

**HUMBOLDT BAY MUNICIPAL WATER DISTRICT**

To: Board of Directors

From: John Friedenbach

Date: October 30, 2018

Subject: Humboldt County New Zoning Districts

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**Background**

- In 2017, the County adopted a General Plan update designating the Mercer Fraser property Industrial, Resource Related.  
The following zoning designations are consistent with that General Plan designation:
  - Limited Industrial - ML – Q
  - Heavy Industrial - MH – Q
  - Flood Plain- FP
  - Agriculture Exclusive - AE
  - TPZ
- In January of 2018, the Planning Commission approved a special use permit and zone change for parcel 504-161-010, the Mercer Fraser Property, changing the zoning from Agricultural AG to Heavy Industrial MH-Q.
- HBMWD appealed on the grounds that industrial uses adjacent to the Mad River pose the risk of contaminating the river and were not adequately studied in the EIR prepared for the General Plan update. Mercer Fraser subsequently withdrew the application for the special use permit and zone change.
- This month, the County began the process of rezoning properties to be consistent with the 2017 General Plan designations. On October 4 and October 18, 2018, the Planning Commission considered zoning amendments to add four new zoning districts to be consistent with the 2017 General Plan. The District submitted comments regarding newly proposed zoning districts for the October 4, 2018 Planning Commission meeting. See attached letter dated October 3, 2018. Pages 71-74 That agenda item was continued to their October 18<sup>th</sup> Planning Commission meeting. Following the October 4<sup>th</sup> meeting, District staff met with Director John Ford and planner John Miller to discuss our concerns contained in our October 3<sup>rd</sup> letter. The Planning Department staff revised their recommendations for the zoning districts and addressed our District's concerns. See attached letter dated October 18, 2018 and planning staff report for their October 18<sup>th</sup> agenda. Pages 58-70
- On November 1, 2018, the Planning Commission will consider adding six more districts and adding "Streamside Management Area and Wetlands" and "Airport Safety Review" combining zones to various areas to be consistent with General Plan Standards, including BR-S5. See attached planning staff report. Pages 3-57

- The Planning Commission, on November 1, 2018, is also considering modifications to zoning on 30 individual parcels, in response to landowner or other interested party requests. One of these is the Mercer Fraser property on Glendale Drive at Essex adjacent to our Collector 3 property. (E-46)
- County staff had originally proposed to zone the property Agriculture Exclusive (AE), with Mineral Resource and Watershed Resources combining districts, in part to make the site consistent with General Plan Policy BR-S5 related to stream management. Staff now proposes that *all* lands that currently have a General Plan designation of IR, whose zoning is inconsistent with IR, such as the Mercer Fraser property, be rezoned Heavy Industrial (MH) with a Qualified overlay. This broad sweeping approach to rezoning fails to consider the characteristics of the particular site that lead it to be designated IR, and certainly fails to consider how zoning the Mercer Fraser and other Mad River watershed sites Heavy Industrial may be pose a threat to the Mad River and may be inconsistent with BR-S5 and the Streamside Management Ordinance.

Proposed Approach to Consider

1. Prepare a letter to the County to submit in advance of Thursday's meeting detailing how designating the Mercer Fraser and other properties in the Mad River watershed as Heavy Industrial is inconsistent with other County policies and poses a threat to the Mad River. Recall that Department of Fish and Wildlife identified this concern in a letter earlier this year.
2. Prepare data to submit to the County Board of supervisors showing why this designation threatens the Mad River watershed.
3. Prepare a more robust letter for the Board of Supervisors and consider having staff from The Thomas Law group office appear and testify on behalf of the District at the Board of Supervisors.
4. District Directors speak one on one with their counterparts on the Board of Supervisors.



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Hearing Date: November 1, 2018

To: Humboldt County Planning Commission

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

Subject: **Zoning Text Amendments and Zone Reclassifications to Implement the General Plan**

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Please contact John Miller, Senior Planner, at 707-268-3781, or by email at [jpmiller@co.humboldt.ca.us](mailto:jpmiller@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b>	<b>Subject</b>	<b>Contact</b>
November 1, 2018	General Plan Implementation Zone Text Amendments and Reclassifications	John Miller

**Project Description:** This project proposes adding new Zoning Districts to the Inland Zoning Ordinance and the 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 Zoning Districts are proposed to be added to the Inland Zoning regulations including the following:

- 1) "MU1" (Urban) and "MU2" (Rural) Mixed Use Zones applied to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations,
- 2) "PR - Public Resource and Recreation" Zone to apply to the publicly owned lands with a "Public Lands" General Plan Land Use designation.
- 3) "TE - Timberland Exclusive" Zone to apply to areas with a "T - Timberland" General Plan Land Use designation that are not zoned "TPZ" or AE-B-5-(160) and part of an agricultural preserve.
- 4) "TL - Tribal Land" Zone to apply it to the areas with a "TL - Tribal Lands" or a "TTL - Tribal Trust Lands" General Plan Land Use designation.
- 5) "RR - Railroad" Combining Zone to be applied to NCRA railroad rights of way, and along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake,
- 6) "MR - Mineral Resources" Combining Zone to be applied to parcels with permitted surface mining operations, and
- 7) Apply the existing "WR - Streamside Management Areas and Wetlands" and "AP - Airport Safety Review" Combining Zones to Streamside Management Areas per General Plan Standard BR-S5, Streamside Management Area Defined, and S-IM16, Airport Safety Review Combining Zone, respectively.
- 8) Assign specific zones to all areas currently zoned "U - Unclassified" or with zones not 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 and Text Amendment Ordinance in accordance with Section 15168 (c)(2) and 15162 of the State CEQA Guidelines.

**Major Issues:** The proposed amendments to the Zoning Regulations and 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.

**ZONING TEXT AMENDMENTS AND ZONE RECLASSIFICATIONS TO IMPLEMENT THE GENERAL PLAN**

Case Numbers N/A

Assessor's Parcel Number (APN): Various

**Recommended Commission Action**

1. Describe the Zoning Text Amendments and countywide Zone Reclassifications as a Public Hearing;
2. Request staff to present the project;
3. Open the public hearing and receive public testimony; and
4. Close the public hearing, deliberate on the proposed zoning text and zoning map amendments;
5. Make the following motion:  
Recommend that the Board of Supervisors take the following actions:

- (a) Consider the Environmental Impact Report for the Humboldt County General Plan and find that it sufficiently addresses the potential environmental impacts associated with adoption of the Zone Reclassifications and Text Amendment Ordinance and was prepared in accordance with Section 15168 (c)(2) and 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 based on evidence in the staff report and public testimony; and
- (c) Adopt the ordinance implementing the Zoning Text Amendments and Zone Reclassifications, as delineated in Exhibits 2-4 of the Planning Commission Resolution.

**Executive Summary**

The ultimate objective of this project is to bring consistency between the Zoning Regulations and Maps and 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 Regulations 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 Regulations for consistency with the policies of the General Plan and to revise the Zoning Map for consistency with the General Plan Land Use Map. This project does that by adding Principal and Combining Zones to the Inland Zoning Ordinance, and applying these new zones as well as applying other consistent zones to properties as described in the General Plan.

Another 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.

TPZ zoning is only consistent with the T – Timber Production, AE – Agricultural Exclusive, AG – Agricultural Grazing, or IR – Industrial, Resource Related and TPZ may be used as a holding zone until rezoned to be consistent with planned uses. Properties zoned TPZ - Timber Production Zone with an incompatible General Plan Land Use 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 Regulations and Maps and the General Plan.

*Amendments to the Zoning Regulations (See Attachment 3)*

- Add Urban and Rural Mixed Use Zones to apply to areas planned MU – Mixed Use, VC – Village Center, and RCC – Rural Community Center per Land Use Element, Urban Lands Section Policy **UL-P6 - Mixed-Use Zoning**, Standard **UL-S1 - Allowed Uses in Mixed-Use Areas**, and Implementation Measure **UL-IM1 - Neighborhood and Town Centers**. The new Zone District "MU1 – Mixed Use (Urban)" will be applied to urban mixed use areas and the new "MU2 – Mixed Use (Rural)" Zone District will be applied to rural mixed use areas.
- Add a "PR - Public Resource and Recreation" Zone to the Zoning Ordinance and apply it to the publicly-owned lands with a "P - Public Lands" General Plan Land Use designation. The application of the proposed "PR" zone to resource and recreation land within the County under the jurisdiction of federal, state, county would clearly show areas where the intended use is public recreation, or resource protection or production and where the County may lack land use jurisdiction.
- Add a "TE - Timberland Exclusive" Zone to the Zoning Ordinance and apply it to the areas with a "T - Timberland" General Plan Land Use designation that are not zoned "TPZ - Timber Production Zone" or zoned "AE-B-5(160)" as part of an agricultural preserve. "T - Timberland" is an Open Space Land Use designation and "AE – Agriculture Exclusive" Zone is the only Open Space zone other than "TPZ." In addition, AE – Agriculture Exclusive" 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.
- Add a "TL - Tribal Land" Zone to the Zoning Ordinance and apply it to the areas with a "TTL - Tribal Trust Lands" General Plan Land Use designation or a "TL - Tribal Lands" Land Use designation that are not zoned "TPZ". The application of the proposed "TL - Tribal Land" Zone would show land located on Native American Reservations and Rancherias and require that applications for land use and permit approvals within these areas would follow a process to determine if the County has land use jurisdiction.
- Add a new "RR - Railroad" Combining Zone per Circulation Element Policy **C-P14 - Rail Rights-of-Way** and Implementation Measure **C-IM16 - Mapping of Rail Rights-of-Way as Railroad**.

- Add an "MR – Mineral Resources" Combining Zone to facilitate implementation of the County's regulations for surface mining, conservation, and reclamation. The purpose of the MR Combining Zone is to ensure the compatibility of adjacent uses. The MR combining zone is proposed to be applied to parcels with permitted surface mining operations per Conservation and Open Space Element Mineral Resources Section Implementation Measure **MR-IM4 - Combining Zone**. An alternative is presented to also apply this new MR Combining Zone to surrounding properties to help ensure land use compatibility with surface mining operations.
- Amend the "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<sup>1</sup>.

#### *Zoning Map Changes*

- 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.
- Apply two new Combining Zones:
  - The "MR - Mineral Resources" Combining Zone is proposed to be applied to parcels with permitted surface mining operations, or SMARA sites. Strict interpretation of Implementation Measure **MR-IM4 - Combining Zone** would limit application of the MR Combining Zone to parcels with permitted surface mining operations. An alternative is presented to also apply this new MR Combining Zone 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. Staff recommends that the Planning Commission consider applying the MR Combining Zone to these surrounding areas in addition to the mining sites themselves. 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

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<sup>1</sup> Note: The "B-1" designation is currently applied to one property in the County, Assessor's Parcel Number 511-082-003 which is owned by Humboldt County and part of the Arcata-Eureka Airport. This parcel is recommended to be rezoned to "AV - Airport Zone".

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 is proposed to be 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 the outer boundaries of all of the Streamside Management Area as defined by General Plan Standard BR-S5, Streamside Management Area Defined.
- 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 and applying the new TE, PR and TL zones as described above. Approximately 530,350 acres zoned "U" would be affected.

#### *Individual Zoning Requests*

During the October 4, 2018, Planning Commission meeting, verbal and written requests were received from several property owners to change the proposed re-zoning of their land. Requests included changes to Principal Zones or to the minimum lot sizes proposed by staff; the application of a combining zone; or to correct mapping errors.

Based on Table 4-H, Zoning Consistency Matrix, most General Plan Land Use Designations have a number of Zone Classifications that are identified as consistent. In addition, the residential density range may allow for the application of a range of minimum lot sizes consistent with the Land Use Map. In making recommendations, Planning staff relied upon data contained with the County's Geographic Information System (GIS) and compared existing Zoning Classifications to the General Plan Land Use Designations identified on the Land Use Element Maps. Where Zoning Classifications were found to be consistent based on Table 4-H, Zoning Consistency Matrix and the minimum lot size was consistent with the specified residential density range, no changes were recommended. Where the existing zone is "U - Unclassified" or an inconsistency was found, staff has made recommendations regarding the appropriate Principal and Combining Zoning Classifications to ensure that the minimum lot size is consistent with General Plan density range.

Planning staff used standardized approaches in applying consistent zones and minimum lot sizes. In particular, areas Planned RA or RE on the General Plan Land Use Map often have a density range (e.g., RA20-160). In these instances, staff first considered whether or not the area is within or outside Community Planning Areas (CPAs) and the predominant land use type. Within CPAs staff is proposing to apply the "RA - Rural Residential Agriculture" Zone to lands planned Residential Agriculture (RA) and to lands planned Residential Estates (RE) based on the following:

- Within Community Planning Areas apply the "RA - Rural Residential Agriculture" Zone to lands planned Residential Agriculture (RA) and to lands planned Residential Estates (RE). Both the RA and RE General Plan Land Use Designations are Residential Land Use Designations, where residential uses are the primary allowable use, but manufactured home parks, general agriculture, community commercial are also allowable use types.



