



COUNTY OF HUMBOLDT

Legislation Text

File #: 19-788, Version: 1

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 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, which was prepared in accordance with 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: “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 314-9.1 “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; 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 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 11th, the Board is scheduled to consider the following Zoning Text amendments “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. During today’s hearing, the Board is scheduled consider adding “MU1” (Urban) and “MU2” (Rural) Mixed Use Zones, adding a “PRD - Planned Rural Development Combining Zone,” and amending the “AE - Agriculture Exclusive Zone” and “TPZ - Timberland Production Zone,” and amending the “B-1” Special Building Site Combining Zone. The Planning Commission considered these Zoning Text changes on April 18, 2019 and May 2, 2019, and the Commission’s Resolutions, and Supplemental Information are contained in Attachment 4.

Following is a summary of the Zoning Code amendments that the Board will be considering today. Attachment 2 contains the proposed text amendments in their entirety.

Mixed Use. Add a new “MU1” (Urban) and “MU2” (Rural) Mixed Use Zones to be applied to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan land use designations. This implements UL-P6, “Mixed-Use Zoning”, UL-S1, “Allowed Uses” in Mixed-Use Areas, and UL-IM1, Neighborhood and Town Centers of the Urban Lands Section of the Land Use Element. The goal of the mixed-use zones is to offer a range of

commercial, office, housing and civic activities. The zones are intended to minimize conflicts between uses through performance measures used to guide approval of principally permitted uses and findings to guide the approval of discretionary uses.

PRD - Planned Rural Development. Add a new “PRD - Planned Rural Development” Combining Zone to provide voluntary clustering of home sites at a density above what would otherwise be allowed in order to concentrate permitted development and preserve lands most suitable for permanent continued agricultural production. The “PRD” Combining Zone would implement AG-P1, “Planned Rural Development”, AG-S4, Planned Rural Development Program Clustering Incentive Options, and FR-S1, Planned Rural Development Program Clustering Incentive Options from the Agricultural and Forest Resources Sections of the Land Use Element.

AE - Agriculture Exclusive Zone. Amend Section 314-7.1 “AE - Agriculture Exclusive Zone” to include allowable uses specified in Land Use Element Table 4-G (Allowable Use Types for Resource Production Land Use Designations) and to implement key policies from the Agricultural Resources Section of the Land Use Element, such as to establish criteria for no net loss of ag lands and minimization of the footprint of buildings and impermeable surfaces on prime ag soils, to change the minimum lot size from 20 acres to 60 acres, and to provide an exception to the minimum parcel size for planned agricultural land for the purposes of historic preservation.

TPZ - Timberland Production Zone. Amend Section 314-7.4 “TPZ - Timberland Production Zone” to include allowable uses from Land Use Element Table 4-G and to implement key policies from the Forest Resources Section of the Land Use Element, such as requirements for secondary residential units.

B - Special Building Site. Amend Section 314-1731 “B” Special Building Site Combining Zone to change the “B-1” designation from an 8,000 square foot minimum parcel size to a 6,000 square foot minimum parcel size. Currently an asterisk (“*”) is applied to all residentially zoned property in the Eureka Community Plan Area to indicate that the minimum parcel size is 6,000 square feet instead of the 5,000 square foot parcel size specified for residential zones in the Zoning Ordinance. For clarity, the “B-1” Combining Zone is proposed to be applied to residentially zoned properties in the Eureka Community Plan Area instead of an asterisk to indicate 6,000 square foot minimum parcel size.

Comments received during prior Board meetings, Planning Commission meetings in 2018 and 2019, and meetings with the public, interest groups and agencies, included requests that specific uses be eliminated in the “MU - Mixed Use Zones”, that mixed use parking standards should be more flexible, and that development standards and use restrictions be crafted based on community planning in the area where the mixed use zone is located. Concerns were raised in community meetings that mixed-use zones not be applied until after the community planning has occurred.

The Planning Commission added text to the “MU” Zone “Purpose” to indicate that permitted uses

could be limited and development regulations modified through community specific planning and the application of a combining zone, such as a “Q - Qualified” Combining Zone. Members of the Planning Commission also felt strongly that the use of alternative modes of transportation to mixed use areas best be accomplished through the encouragement of public transit, by limiting automobile parking, and by providing bike facilities.

