center Ordinance Process.

This is as a result of noticing that some of the entitlements, and rules may not be rendered appropriate for the town center.

Please Contact me if you have any questions.



Kevin Dreyer

Committee Chair

(707) 498-4038

**Zoning Text Amendments & Zone Reclassifications
to Implement the General Plan**

Green Point/Redwood Valley Area Zoning Implementation Workshop

March 14, 2019

QUESTIONS OR COMMENTS

[PLEASE COMPLETE AND SUBMIT YOUR COMMENT TO US TONIGHT]

~~How did the~~
How was the minimum
building size & zoning
designation informed
by the State's Oak Woodland
Preservation & Restoration
Priorities

Use the back of page if necessary

If you would like us to respond to your questions or comments, please let us know how you would like to be contacted:

NAME: _____

EMAIL ADDRESS: _____

PHONE NUMBER: _____

MAILING ADDRESS: _____

**Zoning Text Amendments & Zone Reclassifications
to Implement the General Plan**

Green Point/Redwood Valley Area Zoning Implementation Workshop

March 14, 2019

QUESTIONS OR COMMENTS

[PLEASE COMPLETE AND SUBMIT YOUR COMMENT TO US TONIGHT]

Please give us contact info. for Patrick
O'Rourke (Willow Creek Community)

Use the back of page if necessary

If you would like us to respond to your questions or comments, please let us know how you would like to be contacted:

NAME: Susan Marshall

✓ **EMAIL ADDRESS:** sem11@humboldt.edu

PHONE NUMBER: _____

MAILING ADDRESS: _____

Re: General Plan Changes- Illegal Titlow Hill Parcels and Proposed Rezoning of the Titlow Hill Area

To the Planning Department, Planning Commission, and Board of Supervisors;

I am unable to attend the March 14th meeting at Greenpoint School. Therefore I am submitting my questions and concerns in advance.

- 1) There are multiple parcels on Chezem Road that are affected by the proposed rezoning.
 - a. What is driving the need for rezoning on Chezem Road?
 - b. Is it to bring these legal parcels into alignment with the General Plan?
 - c. Will it change the feel of the neighborhood in the near future? Or will it remain consistent with how it has been?
 - d. What would be possible in this area that is not possible under current zoning?
 - e. Can you please provide a broad stroke describing the changes on Chezem in lay person language?
- 2) I understand that you are receiving public comment on proposed rezoning changes to the General Plan throughout the County. Specifically I am opposed to the proposed legalization of the illegal Titlow Hill parcels. In terms of Countywide rezoning proposals, Titlow Hill should be considered uniquely and separately. To my knowledge the draft EIR for the illegal parcels of Titlow Hill has not been released to the public yet, so I hope the proposed rezoning of the Titlow Hill area will not even be considered until the EIR process completes its' course. **When will the draft EIR be released to the public?**

I do not support any rezoning of the Titlow Hill area at this time. If rezoning of the area were to occur before the Draft EIR is even released to the public, then it feels like a backhanded process meant to bypass the proper channels that have already been engaged.

That said, I echo the concerns of the Blue Lake Fire Department in their letter concerning the proposed rezoning and legalization of the illegal parcels of Titlow Hill (attached at end of letter). Though they flat out denied and rejected the proposal, the Planning Department has moved it ahead regardless. As per Section 312-50.5 of Humboldt County Code, rezoning of that area is NOT IN THE PUBLIC INTEREST NOR CONSISTENT WITH THE GENERAL PLAN.

Specifically, here are some of my key concerns:

- **It sets bad precedent:** It does not feel fair to have people go ahead and do something illegally and then ask for permission retroactively. I was actually shown those parcels on Titlow Hill as a prospective buyer by Ken Bareillas back in the late 1990s and he was very clear that he had **illegally** subdivided into smaller parcels. Similarly, each and every person who bought a parcel was on notice that what they were buying was not properly subdivided. And NOW they want to ask for permission to deal with the mess? I say NO. The Tooby Ranch should be taken as an example that should not be repeated. I do not wish the County to get tied up with expensive lawsuits. Is this subverting the Williamson Act? If so, the County needs to act properly.
- **Wildfire Concern:** Please read the letter from Blue Lake Fire Department. They flat out denied the proposal from the start. I echo their concerns and decision.