- Outside Community Planning Areas apply the "AG - Agriculture General Zone" to lands planned Residential Agriculture (RA) and to lands planned Residential Estates (RE) because these areas are not expected to rely upon community water or wastewater services. The RA zone is also be applied outside Community Plan Areas where water service is provided and to areas where urban sized lots are present.
- Apply an "FR - Forestry Recreation" Zone to lands outside Community Planning Areas containing large timberland lots or a mixture of residential and commercial, largely visitor serving commercial uses, that is planned Residential Agriculture.

The following additional factors were considered when applying Principal Zones and minimum lot size to best reflect the Land Use Map and other policies of the General Plan:

- What services are available (located within a district that provides water or sewer & water)
  - If there is a district authorized to provide services minimum lot sizes reflecting the lower density range are reflected
  - If there is no authorized service provider minimum lot sizes reflecting the upper density range are reflected
- What is the road access (proximity to public road, dead end road, remoteness)
  - If there area is adjacent to a through road minimum lot sizes reflecting the lower density range are reflected
  - If there area is served by an extended dead end road lot sizes reflecting the upper density range are reflected
- How best to achieve compatibility with surrounding Zoning Districts, especially Open Space Land Use Designations CF, NR, OS, PR, P, T, AE, and AE
  - If the area is largely surrounded by open space lands lot sizes reflecting the upper density range are reflected
- And the average size of parcels within the Zoning District
  - The average size of parcels within an areas guided the decision regarding the minimum lot size

Staff has reviewed each individual zoning request (see Attachment 7, Public Comments) and provided information relating to the location, General Plan land use, current zone, proposed zone, and the rationale for the proposed zone in a table contained in Attachment 6. In addition to these individual requests, the Willow Creek Community Services District (WCCSD) and the Humboldt Bay Municipal Water District (HBMWD) expressed concerns regarding the proposed Principal Zones applied to land planned Industrial, Resource Related and the WCCSD expressed concern regarding Principal Zone applied to the Big Foot Golf Course planned Commercial Recreation. These concerns are also presented in Attachment 6. Planning Commissioners are encouraged to review these requests (see Attachment 7, Public Comments) and the information contained in Attachment 6 prior to making a recommendation.

#### *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 nor those applications that have been withdrawn either at the request of an applicant or because they were not made complete within the required timeframe.

### *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 actually 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.

### *Public Outreach*

Several members of the public requested that the Planning Commission encourage the Board of Supervisors to initiate a public outreach process for the Zoning Text Amendments and Zone Reclassifications to Implement the General Plan. Planning staff have considered the implementation of the General Plan Land Use Map and Policy through Amendments to the Zoning Map and Zoning Regulations a continuation of the General Plan Update process and not requiring public outreach beyond the project webpage (<https://humboldt.gov.org/2429/Implementation>), newspaper notices, and public hearings before the Planning Commission and Board of Supervisors.

After October 23, 2017, the General Plan Update was the official land use policy of the County and has been implemented as such during project review. Where the new Land Use Designation and Zone are not consistent and there is a land use application, the application is reviewed based on the allowable uses and density of the General Plan Land Use Designation. Planners regularly do the following: (1) apply the Streamside Management Area policies and WR Combining Zone based on the standards in the General Plan (BR-S5, Streamside Management Area Defined); (2) consider airport land use compatibility based on "AP" General Plan overlay land use designation and Table 14-A of the Safety Element; (3) ensure conflicts between project and other policy areas such as NCRA rights of way based on the "Railroad" General Plan overlay designation and the policies of the Circulation Element; and (4) evaluate project consistency with the General Plan based on the Plan's 15 Chapters, Map Book, and Community Area Plans Policy Extract.

The General Plan Implementation Action Plan, Appendix A, identifies "Amendments to the Zoning Map and Zoning Regulations" as the most important implementation action. Appendix A specifically states on page A-2, that the "first two years following the adoption of the General Plan will involve some of the most critical implementation programs. Among the most important will be the Zoning Map amendments to resolve Zone Classification/General Plan Land Use inconsistencies resulting from the General Plan Update and the precise Zoning Map amendments to apply appropriate Zone Classifications to areas currently zoned Unclassified. In addition, there will be need to make amendments to the Zoning Regulations to modify regulations changed by the General Plan Update such as Streamside Management Area regulations, and to implement new Zone Classifications such as the new mineral resources (MR)

combining zone."

There were many community meetings, public hearings before the Planning Commission and Board of Supervisors where land use changes were the primary focus. These changes have been made by legislative action by the Board and are currently being implemented. Many land owners have a familiarity with "Zoning" and how it governs the uses of their property, more so than they understand the General Plan. In order for the public to be fully aware of the land use changes that were made, the Zoning Regulations and Maps need to be amended to fully reflect the adopted General Plan.

The Zoning Amendments before the Commission are a priority implementation of the General Plan consistent with land use map and policy changes and discussion that were already the subject of considerable public outreach and participation so staff is not recommending a more rigorous public engagement effort with this implementation measure.

**Planning Commission Alternatives:** The Planning Commission should consider the requests from individual property owners and the alternative recommendations presented by staff, including the new TE, PR and TL zones.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 18-**

**Zoning Text Amendments and Zone Reclassifications  
to Implement the General Plan**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and approves the Zoning Text Amendments and Zone Reclassifications to Implement the Humboldt County General Plan.**

**WHEREAS**, Humboldt County initiated Zoning Text Amendments and Zone Reclassifications to Implement Humboldt County General Plan Land Use Element Implementation Measure GP-IM6. Zoning Consistency, which directs the County to, within two years after the adoption of the General Plan Update, revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and amend the Zoning Map to achieve consistency with the General Plan Land Use Map; and

**WHEREAS**, Recommended amendments to the Zoning Regulations and the application of Zoning Districts to the Zoning Map, as well as the recommended minimum lot size were developed consistent with the applicable General Plan Land Use Designation and Table 4-H Zoning Consistency Matrix; and

**WHEREAS**, the proposed Zoning Text Amendments and Zone Reclassifications may be approved if it can be found that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; and (3) the amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law;

**WHEREAS**, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

**WHEREAS**, recommend that the Board of Supervisors make findings that 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 and Text Amendment Ordinance was prepared in accordance with Section 15168 (c)(2) and 15162 of the State CEQA Guidelines. The recommended amendments to the Zoning Regulations and the application of Zoning Districts to the Zoning Map were included in discussions of the PEIR, as required by Section 15074(b) of the CEQA Guidelines, and there is no substantial evidence that the proposed project will have a significant effect on the environment; and

**WHEREAS**, PEIR Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies updating the Zoning Code in a manner consistent with the General Plan as a key implementing action; and

**WHEREAS**, Attachment 1 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed amendments to the Zoning Text and Zoning Maps; and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on October 4, 2018, October 18 and on November 1, 2018.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. There is no substantial evidence that the proposed amendments to the Zoning Text and Zoning Maps to Implement the General Plan will have a significant effect on the environment not already considered in the EIR for the General Plan; and
2. The proposed amendments to the Zoning Text and Zoning Maps to Implement the General Plan are in the public interest; and
3. The proposed amendments to the Zoning Text and Zoning Maps to Implement the General Plan are consistent with the General Plan; and
4. The proposed amendments to the Zoning Text and Zoning Maps do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
5. The Planning Commission makes the findings in Attachment 1 of the Planning Division staff report based on the evidence provided.

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Find that 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 to addresses the potential environmental impacts associated with adoption of the Zone Reclassifications and Text Amendment Ordinance and was prepared in accordance with Section 15168 (c)(2) of the CEQA Guidelines to anticipate adoption of Zoning Text and Map Amendments to implement the General Plan and no new information has been presented change the findings of the EIR in accordance with section 15162 of the State CEQA Guidelines;.
2. Make all of the required findings for adoption of the Zoning changes based on evidence in Attachment 1 to this resolution
3. Adopt an ordinance, making the amendments to the Zoning Regulations to add the following Principal Zones: "MU1 - Mixed Use (Urban)", "MU2 - Mixed Use (Rural)", "PR - Public Resource and Recreation", "TE - Timberland Exclusive", and TL - Tribal Land"; add the "MR - Mineral Resources" Combining Zone; add the "RR - Railroad" Combining Zone; amend the "B-1" Special Building Site Combining Zone as shown in Attachment 3; and amend the Zoning Maps to apply the proposed Zone Classifications to achieve consistency with the General Plan Land Use Maps as shown in Attachment 5.
4. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on \_\_\_\_\_, 2018.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

---

John Ford, Director  
Planning and Building Department

## Exhibit 1

## Evidence Supporting the Required Findings

**A. Zone Reclassification Required Findings:** Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve a Zone Reclassification. The required findings are as follows:

1. The proposed change is in the public interest; and
2. That the proposed change is consistent with the General Plan; and
3. The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law unless the following written findings are made supported by substantial evidence:
  - a. The reduction is consistent with the adopted general plan, including the housing element, and
  - b. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and
  - c. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

In addition, of the California Environmental Quality Act (CEQA) apply:

4. CEQA requires that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA
  - a) That the project is either categorically or statutorily exempt; or
  - b) That there is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
  - c) That an environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of significance, or the required findings in Section 15091 of the CEQA Guidelines are made.

**1. Public Interest:** The following table identifies the evidence which supports finding that the proposed zone reclassification is in the public interest.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§312-50 of Humboldt County Code	The proposed zone reclassification is in the public interest	The purpose this project is to ensure consistency between the General Plan Land Use policy and Map and the Zoning Regulations and Map. The proposed project amends the Zoning Regulations to add Principal and Combining Zones specified in the General Plan and applies Zoning Classifications countywide to provide for consistency with the General Plan Land Use Designations identified on the General Plan Land Use Map and Table 4-H Zoning Consistency Matrix. This project is in the public interest because it achieves consistency between the General Plan and the Zoning Regulations and Zoning Map.

The following analysis was used to identify the zones for specific areas most consistent with Table 4-H of the General Plan, the Zoning Consistency Matrix:

- Within Community Planning Areas apply the "RA - Rural Residential Agriculture" Zone to lands planned Residential Agriculture (RA) and to lands planned Residential Estates (RE). Both the RA and RE General Plan Land Use Designations are Residential Land Use Designations, where residential uses are the primary allowable use, but manufactured home parks, general agriculture, community commercial are also allowable use types.
- Outside Community Planning Areas apply the "AG - Agriculture General Zone" to lands planned Residential Agriculture (RA) and to lands planned Residential Estates (RE) because these areas are not expected to rely upon community water or wastewater services. The RA zone is also be applied outside Community Plan Areas where water service is provided and to areas where urban sized lots are present.
- Apply an "FR - Forestry Recreation" Zone to lands outside Community Planning Areas containing large timberland lots or a mixture of residential and commercial, largely visitor serving commercial uses, that is planned Residential Agriculture.
- Apply the "B - Special Building Site" Combining Zone to take into consideration factors such as service availability, proximity to an established road network, surrounding land uses; and the average parcel size within the zoning district.
- Apply the "PF1 - Public Facilities-Urban" Zone to lands planned Public Facility (PF) if they are located within Community Planning Areas and either have or are expected to have essential services or extensive impact civic uses, and apply the "PF2 - Public Facilities-Rural" Zone if located outside Community Planning Areas and where existing or planned uses are less intensive.
- Apply the "AE - Agriculture Exclusive" Zone, as identified in the Open Space Action Plan, to lands planned Agriculture Exclusive (AE), or Agriculture Grazing (AG) that are not zoned TPZ.



- Apply the "AE - Agriculture Exclusive" Zone with a "B - Special Building Site" Combining Zone specifying a 160 acre minimum lot size to lands within an Class B agricultural preserve or subject to a Williamson Act contract that are currently zoned "U - Unclassified". Parcels within a Class B agricultural preserve or subject to a Williamson Act contract are required by contract to be a minimum of 160 acres in size.
- Apply the "TE - Timberland Exclusive" Zone to the areas with a "T - Timberland" General Plan Land Use designation that are not zoned "TPZ - Timber Production Zone" or zoned "AE-B-5(160)" as part of an agricultural preserve. "
- Apply the "TL - Tribal Land" Zone to the Zoning Ordinance and apply it to the areas with a "TTL - Tribal Trust Lands" General Plan Land Use designation or a "TL - Tribal Lands" Land Use designation that are not zoned "TPZ".
- Apply the "PR - Public Resource and Recreation" Zone to the Zoning Ordinance and apply it to the publicly-owned lands with a "P - Public Lands" General Plan Land Use designation.

