

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of June 11, 2019

RESOLUTION NO. 19-51

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, AND APPROVING ZONE AMENDMENT ORDINANCE TO IMPLEMENT THE 2017 GENERAL PLAN

WHEREAS, Humboldt County initiated Zoning Text Amendments and Zone Reclassifications 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 re-establish zoning consistency with the policies of the General Plan; and

WHEREAS, the proposed Zoning Text Amendments may be approved if it can be found 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, 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, Exhibit A of this Resolution includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Text Amendments; and

WHEREAS, public hearings were held on the matter before the Humboldt County Planning Commission on October 4, October 18, and November 1, 2018, and March 21, and April 4, 2019.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors that the Board of Supervisors:

1. The Board of Supervisors has considered 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 6 of this staff report) - and finds that the EIR for the General Plan is sufficient to addresses the potential environmental impacts associated with adoption of the Text Amendment Ordinance and was prepared in accordance with Section 15168 (c)(2) of the CEQA Guidelines to anticipate adoption of Zoning Text Amendments to implement the General Plan and no new information has been presented that change the findings of the EIR in accordance with section 15162 of the State CEQA Guidelines; and

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2. Makes all of the required findings for adoption of the Zoning Text amendments based on evidence in Exhibit A of this resolution, which is incorporated fully into this Resolution; and
3. Directs the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
4. Directs the Clerk of the Board to publish a summary of the ordinance within 15 days of adoption including the names of the Supervisors voting for and against the Ordinance.

Dated: June 11, 2019



Rex Bohn, Chair
Humboldt County Board of Supervisors

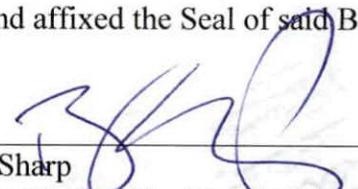
Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Fennell, Wilson, Madrone, Bass
NAYS:	Supervisors	Bohn
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California

Exhibit "A" -- Findings of approval for Zoning Text amendments

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Attachment 1
Exhibit "A"

California Environmental Quality Act Findings

Project Description

The project is part of the Implementation of the General Plan to make the Zoning Regulations consistent with the General Plan. The project involves the amendments to the Zoning Regulations to establish new Principal and Combining Zones specifically called out in General Plan policies and standards. They are summarized as follows:

New Principal Zones

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.
- The General Plan land use mapping process included a review of land proposed to be planned Public Lands to ensure that privately owned land is not included.
- The new PR District is intended to be applied to lands where the intended use is public recreation, or resource protection or production and where the County may lack land use jurisdiction.
- Where the County does have jurisdiction the Zone limits uses to resource production, recreation, and habitat management.
- This new Zoning District is not specifically called out in the General Plan.
- It is instead recommended by staff 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.
- The new zone mirrors the text of the TL - Tribal Lands:
 - identifying the use of an adopted Tribal land use plan as appropriate policy guidance;
 - containing references to development standards for land use and permit approvals in urbanized or non-urbanized areas; and
 - establishing density and subdivision standards
- This new Zoning District is not specifically called out in the General Plan.

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New Combining Zones

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.
- This General Plan Policy and Implementation Measure require the rights of way to be mapped on the General Plan Land Use Map and have a combining zone applied to them to protect the rail rights of way from development that may interfere with the use of the rights-of-way for transportation purposes.

MR - Mineral Resources.

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

Modifications to Existing Combining Zones

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.

Other Zoning Changes.

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

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- 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

Administration, Procedures, Amendments and Enforcement

- 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.)”

Finding

1. The County of Humboldt adopted findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and certified an Environmental Impact Report (EIR) for the General Plan on October 23, 2017 (State Clearinghouse # 2007012089). The Project will not result in additional environmental effects that were not adequately examined in the EIR certified for the General Plan.

Facts

I(a) The EIR states “Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this (EIR).” In addition, the EIR specifically added Mitigation Measure 3.1.3.2.a. to add an implementation measure to the Growth Planning section of the Land Use Element (GP-IM6, Zoning Consistency) to reduce

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potential impacts related to conflict between the General Plan Update and applicable land use regulations:

“Implementation Measure GP-IM6, 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.”

1(b) CEQA statute (§21083.3(b)) allows that if a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report.

1(c) 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 Map.

1(d) 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 Map for zoning consistency.

1(e) The project actions are specifically enumerated in the General Plan and contemplated in the in Mitigation Measure 3.1.3.2.a of the EIR.

1(g) In addition to serving as the environmental document for the approval of the General Plan Update, the 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.

Finding

2. 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:

Facts

2(a) The EIR was presented to the Board of Supervisors in advance of the public meeting on January 15, 2019.

2(b) The Board of Supervisors reviewed and considered the EIR prior to taking action on the Zoning Text amendments to add the following new Zone Classifications “PR – Public Resource

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and Recreation” Zone; “TL – Tribal Land” Zone, “RR – Railroad” Combining Zone, and “MR – Mineral Resources” Combining Zone; and amend the following existing Zoning Classifications and 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.

2(c) The proposed Zoning Text amendments would be consistent with the General Plan.