- **USGS Grid is not good subdivision design:** Most of the illegal parcels of Titlow Hill were divided along USGS grid for the “subdivision” lines- which is just not good design practice. Consequently there is not proper planning for services and resources, or accounting for water, roads, disposal, etc.
- **Ingress/Egress:** there is only one road in and out of Titlow Hill. Similarly situated neighborhoods, Chezem Road and Redwood Valley/Bair Road, both have two inlet/outlets. It is extremely careless to condone such development in this escalated wildfire era.
- **Roads are a concern:** This is geologically unstable soil. Much of the Titlow Hill roads are at a greater than 12% grade, so they will then have to be paved. This is costly to not only implement but then subsequently maintain. I am concerned about unstable soils and erosion into the Redwood creek watershed, as well as the cost of potential upkeep.
- **Upper Redwood Creek Watershed Impacted by high level of marijuana grows:** The map created by Stillwater Sciences with data provided by the Planning Department dated around 2016 show that there is a **very high** concentration of applicants requesting cannabis permits in the Titlow Hill area. UCCE’s 2012 map of marijuana growing in Humboldt County also shows the Titlow Hill area/upper Redwood Creek watershed in the RED zone for cannabis cultivation (the highest level). UC Berkeley Specialist Van Busic made a quantitative analysis of marijuana operation in Humboldt County. The goal of the research was to evaluate water use and other environmental impacts. His research observed 10001-26677 plants per watershed in the upper Redwood Creek watershed. This is the highest density on his rating scale- with only several sites in Southern Humboldt in similar showing. It is estimated that marijuana plants use 5.8 gallons of water per day. Using these numbers, we can easily see that the upper Redwood Creek watershed is beyond carrying capacity for such use. So not only are these parcels illegal but many undoubtedly have also hosted illegal marijuana grows. The idea of allowing all of these parcels to legitimately take water from the tributaries and Redwood creek is not a sound approach towards watershed health. Coho, Chinook and Steelhead all are traditional fish found in our watershed. Their numbers have been diminished over the years and this does nothing to assist their health and return. More water takes means less water in the creek, higher temperatures, and hence less proper fish habitat. These water issues have to be mitigated **regardless** of whether this proposal moves forward or not.
- **Oak Prairies and Oak Woodlands Threatened:** the Titlow Hill area is historically an Oak Woodland. Oak woodlands and oak prairie habitat are threatened to disappear in California and we are currently experiencing a rapid loss of such habitat. Legalizing these parcels fragments and diminishes the potential of maintain these oak habitats. Mitigation for the concern of lost oak habitat needs to be addressed.
- **Who will outlay the costs for the set up of residential services that would be required?:** A proper subdivision would take these matters under consideration. The developer would have to bear this expense. It does not feel fair to let these actors escape such responsibility. Responsibility will have to lay at the feet of the people making the proposal.
- **Forfeit cannabis cultivation permits: Because these parcels are illegal, and should the County disregard each and every concern voiced by our community, then there should be a bar from ever receiving cannabis permits for these parcels. Putting a restriction on these parcels is a step towards mitigation of some of the above concerns. The watershed is already impacted and this would help mitigate current and future impaction.**

Thank you for your time and attention on this matter.

Sincerely,

Sacha Marini

707-703-9835

est 18-424 for Apps 13475.pdf

Open with Google Docs

Blue Lake Fire Protection District
P.O. BOX 245 BLUE LAKE, CALIFORNIA 95525

rectangular Snip

December 21, 2017
Cliff Johnson
Assigned planner
Humboldt County Planning

Re: Bareilles Referral
AP 316-086-023-000
Application # 13475

Recommendations:

I have reviewed the referral for Mr. Bareilles and have determined that it be ***DENIED*** for the following reasons;

For the past six years the Blue Lake Fire District has had an ongoing request with the county of Humboldt to either establish a mechanism for fire protection services or a mechanism to support the fire protection services that have historically been requested to these areas for emergencies. Very little has been accomplished in addressing this ongoing concern for emergency services (fire agency response). Until this critical concern is addressed our agency will not recommend approval of any zoning changes that could have an additional need for fire response.

Today's cost to the tax payers of Humboldt county is over \$200,000.00 per year for fire and rescue services to this area, I would recommend that a Mechanism to come up with these costs be started, possibly a County Service Area (CSA) or commercial cannabis fee for fire rescue services.

If I can be of any additional help please let me know.

Thank you
Ray Stonebarger
Blue Lake Fire Protection District

Page 41 / 139

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Nov 2016



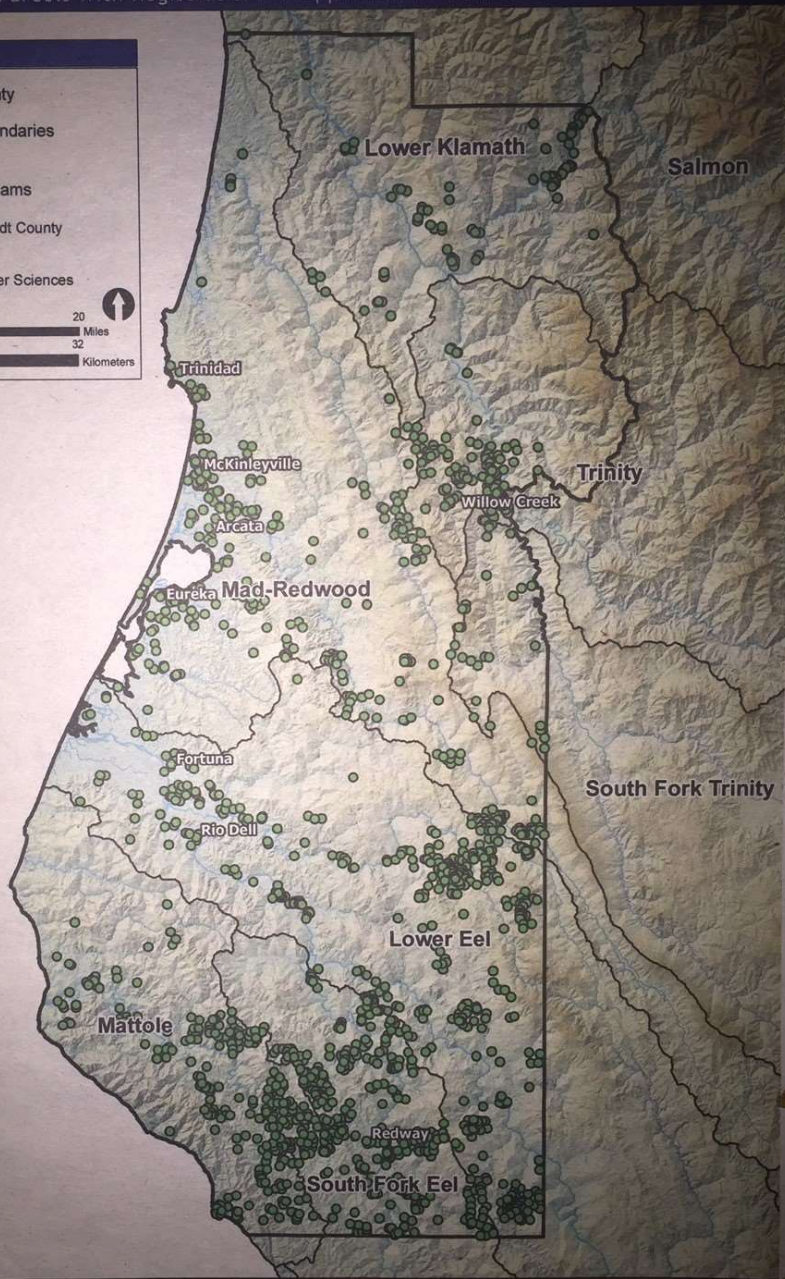
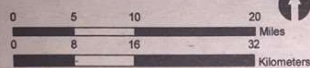
Humboldt County Parcels with Registrations or Applications Submitted