**2. General Plan Consistency**

The following table identifies the evidence that supports the finding that the proposed development is in conformance with other applicable policies and standards of the Humboldt County General Plan.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4  Land Use Designations Section 4.8	Land Use Designations  Table 4-H. Zoning Consistency Matrix	Using the Geographic Information System (GIS), existing Zoning Classifications on the Zoning Map were compared to the General Plan Land Use Designations identified on the Land Use Element Maps. Where Zoning Classifications were found to be consistent based on Table 4-H, Zoning Consistency Matrix and the minimum lot size was consistent with the specified residential density range, no changes were made. Where an inconsistency was found, appropriate Principal and Combining Zoning Classifications are recommended to applied to ensure that the minimum lot size is consistent with General Plan density range, and that appropriate zones are used to reflect General Plan policy for properties in proximity to public use airports, railroad rights of way, streamside management areas, and mineral extraction sites based on the General Concepts in Applying Compatible Zones per Table 4-H, Zoning Consistency Matrix and described above in the staff report.



Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p>	<p>The General Plan Conservation and Open Space Element Biological Resources Section amended the policies relating to Streamside Management Areas, and Implementation Measure BR-IM6, Modifications to the Streamside Management Area (SMA) Ordinance, would modify the Zoning Regulations to be consistent. The "WR- Streamside Management Area and Wetlands" Combining Zone is applied to areas subject to SMA regulations and the Zoning Map is recommended to be modified to reflect SMAs as prescribed by BR-S5, Streamside Management Areas Defined.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Mineral Resources Section 10.4</p>	<p>Goals and policies contained in this Chapter relate to the identification of the county's known mineral resources and support the conservation, development, and utilization of these resources (MR-G1. Long-Term Supply of Mineral Resources and MR-G2. In-stream Sand and Gravel Extraction)</p>	<p>The "MR - Mineral Resources" Combining Zone is recommended to be added to parcels with permitted surface mining operations, or SMARA sites. Although the implementation measure associated with this action limits the application of the "MR Combining Zone to parcels with permitted surface mining operations, Policy MR-P3. Right to Mine, in the Mineral Resources Section Would suggest that the "MR" Combining Zone should be applied to 1000 feet of vested and permitted surface mining extraction sites to ensure that notice of the right to mine can be recorded against the property for which a discretionary permit is sought. The notice shall advise owners and subsequent interests in ownership that the existing mining operation has a permitted right to continued mining operations. Staff has identified 1000 feet of mining extraction sites areas and recommends that the Planning Commission applying the "MR" Combining Zone to these areas in addition to SMARA sites.</p>

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14	Goals and policies contained in this Chapter relate to to reduce the risk of death, injuries, property damage, and economic and social dislocation resulting from earthquake, fire, flood, and other hazards  (S-G5, Airport Safety)	To ensure that all new development in the vicinity of airports that minimizes exposure to aircraft hazards the "AP - Airport Safety Review" Combining Zone is applied to match the outer boundaries of the Recommended Compatibility Zones contained in the March 1993 Airport Land Use Compatibility Plan.

**3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.**

Chapter 8, Housing Element, of the Humboldt County General Plan obligates that County to accommodate its Regional Housing Need Allocation of 512 moderate and above moderate income households this Housing Element planning period (Humboldt County General Plan Table 8-5, Projected Fair Share Housing Needs, Humboldt County Unincorporated Areas, 2014 – 2019). The Housing Element indicates that the County has an inventory of 1,566 units to meet the moderate and above moderate need. The countywide rezoning project establishes new Zoning Classifications such as the new mixed use zone which supports increased residential densities coupled with commercial uses and applies Zoning Districts to the Zoning Map to be consistent with the General Plan. During the process of General Plan adoption, a rigorous analysis of General Plan consistency was performed, including an analysis of consistency between the Land Use Element and Land Use Maps and the Housing Element, where the General Plan was found to not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**4. 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 and Text Amendment Ordinance in accordance with Section 15168 (c)(2) and 15162 of the State CEQA Guidelines. Findings are included as Attachment 2 of this staff report. Based on the information in the staff report and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the proposed project will have a potential adverse effect either individually or cumulatively, on the environment.

## California Environmental Quality Act (CEQA) Findings For General Plan Implementation GP-IM6. Zoning Consistency

### Background

**Project Description and Project History** – The project involves the following amendments to the Zoning Regulations to establish new Principal and Combining Zones specifically called out in General Plan policies and standards as well as new Principal Zone that more fully implement the General Plan:

- Add "MU1" Urban and "MU2" Rural Mixed Use Zones to apply, as appropriate, to areas planned MU, VC, and RCC per Land Use Element Policy UL-P6. Mixed-Use Zoning, and Standard UL-S1. Allowed Uses in Mixed-Use Areas, and UL-IM1. Neighborhood and Town Centers.
- Add a "PR - Public Resource and Recreation" Zone to the Zoning Ordinance and apply it to the publicly-owned lands with a "P - Public Lands" General Plan Land Use designation. The application of the proposed "PR" zone to resource and recreation land within the County under the jurisdiction of federal, state, county would clearly show areas where the intended use is public recreation, or resource protection or production and where the County may lack land use jurisdiction.
- Add a "TE - Timberland Exclusive" Zone to the Zoning Ordinance and apply it to the areas with a "T - Timberland" General Plan Land Use designation that are not zoned "TPZ - Timber Production Zone" or zoned "AE-B-5(160)" as part of an agricultural preserve. "T - Timberland" is an Open Space Land Use designation and "AE - Agriculture Exclusive" Zone is the only Open Space zone other than "TPZ." In addition, AE - Agriculture Exclusive" 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.
- Add a "TL - Tribal Land" Zone to the Zoning Ordinance and apply it to the areas with a "TTL - Tribal Trust Lands" General Plan Land Use designation or a "TL - Tribal Lands" Land Use designation, which are contained in Land Use Element Section 4.8, that are not zoned "TPZ". The application of the proposed "TL - Tribal Land" Zone would show land located on Native American Reservations and Rancherias and require that applications for land use and permit approvals within these areas would follow a process to determine if the County has land use jurisdiction.
- Add "RR" Railroad Combining Zone per Circulation Element Policy C-P14. Rail Rights-of-Way and Implementation Measure C-IM16. Mapping of Rail Rights-of-Way as Railroad.
- Add an "MR" Combining Zone to facilitate implementation of the County's regulations for surface mining, conservation, and reclamation. The purpose of the "MR" Combining Zone is to ensure compatibility of adjacent uses. The "MR" Combining Zone shall be applied to parcels with permitted surface mining operations per MR-IM4. Combining Zone and may be applied to parcels within 1,000 feet of permitted surface mining operations per Conservation and Open Space Elements Mineral Resources Policy MR-P3. Right to Mine and Standard MR-S7. Hearing Notification ensure compatibility of adjacent and to facilitate implementation of the County's regulations for surface mining, conservation, and reclamation.
- Amend the "B" Special Building Site Combining Zone to change the "B-1" designation from 8,000 square foot minimum building site to 6,000 square foot minimum building site. This Combining Zone would replace the "\*" notation on the Zoning Map and in parcel records to residentially zoned property in the Eureka Community Plan Area (R-1, R-2, R-3, and R-4) to indicate that the minimum lot area is 6,000 square foot instead of the minimum lot area specified in the Zoning Regulations.

This project would also amend the Zoning Maps as directed by General Plan Land Use Element Implementation Measure GP-IM6, Zoning Consistency, to ensure consistency between the General Plan Land Use Designations identified on the Land Use Element Maps to apply appropriate Principal and Combining Zoning Classifications (applied to ensure that the minimum lot size consistent with

density range, proximity to public use airports, and status as mineral extraction site) were applied based on the General Concepts in Applying Compatible Zones per Table 4-H, Zoning Consistency Matrix described in the staff report.

Within the EIR it is noted that:

"Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this RDEIR." In addition, the RDEIR specifically added Mitigation Measure 3.1.3.2.a. to add an implementation measure to the Growth Planning section of the Land Use Element (GP-IM6, Zoning Consistency) to reduce potential impacts related to conflict between the General Plan Update and applicable land use regulations.

Furthermore, CEQA statute (§21083.3(b)) allows that if a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report.

Principal and Combining Zones are recommended to be added and to the Zoning Regulations to implement, and ensure consistency with, the General Plan. Amendments to the Zoning Map involve the application of Zone Classifications to achieve consistency with the General Plan Map using Table 4-H, Zoning Consistency Matrix. In addition, the actions described in the Modified Project Description above are specifically enumerated in the General Plan and contemplated in the RDEIR.

The Planning Commission hereby makes the following findings:

1. The Board of Supervisors has independently reviewed the General Plan Update Program Environmental Impact Report (State Clearinghouse # 2007012089), October 23, 2017 ("Program EIR").
2. The Humboldt County General Plan, through Land Use Element, Growth Planning Implementation Measure GP-IM6, Zoning Consistency, anticipates the need to revise the Zoning Map and Zoning Regulations and directs the County, within two years after the adoption of the General Plan Update, to revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and amend the Zoning Map to achieve consistency with the General Plan Land Use Map.
3. Program EIR Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies that following adoption of the General Plan Update, the General Plan Implementation Action Plan will be carried out. Key implementing actions include updating the Zoning Code. Program EIR Section Chapter 3.1 Land Use, Housing and Population, Impact 3.1.3.2: Conflict with Applicable Land Use Plans, Policies or Regulations, analyzes potential conflict with any applicable land use plan, policy, or regulation, including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance and found that impacts would be less than significant upon the implementation of a mitigation measure to revise the Zoning Map and Zoning Regulations for zoning consistency.
4. In addition to serving as the environmental document for the approval of the General Plan Update, the Program EIR was intended by the County to serve as the basis for compliance with CEQA for future actions to implement the General Plan Update, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.

5. The Program EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the General Plan Update. In addition, the Program EIR identified significant and unavoidable impacts with regard to agricultural and timber resources, utilities and services systems, transportation, hazards and hazardous materials, geology and soils, hydrology and water quality, air quality, greenhouse gas emissions, cultural resources, scenic resources, and energy consumption and conservation.
6. On October 23, 2017, the Board of Supervisors made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the Program EIR and adopted the General Plan.
7. The County has analyzed the proposed new Zone Districts and the rezoning of properties pursuant to Public Resources Code Section 21094(c) and Section 15168(c)(2) of the CEQA Guidelines to determine if the Project may cause significant effects on the environment that were not examined in the Program EIR and whether the Project is within the scope of the Program EIR.
8. The Board of Supervisors finds that the Project will not result in additional environmental effects that were not adequately examined in Program EIR..
9. The Board of Supervisors finds that the proposed the proposed new Zone Districts and the rezoning of properties is consistent with the General Plan.
10. In accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) of the CEQA Guidelines, none of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Project:
  - a. The Project does not include any changes in the General Plan and no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken consistent with the General Plan Update, so the Program EIR does not require any revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
  - b. No new information of substantial importance, which was not known and could not have been known at the time that the Program EIR was certified as complete, shows that the Project would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the Program EIR, that mitigation measures or alternatives found infeasible in the Program EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the Program EIR would substantially reduce one or more significant environmental impacts found in the Program EIR.
11. All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the Program EIR mitigation measures adopted in connection with the Board of Supervisor's approval of the Program EIR. All Program EIR mitigation measures applicable to the Project are hereby made a condition of the Project's approval.
12. In accordance with Public Resources Code Section 21094(d), the Planning Commission finds that any significant and unavoidable impacts of the Project with regard to

agricultural and timber resources, utilities and services systems, transportation, hazards and hazardous materials, geology and soils, hydrology and water quality, air quality, greenhouse gas emissions, cultural resources, scenic resources, and energy consumption and conservation are outweighed by overriding considerations as set forth in the Program EIR and in the Findings adopted by the Board of Supervisors in connection with the approval of the Program EIR, as incorporated by reference and reaffirmed herein.

13. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Board of Supervisors, exercising its independent judgment and analysis, finds that the Project is consistent with the General Plan Update, falls within the environmental parameters analyzed in the Program EIR, and would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the Program EIR, nor would new mitigation be required for the Project.

The Planning and Building Department, is the custodian of the records of the proceedings on which this decision is based. The records are located at the Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501.



Exhibit 2

Proposed Zoning Text Amendments

Proposed Amendment to B - Special Building Site Combining Zone

**314-17 "B" COMBINING ZONE DESIGNATIONS.**

**314-17.1 B - SPECIAL BUILDING SITE.**

The Special Building Site Combining or B Zones and subzones thereunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. The following regulations shall apply in any zone which is combined with a Special Building Site Combining or B Zone in lieu of the lot area and yard requirements normally applicable in such principal zone.

<b>314-17.1 SPECIAL BUILDING SITE COMBINING ZONE</b>	
<b>DESIGNATION</b>	<b>BUILDING SITE AREA</b>
B-1	<b>6,000 square feet</b> <del>8,000 square feet</del>
B-2	10,000 square feet
B-3	20,000 square feet
B-4	One (1) acre
B-5	As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.
B-6	Building site area as shown on subdivision maps of record. Front, side and rear yards to be not less than B-4 requirements unless otherwise indicated on the subdivision map of record.
B-7	Minimum lot size specified by B-7(x) on the zoning maps, where "x" indicates the minimum lot size, and where the subdivision of any parcel results in a density consistent with the General Plan. As part of the subdivision action, a rezone to the appropriate B-7 parcel size designation shall be required, and, as necessary, other enforceable restrictions where necessary to maintain consistency with the General Plan shall also be required. See the following examples of the application of this section.

