



COUNTY OF HUMBOLDT

Legislation Details (With Text)

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Type: Zoning Ordinance **Status:** Passed
File created: 7/2/2019 **In control:** Planning and Building
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Title: Zoning Text Amendments to Implement the General Plan - Group 2 Land Use Element Agricultural & Forest Resources Related Zoning Changes

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment 1 Resolution.pdf, 3. Attachment 2 Ordinance to approve Zoning Text Amendments with alternatives.pdf, 4. Attachment 3 Post Adoption Summary.pdf, 5. Attachment 4 Link to the Environmental Impact Report.pdf, 6. Public Comment

Date	Ver.	Action By	Action	Result
7/9/2019	1	Board of Supervisors	approved as amended	Pass

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Zoning Text Amendments to Implement the General Plan - Group 2 Land Use Element Agricultural & Forest Resources Related Zoning Changes

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. ____ (Attachment 2) by title and waiver 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. Finding the Board of Supervisors has considered the Environmental Impact Report for the Humboldt County General Plan, prepared in accordance with CEQA Guidelines Section 15168 (c)(2), 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: “TE - Timberland Exclusive” Principal Zone, “MU1 - Mixed Use (Urban)” Principal Zone, “MU2 - Mixed Use (Rural)” Principal Zone, “PRD - Planned Rural

Development” Combining Zone; and amend the following existing Zoning Regulations, Section 314-7.1 “AE - Agriculture Exclusive Zone,” Section 314-7.4 “TPZ - Timberland Production Zone,” and Section 314-17.1”B-1- Special Building Site” Combining Zone, and find that 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 all of 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 314-7.5 “TE - Timberland Exclusive” Principal Zone, adding Section 314-9.1 “MU1 - Mixed Use (Urban)” Principal Zone, adding Section 314-9.2 “MU2 - Mixed Use (Rural)” Principal Zone, adding Section 314-31.2 “PRD - Planned Rural Development” Combining Zone; and amending Section 314-7.1 “AE - Agriculture Exclusive Zone”; and amending Section 314-7.4 “TPZ - Timberland Production Zone,” and amending Section 314-17.1”B-1- Special Building Site” Combining Zone;
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;
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; and
8. Direct the Planning and Building Department to initiate the following actions:
 - a. Develop ordinances to implement General Plan Policies addressing Fire Hazards, to be completed by June of 2020.
 - b. Prepare an ordinance amending Fire Safe Regulations to remove the limitation that only on-site access roads need to meet fire safe regulations. This is to also be completed by June 2020.
 - c. Implement a “D” combining zone in the following community plan areas: Arcata, Jacoby Creek, Freshwater, Mckinleyville, Fieldbrook-Glendale, Tinidad-Westhaven and Orick.

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 Humboldt County General Plan Land Use Designations, Land Use Element policies, and other Open Space Plan policies adopted in October 2017. 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 and standards of the General Plan.

On June 18th, the Board considered the proposed zoning text amendments and directed staff to return on July 9 with some modifications and alternatives as described below:

Modifications:

1. Add the “TE - Timberland Exclusive” Zone with a 60-acre minimum parcel size, and
2. Modify the parking requirement within the MU1 - Mixed Use (Urban) Zone to reduce parking requirements for mixed use developments in consideration of availability of alternative modes of transportation and good design characteristics.

Alternatives:

1. Modify the “AE - Agricultural Exclusive” Zone to limit the area allowed to be converted to residential uses to minimize impacts of new residential development on agricultural soils,
2. Minimize impacts of new residential development on timber production in the “TPZ - Timber Production” and “TE - Timberland Exclusive” Zones, and
3. Reduce Wildland Fire Hazard and Public Safety Impacts due to increased residential development within timberlands, agricultural lands, and remote rural lands
4. Protect ridgeline silhouettes and forested hillsides surrounding Humboldt Bay from visual impacts of new residential development.

The proposed ordinance in Attachment 2 includes both the modifications listed above as directed by the Board and embedded in the ordinance are the alternatives for the Board’s consideration. The hope is the modifications adequately address the direction of the Board and the Board can consider the alternative language as presented and either accept or reject the alternatives.

