

ATTACHMENT 2

Fairhaven Area Q – Qualified Zone [RS/X/Q]

(additions shown in underline text and deletions shown in ~~strikeout~~ text show changes made in November, 2020 in response to Coastal Commission staff comments)

AN ORDINANCE AMENDING SECTION 311-7 OF CHAPTER 1, DIVISION 1, TITLE III OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Fairhaven area from Residential Single Family\No Further Subdivision Allowed (RS\X) to Residential Single Family\No Further Subdivision Allowed with a Qualified combining zone (RS\XQ). The area described is also shown on the Humboldt County zoning maps for the Humboldt Bay Area Plan Area and on the map attached as Exhibit A.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from "RS\X" to "RS\X-Q" (described in Exhibit A), and that is located within 300 feet of Samoa Peninsula Wastewater Project sewer mains, in accordance with Humboldt County Code Section 313-32.1, which authorizes restriction of the RS zone regulations by application of the "Q" (Qualified Combining Zone).

SECTION 3. PURPOSE OF QUALIFICATIONS. Construction of the Samoa Peninsula Wastewater Project places public sewer mains within 300 feet of vacant residential parcels in the Fairhaven area, triggering a requirement for new development on these parcels to connect to the wastewater system, ~~thereby removing one of many restrictions to development for these parcels~~ the SPWP would make these lots appear more desirable for development when in fact there are many other coastal resource protection requirements which must first be addressed. The purposes of the special restrictions and regulations herein imposed on the property described in Exhibit A and that is within 300 feet of a Samoa Peninsula Wastewater Project public sewer main are:

- a. to address a health hazards and water quality problems and not to encourage or facilitate development, and

- b. to restrict principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020, and are within 300 feet of a Samoa Peninsula Wastewater Project public sewer main to which they would be required to connect to public sewer to ensure such development is consistent with the coastal resource and hazard policies of the Humboldt Bay Area Plan and Coastal Act, including but not limited to those policies addressing wetlands, Environmentally Sensitive Habitats, flooding, sea level rise and tsunami risk.

SECTION 4. SPECIAL RESTRICTIONS. ~~The Principally and conditionally permitted uses on parcels that are undeveloped as of January 1, 2020, and all Accessory Dwelling Units, Principal Permitted Use, Residential Single Family Principal Permitted Use (See Section 313-163.1.9 for description), allowed under the Residential Single Family (RS) Zone regulations of the Humboldt County Code Title III, Land Use and Development, Division 1, Planning, Chapter 3, Section 313-6.1,~~ shall be subject to the performance standards below.

- a. Coastal Development Permits may be granted for the Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to Coastal Development Permits as well as the following special findings:
 - (1) There is no less environmentally damaging feasible alternative, adverse environmental effects have been mitigated to the extent feasible, and required mitigation will maintain or enhance the functional capacity of the wetlands or Environmentally Sensitive Habitats to the extent feasible, if present.
 - (2) The proposed development is consistent with the Coastal Act and consistent with adopted Humboldt Bay Area Plan sea level rise development policies, or absent such policies, a qualified professional with expertise in coastal resources has prepared a site-specific sea level rise hazard analysis for the proposed development that includes a range

of sea level rise projections; that shows how sea level rise may impact the development and how the development may impact coastal resources considering sea level rise; and demonstrates that the proposed development will not create a hazard to life, health, safety, the general welfare, or coastal resources for the life of the project.

- (3) The proposed development is consistent with the Coastal Act and consistent with the adopted Humboldt Bay Area Plan tsunami hazard policies revised based on the Guidelines for Evaluating and Mitigating Tsunami Hazards in California adopted by the State Mining and Geology Board in accordance with the Seismic Hazards Mapping Act of 1990, or absent such policies, the proposed development meets the requirements of Humboldt Bay Area Plan Section 3.17 Hazards, B. Development Policies, 3. Tsunamis, subsections 1 through 4.

b. Upon approval of a Coastal Development Permit, the applicant shall agree to the following:

- (1) the applicant acknowledges that the site may be subject to geologic hazards, as well as hazards from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, and tsunami inundation and that the landowner assumes any and all liability from such hazards; and
- (2) the applicant shall indemnify, defend, and hold the County harmless and its officers, officials, agents, and employees or other third parties with respect to the County's grant of the Coastal Development Permit from and against any and all loss, liability, damage, expense, costs (including without limitation costs and fees of litigation) and any amounts paid in settlement arising from any injury or damage arising out of or in connection to related to the hazards identified in Section 4(b)(1), the performance of work hereunder, or its failure to comply with any of its

obligations contained in this agreement; and

(3) the applicant unconditionally waives any claims of damage or liability against the County and its officers, officials, agents, and employees for injury or damage related to the hazards identified in Section 4(b)(1) ; and

(4) the applicant agrees to assume any and all risks of injury or damage to themselves, their heirs, assigns and successors-in-interest in connection with the permitted development on the property that is the subject of this Coastal Development Permit; and

(5) No shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within the community of Fairhaven against future hazards that may arise due to the coastal setting of the Fairhaven lands, and the prospect of increased sea level rise in the future, and the present landowners have taken future seal level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development within the community of Fairhaven, and further, acknowledges the possibility that no such protective structures would secure approval for construction.

- c. Coastal Development Permits may be granted for Principal Permitted Uses in accordance with the general rules and supplemental application procedures and required findings of the Humboldt County Code applicable to such permits as well as the performance standards of 4(a) above.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon certification of the proposed amendments to the Local Coastal Program by the California Coastal Commission.

PASSED, APPROVED AND ADOPTED this 9th day of February 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Virginia Bass, Chair

(SEAL)

ATTEST:

Kathy Hayes

Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: Ryan Sharp, Deputy

“EXHIBIT A” TO AN ORDINANCE AMENDING
SECTION 311-7 OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN FAIRHAVEN



ZONING MAP

Samoa Peninsula Wastewater Project
"Q-Qualified" Combining Zone
Fairhaven Community



 Zoning Reclassification Boundary

