



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING DIVISION

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Hearing Date: September 19, 2019

To: Humboldt County Planning Commission

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

Subject: **Zoning Reclassifications to Implement the 2017 General Plan**

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

AGENDA ITEM TRANSMITTAL

Hearing Date September 19, 2019	Subject General Plan Implementation Zone Reclassifications	Contact John Miller
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Project Description: This project proposes rezoning of properties to be consistent with the 2017 Humboldt County General Plan. The Humboldt County General Plan was adopted in October 2017, which established the kinds, locations, and intensities of land uses within the unincorporated areas of the County by applying land use designations to properties on Land Use Maps. To be consistent with the new Land Use Maps, new zones are proposed to be applied: 1) Mixed Use Zones will be applied to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations, 2) an "RR - Railroad" Combining Zone will be applied to railroad rights of way held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake, 3) a "MR - Mineral Resources" Combining Zone will be applied to parcels with permitted surface mining operations; 4) a "TL - Tribal Land" Zone will be applied to the areas with a "TTL - Tribal Trust Lands" or a "TL - Tribal Lands" Land Use designation that are not zoned "TPZ"; and 5) a "WR - Streamside Management Areas and Wetlands" Combining Zone will be applied to properties designated by the General Plan as Streamside Management Areas and/or Wetlands. In addition, specific zones are proposed to be assigned to all areas currently zoned "U - Unclassified". Other minor changes to the Zoning Maps are also proposed to be consistent with the General Plan.

Project Location: The proposed new Zone Districts and the rezoned properties occur throughout the non-coastal areas of unincorporated Humboldt County.

Present Plan Land Use Designations: Various

Present Zoning: Various

Proposed Zoning: Various

Assessor Parcel Number: Various

Environmental Review: 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, is sufficient for adoption of the Zone Reclassifications in accordance with Section 15168 (c)(2) and 15162 of the State CEQA Guidelines.

Major Issues: The proposed amendments to the mapped Zoning Districts to implement the Humboldt County General Plan changes the allowed land uses and intensity for some properties compared to the existing zoning that applies.

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

ZONE RECLASSIFICATIONS TO IMPLEMENT THE GENERAL PLAN

Case Numbers N/A

Assessor's Parcel Number (APN): Various

Recommended Commission Action

1. Open the public hearing;
2. Request staff to present the project;
3. Receive public testimony; and
4. Close the public hearing, deliberate on the proposed zoning map amendments, and continue the item to the meeting on October 3, 2019 for final action with suggested modifications.

Executive Summary

The ultimate objective of this project is to ensure consistency of the Zoning Regulations and Map with the 2017 Humboldt County General Plan and Land Use Map, as required by the state Planning Law, Government Code section 65860 (a). The Environmental Impact Report (EIR) prepared for the General Plan requires amendments to the Zoning Map for consistency with the General Plan Land Use Map. The EIR also requires amendments to the Zoning Map to implement the General Plan for consistency. Implementation Measure GP-IM6. Zoning Consistency, in the Growth Planning Section of the Land Use Element directs the County to revise the Zoning Map for consistency with the General Plan Land Use Map.

An important objective of this project is to apply precise zoning districts consistent with the General Plan to areas currently zoned "U" Unclassified. Approximately 630,000 acres of the inland portion of the County is zoned "U" Unclassified. The "U" zoning was applied to areas of the County that have not been sufficiently studied to justify precise zoning classifications.

In addition, this project resolves Zoning inconsistencies that existed since approval of the 1984 Framework General Plan. These inconsistencies may have resulted from circumstances such as expected sewer or water system expansions that did not occur, or planned zone changes that have not yet occurred and delays in preparing and adopting Community Plans, and these inconsistencies have remained since the adoption of the General Plan Update.

This project also resolves inconsistencies that resulted from the new General Plan Land Use Maps. For these areas consistency would be achieved by applying an appropriate Zone Classification or applying a Combining Zone, such as the "B - Special Building Site Combining Zone", to ensure that the density/minimum lot size criteria are consistent with the Plan designation.

Properties zoned TPZ - Timber Production Zone with an inappropriate General Plan designation are not proposed to be rezoned with this project because the property owners and Assessor need to be involved with establishing new assessed values. Those properties will be rezoned in a future project. The TPZ rezoning process will depend on whether the land owner is seeking a rezoning only after 10 years, or an immediate rezoning after making special findings; and the process requires approval of a timberland conversion permit by the California Department of Forestry, notice to all landowners within one mile of the exterior boundaries of the property to be rezoned; and a 4/5th vote of the Board of Supervisors.