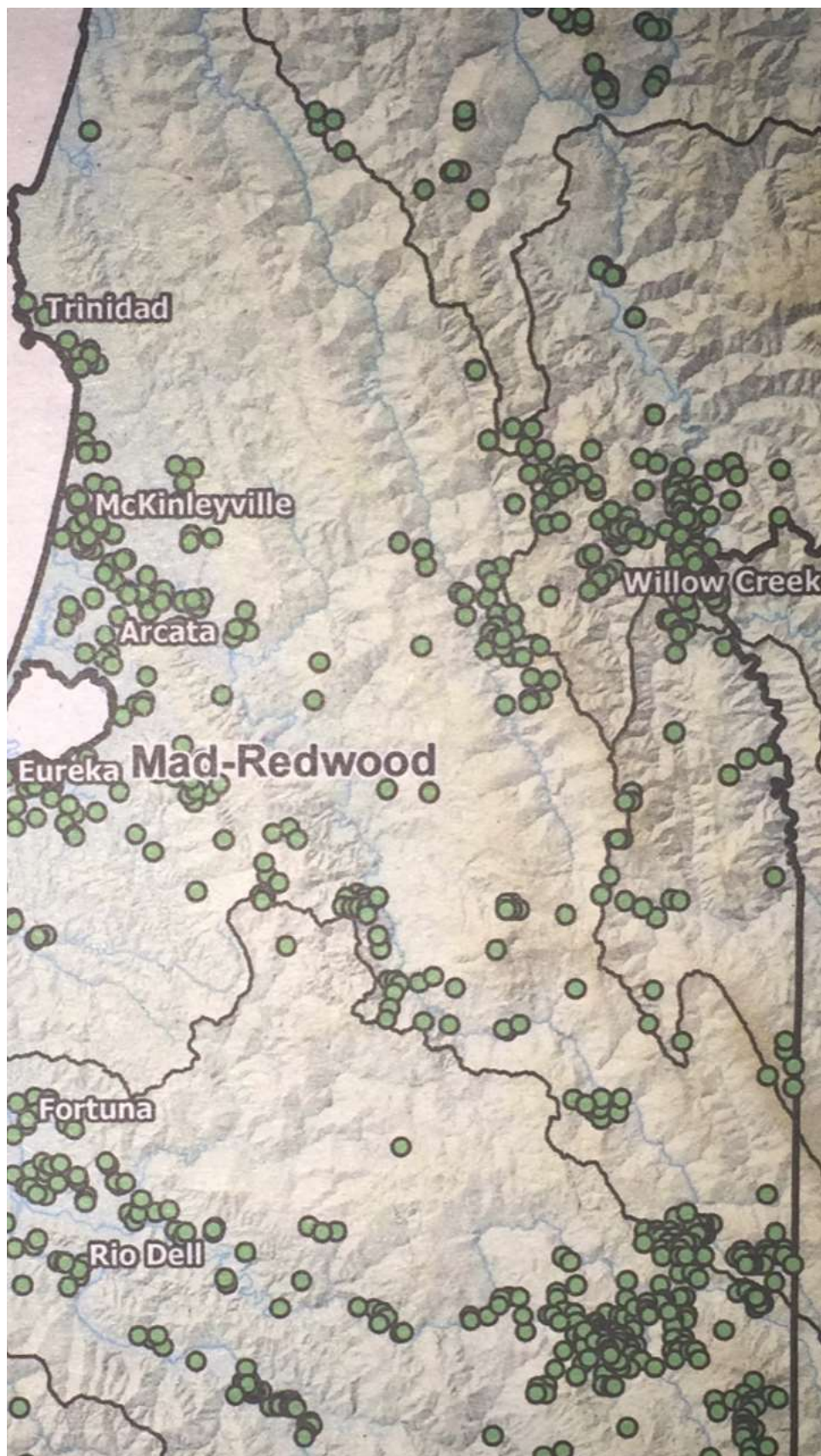
LEGEND

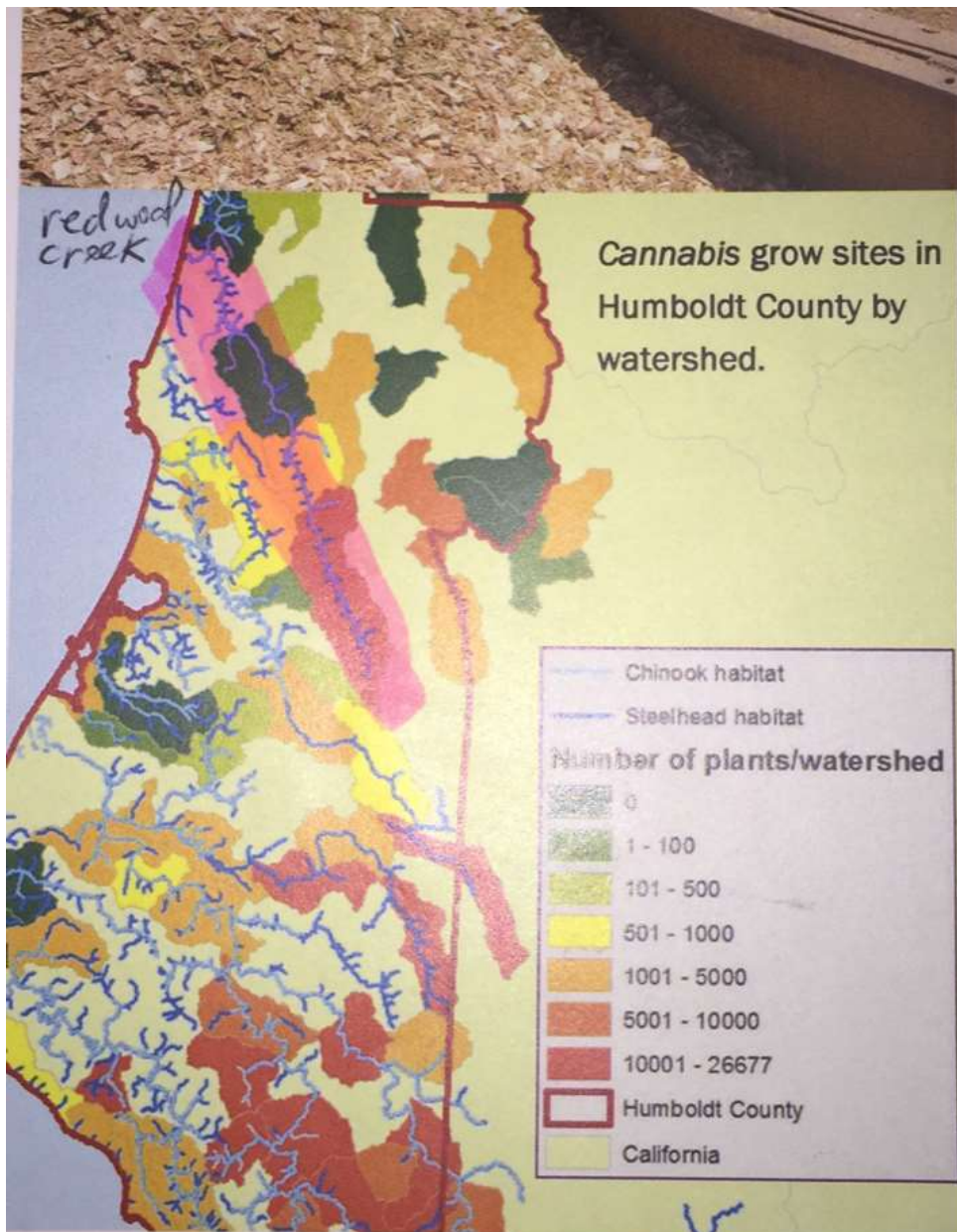
- Humboldt County
- Watershed boundaries
- Parcel
- Rivers and streams

Data provided by Humboldt County Planning Department

Map prepared by Stillwater Sciences







topics. The conference also included field tours to Redwood National Park and to private ranches in the Bridgeville area. The UCCE team has also been actively involved in oak-related policy changes, working to create new pathways for timely, cost-effective oak woodland restoration work. There is significant momentum on oak issues right now, and the coming year promises to be full of exciting opportunities around oak woodland conservation and restoration.

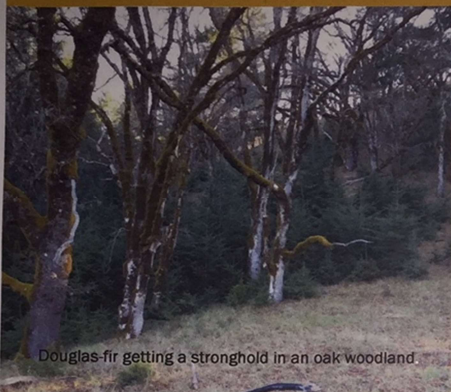
BIOENERGY FOR HUMBOLDT

In 2015 Yana Valachovic and Dan Stark were awarded a grant to support public awareness of bioenergy. Forest and mill residues can provide a renewable source of energy and simultaneously help forest health and wildfire prevention. This outreach is just in time for the developing Humboldt Community Choice Aggregation (CCA) program. A CCA program will allow Humboldt County to pursue its own priorities, such as local energy generation, and to support economic development. See the back page for information about upcoming public workshops in May 2016.

HOW MUCH MARIJUANA IS GROWN IN HUMBOLDT?

