



COUNTY OF HUMBOLDT

For the meeting of: 6/11/2019

File #: 19-862

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:

Zoning Text Amendments to Implement the General Plan - Group 1 Special Purpose Related Zones

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. ____ (Attachment 2) by title and waive further reading;
2. Open the public hearing and receive the staff report and public testimony;
3. Close the public hearing;
4. Adopt the attached resolution (Resolution 19-__ (Attachment 1)) doing the following:
 - a. Consider the Environmental Impact Report for the Humboldt County General Plan and find that it sufficiently addresses the potential environmental impacts associated with adoption of the Zoning Text Amendments to add the following new Zone Classifications: "PR - Public Resource and Recreation" Zone; "TL - Tribal Land" Zone; "RR - Railroad" Combining Zone; and "MR - Mineral Resources" Combining Zone; and amendments to the following existing Zoning Regulations: Section 314-21.1 "F - Flood Hazard Areas" Combining Zone; Section 314-61.1 Streamside Management Area Regulations; Section 312-17.1, Required Findings for all Permits; and Section 312-2.1, Zoning Clearance Certificate Procedures, which was prepared in accordance with Section 15168 (c)(2) and no new information has been presented to change the findings of the EIR in accordance with section 15162 of the State CEQA Guidelines;
 - b. Make the required findings for approval of the Zoning Text Amendments;
5. Adopt the attached ordinance (Ordinance No. ____ (Attachment 2)) amending Title III of Humboldt County Code adding Section 314-4.5 (PR - Public Resource and Recreation Zone); Section 314-7.6 (TL - Tribal Lands), Section 314-33.2 (RR - Railroad Rights of Way Protection Combining Zone), and adding Section 314-28.2 (MR - Mineral Resources Combining Zone); and amend the following existing Zoning Regulations: Section 314-21.1 "F - Flood Hazard Areas" Combining Zone; Section 314-61.1 Streamside Management Area Regulations; Section 312-17.1,

Required Findings for all Permits; and Section 312-2.1, Zoning Clearance Certificate Procedures;

6. Direct the Planning and Building Department to file a Notice of Determination with the Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act; and
7. Direct the Clerk of the Board to publish summaries of the Ordinance amendments within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against each ordinance (Attachment 3) and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance correction along with the names of those Supervisors voting for and against the ordinance.

SOURCE OF FUNDING:

The salary funding for this work is included is in the General Fund contribution to the Long Range Planning unit, 1100-282

DISCUSSION:

The ultimate objective of this project is to make the Zoning Regulations consistent with the 2017 Humboldt County General Plan Land Use Designation, Land Use Element policies, and other Open Space Plan policies. These Zoning text amendments, along with subsequent updates to the Zoning maps, are the highest priorities implementation actions identified in the General Plan. Consistency between the General Plan and Zoning Regulations will be achieved by adding Principal and Combining Zones and amending existing Zones and procedures based on the policies contained in the General Plan.

These proposed Zoning Text amendments, as well as amendments to the zoning maps to implement the General Plan Land Use Map, were previously considered by the Board of Supervisors at the December 11, 2018, and January 15, 2019 hearings. During those meetings public comments were received requesting that the county slow the process down and defer action on rezones within certain Community Planning Areas. In response to these public comments, the Board directed staff to carry out a four-step approach that involves extensive public and agency outreach to: 1) review Zoning Text changes; 2) review of Zoning Text and Map amendments affecting City Spheres of Influence; 3) review Zoning Map Amendments; and 4) undertake Community Planning in specified areas beginning with McKinleyville.

To carry out Task 1 (review Zoning Text changes) and Task 2 (review of Zoning Text and Map amendments affecting City Spheres of Influence), staff held a series of public workshops, meetings with city and non-profit groups, and county committees. Meetings were held on the following dates:

- Humboldt County Farm Bureau (January 24)
- 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)
- Williamson Act Advisory Committee (February 14)
- Cities of Arcata and Blue Lake staff (February 25)
- City of Trinidad staff (March 4)
- City of Eureka staff (March 6)
- City of Fortuna staff (March 7)
- Willow Creek Public Workshop (March 7)
- McKinleyville Municipal Advisory Committee (March 13)
- Greenpoint School in Redwood Valley (March 14)
- City of Fortuna Planning Commission (April 9)
- Forestry Review Committee (April 11)

Written public comments from these workshops were provided to the Planning Commission in the staff reports (Attachment 4).