Following is a summary of the recommended actions to achieve consistency between the Zoning Maps and the General Plan.

- Apply the existing "AP - Airport Safety Review" Combining Zone to approximately 12,810 acres within Airport Land Use Compatibility Zones around the county's seven public use

airports.

- The “MR - Mineral Resources” Combining Zone is proposed to be applied to parcels with permitted surface mining operations, or SMARA sites and to surrounding properties to help ensure land use compatibility with surface mining operations consistent with Policy **MR-P3 - Right to Mine**, in the Mineral Resources Section which suggests that the MR Combining Zone should be applied to 1,000 feet of vested and permitted surface mining extraction sites to ensure that notice of the right to mine can be recorded against the properties surrounding the mining site. The notice would advise current and future owners that the existing mining operation nearby has a permitted right to continue mining operations. There are approximately 19,325 acres of mining sites and an additional 24,775 acres within 1,000 feet of mining sites that would be affected by the MR Combining Zone.
- The “RR - Railroad” Combining Zone is proposed to be 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 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. Approximately 850 acres would be affected by the RR Combining Zone.
- The “B-1 - Special Building Site” Combining Zone was amended to indicate a 6,000 square foot minimum building site, which applies to the residential zones in the Eureka Community Plan Area. Approximately 3,400 acres would be affected by the B-1 Combining Zone.
- The “WR - Streamside Management Areas and Wetlands” Combining Zone is proposed to be applied to parcels within the Streamside Management Areas and Wetlands as defined by General Plan.
- Apply Zone Classifications to lands currently Zoned “U - Unclassified” in a manner consistent with the General Plan Land Use Designation based on Table 4-H, Zoning Consistency Matrix. This involves applying the PR – Public Recreation Zone to the publicly-owned lands with a “P - Public Lands” General Plan Land Use designation, and applying the TL – Tribal Lands designation to Trust lands with a Tribal Land (TL) General Plan Land Use designation that are currently zoned “U” and located on Native American Reservations or Rancherias.

Areas planned TL that is presently zoned “AE” or “TPZ” will continue to be zoned in that manner. The Tribal Lands Land Use Designation in Land Use Element Section 4.8 Land Use Designations establishes a procedure for determining jurisdiction and the allowable use types in consultation with the Tribal governments. Approximately 100,000 acres with a TL General Plan Land Use designation would be affected with the new TL – Tribal Land Zoning.

Zoning Map Amendments for Properties with Cannabis Applications

Section 314-55.3.4.1 of the County’s Commercial Cannabis Land Use Ordinance protects applications for Commercial Cannabis Activity land use permits filed on or before December 31, 2016 when it says these activities “shall be governed by the regulations in effect at the time of their submittal”, except for Zoning Clearance Certificate applications for Open Air Cultivation near community plan areas. None of the proposed Zoning Map Amendments would therefore affect cannabis activity permit applications currently under review.

Digital Zoning Maps

As indicated in the General Plan, the County now uses a Geographic Information System (GIS) to generate its maps, so the Official General Plan Maps are individual layers in a unified comprehensive base map and are available in virtually any scale. Like the General Plan, the Planning and Building Department will maintain the new Zoning Maps using the online GIS web application (<http://webgis.co.humboldt.ca.us/HCEGIS2.0/>) which will allow the public to view and print Zoning Maps at any scale along with all of the information shown on the official maps. Official approved versions of the Zoning Maps as included in this staff report will also be produced as hardcopies at the set scales established for General Plan Maps and generated as PDF files for digital distribution. Including the North, Central, and South larger scale maps, there are 39 Zoning Maps covering all Community Planning Areas and larger community areas outside Community Planning Areas.

Planning Commission Alternatives: The Planning Commission could apply the "MR" Mineral Resource Combining Zone only to lands with existing surface mining sites. As described above, application of "MR" Combining Zone in this manner would do less to ensure compatibility of adjacent uses with continued mining operations so staff does not recommend further consideration of this alternative.

ATTACHMENT 1

Zoning Maps

Copies of the Zoning Maps will be provided as a Supplemental Item

The Online webGIS mapping showing the most current Zoning recommendations. [Humboldt County webGIS](#). Select "Jurisdictional Boundaries and Land Use > Planning Layers > Draft GPU Zones" from the "Layer List."