UC Berkeley specialist Van Butsic and his research team have completed their first round of analysis to quantify marijuana (*Cannabis*) operations in Humboldt County. The goal of this research is to evaluate water use and other environmental impacts. Dr. Butsic used aerial photographs from 2012 to quantify all visible marijuana grows in half of Humboldt County's watersheds. His research observed ~4200 separate grow sites with up to 300,000 plants being grown in 2012. It is estimated that marijuana plants use 5.8 gallons of water per day. Using these numbers, 300,000 plants may use ~800 acre feet of water per year. Because these estimates are for only half of the watersheds in Humboldt and are derived from 2012 imagery, this is likely an underestimate of the total water usage in Humboldt's *Cannabis* industry. The timing of the water use and the proximity to riparian habitats needs further analysis and are important considerations of the industry's impacts.

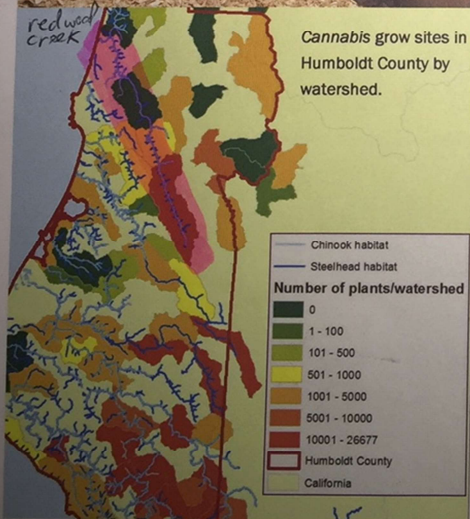
UCCE Creates Knowledge through



Douglas-fir getting a stronghold in an oak woodland.



Processing forest residues for bioenergy.



OAK WOODLAND RESEARCH, POLICY, AND EDUCATION

2015 was a busy year for oak woodland-related efforts at UCCE. Yana Valachovic and Lenya Quinn-Davidson wrapped up a three-year, UC-funded research project on conifer encroachment in white and black oak woodlands, showing clear patterns of Douglas-fir establishment in woodlands across the North Coast. Their research assessed the relative ages of oak and fir—with oaks being substantially older even when they're smaller—and it looked at the negative effects of conifer encroachment on biodiversity and oak growth and health. They also secured funding for new research on the effectiveness of oak woodland restoration treatments, and led a partnership of agencies and organizations in bringing in a \$2.6 million grant for oak woodland restoration on private lands. In November, UCCE hosted a large conference on oak woodland ecology, bringing experts from throughout the Pacific Northwest to present on various ecology and management topics. The conference also included field tours to Redwood National Park and to private ranches in the Bridgeville area. The UCCE team has also been actively involved in oak-related policy changes, working to create new pathways for timely, cost-effective oak woodland restoration work. There is significant momentum on oak issues right now, and the coming year promises to be full of exciting opportunities around oak woodland conservation and restoration.

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Richardson, Michael

From: Jeff and Marisa St John <upperredwoodcreek@gmail.com>
Sent: Thursday, March 21, 2019 8:50 AM
To: Planning Clerk
Cc: Richardson, Michael; Miller, John; Madrone, Steve
Subject: March 21 Zoning Text Amendments Public Comments

Dear Planning Commissioners:

The March 14, 2019 Green Point/Redwood Valley Area Zoning Implementation Workshop (approximately two hours long and not part of the Board of Supervisors list of communities to reach out to in their December 2018 and January 2019 meetings) with the County's Planning and Building Department was enlightening. It informed me about how much we community members don't understand about this planning process, for example:

- Planning staff may not have visited the areas that they are planning for
- Impacted agencies such as CalFire, who has the primary responsibility for responding to fires, and the Blue Lake Fire Protection District that has an agreement to respond when possible, were not consulted in the initial planning process and that they, like the public, provide comments afterwards
- Assessed (and possibly illegally subdivided) versus legal lot sizes are being used to determine proposed minimum acreage for building
- The project location does not state that the Titlow Hill area (under a separate project) is excluded,
- Some (all?) Chezem Road parcels are actually within the Willow Creek Community Planning Area—an estimated 16 roadway miles away from the Willow Creek (proper) planning area.
- The County has a separate e-mail distribution list (not part of the Notify Me system) to inform property owners of conditional use applications
- New wildland fire research was only indirectly considered (there was not enough time in the workshop to ask about how oak woodland preservation and restoration state priorities informed the planning decisions)
- The public's questions and comments from this workshop will not be part of the staff report due Friday, March 15, but be included in a supplemental report expected to be posted Wednesday, March 20 (as of March 21 at 8:37 a.m., it is not an attachment to today's meeting agenda)

In addition, that the County needs to do a better job at presenting information so that non-planners can meaningfully participate (General Plan G-IM5) in the proposed zoning text and upcoming map change processes, including:

- Sharing the Planning and Building Department's analysis. This should include what methods of determining building density are available, what methods other state counties use, and why the "averages" method was chosen and a description of what it is and how the averages are calculated. What other counties have zoning districts like the new ones proposed (for example, the "PRD-Planned Rural Development" that looks like a subdivision)?
- Informing parcel owners how they can contest any zoning changes to their property and the legal impact of changing from one zoning type to another (for example, parcel owners of agricultural land can have their legal fees paid by the defendant)
- Informing non-conforming parcel owners of the impact of these proposed changes
- Providing a list of the 13,000 parcels that are planned to have zoning/land use changes. Ideally, the list would be in CSV format with current General Plan designation, current and proposed zoning

(with combining zones), and legal parcel sizes. A separate list of the Titlow Hill project (stated to not be part of the 13,000 parcels) would also be included.