The Planning Commission considered the Zoning Text changes on March 21st, 2019. At that meeting the Planning Commission decided to divide the Zoning text changes into groups and review them one by one at subsequent meetings. They completed their review of all the zoning changes on May 2, 2019.

For the Board's review, staff is recommending a similar process grouping the proposed Zoning Text amendments as follows:

June 11, 2019 - Group 1 - Special Purpose Related Zone and Process Changes:

- PR - Public Resource and Recreation Zone
- TL - Tribal Land Zone
- MR - Mineral Resources Combining Zone
- RR - Railroad Combining Zone
- F - Flood Hazard Areas Combining Zone
- Streamside Management Areas and Wetlands Regulations
- Zoning Regulations, Chapter 2, Open Space Consistency Findings:
 - 312-17.1, Required Findings for all Permits
 - 312-2.1, Zoning Clearance Certificate Procedures

June 18, 2019 - Group 2 - Agricultural & Forest Resources Related Zoning Changes:

- TE - Timberland Exclusive Zone
- AE - Agriculture Exclusive Zone
- TPZ - Timberland Production Zone
- PRD - Planned Rural Development Combining Zone

June 25, 2019 - Group 3 -Urban Lands Related Zoning Changes:

- MU1 - Mixed Use Urban Zone
- MU2 - Mixed Use Rural Zone
- B-1, Special Building Site Combining Zone

This staff report contains proposed amendments and staff analysis relating to Group 1 - Various Land Use Element and Open Space Plan Related Zoning Text Changes. Similar staff reports will be prepared for the other groups of proposed Zoning Text amendments for review at the subsequent meetings shown in the above schedule.

Following is a summary of the Group 1 - Special Purpose Related Zone and Process Changes. Attachment 2 contains the proposed text amendments in their entirety.

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

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

RR - Railroad Rights-of-Way Protection. Add a new “RR - Railroad Rights-of-Way Protection” Combining Zone to be applied to NCRA railroad rights of way, and along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake. The “RR” Combining Zone implements Policy C-P14 - “Rail Rights-of-Way” and Implementation Measure C-IM16 - “Mapping of Rail Rights-of-Way as Railroad” from the Circulation Element requiring contiguous rail rights-of-way currently held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake have a combining zone applied to them to protect the rail rights of way from development that may interfere with the use of the rights-of-way for transportation purposes.

MR - Mineral Resources. Add a new “MR - Mineral Resources” Combining Zone to be applied to parcels with permitted surface mining operations. The “MR” Combining Zone implements MR-IM4, Combining Zone, of the Mineral Resources Section of the Conservation and Open Space Element. The purpose of the “MR” Combining Zone is to ensure compatibility of adjacent uses. The MR combining zone will be applied to parcels with permitted surface mining operations and facilitate implementation of the County's regulations for surface mining,

conservation, and reclamation. Staff is recommending this combining zone also be applied to properties within 1,000 feet of permitted mineral extraction sites to best implement the policy objectives.

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 and agency comment during the early Planning Commission and Board meetings in 2018, when these proposed changes were first discussed, included concerns that the “MR - Mineral Resources” Combining Zone would allow for the expansion of mining operations near the Humboldt Bay Municipal Water District (HBMWD) Ranney collector wells located along the Mad River and effect drinking water quality. The “MR” Combining Zone does not regulate mining operations and would not directly affect water quality. Mining operations and the effect on water quality are regulated through the county’s Surface Mining and Reclamation Act (SMARA) Regulations (Division 9, of Title III, Land Use and Development, of the County Code). Water quality resulting from other permitted uses of land allowable by the Principal Zone of land with an “MR” Combining Zone would be subject to the requirements of the Zoning and Building Regulations. In response to other comments from the HBMWD, the “MR” Combining Zone would add requirements to notify public water systems whose service areas include the project site. Comment letters from HBMWD are included in Attachment 4 to this staff report.