The Farm Bureau questioned what the new “PRD - Planned Rural Development” Combining Zone is intended to accomplish. A member of the Humboldt Association of Realtors land use committee indicated that they would support the “PRD” Combining Zone “as a way to develop, but not the only way.” The FRC expressed support for the “PRD” Combining Zone. During its discussion of this proposed new Combining Zone, members of the Forestry Review Committee (FRC) sought clarification of the requirement that “95% of subject lands are protected through a conservation easement or equivalent protection.” These concerns were resolved after a discussion with staff regarding alternatives for equivalent means of protection.

The purpose of the Combining Zone is to provide for voluntary clustering of home sites at a density above what would otherwise be allowed in order to concentrate permitted development and preserve lands most suitable for permanent continued agricultural production. The “PRD” Combining Zone or implementing its provisions without the rezoning of the land, could be applied to land planned “AG - Agricultural Grazing”, or “T - Timberland” in the General Plan. These lands would likely be zoned “AE - Agriculture Exclusive Zone” or “TPZ - Timberland Production Zone.” Single family residences, and other agricultural or timber related development compatible with those zones, may be permitted in land zoned “AE” and “TPZ,” with or without the “PRD” Combining Zone. The “PRD” Combining Zone provides development at a density above what would otherwise be allowed in exchange for clustering and the permanent protection of the resource land. In its review of the “PRD” Combining Zone, the Planning Commission struck the requirement in the “Natural Considerations” section that shrubs be retained and added a provision that the retention of major trees be consistent with fuel modification standards contained in the SRA Fire Safe Regulations.

The FRC also provided comments regarding the “AE - Agriculture Exclusive Zone” and “TPZ - Timberland Production Zone.” Regarding the “AE” Zone, the FRC suggested that timber production/timber products processing related uses should be more prominent. Timber Production is listed as a principal permitted use in the “AE” Zone. “Timber products processing plants” are industrial uses and may be permitted in the “AE” Zone with a Use Permit.

Regarding the “TPZ” Zone, minimum yard setbacks, the FRC felt that the current rear yard setbacks of thirty (30) feet were not adequate and discussed a range of potential setback distances from 50 to 200 feet without voting on a particular distance and one or more FRC members suggested that “further is better”. The FRC also suggested that there may be internal inconsistencies in Section 314-7.4.1.6, Special Restrictions Regarding Residences relating to secondary dwelling units. There may currently be inconsistencies relating to secondary, or accessory, dwelling units. Any inconsistencies will be addressed with updates to the Zoning Regulations to be consistent with new state laws regarding accessory dwelling units.

The FRC also recommended that permitted “recreational uses” in the “TPZ” Zone “Principal Permitted Uses Compatible with Timber Production” be amended to allow “mountain biking” and “horseback riding” and that the phrase “including but not limited to” be inserted to ensure that other similar uses could be permitted. Mountain biking and horseback riding could likely be found to be similar to recreational uses of the land by the public that are considered principal permitted uses compatible with timber production like walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing. A public comment was received also requesting that off-highway vehicles be added to this list of recreation uses; however, it may not be possible to find that this use is similar to uses such as walking, hiking, and picnicking. Off-highway vehicle use would likely be allowable with a Use Permit, given that “Temporary Recreational Vehicle Park...and similar recreational uses” may currently be permitted with a Use Permit. Off-highway vehicle use involves impacts, in addition to those of the other recreational uses listed above, the impacts of which on the growing and harvesting of timber and fish and wildlife habitat should likely be considered on a case by case basis.

In addition, verbal and written comments were received at the McKinleyville Municipal Advisory Committee meeting and at Planning Commission meetings suggesting that the County should reconsider allowing residential uses on land zoned “TPZ,” land intended for forest production, especially given wildfire hazards. A state Department of Fish and Wildlife comment letter originally submitted to the county in 2008 during the General Plan Update process was resubmitted by a member of the public expressing concerns about potentially significant impacts from urban and rural residential development on agricultural and forest lands.