- Posting answers to the public's and other agencies' questions and comments and in a timely basis.
- Notifying the public of these meetings. Was there an e-mail notification about this meeting from the County's Notify Me system (General Plan Implementation subject)? It was not mentioned in today's Announcement's from Humboldt County.

One calendar week seems to be insufficient time to be able to review the Planning & Building Department's 93-page staff report, review the cited portions of the General Plan, form questions and comments, confer with other community members, ask questions of planning staff, receive answers, and present a complete list of comments for this meeting. These zoning text changes have long-term and far-reaching effects. Please give the public more time and defer making any decisions today.

Sincerely,
Marisa St John
District 5

Greenpoint School workshop 3-14-19

13 people in attendance, no power, but hydro-energy provided us the ability to have power for lights and computers!

Q: Fire Department/mail districts, side of creeks are different. A: Up and coming fire department may want to be part of a bigger process/protection area.

Q: Document on planning implementation site, zoning/northern site, are those Ag exclusive? A: Look closer at specific maps, will likely help to clarify.

Q: Willow Creek CPA also includes Chezim Road. Would it make sense to include Redwood Valley? Should the community be looking at watershed view for CPA? A: Perhaps that should be further explored in the future.

Q: TE zone, be able to use for single-family homes, ag uses, etc. So “exclusive” doesn’t seem to match. What is the purpose of using the word exclusive. A: BOS made clear that through the GP process to allow for homes, ag uses, etc.

Q: Does it differentiate the TPZ and TE, i.e. Calico example. A: In the event that it’s planned AE and TE. Who makes that distinction? A: That’s the challenge that we face in zoning, we are working through that through recommendations from the public and staff and the BOS.

Q: Green Point School area? A: AE w/ W-R combining zone.

Q: W/R means? A: Combining zone applied to ensure development stays out of buffer as well as for the tributaries (also other wet areas). It is difficult to know exactly where, so it will be clear that needs to be further examined and/or evaluated with development.

Q: New development only? A: To the extent that a permit would be required.

Q: Different between the AE and TE, and allowed uses? A: To the extent that it’s an open area, or timber holdings that it’s TE.

Madrone: Important to note that commercial cannabis is not allowed in TPZ and TE, for any new operations. Most all other zones allow commercial cannabis to occur. Another difference between TPZ and TE, has the property tax reduction for TE land (but does apply in TPZ).

Q: What calls out AE or timberland? A: GP is the defining the most appropriate zone. If there is an important reason for it to remain AE vs. timberland.

Q: What is the County doing to do on the implications of changing zones? What changing zones means. Legal implications of zoning... If you change from one zone to another gives landowner certain rights. If AE zone is applied, provides landowner certain rights that the public is interested in finding out more. A: Depends to the way the judge defines agricultural use. The County is in the business to Zoning Law, taxing is separate from planning.

Q: AE always allowed for timber cutting and to keep ag land open. A: That is true to a certain extent, depends on grading permits and allowances. Importing dirt needs a Special Permit.

Q: Zoned ag on landowner's property, was curious about X combining zones, and R combining zones. A: May be combining zone, which would not change. We can also look at zoning regulations to determine what an X combining zone would mean.

Q: 3-acre conversion size for dwellings-i.e. 2nd dwelling unit? A: Within 2-acres is required for ag or timber lands.

Q: Could you be within 2 zones? A: Could have a split zoning or multiple zoning for each property. Could get complicated.

Q: AE changes, mining added to the zoning? A: Conditionally allowed

Q: AE changes, recreational uses allowed? A: Yes, allowed in most (if not all zones)(?)

Q: If conditionally allowed, how would neighbors or other people know if a conditionally allowed use is being sought? A: Within 300-feet. Also, there is a list-serve that the County maintains. There is a specific list-serve, Accela is the platform that would be using – sign-up for both.

Q: AE, taking the "no" out of "no subdivisions allowed"? A: Yes, but in the regulations, it lists the ways that you can conditionally zone. "Other Regulations" lists out when the land can be subdivided. It's become more restrictive.

Q: Titlow Hill, what is going to happen with the zoning? AE, looks like 60-acre minimums? This is confusing because it's being generally understood that the U zone is going away. A: We are doing that effort as a separate process, but not as the rezoning process. Think that zoning is proposed to be AG vs. AE, but that is subject to another planning process.

Q: MR zone, subject of zoning is an expansion – to expand we need rock for roads. Would suggest that smaller communities need intelligent road resources. A: The combining zone would not allow for expansion of mining, but recognizes the impact of mining activities.

Q: Mining is important to continue, but to recognize that some areas are spent. New areas are needed for mining. Zoning is applied post-permit, correct? A: Yes, once permit has been approved, put overlay there to protect residential or incompatible uses from these mining areas.

Q: Buffer would correspond to terrace? A: Graphic didn't show 100-feet, 100-feet from the outer edge of the riparian trees.

Q: Big fires over the last several years? How does that information inform zoning – changing zoning and putting more people into the fire hazard areas. Changing zoning in that it is decreasing minimum parcel size. A: Depends on what the primary use, what is the road access, road standards may limit, what is the average size of parcels.

Q: Did you take into account the minimum parcel size that is a legal parcel or illegally subdivided parcel? A: Good question, because we have a variety of issues with, we have to deal with Titlow Hill and Tooby Ranch area for example. Other times, it's based on individual project review.

