

ORDINANCE NO. 1803

AN ORDINANCE AMENDING SECTION 313-4 OF
THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY
IN THE REDWAY AREA
(GARBERVILLE/REDWAY/BENBOW/ALDERPOINT (GRBA) COMMUNITY PLAN IMPLEMENTATION)

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

SECTION 1.

PARAGRAPH 1.1 ZONE AMENDMENT. Section 313-4 of the Humboldt County Code is hereby amended by reclassifying the properties described in Attachment A from "R-1" (Residential, One Family) to R3-Q (Qualified Residential Multi-Family) Zone. The properties are also shown on the GRBA Community Plan Zoning Map No. 1 of 2 on file at the Humboldt County Planning Department.

PARAGRAPH 1.2 ZONE QUALIFICATION. The special restrictions and regulations set forth in this section are hereby made applicable to the property described in Paragraph 1.1 in accordance with Humboldt County Code Section 315-6, which authorizes restriction of the R-3 zone regulations by application of the "Q" (Qualified Combining) Zone.

PARAGRAPH 1.3 PURPOSE OF QUALIFICATIONS. The purposes of the special restrictions and regulations herein imposed on the property described in Paragraph 1.1 are:

- a. To provide for multi-family residential housing opportunity consistent with RL General Plan density.
- b. To prohibit encroachment out onto Briceland Road.

PARAGRAPH 1.4 SPECIAL RESTRICTIONS. Principal permitted uses and conditionally permitted uses otherwise allowed under the R-3 (Residential Multi-Family) Zone regulations of Humboldt County Code Section 314-31 (a) and (b) shall not be allowed on the property described in Paragraph 1.1 except as provided for below:

(a) Principal Permitted Uses:

- (1) One-family and two-family dwellings.
- (2) Dwelling groups and multiple dwellings for not more than four (4) families.
- (3) Keeping of no more than two (2) household pets for each dwelling unit.

(b) Uses Permitted with a Use Permit:

- (1) Dwelling groups and multiple dwellings for more than four (4) families.

(c) Other Regulations

- (1) In addition to the regulations of Section 314-30(c), the following shall apply: No encroachment or vehicular access shall be allowed directly out onto Briceland-Thorne Road.

SECTION 4.

PARAGRAPH 4.1 ZONE AMENDMENT. Section 313-4 of the Humboldt County Code is hereby amended by reclassifying the property described in Attachment D from "R1" (Residential Single-Family) to "R1B3Q" (Qualified Residential Single-Family-Special Building Site Combining) Zone. The properties are also shown on the GRBA Community Plan Zoning Map No. 1 of 2 on file at the Humboldt County Planning Department.

PARAGRAPH 4.2 ZONE QUALIFICATION. The special restrictions and regulations set forth in this section are hereby made applicable to the property described in Paragraph 4.1 in accordance with Humboldt County Code Section 315-6, which authorizes restriction of the R1 zone regulations by application of the "Q" (Qualified Combining) Zone.

PARAGRAPH 4.3 PURPOSE OF QUALIFICATION. The purpose of the special restrictions and regulations herein imposed on the property described in Paragraph 4.1 are:

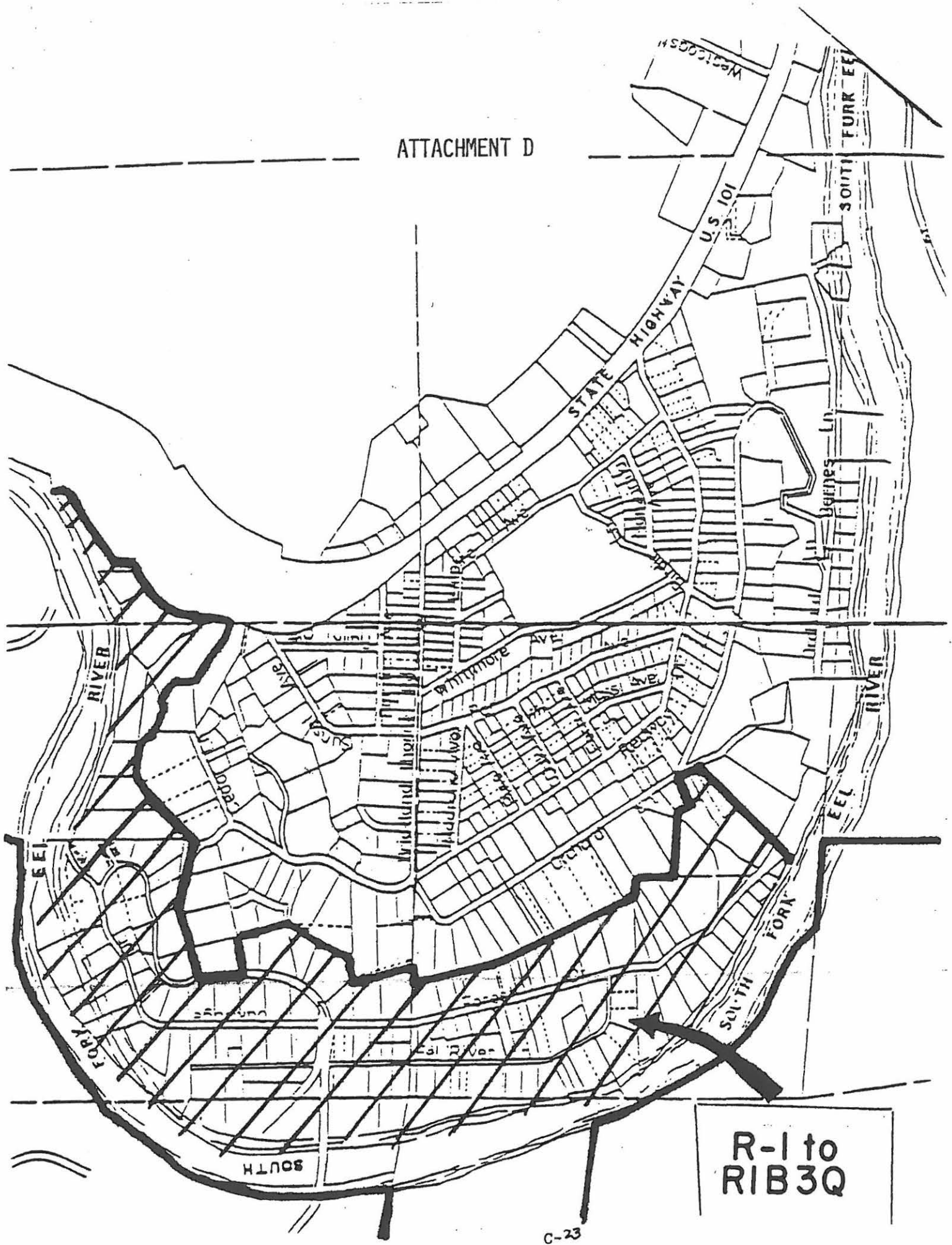
- a. To establish criteria for the protection and cutting of old growth redwood.

PARAGRAPH 4. SPECIAL RESTRICTIONS. Principal permitted uses and conditionally permitted uses otherwise allowed under the Zone regulations of the Humboldt County Code Section 314-24 (a) and (b) shall be allowed on the properties described in Paragraph 4.1 consistent with the following limitations:

(a) Other Regulations: In addition to the regulations of Section 314-24 (c), the following shall also apply:

- (1) The cutting of old growth redwood shall be limited to that necessary for the site of the building.
- (2) Cutting shall not precede Health Department sewage disposal clearance.
- (3) A registered professional forester is to be consulted and his recommendations for the cut are to be followed to the satisfaction of the Planning Director, in conjunction with the recommendation of the California Department of Forestry, the Department of Fish & Game (where habitat concerns may exist), and other referral agencies as determined appropriate by the Planning Director.