## Proposed MR – Mineral Resources Combining Zone

### 314-28 “M” COMBINING ZONE DESIGNATIONS

#### 314-28.2 MR – MINERAL RESOURCES COMBINING ZONE

28.2.1 **Purpose.** The purposes of these provisions are to: (a) identify permitted surface mining operations; (b) ensure compatibility of adjacent uses; (c) establish a process through which notice may be provided to owners of land seeking discretionary approval for projects within 1000 feet of vested and permitted surface mining extraction sites; and (d) to facilitate implementation of the County's regulations for surface mining, conservation, and reclamation.

28.2.2 **Applicability.** The Mineral Resources Combining Zone, indicated by "MR" on the Zoning Maps, shall be applied on the Zoning Maps to include parcels with vested or permitted surface mining operations, as shown on the Mineral Resources – Mining Operations Map contained in General Plan Appendix F, Map Book and land within 1,000 feet of the outside edge of Assessor's Parcels containing surface mining operations. Discretionary projects located a minimum of 300 feet along mapped mining haul routes shall also be subject to these regulations.

#### 28.2.3 Permitted Uses.

28.2.3.1 Applications for new mining operations shall be subject to the approval of a conditional use permit, pursuant to Title III – Land Use and Development, Division 9, Mining Operations, of the Humboldt County Code and the California Surface Mining and Reclamation Act (SMARA)

28.2.3.1.1 Applications shall address allowable dust and noise levels, hours of operation, fencing, traffic, access, setbacks, and other performance standards necessary to minimize significant environmental impacts and conflicts with adjacent land uses, to the extent feasible.

28.2.3.2 When mining activity ceases, the landowner and/or mining company shall be responsible for the reclamation of the site.

28.2.3.3 Reclamation shall include but not be limited to the reasonable mitigation or elimination of residual hazards.

28.2.3.4 Non-mining projects located within the MR Combining Zone or located a minimum of 300 feet along mapped mining haul routes may be approved only if the following finding is made in the affirmative: Even though the project may otherwise be determined to be incompatible with mineral resource protection policies, the project will incorporate the best mitigation measures feasible ~~conditions of approval shall be applied~~ to minimize potential conflicts with these policies.

28.2.3.4.1 Incompatible land uses shall be suitably buffered from mining activity. Appropriate transition measures shall be taken in order to ~~insure compatibility~~ minimize conflicts between mining activity and surrounding land uses.

**28.2.4 Hearing Notification.**

28.2.4.1 For applications for discretionary approval associated with SMARA mining operations shown on maps in Humboldt County General Plan Appendix F - Map Book, public notice shall be provided to landowners within 1000 feet of the mining operation or 1,500 feet from any associated processing plant, and a minimum of 300 feet along proposed haul routes.

28.2.4.2 For applications for discretionary projects within 1000 feet of mining operations, notice shall be provided to the mine owners.

28.2.4.3 Applications for all discretionary projects subject to the Mineral Resources Combining Zone shall provide notice to any public water system whose service area includes the project site.

**28.2.5 Disclosure.**

28.2.5.1 Humboldt County has over 90 extraction sites including active hard rock quarries and in-stream gravel mining operations from bars along the Eel, Mad, Trinity, and Van Duzen Rivers and their tributaries. According to the Mineral Resources Chapter of the Humboldt County General Plan Conservation and Open Space Elements, the production of sand and gravel, hard rock, and metals is essential for the economic well-being of the county. The County's vested and permitted surface mining operations must be protected, including in areas near residential development.

28.2.5.2 This section further requires discretionary projects within 1000 feet of vested and permitted surface mining extraction sites or a minimum of 300 feet along existing haul routes to record a notice of the "right to mine" against the property for which a discretionary permit is sought. The notice shall advise owners and subsequent interests in ownership that the existing mining operation has a permitted right to continued mining operations. The notice shall be in substantially the following form:

"You are hereby notified that if the property you are purchasing is located close to vested and permitted surface mining extraction sites, you may be subject to inconvenience or discomfort from the following mining operations: noise, dust and emissions from mobile equipment used in mining operations such as bull dozers, scrapers, loaders, water trucks, and haul trucks, and stationary equipment such as conveyors, screeners, washing/crushing plants, and batch plants for the production of asphalt or concrete; and the lawful and proper use of chemicals and regulated explosives. Mining operations may involve excavation, drilling and

blasting, with subsequent excavating and sorting. These operations may generate, among other things, dust, smoke, noise and odor. If you live near vested and permitted surface mining extraction sites, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county whose economy is reliant upon the production and conservation of minerals, while preserving to the maximum extent feasible the values relating to recreation, watershed, wildlife, timber management and agriculture, science, and aesthetic enjoyment. For information concerning where mining operations are located in relation to your property, you may contact the Planning Division of the Humboldt County Planning and Building Department. Nothing in these regulations or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available action to remedy any unlawful or improper mining practice."

28.2.4.3 The statement set forth in subsection 28.2.4.2 shall be used under the following circumstances and in the following manners:

28.2.4.3.1 Upon the issuance of a discretionary development permit, including but not limited to subdivision approvals, Use Permits, and Special Permits, for use within 1000 feet of vested and permitted surface mining extraction sites or a minimum of 300 feet along mapped mining haul routes to vested and permitted surface mining extraction sites, the discretionary development permit shall include a condition that the owners of the property shall be required to record a notice of the right to mine against the property for which a discretionary permit is sought containing the Disclosure set out in subsection 28.2.4.2.

## Proposed RR – Railroad Rights-of-Way Protection Combining Zone

### 314-33 “R” COMBINING ZONE DESIGNATIONS

#### 314-33.2 RR – RAILROAD RIGHTS-OF-WAY PROTECTION.

33.2.1 **Purpose.** The purpose of these provisions are to protect specified contiguous rail rights-of-way from development that may interfere with the use of the rights-of-way for rail and other public transportation uses.

33.2.2 **Applicability.** The Railroad Rights-of-Way Protection Combining Zone, indicated by "RR" on the Zoning Maps, shall apply to ~~lands~~ contiguous rail rights of way 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 that are~~ 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.

33.2.3 **Compatible Uses.** The following uses are permitted within areas designated as a Railroad Rights-of-Way Protection Combining Zone:

33.2.3.1 Railroad and accessory uses carried out by the applicable rail authority or successor entity, or licensee.

33.2.3.2 Paved public roads, surfaced pedestrian walkways, bicycle paths; semi-improved recreational trails for walkers, bicyclists, and equestrians; and unimproved rural trails for hikers, mountain biking, and horse-riding, carried out by the applicable rail authority or successor entity, or licensee.

33.2.3.2 Management and maintenance of trees, shrubs, and other plant life consistent with the Zoning Regulations and other applicable provisions of the Humboldt County Code.

33.2.3.3 Incidental public service purposes, including, but not limited to, pipelines for water, sewer and natural gas utilities, electrical transmission and telecommunication lines.

33.2.43 **Other Development Standards.** All development proposed on land designated Railroad Rights-of-Way Protection Combining Zone on the Zoning Maps other than the compatible uses described in 33.2.3 above shall be sited and designed to protect these areas from activities that may interfere with the use of the rights-of-way for rail and other public transportation purposes and conducted in accordance with applicable law to ensure that there is no interference with the use of the rights-of-way for rail and other public transportation uses. Evidence that the development is sited and designed to **protect minimize interference with the use and** rights-of-way for rail and other public transportation uses shall include, but not be limited to, license agreements between the proponent of the development and the applicable rail authority or successor entity ~~rail authority.~~

33.2.5 **Special Permit Required.** Development, other than compatible uses identified in 33.2.3 above, may be approved in areas designated as Railroad Rights-of-Way Protection Combining Zone on the Zoning Maps upon approval of a Special Permit and may require approvals from other concerned agencies. Applications for Special Permits shall be referred to the Public Works Department for review and comment.



**Proposed MU – Mixed Use Urban and Rural Principal Zone****314-x.x MU1: MIXED USE (URBAN)**

The purpose of the Mixed Use (Urban) or MU1 Zone is to provide for pedestrian-oriented, mixed use development (commercial, office; and higher density residential).

<b>314-X.X MU1: MIXED USE (URBAN)</b>	
<b>Use Type</b>	<b>Principal Permitted Use</b>
Residential Use Types	Two family dwellings and multiple dwellings and dwelling groups Single Family Residential Accessory Dwelling Unit Guest House
Commercial Use Types	Neighborhood Commercial Retail Sales and Retail Services Transient Habitation Office and Professional Service Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations Commercial and Private Recreation
Civic Use Types	Minor Utilities Essential Services conducted entirely within an enclosed building Community Assembly Public and parochial parks, playgrounds and playing fields Non-Commercial Recreation
Industrial Use Types	Cottage Industry; subject to the Cottage Industry Regulations
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Civic Use Types	Public Recreation and Open Space Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration Coastal Access Facilities
Use Types Not Listed in This Table	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MU zone.

<b>314-X.X MU1: MIXED USE (URBAN)</b>	
<b>Development Standards</b>	
<b>Minimum Lot Area</b>	2,000 square feet.
<b>Minimum Lot Width</b>	Twenty-five feet (25').
<b>Minimum Yard Setbacks*</b>	
Front	None, except that where frontage is in a block which is partially in a Residential Zone (RS, R-1, R-2, R-3, R-4) the front yard shall be the same as that required in such Residential Zone.
Rear	Fifteen feet (15'), except that where a rear yard abuts on an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential Zone (RS, R-1, R-2, R-3, R-4) or Agricultural Zone (AE, AG) shall be not less than the front yard required in such Residential Zone or Agricultural Zone.
<b>Maximum Ground Coverage</b>	One hundred percent (100%)
<b>Maximum Structure Height</b>	Seventy-five (75) feet.

314-X.X Other MU1 - Mixed Use (Urban) Regulations

314-X.X.X

- a) Landscaping. All new residential and commercial projects shall use landscaping to enhance the appearance of neighborhoods, control erosion, conserve water, improve air quality and improve pedestrian and vehicular safety.
  - a. Landscaping shall be required for new development which creates five (5) or more new parking spaces.
  - b. The landscaping policies shall be accomplished by the submittal of a landscaping plan.
- b) Outdoor Lighting. New outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. New development and projects that would make significant parking lot improvements or add new exterior lighting to submit a lighting plan consistent with these regulations. Lighting designs should address:
  - a. All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises.
  - b. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted.
  - c. No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.
- c) Parking. Parking requirements are as specified in Section 314-109.1 Off-Street Parking, except that Section 314-109.1.2.6, Multiple Uses, shall not apply when mixed residential and non-residential uses are proposed within a single parcel. Off-street parking facilities for one mixed use may provide parking facilities for other proposed uses within a development site. The parking requirement for the proposed mixed-use development shall be the highest sum total off-street parking spaces of the uses proposed.



- d) Outdoor Trash Storage (nonresidential only). All outside trash storage and collection facilities shall be enclosed by a solid masonry wall or view-obscuring fence at least one foot higher than the trash container.
- e) On-site Performance Standards. On-site performance standards are as follows:
  - a. Odors. No use shall create objectionable odors readily detectable beyond the property line.
  - b. Dust and Smoke. No use shall create dust or smoke that is readily detectable beyond the property line (in addition to meeting all air pollution requirements).
  - c. Vibration. No use shall create vibration detectable without instruments at the property line.
  - d. Electromagnetic Interference. No use shall produce electromagnetic interference with normal radio or television service beyond the property line.
  - e. Glare. No use shall create intense light or glare that causes a nuisance or hazard beyond the property line.
- f) Applicable Standards. Noise, atmospheric emissions, toxic or noxious matter, radiation, heat and humidity, fire and explosive hazards, or liquid and solid wastes shall be regulated by applicable county, state or federal standards.

**314-x.x MU2: MIXED USE (RURAL)**

The purpose of the Mixed Use (Rural) or MU2 Zone is to provide for small-scale mixed use development (commercial, office, and residential) for smaller population bases.

<b>314-X.X MU2: MIXED USE (RURAL)</b>	
<b>Use Type</b>	<b>Principal Permitted Use</b>
Residential Use Types	Two family dwellings Single Family Residential Accessory Dwelling Unit Guest House
Commercial Use Types	Neighborhood Commercial Retail Sales and Retail Services Office and Professional Service Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations Commercial and Private Recreation
Civic Use Types	Minor Utilities Essential Services conducted entirely within an enclosed building Community Assembly Public and parochial parks, playgrounds and playing fields Non-Commercial Recreation
Industrial Use Types	Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	General Agriculture
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Multiple dwellings containing four or fewer units per building Manufactured Home Parks
Commercial Use Types	Heavy Commercial Transient Habitation
Civic Use Types	Public Recreation and Open Space Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration Coastal Access Facilities
Use Types Not Listed in This Table	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MU zone.