Q: Is the County doing a mass mailing to every single parcel owner for each parcel? A: We do not expect to be doing that. We did with the GP changes, we are hoping that community meetings and outreach we hope to achieve reaching everyone where land use changes.

Madrone: Spoke to the issues of illegal land subdivision of Tooby Ranch and Titlow Hill, specific to law suits over time and processes to resolve.

Q: How can one person get a list of parcels that are being shifted from one land use to another? i.e. land taken out of ag land. A: Occurred as part of the GP process. We are NOT changing any ag land through this process, but occurred as part of the GP process.

Madrone: Recommended that the Planning Department to show what is changing with the rezoning effort. Show that on a map, is it changing or not? Two things though, a list of all parcels that are changing and 2nd then the map is changing.

Q/Suggestion: County put on implementation plan website, what can change what can't change. Clearly showing what is changing with zoning. How does that affect the landowner and allowed uses on their land?

Q: AE has a new 60-acre minimum, what happens if you have a sub-standard parcel. A: It's legal non-conforming, but it's non-conforming as to size, can put a house on it. May not be able to a 2nd unit on it. Current regs do not allow for the density, but State law has been changed. So that's to be sorted out in new zoning regulations. State law has pre-empted our code (density), accessory dwelling units – different languages.

Q: AE-B-6, zoning, what does that mean? A: That zone isn't changing, B designations has to do with minimum lot size.

Q: Who is the contact for the Willow Creek CPA effort? A: Patrick O'Rourke, will provide anyone with his contact information. He probably doesn't know about the Chezem Hill area as part of Willow Creek CPA.

Q: Discrepancy between the area shown as Titlow Hill project and our rezoning maps. A: **We will need to resolve that discrepancy with the project planner and on our rezoning recommendation maps.** John offered to also sit down with resident and project planner to better ensure that we have the right boundary lines delineated.

Q: In zoning planning, have we brought in conversation for fire protection districts. Have they been part of this process and will they be able to comment during public comment period? A: Yes, they can comment during this time. There has been a letter specifically submitted in regard to the Titlow Hill EIR project that they do NOT support the project. The County is working with the fire districts and the response areas and talking about organizational options for this area in particular. CALFIRE is solely responsible, but they don't have response areas (not sure I got that entirely correct).

Q: Since the Titlow Hill area has gotten so confusing – should have the ability to plan that area that makes sense rather than by section lines, etc. A: Through the planning process they are taking a planned development approach to make more sense.

Richardson, Michael

From: Susan E Marshall <susan.marshall@humboldt.edu>
Sent: Tuesday, March 19, 2019 4:09 PM
To: Jeff and Marisa St John; Robin Hoffman; Richard Barber; Madrone, Steve; Richardson, Michael; Miller, John; wcpaac@gmail.com
Cc: Ken Norman; Deb Upshaw; Paul Wolfberg; Kathleen Wolfberg; Ann Egan; Brandon & Melanie LaPorte; Bunny Sorrow; Carla Olson; Diana Kriger; Elly Roversi; Jane Castro; Josh Seney; Kate Egan; Mary Roversi; Melody Murphy; Richard & Loraine Wolf; sacha marini
Subject: Re: Flyer for meeting at Green Point School March 14, 2019 at 6:00 - 8:00 pm

March 19, 2019

Karl Boettcher, Vern Callahan and I sat down to summarize some questions about the recent zoning meeting at Green Point Elementary School.

Comments/questions from Chezem Road residents regarding Titlow Hill Zoning

1. We recommend adjusting property lines to match egress and ingress and optimize water access (not squares) with consent of owners.
2. Allow owners to use existing rock quarries on their property, very important to development.
3. Preserve existing meadows that are unsuitable for any kind of construction or land conversion.
4. Who is ultimately responsible for restoration of meadows and poorly designed roads?
5. Does enhanced water storage trigger increased taxation?
6. How is CalFire involved in proposed rezoning?

We are having a hard time on the WEBGIS portal seeing what the Chezem Road area's current zoning and proposed zoning are. Can you send us an image?

On Tue, Mar 19, 2019 at 7:44 AM Jeff and Marisa St John <upperredwoodcreek@gmail.com> wrote:
Hello Everyone.

Here is the link to the presentation that was published yesterday <https://humboldt.gov.org/DocumentCenter/View/71687/Redwood-Valley-Presentation-3-14-2019-PDF>. The supplemental report that the Planning Department mentioned to us, and that I expected would be published with their Staff Report last Friday, (that would include our comments and concerns) will be published on Wednesday.

Thursday's Planning Commission meeting's agenda <https://humboldt.legistar.com/View.ashx?M=F&ID=7103246&GUID=A7BEBA5B-3366-4F03-92F6-A11F498862BF> includes the new zoning districts and changes to AE, TPZ, F, etc. zoning. County Codes are at <https://humboldt.county.codes/>

Regards,
Marisa

On Mon, Mar 18, 2019 at 9:44 PM Ken Norman <oldtownantiquelighting@gmail.com> wrote:
Hi Deb,

It looks like our four, ten acre parcels will go from Unclassified to Agricultural- Grazing, surrounded by Timber Production Zone (TPZ). It's pretty opaque to me, but I'd be happy to share with you the info distributed at the meeting, including lists of Principal Permitted Uses (such as Single Family Residence) and Uses Permitted with a Use Permit, and Other Regulations; highlighted appear to be changes being made in order to align with the updated General Plan.