ATTACHMENT D



R-1 to
RIB3Q

ORDINANCE NO. 2112

AMENDING SECTION 313-4 OF THE HUMBOLDT COUNTY CODE
BY REVISING THE PROVISIONS OF THE QUALIFIED ZONE FOR
PROPERTY IN THE LOWER REDWAY AREA

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

Paragraph 1. ZONE AMENDMENT. Section 313-4 of the Humboldt County Code is hereby amended by revising the language of the Qualified Zoning Ordinance that applies to the property described in Exhibit A. The properties are also shown on the Garberville Redway Benbow Alderpoint Community Plan Zoning Map No. 1 of 2 on file at the Humboldt County Planning and Building Department.

Paragraph 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in this section are hereby made applicable to the property described in Paragraph 1 in accordance with Humboldt County Code Section 315-6 which authorizes restriction of the R-1 zone regulations by application of the "Q" (Qualified Combining) Zone.

Paragraph 3. PURPOSE OF QUALIFICATION. The purpose of the special restrictions and regulations herein imposed on the property described in Paragraph 1 is:

- a. To protect redwood trees greater than twelve inches (12") in diameter at breast height (four and one half feet above the ground) while allowing for the maintenance and development of permitted uses.

Paragraph 4. SPECIAL RESTRICTIONS. Principal permitted uses and conditionally permitted uses otherwise allowed under the Zone regulations of the Humboldt County Code Section 314-24(a) and (b) shall be allowed on the properties described in Paragraph 1 consistent with the following limitations:

- a) Other Regulations. In addition to the regulations of Section 314-24(c), the following shall also apply:
 - 1) A Special Permit shall be required for the removal of any redwood greater than twelve inches (12") in diameter at breast height (dbh).
 - 2) The removal of any redwood greater than twelve inches (12") dbh shall be limited to 1) removal of trees within the physical footprint of a permitted building where there are no other feasible locations on the property which would allow for the trees to remain upon construction of the building, or 2) removal of trees upon demonstration that such a tree, due to damage or disease is in imminent danger of falling, thus creating an immediate hazard. (Driveways, and off street parking areas, on-site sewage disposal systems shall not be considered part of the physical footprint of a permitted building.)
 - 3) Such removal shall not precede Health Department sewage disposal clearance.

(I) The location, nature and cause of the emergency;

(II) The remedial, protective or preventative work required to deal with the emergency;
and

(III) The circumstances during the emergency that appear to justify the waiver of procedural requirements, including the probable consequences of failing to take immediate corrective action.

(ii) Proceedings for Waiver of Procedures. The Planning Director shall verify the existence and nature of the emergency and, insofar as time allows, the facts relied upon by the petitioner. The Planning Department shall provide public notice of the emergency work, with the extent and type of notice to be determined on the basis of the nature of the emergency.

(iii) Criteria for Waiver of Procedures The normal procedural requirements for obtaining a Special Permit may be waived, and an emergency Special Permit may be conditionally or unconditionally granted, only if the Planning Director makes all of the following findings:

(I) An emergency exists that requires action more quickly than permitted by strict adherence to procedural requirements;

(II) Public comment received on the emergency action proposed, if any, has been reviewed and considered;

(III) The emergency action would be consistent with the policies of the adopted County General Plan and the regulations of this zoning ordinance.

(IV) The proposed work can and will likely be completed within thirty (30) days, unless otherwise specified by the Planning Director; and

(iv) Special Permit Required. Following the issuance of an emergency Special Permit, application shall be made for the required Special Permit in accordance with the other applicable provisions of this Paragraph.

Paragraph 5. PENALTIES FOR NON-COMPLIANCE. Cutting and/or removal of redwood trees greater than 12" dbh conducted without first obtaining approval of the Planning Director as specified in Paragraph 4 are inconsistent with the County General Plan, the Lower Redway R-1-B-3-Q Zoning District and pose a threat to public health, safety and welfare, and are therefore prohibited.

- a. Any violation of any of the provisions of the zoning restrictions listed above in Paragraph 4 shall be declared to be a public nuisance and shall be subject to injunction and abatement as such.
- b. Any nuisance as defined in Paragraph 5. a) above may be abated through the procedures provided for in Humboldt County Code Sections 351-11 through 351-44. The procedure for said abatement provided herein shall not be exclusive, but shall be cumulative and in addition to any other abatement procedure, or any other remedies provided by the laws of California or the Code of the County of Humboldt.