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<b>314-X.X MU2: MIXED USE (RURAL)</b>	
<b>Development Standards</b>	
<b>Minimum Lot Area</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Minimum Yard Setbacks*</b>	
Front	Fifteen (15) feet.
Rear	Ten (10) feet.
Interior Side	Five (5) feet.
Exterior Side	Same as front or one-half the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
<b>Maximum Ground Coverage</b>	Fifty percent (50%)
<b>Maximum Structure Height</b>	Fifty (50) feet.

314-X.X Other MU2: Mixed Use (Rural) Regulations

314-X.X.X

- a) Landscaping. All new residential and commercial projects shall use landscaping to enhance the appearance of neighborhoods, control erosion, conserve water, improve air quality and improve pedestrian and vehicular safety.
  - a. Landscaping shall be required for new development which creates five (5) or more new parking spaces.
  - b. The landscaping policies shall be accomplished by the submittal of a landscaping plan.
- b) Outdoor Lighting. New outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. New development and projects that would make significant parking lot improvements or add new exterior lighting to submit a lighting plan consistent with these regulations. Lighting designs should address:
  - a. All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises.
  - b. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted.
  - c. No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.
- c) Parking. Parking requirements are as specified in Section 314-109.1 Off-Street Parking, except that Section 314-109.1.2.6, Multiple Uses, shall not apply when mixed residential and non-residential uses are proposed within a single parcel. Off-street parking facilities for one mixed use may provide parking facilities for other proposed uses within a development site. The parking requirement for the proposed mixed-use development shall be the highest sum total off-street parking spaces of the uses proposed.

- d) Outdoor Trash Storage (nonresidential only). All outside trash storage and collection facilities shall be enclosed by a solid masonry wall or view-obscuring fence at least one foot higher than the trash container.
- e) On-site Performance Standards. On-site performance standards are as follows:
  - a. Odors. No use shall create objectionable odors readily detectable beyond the property line.
  - b. Dust and Smoke. No use shall create dust or smoke that is readily detectable beyond the property line (in addition to meeting all air pollution requirements).
  - c. Vibration. No use shall create vibration detectable without instruments at the property line.
  - d. Electromagnetic Interference. No use shall produce electromagnetic interference with normal radio or television service beyond the property line.
  - e. Glare. No use shall create intense light or glare that causes a nuisance or hazard beyond the property line.
- f) Applicable Standards. Noise, atmospheric emissions, toxic or noxious matter, radiation, heat and humidity, fire and explosive hazards, or liquid and solid wastes shall be regulated by applicable county, state or federal standards.

## Proposed TL - Tribal Lands Principal Zone

### 314-7.6 TL: TRIBAL LANDS

The Tribal Lands or TL Zone is intended to implement the Tribal Lands (TL) and the Tribal Trust Lands (TTL) Land Use Designations contained in General Plan Land Use Element Section 4.8, Land Use Designations. The TL Zone is intended to be applied to land planned Tribal Trust Land (TTL) or land located on Native American Reservations and Rancherias that is not zoned TPZ and is identified as Tribal Lands (TL) on the General Plan Land Use Map.

#### 7.6.1 TL Regulations.

##### 7.6.1.1 Jurisdiction:

7.6.1.1.1 The County does not have land use jurisdiction over land within the Reservations or Rancherias that is held in trust by the Federal government for a Tribe or its Members, or owned in fee by the Tribe or by Members of the Tribe.

7.6.1.1.2 The County may have land use jurisdiction over land owned in fee by non-tribal members within the boundaries of the Rancheria or Reservation, except land owned in fee by non-tribal members within the boundaries of the Hoopa Reservation.

7.6.1.1.3 Applicants for land use and permit approvals for land zoned TL may be requested to provide additional information to allow the County to determine if the County has land use jurisdiction.

7.6.1.1.4 In the event the County has land use jurisdiction, the Planning and Building Department shall (1) notify the Tribal government of the application, (2) determine if the Tribal government has an adopted land use plan, and (3) the County shall refer the project to and engage with the Tribal government for comment prior to approval.

7.6.1.2 Adopted Tribal Land Use Plan. If the Tribal government has an adopted land use plan, this plan shall be used by the County as policy guidance for all land use and permit approvals.

7.6.1.3 Applications for Land Use and Permit Approvals within Urbanized Areas. For land use and permit approvals on land Zoned TL within or adjacent to urbanized areas, the Permitted and Conditionally Permitted Use and Minimum Yard Setbacks and Ground Coverage, Maximum Structure Height, and Permitted Main Building Types shall be those specified for Rural Residential Agriculture Zone (Minimum Lot Size Less Than 2.5 Acres) in Section 314-6.6 of these Regulations.

7.6.1.4 Applications for Land Use and Permit Approvals Outside of Urbanized Areas. For land use and permit approvals on land Zoned TL outside and not adjacent to urbanized areas, the Permitted and Conditionally Permitted Use and Minimum Yard Setbacks and Ground Coverage, Maximum Structure Height, and Permitted Main Building Types shall be those specified for Rural Residential Agriculture Zone (Minimum Lot Size 2.5 Acres or Greater) in Section 314-6.6 of these Regulations.

7.6.1.5 Subdivisions:

7.6.1.5.1 Subdivisions of land Zoned TL within urbanized areas shall have a maximum residential density of one (1) acre per dwelling unit.

7.6.1.5.2 Subdivisions of land Zoned TL outside urbanized areas shall have a maximum residential density of maximum residential density of 40 acres per dwelling unit.

7.6.1.5.2 Policies relating to Rural Lands contained in General Plan Section 4.4, Rural Lands, shall apply to all subdivisions of land Zoned TL.

**Proposed TE –Timberland Exclusive Principal Zone**

**314-7.5 TE: TIMBERLAND EXCLUSIVE ZONE**

The Timberland Exclusive or TE Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber where land planned Timberland on the General Plan Land Use Map is not zoned TPZ pursuant to Section 314-7.4 of these Regulations and the California Timberland Productivity Act of 1982, Government Code Section 51100, et seq.

<b>314-7.5 TE: TIMBERLAND EXCLUSIVE ZONE</b>	
<b>Principal Permitted Uses</b>	
Growing and harvesting of timber and accessory uses compatible thereto.	
Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures).	
One-family dwelling or manufactured home and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences in Section 314-7.4.1.6	
Management for watershed.	
Management for fish and wildlife habitat.	
A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of "processing").	
The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.	
Grazing and other agricultural uses.	
Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.	
Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.	
Cottage Industry, subject to Cottage Industry Regulations	
<b>Uses Permitted with a Use Permit</b>	
Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.	
Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TE zone.	
<b>Other Regulations</b>	
<b>Minimum Lot Area</b>	Forty (40) acres.
<b>Minimum Lot Width</b>	One hundred feet (100').
<b>Maximum Lot Depth</b>	(None specified.)
<b>Minimum Yard Setbacks</b>	
Front	Thirty feet (30');
Rear	Twenty feet (20');
Side	Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.
Outbuildings	Outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35 %).

Maximum Building Height	(None specified.)
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### Proposed PR – Public Recreation and Conservation Principal Zone

#### 314-4.4 PR: PUBLIC RESOURCE AND RECREATION

The PR or Public Recreation and Recreation Zone is intended to be applied on properties under the jurisdiction of federal, state, county, or another other district authority or public corporation, or agency thereof and where the intended use is public recreation, or resource protection or production. The County has no land use jurisdiction over federal or state owned lands. The following regulations shall apply in all PR or Public Resource and Recreation Zones over which the County has land use jurisdiction.

<b>314-4.4 PR: PUBLIC RESOURCE AND RECREATION</b>	
<b>Use Type</b>	<b>Principal Permitted Use</b>
Agricultural and Resource Use Types	General Agriculture Timber Production
Civic Use Types	Public Recreation and Open Space Community Assembly
Natural Resource Use Type	Fish and Wildlife Habitat Management Watershed Management Wetland Restoration Resource-Related Recreation Boating Facilities
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Caretaker's Residence
Commercial Use Types	Temporary RV Park
Civic Use Types	Administrative Essential Services Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations Minor Generation and Distribution Facilities Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Use Types Not Listed in This Table	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PR zone.



**Exhibit 3****Proposed Zoning Map**

Proposed Zoning Maps can be viewed using the Humboldt County webGIS. At the Humboldt County Planning and Building webpage (<https://humboldt.gov.org/156/Planning-Building>) click on "Web GIS." In the Web GIS Portal (<http://webgis.co.humboldt.ca.us/HCEGIS2.0/>) select "Jurisdictional Boundaries and Land Use > Planning Layers > Draft GPU Zones" from the "Layer List."

Initial Draft Zoning Maps at the set scales established for General Plan Maps in PDF format are available on the project webpage at <https://humboldt.gov.org/2429/Implementation>. These maps have not been updated to reflect the full set of recommendations in this staff report.

**Exhibit 4**  
**Individual Zoning Requests**



**COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
LONG RANGE PLANNING DIVISION**

3015 H Street Eureka CA 95501

Phone: (707)445-7541 Fax: (707) 268-3792

Property Owner	APN	General Plan Land Use	Existing Zone	Proposed Zone	Acres	Logic Behind Proposed Zone	Land Owner Request
Kent Sawatzky	312-071-034	RE1-5	AG (2.5)	RA-2.5	0.7	Currently zoned 2.5, outside CSD boundary, although may have existing individual water service from City of Blue Lake.	Requests RA-1
Kent Sawatzky	312-071-035	RE1-5	U	RA-2.5	0.8	Similar to adjacent parcels with existing 2.5 zone, outside CSD boundary. May have individual water service from City of Blue Lake	Requests RA-1
Kent Sawatzky	312-081-001	RE1-5	U	RA-2.5	2.2	Similar to adjacent parcels with existing 2.5 zone, outside CSD boundary. May have individual water service from City of Blue Lake	Requests RA-1
Kent Sawatzky	312-043-018	RE2.5-5	U	RA-5-WR	5.8	Dead end Rd, outside CSD boundary	Requests RA-2.5
Kent Sawatzky	516-141-018	RE1-5	U	RS-WR	15.6	Subdivision application submitted, adjacent to R-1, inside CSD boundary	Concerned about effect of "RR" Combining Zone
Save the Redwoods League	519-231-018	RA40-160; RA5-20	AG-B-5(5)-D; FR-B-5(20)-D	RA-40-D-WR; RA-5-D-X;	58.6	"RA" zone applied to portions of parcels currently zoned "AG" and "FR" because area located within Community Planning Area; current minimum lot size and "D" Design Control combining zone maintained. GIS mapping showed "X" with AG-B-5(5) area, which is a current GIS mapping error. Proposed	Requests the "X - Recreation" Combining Zone applied to all of both parcels

Property Owner	APN	General Plan Land Use	Existing Zone	Proposed Zone	Acres	Logic Behind Proposed Zone	Land Owner Request
Save the Redwoods League	519-231-018	CR	FR-B-5(20)-D; MH-D-X	CH-D	43	zoning recommendation should be "RA-40-D-WR; RA-5-D"	Error Should be CH-D-X
Green Diamond Resource Co.	300-011-029	CG (portion)	AE (portion)	AE (portion)	2.0 (portion)	GIS mapping did not include "X' Combining Zone. Proposed zoning recommendation should be "CH-D-X"	Error Should be C-1
Green Diamond Resource Co.	509-061-001	RA5-20 (portion)	AE-WR (portion)	RA-20-WR (portion)	66.8 (portion)	Error in proposed zone mapping. "AE" zone proposed to be applied because this portion of parcel was thought to be planned "OS" like area to south. Should be C-1. General Plan change in name only (AR5-20 to RA5-20) and currently zoned AE as part of McKinleyville Community Plan. AE not consistent with RA General Plan. Recommended RA because area is within a CPA, and 20 acre lot size because lot size similar to existing zone. TPZ on N/E/S (portion).	Requests RA-5
Green Diamond Resource Co.	516-081-003	RA5-20	AG-B-5(20)	RA-20	66.8	Proposed zone change from AG to RA because within Community Plan Area. Currently zoned for 20 acre lot size which is consistent with the General Plan land use density range. TPZ and AE zoned land along most of three sides.	Requests RA-5

Property Owner	APN	General Plan Land Use	Existing Zone	Proposed Zone	Acres	Logic Behind Proposed Zone	Land Owner Request
Green Diamond Resource Co.	516-091-063	RA5-20	AG-B-5(20)	RA-20	33.4	Proposed zone change from AG to RA because within Community Plan Area. Currently zoned for 20 acre lot size consistent with General Plan land use density range. TPZ and AE zoned land along most of two sides.	Requests RA-5
Golf Courses Planned "CR - Commercial Recreation"	511-111-063 Beau Pre	CR	RS-X-Q-AP-WR	CH-X-Q-AP-N-WR	100	Proposed zone change to CH because residential zones are not consistent with CR with General Plan designation and CH specifies commercial recreation uses.	Upon further review, staff proposes that the FR zone, with existing combining zones, be applied to golf courses planned CR because the range of uses are limited and more compatible with surrounding residential uses.
	500-092-001 Baywood	CR	R-1-B-3-X-Q	CH-X-Q	150	Proposed zone change to CH because residential zones are not consistent with CR with General Plan designation and CH specifies commercial recreation uses.	
	033-041-029 Benbow	CR	FR-Q	FR-Q	35	No proposed change	
	522-381-034 Big Foot	CR	RS-X-Q	CH-X-Q-WR	28	Proposed zone change to CH because residential zones are not consistent with CR with General Plan designation and CH specifies commercial recreation uses.	
Mineral Extraction or current or	204-131-001 Redwood Empire	CR	FR-Q	FR-Q	118	No proposed change	Upon further review, staff proposes that
	033-271-007 Piercy (U.S. 101)	IR (prior GP "T")	U/AE/TPZ	AE-MR/ TPZ-MR	13.4	Change "U" zoned portion to "AE" because "Q" zone required for industrial zone	