FINANCIAL IMPACT:

The salary funding for this work is included 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 “PRD” Combining Zone and the “AE” or “TPZ” 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 new “PRD” Combining Zone or proposed amendments to the “AE” or “TPZ” zones.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Comments from the FRC suggested that minimum yard setbacks in the “TPZ” Zone should be increased and discussed a range of potential setback distances from 50 to 200 feet without voting on a particular distance and one or more FRC members suggested that “further is better”. Concerns regarding yard setbacks relate to land use compatibility or nuisances, fuel hazards, and the encroachment of non-timber production related uses on “TPZ” Zoned land.

Parcels that area entirely zoned “TPZ” (approximately 4,300 total parcels) range in size from less than one acre to 880 acres, with an average parcel size of approximately 150 acres. Over 95 percent of TPZ parcels are five acres or greater. Parcels that are five acres or greater would likely be able to accommodate yard setbacks of between 50 and 200 feet. If yard setback requirements were increased, the exceptions to yard setback provisions in Section 314-99.1 should be amended to allow exceptions for substandard “TPZ” lots under certain circumstances.

Given that concerns regarding yard setbacks relate to land use compatibility or nuisances, fuel hazards, and the encroachment of non-timber production related uses on “TPZ” Zoned land, the Board may wish to consider increasing yard setbacks for land adjacent to “TPZ” Zoned land. Standard FR-S2, Forestland-Residential Interface (FRI), requires forested setbacks between residential uses and timberlands to minimize land use conflicts. However, FR-S2 only applies to discretionary projects. The board could consider adding performance standards to the Zoning Regulations that increase yard setbacks for residential uses adjacent to timberlands in order to reduce land use conflicts and to increase fuel reduction requirements to limit the spread of fires to timberlands.

Public comments suggest that the County should reconsider allowing residential uses on land zoned “TPZ,” especially given wildfire hazards. The Board could consider adding performance standards to the Zoning Regulations for residential uses on “TPZ” Zoned land to reduce wildfire hazards and to protect life and property from wildfire.

The Planning Commission did not recommend that the Board approve the proposed “TE -Timberland Exclusive Principal Zone.” This new Zoning District was recommended to create a district appropriate to areas where timberland is the predominant use because the “T - Timberland” General Plan Land Use Designation is an Open Space Land Use designation and “AE - Agriculture Exclusive” Zone is the only Open Space zone other than “TPZ” that can be applied. The AE - Agriculture Exclusive” district is intended to be applied to “fertile areas in which agriculture is the desirable predominant use” which may include timberlands but are not intended to be the predominant use.

The Planning Commission was not in favor of the proposed “TE” Zone as presented, questioning the relatively small minimum parcel size (40 acres), and questioning the necessity of the new zone, suggesting that it could result in forest fragmentation and encourage subdivision and development of timberland. The Planning Commission did not discuss modifications to address these concerns. Members of the Commission indicated that existing zones, in particular the “AE” Zone has appropriately been applied to land planned “T - Timberland” and could continue to do so.

The Board could revisit the proposed “TE” Zone and modify the minimum lot size to address concerns of some of the Planning Commissioners. Attachment 6 is a modified TE-Zone reflecting a sixty acre minimum parcel size intended to address some of the Planning Commission’s concerns for the Boards consideration. Modifications could also take into consideration the concerns of the public relating to the intensification of residential uses in timberland. To the extent that the Board considers applying new performance standards to reduce wildfire hazards and to protect life and property from wildfire, these performance standards could be applied to a modified “TE” 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 amending Title III of Humboldt County Code 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" Combing 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. April 18, 2019, and May 2, 2019 Planning Commission Resolutions, Staff Reports, and Supplemental Information.
5. Link to the Environmental Impact Report for the 2017 General Plan Update
6. Modified version of the TE - Timberland Exclusive Zone with a 60-acre minimum parcel size.

PREVIOUS ACTION/REFERRAL:

Board Order No.: J-21

Meeting of: January 15, 2019

File No.: 18-1694