Ken Norman
home 668-5848

Sent from my iPhone

On Mar 18, 2019, at 1:51 PM, Jeff and Marisa St John <upperredwoodcreek@gmail.com> wrote:

Hello Everyone,

Here are my notes from the meeting. Took a little while to add in the links and screen shots. Our supervisor Steve Madrone and a Chezem community member Sacha Marini) are copied in this message.

I personally found the meeting enlightening - there is so much that the County's Planning Department hasn't told us: what parcels will have their zoning changed, that part/all of Chezem is in a Willow Creek Community Planning Area, how they are determining what the zoning will be, how many new homes could be built (for example some 40-acre parcels will be rezoned to allow a home on 20-acres-potential subdivisions), the fact that CalFire and the Blue Lake Fire District were not consulted, etc.

Please write the Planning Department and Supervisor Madrone with you questions and comments (links in the meeting notes). Hope to see some of you at this week's Planning Commission meeting (March 21 at 6:00).

Regards,
Marisa
Titlow Hill Community Member

On Sat, Mar 16, 2019 at 6:45 PM Deb Upshaw <debupshaw@ymail.com> wrote:

Please bring us up to date on the rezoning/community meeting. What's going on? We would like to stay informed! Thank you. Upshaw family.

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, March 13, 2019, 5:21 PM, Paul Wolfberg <pwolfberg@gmail.com> wrote:

attached flyer this time, sorry about that, corrected the date also, tomorrow Thur
Mar 14th 6-8pm

>
>

> Please note the meeting that was cancelled in Feb is scheduled for tomorrow Thur
March 14 6-8pm @ Green Point School. See flyer for details.

>
>> On Jan 30, 2019, at 10:09 AM, Tom Hinz <tlhinz@gmail.com> wrote:
>>
>> Hi all! Please find the attached flyer for meeting at Green Point School March 14,
2019 at 6:00 - 8:00 pm
>> <Greenpoint - flyer.pdf>
>

<Zoning Meeting20190314.pdf>

--

Susan Edinger Marshall
Professor, Rangeland Resources and Wildland Soils
Forestry and Wildland Resources Department
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Arcata CA 95521

(707)826-4064

California Certified Rangeland Manager #78

Kevin Dreyer
2701 Arthur Rd.
Mckinleyville, CA 95519

March 19th, 2019

To: The Humboldt County Planning Department and
Planning Commission

Re: New County Zoning Text

Dear, Long Range Planning staff, and Planning Commissioners.

I have a couple of personal recommendations regarding the text of both the Mixed Use and the
Timberland Exclusive Zonings. These recommendations come following participation in a recent public
meeting presentation at the MMAC meeting on March 13th in McKinleyville

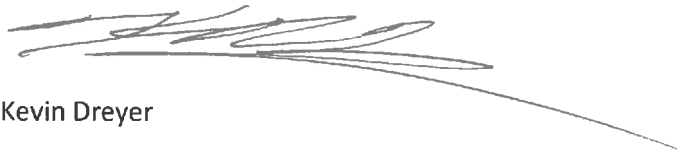
RE: 'MU' zones:

1. It was noted at the meeting and I agree that some of the entitlements may not be appropriate
for some of the MU properties that may be part of a "Community Plan".
2. It was discussed by me and another committee member that some of the rules (Such as Lighting
and Noise) could be subjective. A recommendation would be to include some more specifics on
some of the rules, as an example, using Lumens and/or Decibels, which can be measured.

RE: 'T' zones:

1. In the **Recreational Use** text: There is a list of activities listed. I suggest adding to the list
"Biking; Equestrian Use; OHV riding" and also a clause to the list that specifies ***"including but
not limited to"*** or ***"and other recreational activities"***. Have you ever seen those mountain
skateboards, or those One-Wheel boards that can be ridden on trails?

Thank you for your consideration of these recommendations.



Kevin Dreyer

(707)498-4038

**Zoning Text Amendments & Zone Reclassifications
to Implement the General Plan**

McKinleyville Municipal Advisory Committee Special Meeting

March 13, 2019

QUESTIONS OR COMMENTS

Mixed Use (Urban) for McKinleyville
Town Center areas should be
defined / refined as part of
the development of the
Town Center Ordinance (hopefully
this summer.)

Use the back of page if necessary

If you would like us to respond to your questions or comments, please let us know how you would like to be contacted:

NAME: BONNIE OLIVER

EMAIL ADDRESS: bonnie.l.oliver.architect@gmail.com

PHONE NUMBER: (707) 839 - 8829

MAILING ADDRESS: 1953 Cottonwood Ave.
McKinleyville, CA 95519

McKinleyville Municipal Advisory Committee
Recommendation to Humboldt County Planning Commission

March 19, 2019,

RE: New zoning implementation

Dear Commissioners,

At our last meeting, a Special meeting, on August 13th, we received a presentation by the Humboldt County Planning Dept. long range planning staff. The presentation was regarding the county wide zoning text changes. All the new zoning designations, language, purpose and text were reviewed. There are no unclassified zonings in our planning area. However there are 'Mixed Use' properties and 'Timberland Exclusive' properties to be rezones.

The committee listened to the presentation, participated with the public in a questions and answers session, and received further public input. The committee then deliberated on some of the text included in the new zonings (MU, and T) and passed a Motion.

The motion reads:

With respect to the Town Center, the [currently proposed] text definitions, of 'Mixed Use' to be Refined as part of the Town Center Ordinance Process.

This is as a result of noticing that some of the entitlements, and rules may not be rendered appropriate for the town center.

Please Contact me if you have any questions.



Kevin Dreyer

Committee Chair

(707) 498-4038