Property Owner	APN	General Plan Land Use	Existing Zone	Proposed Zone	Acres	Logic Behind Proposed Zone	Land Owner Request
historic Timber Processing Sites planned "IR - Industrial, Resource Related"	206-371-019	IR	MH-Q	MH-Q-MR-WR	6	and add "MR" combining zones per General Plan Add "MR" and "WR" combining zones per General Plan	where the General Plan Update changed the Land Use Designation to IR and the existing zone is not consistent with the IR Plan designation, that the proposed zone be "MH" and a model "Q" zone be applied to protect water quality and provide compatibility with surrounding uses
	205-121-002	IR	AE	AE-WR	29	Retain "AE" zone and add "WR" combining zones per General Plan	
	313-091-016	IR (prior GP "REDWOOD; GRAZING (NHGP)")	U	AE-WR	27	Change "U" zoned portion to "AE" because "Q" zone required for industrial zone and add "WR" combining zones per General Plan	
	313-061-004	IR (prior GP "REDWOOD DISP HS; GRAZING (NHGP)")	U	AE-WR	156	Change "U" zoned portion to "AE" because "Q" zone required for industrial zone and add "WR" combining zones per General Plan	
	313-051-011	IR (prior GP "DISPERSED HOUSES (NHGP)")	MH-Q	MH-Q-WR	26	Add "WR" combining zone per General Plan	
	504-131-004	IR (prior GP "GRAZING (NHGP)")	AG	AE-RR-WR	13	Change "AG" zoned portion to "AE" because "Q" zone required for industrial zone and add "RR" and "WR" combining zones per General Plan	
	504-161-010	IR (prior GP "GRAZING (NHGP)")	AG	AE-MR-WR	13	Change "AG" zoned portion to "AE" because "Q" zone required for industrial zone and add "MR" and "WR" combining zones per General Plan	
	Carlotta Fellows Rd)						
	Blue Lake (Hatchery Rd.)						
	Korbel (Simpson Nursery Rd.)						

Property Owner	APN	General Plan Land Use	Existing Zone	Proposed Zone	Acres	Logic Behind Proposed Zone	Land Owner Request
	311-171-025 Beatrice (Tompkins Hill Rd.)	IR (prior GP "AE")	AE	AE-WR	4.5	Retain "AE" zone and add "WR" combining zones per General Plan	
	522-491-017 Willow Creek (S.R. 96)	IR (prior GP "CR")	CH	Initial: AE-WR Should be: MH-Q-MR-WR Parcel part of permitted mining operation and should have "MR" combining zone [On 12/14/17 the Planning Commission recommended approval of a Zone Reclassification (ZR) to change the zoning of APN 522-142-017 to Heavy Industrial with a Qualified combining zone (MH-Q) in order to	20	Change "CH" zoned portion to "AE" because "Q" zone required for industrial zone and add "WR" combining zone per General Plan	

Property Owner	APN	General Plan Land Use	Existing Zone	Proposed Zone	Acres	Logic Behind Proposed Zone	Land Owner Request
				implement the General Plan use designation of Industrial, Resource Related (IR}}			
	513-151-034 McKinleyville (Dows Prairie Rd.)	IR	MH	MH-newQ	20	Currently zoned MH, but requires a "Q" to be consistent with IR	
	222-091-015 Garberville (Sprowel Cr. Rd.)	IR	MH-Q	MH-Q-AP-MR-WR	43	Add "MR," "AP" and "WR" combining zones per General Plan	
	222-156-006 Garberville (Leino Rd.)	IR, AP	MH-Q	MH-Q-AP-WR	1	Add "WR" combining zones per General Plan	
	520-012-012 Orick (Bald Hills Rd.)	IR	FP-D	FP-D-WR	18	Add "WR" combining zones per General Plan	



**ATTACHMENT 1**

**Table 4-H Zoning Consistency Matrix**

Humboldt County General Plan Land Use Element, Section 4.8 Land Use Designations – Table 4-H. Zoning Consistency Matrix – Inland

LAND USE DESIGNATIONS	C-1	C-2	C-3	C-H	MB	ML	MH	AV	PFT	PF2	DF	FP	RS	R-1	R-2	R-3	R-4	RA	AE	AG	TPZ	FR	U
<b>Residential Land Use Designations</b>																							
Residential-Medium Density (RM)															X		X		X <sup>3</sup>	X	X <sup>3</sup>		
Residential-Low Density (RL)														X	X*	X*			X <sup>3</sup>	X	X <sup>3</sup>		
Residential Estates (RE)												X	X*	X*				X*	X <sup>3</sup>	X	X <sup>3</sup>	X <sup>2*</sup>	
Residential Agriculture (RA)												X	X*	X*				X*	X <sup>3</sup>	X*	X <sup>3</sup>	X <sup>2*</sup>	
<b>Commercial Land Use Designations</b>																							
Commercial General (CG)	X	X																			X <sup>3</sup>		
Commercial Services (CS)	X	X	X	X	X <sup>2</sup>																X <sup>3</sup>	X <sup>2</sup>	
Commercial Recreation (CR)	X	X		X																	X <sup>3</sup>	X <sup>2</sup>	
Mixed Use (MU)	X	X											X <sup>3</sup>	X <sup>3</sup>	X		X				X <sup>3</sup>		
Village Center (VC)	X	X		X		X	X					X	X	X							X	X <sup>3</sup>	X
Rural Community Center (RCC)	X	X		X		X	X					X	X	X					X <sup>3</sup>	X	X <sup>3</sup>	X	
<b>Industrial Land Use Designations</b>																							
Industrial, General (IG)			X		X <sup>2</sup>	X	X												X <sup>3</sup>		X <sup>3</sup>	X <sup>2</sup>	
Industrial, Resource Related (IR)						X <sup>2</sup>	X <sup>2</sup>				X								X				
Business Park (MB)		X <sup>2</sup>	X <sup>2</sup>		X	X <sup>2</sup>																	
<b>Open Space and Public Land Use Designations</b>																							
Conservation Floodway (CF)										X	X	X							X				X
Natural Resources (NR)											X								X				
Open Space (OS)											X								X				
Public Facilities (PF)	X	X		X		X	X	X	X	X	X		X	X	X		X		X	X*	X		X
Public Recreation (PR)									X	X									X	X*	X		X
Public Lands (P)								X			X								X	X*	X		X
Tribal Lands (TL)								X			X								X	X*	X		X
Tribal Trust Lands (TTL)								X			X								X	X*	X		X
Railroad			X			X	X	X	X	X		X							X	X	X	X	X
<b>Resource Production Land Use Designations</b>																							
Timberlands (T)											X	X							X	X*	X		
Ag. Grazing (AG)											X	X							X	X*	X		
Ag. Exclusive (AE)											X	X							X		X		

\* Zones are consistent with identified land use designations only when combining zone density/minimum lot size designators are consistent with General Plan policies and standards.

<sup>2</sup> Requires Q – Qualified combining zone to ensure consistency.

<sup>3</sup> Resource zones may be used as holding zones until rezoning to planned uses

SECTION E, PAGE NO. 50

**ATTACHMENT 2**  
**Public Comments**



October 3, 2018

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501

**RE: New Zoning Districts, October 2018**

Planning Department and Planning Commission;

The Willow Creek Community Services District (WCCSD) would like to express our significant concern about the upcoming Planning Commission hearing on October 4<sup>th</sup>, regarding the re-zoning of properties in Humboldt County, and in particular in Willow Creek. The reasons for our concerns are as follows:

- The notification of the zoning change has been very short. An item of this nature should involve more notification time and more community outreach. It has been our understanding through discussions with the County in regards to the General Plan update and to Commercial Cannabis regulations, that community involvement would be requested and included when changes of this nature occur.
- The downtown area of Willow Creek was recently changed in the General Plan update from Commercial Services to Mixed Use. It is our understanding that the proposed zoning change is from Commercial-2 to a new Mixed Use zoning. While the WCCSD does not necessarily have an opposition to this change, as stated above, the short notice of this change means the appropriate thought process of the pros and cons of the change have not been able to happen. It may be, as a community, that we suggest a different zoning change. Such as Mixed Use in a portion of downtown, and a remaining portion, along the 299 corridor, to remain as C-2.
- A list of properties in which zoning changing is occurring has not been published. As part of the staff report, maps are included to indicate the new zoning of properties. This is of limited help, as unless one is to sit with an old map, and flip back and forth quickly to the new map, such that their eyes can discern the changes in the zoning, there isn't a way to understand which properties are changing zoning. Additionally, given the scale of the maps in the staff report, it is very difficult to see which properties are which. It also seems reasonable that the county staff could upload the proposed zoning changes to the web GIS program, similarly to how the update to the General Plan was handled.

- A specific property in Willow Creek, APN# 522-491-017-000, which is the location of the Mercer Fraser gravel yard, is apparently up for a zoning change from Commercial Highway to Heavy Industrial (MH). The District would like to understand why this property shouldn't be zoned Limited Industrial (ML) as a minimum, as it is in close proximity to many important community services, such as an Elementary School, health care facilities, and an apartment complex. Additionally, it is our understanding that the general plan designation of Industrial Resource Related requires a Q zone when zoned either MH or ML. It does not appear to be clear in the staff report what the proposed Q zone qualifications are for this property.
- At further review of the staff report maps, I have noticed that the lot mentioned above is not shown as MH but rather as AE. This is very concerning, as I have had many discussions with the planning department with the understanding that this property was planned to be changed to MH with a Q zone. It was even put on the Board of Supervisors January 23, 2018 meeting agenda but pulled. It appears that the proposed change to AE (which does not require a Q zone) was done at the very last minute without any outreach.
- Also at further review of the staff report maps, it has been noticed that the golf course property in Willow Creek is being proposed to be changed to a Highway Commercial (CH) zoning. This is something that I am sure the Board of the WCCSD as well as the majority of our community would be very interested in knowing about, but as General Manager I didn't discuss it at our September 27<sup>th</sup> board meeting because I wasn't aware of it. Lastly, it does appear that a Q zone is included as part of the re-zoning, but as mentioned above, without the Q zone information being included in the staff report, we have no way of knowing what the qualifications are.

Given the multiple reasons listed above, the WCCSD requests a delay in the hearing on the zoning changes until the appropriate community outreach has occurred. As a community, we want to have input into the development of our town.

Sincerely,



Susan O'Gorman  
General Manager

CC:

John Ford  
Ryan Sundberg  
Steve Madrone

**From:** jerome decapua <dridhorses@gmail.com>  
**Sent:** Friday, October 26, 2018 9:24 AM  
**To:** Miller, John <jpmiller@co.humboldt.ca.us>  
**Subject:** Rezoning in Willow Creek, CA

Mr. Miller,

I have been a home owner in the Big Foot subdivision, above the Willow Creek golf course for 16 years. I am opposed to any rezoning of this area to AE, AG or RA.

The FR zoning is fine.

Please do not consider any changes of zoning laws that do not favor our neighborhood, its culture, its health to the enhancement of any industry with the agenda of fast, short term profits of drug production. Our children and families deserve a better environment.

Sincerely,

Dr. Jerome DeCapua

**From:** kathy o'neil <[realkdo@gmail.com](mailto:realkdo@gmail.com)>  
**Sent:** Friday, October 26, 2018 9:46 AM  
**To:** Miller, John <[jpmiller@co.humboldt.ca.us](mailto:jpmiller@co.humboldt.ca.us)>  
**Subject:** Rezoning of Willow Creek

As resident on Patterson Rd with Trinity River and Mercer Fraser plant as adjacent neighbor on the west and Bigfoot Country Club across the street to the east, I have concerns and questions regarding the rezoning of Willow Creek areas. Please delay action until after the community has an opportunity to be heard and given the chance to understand what the new zoning will and won't allow. Thank you. Kathryn O'Neil 344 Patterson Rd



# CITY OF BLUE LAKE

Post Office Box 458 • 111 Greenwood Road • Blue Lake, CA 95525

Phone 707.668.5655 Fax 707.668.5916

October 26, 2018

Mr. John Ford-Director  
Humboldt County Planning Department  
3015 H. Street  
Eureka, CA 95501

Dear Mr. Ford:

I am writing this letter in regard to the area commonly known as “Glendale,” and the Planning Commissions intention to address zoning changes in this area. As a neighboring jurisdiction the City of Blue Lake considers Glendale a sister community. The citizens of Blue Lake actively shop in Glendale and the City of Blue Lake provides water services to many residences along Glendale Drive.