2(d) All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the EIR mitigation measures adopted in connection with the Board of Supervisor’s approval of the EIR. All Program EIR mitigation measures applicable to the Project have been incorporated into the Project.

2(e) In accordance with Public Resources Code Section 21094(d), the Planning Commission found that 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 EIR and in the Findings adopted by the Board of Supervisors in connection with the approval of the EIR, as incorporated by reference and reaffirmed herein.

2(f) 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, so the 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.

- No new information of substantial importance, which was not known and could not have been known at the time that the EIR was certified as complete, shows that the Zoning Map amendments would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the EIR, that mitigation measures or alternatives found infeasible in the EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the EIR would substantially reduce one or more significant environmental impacts found in the EIR.

- No information was submitted which identified potentially significant impacts not addressed in the EIR.

2(g) Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Board of Supervisors, exercising its independent judgment and analysis, finds that the Project is consistent with the General Plan, falls within the environmental parameters analyzed in the EIR, and would not result in any new significant environmental effects or a substantial increase in the severity of any

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previously identified effects beyond those disclosed and analyzed in the EIR, nor would new mitigation be required for the Project.

2(h) 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.

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Findings of Approval for Zoning Text amendments

Finding

1. Public Interest: The Zoning Text amendments are in the public interest.

Facts

(a) The purpose this project is to ensure consistency between the General Plan Land Use policy and the Zoning Regulations. The proposed project would 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; 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"; add a new "RR - Railroad Rights-of-Way Protection" Combining Zone consistent with Circulation Element Implementation Measure C-IM16, Mapping of Rail Rights-of-Way as Railroad; and add a new "MR - Mineral Resources" Combining Zone to be applied to parcels with permitted surface mining operations consistent with MR-IM4, Combining Zone, of the Mineral Resources Section of the Conservation and Open Space Element and to amend Section 314-21.1 "F - Flood Hazard Areas" Combining Zone, amend Section 314-61.1 Streamside Management Area Regulations, amend Section 312-17.1, Required Findings for all Permits, and amend Section 312-2.1, Zoning Clearance Certificate Procedures. This project is in the public interest because it achieves consistency between the General Plan and the Zoning Regulations.

Finding

2. General Plan Consistency: The Zoning Map amendments are in conformance with other applicable policies and standards of the Humboldt County General Plan.

Facts

(a) The following paragraphs explain how the project is consistent with the General Plan:

General Plan Goal, Policy and/or Standard	Evidence
Chapter 4 - Land Use Element	
Section 4.8: Land Use Designations Table 4-H. Zoning Consistency Matrix	<p>The proposed Zoning Regulations amendments are written to implement General Plan policies for publicly owned lands with a "Public Lands" General Plan designation; areas with a "TL - Tribal Lands" General Plan designation and that are not zoned "TPZ" and areas with a "TTL - Tribal Trust Lands" General Plan designation, areas with railroad rights of way, streamside management areas, and mineral extraction sites to incorporate findings of consistency with the General Plan Conservation and Open Space Element.</p> <p>The "RR - Railroad" Combining Zone is applied to lands currently held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake and designated Railroad in the General</p>

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General Plan Goal, Policy and/or Standard	Evidence
	Plan Land Use Element and as shown by a line symbol on the Circulation and Public Facilities Maps contained in General Plan Appendix F, Map Book.
Chapter 8 - Housing Element	
<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The Housing Element obligates that County to accommodate its Regional Housing Need Allocation. The adoption of new Zoning Classifications would not affect the county's ability to meeting it regional housing need obligation.</p>
Chapter 10 - Conservation and Open Space Element	
<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G3, Conservation and Open Space Program.)</p> <p>Conservation and Open Space, Chapter 10 Open Space, Section 10.2</p>	<p>The General Plan Conservation and Open Space Element - Open Space Section establishes the County's Open Space Action Plan and Program as a comprehensive and long-range strategy to preserve land and resources identified as open space. Standard CO-S3, Conservation and Open Space Element Consistency Determination, specifies that no building or planning approval be issued unless the proposed action is consistent with the open space plan. Amendments to Chapter 2, Administration, Procedures, Amendments and Enforcement, of the Zoning Regulations are proposed to ensure that proposed development conforms with the Open Space Plan and Open Space Action Program.</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 (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Conservation and Open Space, Chapter 10 Biological Resources, Section 10.3</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>

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General Plan Goal, Policy and/or Standard	Evidence
Chapter 10 - Conservation and Open Space Element	
<p>Goals and policies contained in this Chapter relate to the identification of the county's known mineral resources and support the conservation, development, and utilization of these resources (MR-G1. Long-Term Supply of Mineral Resources and MR-G2. In-stream Sand and Gravel Extraction)</p> <p>Conservation and Open Space, Chapter 10 Mineral Resources, Section 10.4</p>	<p>The "MR - Mineral Resources" Combining Zone is applied to parcels with permitted surface mining operations, or SMARA sites consistent with the policies and standards of Section 10.4 of the General Plan. This zoning district was developed to implement the policy requirements of the General Plan.</p>