The Williamson Act Committee suggested that the land subject to the “RR” Combining Zone should go back to the underlying fee property owner. In addition, the Williamson Act Committee expressed the following concerns regarding a potential a trail along the North Coast Rail Authority right of way: the potential for trespassing; increased fire hazard due to the presence of more people; potential illegal camping; increased litter and trash; and disturbances to livestock due to dogs related to the potential use of the rail right of way as a trail.

Comments regarding allowable uses in the “RR” Combining Zone were also received during the Planning Commission process in 2018 requesting that transportation related uses, such as trails, or

incidental public services uses that would not interfere with the use of the right of way for rail or other public transportation purposes, be principally permitted. The “RR” Combining Zone identifies these uses as compatible uses not requiring a permit. In addition, staff consulted with the Public Works Environmental Services Division to discuss whether the proposed combining zone could conflict with the Great Redwood Trail Act (SB 1029). The proposed “RR” Combining Zone does not appear to conflict with the Great Redwood Trail Act, which may use rail-banking to use the out-of-service rail corridor as a trail until a railroad might need the corridor again for rail service.

A meeting with NEC/BayKeeper/Friends of the Eel River, Coalition for Responsible Transportation on February 5th resulted in comments regarding the number of days that California Department of Fish and Wildlife (CDFW) has to respond to a referral. CDFW met with representatives of these organizations and submitted a letter on February 20, 2019 (included in Attachment 4) providing edits relating to CDFW referrals, as well as other edits. The proposed Streamside Management Areas and Wetlands Regulations reflect the edits submitted by CDFW.

FINANCIAL IMPACT:

The salary funding for this work is included is in the General Fund contribution to the Long Range Planning unit, 1100-282.

STRATEGIC FRAMEWORK:

This action supports the Board’s Strategic Framework by beginning General Plan policy implementation, building interjurisdictional and regional cooperation and streamlining county permit processes

OTHER AGENCY INVOLVEMENT:

Staff consulted with several agencies regarding the provisions of several new zones, including with Public Works Environmental Services and the City of Arcata Community Development Department regarding the “RR” Combining Zone; and the Humboldt Bay Municipal Water District regarding the “RR” Combining Zone and the “MR” Combining Zone. The proposed “TL” Zone is nearly identical to the “TL” General Plan Land Use Designation, which is the result of Senate Bill 18 consultation with Native American Tribes during the General Plan Update process. Notifications of the “TL” Zone were sent to Tribes in November 2018.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The “MR - Mineral Resources” Combining Zone is proposed to be applied to parcels with permitted surface mining operations, (SMARA sites) and properties within 1,000 feet of those sites. The Board could instead only apply the MR Combining Zone to the SMARA sites. Staff does not support this alternative because it will not be as effective in promoting land use compatibility with ongoing mining operations on adjacent properties and will make it more difficult to ensure that adequate public noticing occurs.

There are approximately 19,000 acres of SMARA sites and an additional approximately 25,000 acres within 1,000 feet of SMARA sites that could be affected by the MR Combining Zone.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

1. Draft Board of Supervisors Resolution.
2. Draft Board of Supervisors Ordinance to approve Zoning Text Amendments to add the following new Zone Classifications “PR - Public Resource and Recreation” Zone; “TL - Tribal Land” Zone, “RR - Railroad” Combining Zone, and “MR - Mineral Resources” Combining Zone; and to modify Section 314-21.1 “F - Flood Hazard Areas” Combining Zone; Section 314-61.1 Streamside Management Area Regulations; Section 312-17.1, Required Findings for all Permits; and Section 312-2.1, Zoning Clearance Certificate Procedures.
3. Post Approval Summary of the Ordinance.
4. March 21, 2019 Planning Commission Resolution and Staff Report; and April 4, 2019 Planning Commission Resolution and Supplemental Information.
5. Link to the Environmental Impact Report for the 2017 General Plan Update

PREVIOUS ACTION/REFERRAL:

Board Order No.: J-21

Meeting of: January 15, 2019

File No.: 18-1694