As a neighboring community, the City of Blue Lake has a vested interest in the future development plans of the Glendale area and sees many opportunities for the City of Blue Lake and the County to participate in discussions and planning activities for the area. The City of Blue Lake has very limited open lands available for residential and commercial development and sees Glendale as a partner region for future expansion.

The City is actively working with the County to develop the Annie and Mary Trail and is excited to see the connectivity to the Glendale community. The proposed trail will provide a safe route for Glendale residents to commute to Blue Lake for school, shopping and additional recreation opportunities and will provide Blue Lake residents an alternative transportation option for shopping and recreating in the Glendale region.

As our economic climate changes and industries start to equalize it is becoming necessary for all jurisdictions to recognize our collective regional value and to commit to a planning process that is inclusive and forward thinking. As we all struggle with the local, regional and national housing crisis it is imperative that we take a more thoughtful and planned approach to development opportunities.

As these plans move forward it is critical that we provide a strong foundation for development and think far enough ahead to accommodate investment. I would like to ask the County to consider additional workshops to discuss the Glendale area with a more targeted focus on a long-term development strategy. The City of Blue Lake would ask to be an active participant in these discussions and would be happy to facilitate and/or host additional workshops and discussions.

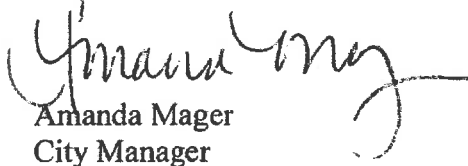


As Glendale is a community bisected by residential and commercial industrial uses, it makes sense to take a slower and more thoughtful approach to zoning and development strategies.

Thank you for your time and consideration; the City of Blue Lake welcomes the opportunity to work with the County and the citizens of Glendale and looks forward to the development of a well thought out and community reflective planning strategy.

If you have any questions or concerns, please feel free to contact me at (707) 668-5655 or by email at [citymanager@bluelake.ca.gov](mailto:citymanager@bluelake.ca.gov).

Sincerely,

  
Amanda Mager  
City Manager



## HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL [OFFICE@HBMWD.COM](mailto:OFFICE@HBMWD.COM)

Website: [www.hbmwd.com](http://www.hbmwd.com)

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### GENERAL MANAGER

JOHN FRIEDENBACH

October 18, 2018

Mr. John Miller  
Humboldt County Planning Department  
3015 H Street  
Eureka, California 95501

**RE: Zoning Districts for Inland Zoning Ordinance  
Planning Commission Hearing October 18, 2018**

Dear Mr. Miller,

Humboldt Bay Municipal Water District (District) provides high quality drinking water to over 88,000 customers in Humboldt County. This water is drawn from wells along the Mad River. The District has a direct interest in protecting this water source and in support of this goal, submits these comments on the proposed "Zoning Text Amendments and Zone Reclassifications to Implement the General Plan" to be considered by the Planning Commission on October 4, 2018 (Zoning Amendments).

On September 26<sup>th</sup> and October 3, 2018, the District submitted comments on the proposed Planning Commission action. The District raised the following issues.

1. **The Zoning Amendment should make clear which areas will be designated MR - Mineral Resources Combining Zone Designation and the environmental impacts of mining operations in close proximity to the Mad River should be fully considered.**
2. **The RR Rights-of-Way designation should clarify the role of railroad authority license agreements in determining that a use will not interfere with "rights-of-way for rail and other public transportation uses."**
3. **The Exemption in proposed County Code section 314-55.3.4.1 should not apply to withdrawn applications.**

The District subsequently met with Planning Director John Ford and Planner John Miller to discuss our concerns. The supplemental staff report for tonight's agenda item 8 appears to have addressed all of the District's concerns raised in our earlier correspondence.

We sincerely appreciate the time and efforts by Director Ford and staff to consider and resolve our concerns.

We understand that future zoning changes or use permits the MR – Mineral Resources Combining Zone will require additional public hearings during which the District may provide additional project specific comments.

Again, we thank you for collaborating with our District.

Respectfully,

**FILE COPY**

John Friedenbach,  
General Manager

**SUPPLEMENTAL INFORMATION**

For Planning Commission Agenda of:

October 18, 2018

<input type="checkbox"/>	Administrative Agenda Item	}
<input checked="" type="checkbox"/>	Continued Hearing Item	}
<input type="checkbox"/>	New Hearing Item	}
<input type="checkbox"/>	Old Business Item	}
<input type="checkbox"/>	New Business Item	}

Re: Zoning Text Amendments and Zone Reclassifications  
to Implement the General Plan

- 1) The Planning and Building Department recently met with the representatives from the Humboldt Bay Municipal Water District (HBMWD), Humboldt County Public Works, and the City of Arcata Community Development Department. Based on these discussions, the Planning and Building Department is recommending changes to the Proposed RR - Railroad Rights-of-Way Protection Combining Zone (Attachment 1) to:
  - a) clarify the Combining Zone only applies to the railroad right of way;
  - b) identify compatible uses within the railroad right of way, such as bike paths; and
  - c) require a special permit for other development within the railroad right of way with findings that the development is sited and designed to protect the railroad right of way for rail and other public transportation uses.
- 2) Based on further comments from the Humboldt Bay Municipal Water District, the Planning and Building Department is also recommending changes to the proposed MR – Mineral Resources Combining Zone to provide hearing notification to public water system whose service area includes the project site (Attachment 2).
- 3) The three new Principal Zone Classifications briefly described the October 4, 2018 staff report are included in Attachment 3:
  - a) "PR - Public Resource and Recreation" Zone,
  - b) "TE - Timberland Exclusive" Zone, and
  - c) "TL - Tribal Land" Zone.

As noted in the staff report, these proposed new zones better implement the "P - Public Lands", "T - Timber Production", and the "TL - Tribal Lands" and "TTL - Tribal Trust Lands" General Plan Land Use Designations. Staff recommends the Planning Commission approve these new zones and apply them to the Zoning Map as recommended in the Planning Commission Alternatives section of the October 4, 2018 staff report.
- 4) Correspondence received from the California Department of Fish and Wildlife regarding the October 4, 2018 item are included in Attachment 4.

## Revised RR – Railroad Rights-of-Way Protection Combining Zone

**314-33 "R" COMBINING ZONE DESIGNATIONS****314-33.2 RR – RAILROAD RIGHTS-OF-WAY PROTECTION.**

33.2.1 **Purpose.** The purpose of these provisions are to protect specified contiguous rail rights-of-way from development that may interfere with the use of the rights-of-way for rail and other public transportation uses.

33.2.2 **Applicability.** The Railroad Rights-of-Way Protection Combining Zone, indicated by "RR" on the Zoning Maps, shall apply to lands contiguous rail rights of way 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 that are~~ 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.

33.2.3 Compatible Uses. The following uses are permitted within areas designated as a Railroad Rights-of-Way Protection Combining Zone:

33.2.3.1 Railroad and accessory uses carried out by the applicable rail authority or successor entity.

33.2.3.2 Paved public roads, surfaced pedestrian walkways, bicycle paths; semi-improved recreational trails for walkers, bicyclists, and equestrians; and unimproved rural trails for hikers, mountain biking, and horse-riding, carried out by the applicable rail authority or successor entity.

33.2.3.2 Management and maintenance of trees, shrubs, and other plant life consistent with the Zoning Regulations and other applicable provisions of the Humboldt County Code.

33.2.3.3 Incidental public service purposes, including, but not limited to, pipelines for water, sewer and natural gas utilities, electrical transmission and telecommunication lines.

33.2.4 **Other Development Standards.** All development proposed on land designated Railroad Rights-of-Way Protection Combining Zone on the Zoning Maps other than the compatible uses described in 33.2.3 above shall be sited and designed to protect these areas from activities that may interfere with the use of the rights-of-way for rail and other public transportation purposes and conducted in accordance with applicable law to ensure that there is no interference with the use of the rights of way for rail and other public transportation uses. Evidence that the development is sited and designed to protect minimize interference with the use and rights-of-way for rail and other public transportation uses shall include, but not be limited to, license agreements between the proponent of the development and the applicable rail authority or successor entity ~~trail authority.~~

33.2.5 Special Permit Required. Development, other than compatible uses identified in 33.2.3 above, may be approved in areas designated as Railroad Rights-of-Way Protection Combining Zone on the Zoning Maps upon approval of a Special Permit and may require approvals from other concerned agencies. Applications for Special Permits shall be referred to the Public Works Department for review and comment.

## Revised MR – Mineral Resources Combining Zone

**314-28 "M" COMBINING ZONE DESIGNATIONS****314-28.2 MR – MINERAL RESOURCES COMBINING ZONE**

**28.2.1 Purpose.** The purposes of these provisions are to: (a) identify permitted surface mining operations; (b) ensure compatibility of adjacent uses; (c) establish a process through which notice may be provided to owners of land seeking discretionary approval for projects within 1000 feet of vested and permitted surface mining extraction sites; and (d) to facilitate implementation of the County's regulations for surface mining, conservation, and reclamation.

**28.2.2 Applicability.** The Mineral Resources Combining Zone, indicated by "MR" on the Zoning Maps, shall be applied on the Zoning Maps to include parcels with vested or permitted surface mining operations, as shown on the Mineral Resources – Mining Operations Map contained in General Plan Appendix F, Map Book and land within 1,000 feet of the outside edge of Assessor's Parcels containing surface mining operations. Discretionary projects located a minimum of 300 feet along mapped mining haul routes shall also be subject to these regulations.

**28.2.3 Permitted Uses.**

**28.2.3.1** Applications for new mining operations shall be subject to the approval of a conditional use permit, pursuant to Title III – Land Use and Development, Division 9, Mining Operations, of the Humboldt County Code and the California Surface Mining and Reclamation Act (SMARA)

**28.2.3.1.1** Applications shall address allowable dust and noise levels, hours of operation, fencing, traffic, access, setbacks, and other performance standards necessary to minimize significant environmental impacts and conflicts with adjacent land uses, to the extent feasible.

**28.2.3.2** When mining activity ceases, the landowner and/or mining company shall be responsible for the reclamation of the site.

**28.2.3.3** Reclamation shall include but not be limited to the reasonable mitigation or elimination of residual hazards.

**28.2.3.4** Non-mining projects located within the MR Combining Zone or located a minimum of 300 feet along mapped mining haul routes may be approved only if the following finding is made in the affirmative: Even though the project may otherwise be determined to be incompatible with mineral resource protection policies, the project will incorporate the best mitigation measures feasible conditions of approval shall be applied to minimize potential conflicts with these policies.

**28.2.3.4.1** Incompatible land uses shall be suitably buffered from mining activity. Appropriate transition measures shall be taken in order to insure compatibility-minimize conflicts between mining activity and surrounding land uses.

#### 28.2.4 Hearing Notification.

28.2.4.1 For applications for discretionary approval associated with SMARA mining operations shown on maps in Humboldt County General Plan Appendix F - Map Book, public notice shall be provided to landowners within 1000 feet of the mining operation or 1,500 feet from any associated processing plant, and a minimum of 300 feet along proposed haul routes.

28.2.4.2 For applications for discretionary projects within 1000 feet of mining operations, notice shall be provided to the mine owners.

**28.2.4.3 Applications for all discretionary projects subject to the Mineral Resources Combining Zone shall provide notice to any public water system whose service area includes the project site.**

#### 28.2.5 Disclosure.

28.2.5.1 Humboldt County has over 90 extraction sites including active hard rock quarries and in-stream gravel mining operations from bars along the Eel, Mad, Trinity, and Van Duzen Rivers and their tributaries. According to the Mineral Resources Chapter of the Humboldt County General Plan Conservation and Open Space Elements, the production of sand and gravel, hard rock, and metals is essential for the economic well-being of the county. The County's vested and permitted surface mining operations must be protected, including in areas near residential development.

28.2.5.2 This section further requires discretionary projects within 1000 feet of vested and permitted surface mining extraction sites or a minimum of 300 feet along existing haul routes to record a notice of the "right to mine" against the property for which a discretionary permit is sought. The notice shall advise owners and subsequent interests in ownership that the existing mining operation has a permitted right to continued mining operations. The notice shall be in substantially the following form:

"You are hereby notified that if the property you are purchasing is located close to vested and permitted surface mining extraction sites, you may be subject to inconvenience or discomfort from the following mining operations: noise, dust and emissions from mobile equipment used in mining operations such as bull dozers, scrapers, loaders, water trucks, and haul trucks, and stationary equipment such as conveyors, screeners, washing/crushing plants, and batch plants for the production of asphalt or concrete; and the lawful and proper use of chemicals and regulated explosives. Mining operations may involve excavation, drilling and blasting, with subsequent excavating and sorting. These operations may generate, among other things, dust, smoke, noise and odor. If you live near vested and permitted surface mining extraction sites, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county whose economy is reliant upon the production and conservation of minerals, while preserving to the maximum extent feasible the values relating to recreation, watershed, wildlife, timber management and agriculture, science, and aesthetic enjoyment. For information concerning where mining operations are located in relation to your property, you may contact the Planning Division of the Humboldt County Planning and Building Department. Nothing in these regulations or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available action to remedy any unlawful or improper mining practice."