The TE zone has been re-inserted with the direction for the larger lot size. The proposed modifications to the MU - Mixed Use Zone would allow a 50 percent reduction in the parking requirements for residential uses. This is appropriate because of the off-peak nature of the commercial uses and the residential uses. The highest demand for the residential uses will typically be opposite the peak demands of the non-residential uses. This also considers the larger critical mass of parking provided with the two different types of uses. The parking requirement can be reduced further subject to approval of a Special Permit upon finding that there are other factors which warrant further reduction in the parking requirement, for example, connectivity with alternative forms of transportation such as public transit, bike and pedestrian facilities.

The alternatives have been placed into boxes within the ordinance for easy identification. These are summarized as follows:

1. Protection of Agricultural Soils. The ordinance has been amended to include a definition of a building envelope for purposes of residential development. The Building Envelope is limited to 2 acres on parcels 10 acres or larger and only applies to residential development on the property. If a property is less than 10 acres the Building Envelope limited to 20 percent of the parcel area. The access driveway and onsite circulation are included within the definition of Building Envelope. If

the Building Envelope must be placed on prime agricultural soils, then the size of the allowed building envelope is reduced by 50%.

2. Protection of Timberlands. Several concepts are proposed for the Boards consideration. The first is in the “TPZ - Timber Production Zone” and the “TE - Timberland Exclusive Zone” to create a Building Envelope of 2 acres consistent with what is proposed for the AE Zone District. Second as recommended by the Forest Review Committee is the expansion of building setbacks from adjoining Timberland parcels to protect timber operations from being adversely affected by residential structures on adjacent parcels.
3. Ridgeline Development. The concern expressed was to protect ridgelines in other natural resource zones as proposed in the Planned Rural Development District. The area of primary concern are the ridgelines visible from Highway 101 between Arcata and Eureka. To address this, the ridgeline language taken from the PRD zone was added to the AE, TPZ and TE zones with language that these provisions apply only to the Arcata, Jacoby Creek, and Freshwater Community Plan Areas. After the June 18, 2019 Board meeting it was requested that this language also be added to the Mckinleyville, Fieldbrook-Glendale, Tinidad-Westhaven and Orick Community Plan Areas.

To better implement these regulations, the Board could direct a “D - Design Control” Combining Zone be applied to these areas as part of the zoning map update which will soon be presented to the Planning Commission and then considered by the Board of Supervisors. This is included in the recommended action for the Board’s consideration.

The topic of Wildland Fire Interface is too broad to address in the time allotted and requires work outside of the proposed zoning districts. There are many goals, policies, standards and implementation measures in the general plan related to addressing fire hazards and most of these need to be implanted through ordinance requirements. All of these are on the work program to implement the General Plan. It may be appropriate to direct that these be prioritized to be completed by June of 2020.

A significant challenge in the Fire Hazard discussion is relative to maintaining adequate access to residential development for emergency personnel and road capable of providing escape in the event of emergencies. The current fire safe regulations address improvements on the parcel being permitted, but the road leading up to the parcel may be inadequate for emergency vehicle access. This can be addressed by removal of an exemption from SRA Fire Safe Regulations, Section 3111-4., Provisions for Application of These Regulations, as follows:

~~(d) The application of these regulations shall be confined to the real property that is the subject of the building permit or other grant of land use or development approval by the County, unless otherwise stated.~~

It should be noted that there are many existing parcels that are located along roads that do not meet Fire Safe Regulations. It would likely be infeasible for applicants for residential structures in many of these locations to fund the required upgrades to roads to meet minimum requirements and the required upgrades to the roads themselves would involve significant environmental impacts from land clearing,

exposure of soils to erosion and sedimentation of streams from transport of soil.

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:

The proposed new zones were discussed with the cities of Arcata, Blue Lake, Eureka, Fortuna, and Trinidad. No comments from cities or other local or state agencies were received regarding the proposed Zoning text amendments.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Alternatives are embedded in the ordinance contained in Attachment 2. The Board can choose which alternative to retain and delete or give staff additional direction to address the ordinances differently.

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 amending Title III of Humboldt County Code adding Section 314-7.5 "TE - Timberland Exclusive" Principal Zone, adding Section 314-9.1 "MU1 - Mixed Use (Urban)" Principal Zone, adding Section 314-9.2 "MU2 - Mixed Use (Rural)" Principal Zone, adding Section 314-31.2 "PRD - Planned Rural Development" Combining Zone; and amending Section 314-7.1 "AE - Agriculture Exclusive Zone"; and amending Section 314-7.4 "TPZ - Timberland Production Zone," and amending Section 314-17.1 "B-1- Special Building Site" Combining Zone.
3. Post Approval Summary of the Ordinance.
4. 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