28.2.4.3 The statement set forth in subsection 28.2.4.2 shall be used under the following circumstances and in the following manners:

28.2.4.3.1 Upon the issuance of a discretionary development permit, including but not limited to subdivision approvals, Use Permits, and Special Permits, for use within 1000 feet of vested and permitted surface mining extraction sites or a minimum of 300 feet along mapped mining haul routes to vested and permitted surface mining extraction sites, the discretionary development permit shall include a condition that the owners of the property shall be required to record a notice of the right to mine against the property for which a discretionary permit is sought containing the Disclosure set out in subsection 28.2.4.2.



**Proposed New Principal Zones: "PR: PUBLIC RESOURCE AND RECREATION",  
"TE - TIMBERLAND EXCLUSIVE", and "TL - TRIBAL LAND"**

**314-4.4 PR: PUBLIC RESOURCE AND RECREATION**

The PR or Public Recreation and Conservation Zone is intended to be applied on properties under the jurisdiction of federal, state, county, or another other district authority or public corporation, or agency thereof and where the intended use is public recreation, or resource protection or production. The County has no land use jurisdiction over federal or state owned lands. The following regulations shall apply in all PR or Public Recreation and Conservation Zones over which the County has land use jurisdiction.

<b>314-4.4 PR: PUBLIC RECREATION AND CONSERVATION</b>	
<b>Use Type</b>	<b>Principal Permitted Use</b>
Agricultural and Resource Use Types	General Agriculture Timber Production
Civic Use Types	Public Recreation and Open Space Community Assembly
Natural Resource Use Type	Fish and Wildlife Habitat Management Watershed Management Wetland Restoration Resource-Related Recreation Boating Facilities
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Caretaker's Residence
Commercial Use Types	Temporary RV Park
Civic Use Types	Administrative Essential Services Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations Minor Generation and Distribution Facilities Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Use Types Not Listed in This Table	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PR zone.

**314-7.5 TE: TIMBERLAND EXCLUSIVE ZONE**

The Timberland Exclusive or TE Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber where land planned Timberland on the General Plan Land Use Map is not zoned TPZ pursuant to Section 314-7.4 of these Regulations and the California Timberland Productivity Act of 1982, Government Code Section 51100, et seq.

<b>314-7.5 TE: TIMBERLAND EXCLUSIVE ZONE</b>	
<b>Principal Permitted Uses</b>	
Growing and harvesting of timber and accessory uses compatible thereto.	
Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures).	
One-family dwelling or manufactured home and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences in Section 317-7.4.1.6	
Management for watershed.	
Management for fish and wildlife habitat.	
A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of "processing").	
The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.	
Grazing and other agricultural uses.	
Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.	
Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.	
<b>Uses Permitted with a Use Permit</b>	
Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.	
Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TE zone.	
<b>Other Regulations</b>	
<b>Minimum Lot Area</b>	Forty (40) acres.
<b>Minimum Lot Width</b>	One hundred feet (100').
<b>Maximum Lot Depth</b>	(None specified.)
<b>Minimum Yard Setbacks</b>	
Front	Thirty feet (30');
Rear	Twenty feet (20');
Side	Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.
Outbuildings	Outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35 %).
<b>Maximum Building Height</b>	(None specified.)

**314-7.6 TL: TRIBAL LANDS**

The Tribal Lands or TL Zone is intended to implement the Tribal Lands (TL) and the Tribal Trust Lands (TTL) Land Use Designations contained in General Plan Land Use Element Section 4.8, Land Use Designations. The TL Zone is intended to be applied to land planned Tribal Trust Land (TTL) or land located on Native American Reservations and Rancherias that is not zoned TPZ and is identified as Tribal Lands (TL) on the General Plan Land Use Map.

**7.6.1 TL Regulations.****7.6.1.1 Jurisdiction:**

7.6.1.1.1 The County does not have land use jurisdiction over land within the Reservations or Rancherias that is held in trust by the Federal government for a Tribe or its Members, or owned in fee by the Tribe or by Members of the Tribe.

7.6.1.1.2 The County may have land use jurisdiction over land owned in fee by non-tribal members within the boundaries of the Rancheria or Reservation, except land owned in fee by non-tribal members within the boundaries of the Hoopa Reservation.

7.6.1.1.3 Applicants for land use and permit approvals for land zoned TL may be requested to provide additional information to allow the County to determine if the County has land use jurisdiction.

7.6.1.1.4 In the event the County has land use jurisdiction, the Planning and Building Department shall (1) notify the Tribal government of the application, (2) determine if the Tribal government has an adopted land use plan, and (3) the County shall refer the project to and engage with the Tribal government for comment prior to approval.

7.6.1.2 Adopted Tribal Land Use Plan. If the Tribal government has an adopted land use plan, this plan shall be used by the County as policy guidance for all land use and permit approvals.

7.6.1.3 Applications for Land Use and Permit Approvals within Urbanized Areas. For land use and permit approvals on land Zoned TL within or adjacent to urbanized areas, the Permitted and Conditionally Permitted Use and Minimum Yard Setbacks and Ground Coverage, Maximum Structure Height, and Permitted Main Building Types shall be those specified for Rural Residential Agriculture Zone (Minimum Lot Size Less Than 2.5 Acres) in Section 314-6.6 of these Regulations.

7.6.1.4 Applications for Land Use and Permit Approvals Outside of Urbanized Areas. For land use and permit approvals on land Zoned TL outside and not adjacent to urbanized areas, the Permitted and Conditionally Permitted Use and Minimum Yard Setbacks and Ground Coverage, Maximum Structure Height, and Permitted Main Building Types shall be those specified for Rural Residential Agriculture Zone (Minimum Lot Size 2.5 Acres or Greater) in Section 314-6.6 of these Regulations.

7.6.1.5 Subdivisions:

7.6.1.5.1 Subdivisions of land Zoned TL within urbanized areas shall have a maximum residential density of one (1) acre per dwelling unit.

7.6.1.5.2 Subdivisions of land Zoned TL outside urbanized areas shall have a maximum residential density of maximum residential density of 40 acres per dwelling unit.

7.6.1.5.2 Policies relating to Rural Lands contained in General Plan Section 4.4, Rural Lands, shall apply to all subdivisions of land Zoned TL.

**Correspondence from the California Department of Fish and Wildlife dated October 12, 2018**

**From:** Bauer, Scott@Wildlife  
**Sent:** Friday, October 12, 2018 4:02 PM  
**To:** Miller, John  
**Cc:** Ford, John Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>  
**Subject:** Zoning Text Amendments and Zone Reclassifications to Implement the General Plan

Hello John,

The California Department of Fish and Wildlife (Department) has reviewed the Staff Report for the Zoning Text Amendments and Zone Reclassifications to Implement the General Plan. In conjunction with the written comments below, the Department intends to provide verbal comments to the Planning Commission at the standing Committee meeting on the proposed hearing date of October 18, 2018, wherein the subject item will be heard.

The Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants and their habitat. As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a Responsible Agency, the Department administers the Lake or Streambed Alteration (LSA) Program, California Endangered Species Act (CESA), and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department provides the following comments and recommendations on the proposed Amendments in our role as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code [PRC] Section 21000 et seq.).

Based on the Staff Report for the proposed Zoning Text Amendments and Zone Reclassifications to Implement the General Plan, the Departments primary comments include:

- The proposed zoning reclassifications were developed concurrently, but separate from, the Humboldt County Medical Marijuana Land Use Ordinance(s) (Ord. No 2554, and 2559, "Ordinance 1.0") and the Humboldt County Commercial Cannabis Land Use Ordinance(s) (Ord. No 2598 and 2599, "Ordinance 2.0"). Upon reviewing the proposed zoning changes, it appears that the reclassification of several current zone types to "Agriculture Exclusive-AE" or "Agriculture General -AG" Resource Production Land Use Designations will allow for new (and expansion of existing) cannabis operations where prior zoning would have precluded these activities. If our understanding of this zoning change is correct, the proposed action would result in a significant increase of land available for cannabis cultivation in the County. The Department seeks clarification on this understanding, as an increase in new cannabis cultivation at this level would likely lead to potentially significant environmental impacts that have not been adequately addressed under the County's prior EIRs for either the General Plan or the cannabis ordinance 2.0.
- The Project proposes to "Apply Zone Classifications to lands currently Zoned "Unclassified-U" in a manner consistent with the General Plan Land Use Designation based on Table 4-H, Zoning Consistency Matrix. Approximately 530,350 acres zoned "U" would be affected." When examining the proposed zoning maps, it appears that most zones currently classified as "U" are proposed to be converted to "AE". The Department seeks clarification on this observation, as many areas currently zoned "U" are located in rural timberlands and along major Class I streams that contain high quality habitat for sensitive fish and wildlife species. The potential impacts of this action via facilitation of extensive future cannabis development in these sensitive areas does not appear to have been adequately analyzed.
- As stated in the Staff Report the County aims to, "Apply the "AE- Zone, as identified in the Open Space Action Plan, to lands planned (AE), (AG) and (T) that are not zoned TPZ." The Department seeks clarification on why lands planned "Timberland-T" will not have a "TPZ" zoning or another timberland appropriate designation? Timberlands often present habitat for many special status species including Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species), Pacific Fisher (*Pekania pennant*) and Humboldt

Marten (*Martes caurina humboldtensis*, a State Endangered species and candidate species for listing as Endangered under the Federal ESA). Allowing for an "AE" land designation in areas identified as timberland will allow for development of cannabis cultivation operations that may pose potentially significant impacts to special status species.

- The Staff Report states, "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." Although this measure will protect further development for applicants currently under the cannabis Ordinance 1.0 process it will not prevent landowners (both in the current process and out) from applying for new cultivation permits under cannabis Ordinance 2.0. Given the potential for significant environmental impacts as a result of this proposal, the Department supports an alternative that would preclude opening these parcels to new cannabis development, until the County conducts a full analysis of the potential impacts that this new development may cause.
- The proposed zoning reclassification will, "Apply the, "AE - Agriculture Exclusive" Zone to lands planned Public Lands (P). In most instances, these lands are owned by federal, state, and county agencies. The Department supports Planning Commission Alternative No. 2, "Add a "PR - Public Resource and Recreation" Zone to the Zoning Ordinance and apply it to the publicly-owned lands with a "P - Public Lands" General Plan Land Use designation. Public lands often contain the most complex habitat features because they have not been subject to major alteration since their acquisition by public agencies. In the event that these parcels are transferred from public to private ownership in the future, maintaining a designation that identifies these areas as public resources will be crucial to protecting these areas from potential future development that is incompatible with surrounding fish and wildlife resources.
- The Department supports the application of the WR- Streamside Management Areas and Wetlands Combining Zone to the outer boundaries of Streamside Management Areas as defined by General Plan Standard BR-S5.
- As identified above, the proposal will apply "AE" zoning to "T" zoned parcels that are not currently zoned "TPZ". The Planning Commission Alternative No. 3, "Add a "TE - Timberland Exclusive" Zone to the Zoning Ordinance and apply it to the areas with a "T - Timber Production" General Plan Land Use designation that are not zoned "TPZ - Timber Production Zone." The Department supports Planning Commission Alternative No. 3.

We appreciate the opportunity to comment on the subject item and look forward to communicating further with County Staff. Please contact Scott Bauer at (707) 441-2011 or [scott.bauer@wildlife.ca.gov](mailto:scott.bauer@wildlife.ca.gov) if you have questions.

Sincerely,

Scott Bauer  
Senior Environmental Scientist Supervisor  
California Department of Fish and Wildlife  
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(707) 441-2011



SECTION E, PAGE NO. 71  
**HUMBOLDT BAY MUNICIPAL WATER DISTRICT**

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JOHN FRIEDENBACH

October 3, 2018

Mr. John Miller  
Humboldt County Planning Department  
3015 H Street  
Eureka, California 95501

**RE: Zoning Districts for Inland Zoning Ordinance  
Planning Commission Hearing October 4, 2018**

Dear Mr. Miller,

Humboldt Bay Municipal Water District (District) provides high quality drinking water to over 88,000 customers in Humboldt County. This water is drawn from wells along the Mad River. The District has a direct interest in protecting this water source and in support of this goal, submits these comments on the proposed “Zoning Text Amendments and Zone Reclassifications to Implement the General Plan” to be considered by the Planning Commission on October 4, 2018 (Zoning Amendments).

On September 26, 2018, the District submitted preliminary comments on the proposed Planning Commission action. Since then, the text of the proposed Zoning Amendments has been made available. The District submits the additional comments below based on this supplemental information. In addition, because this supplemental information raises a number of concerns, the District requests the Planning Commission continue the public hearing on the Zoning Amendments to provide the County and District time to resolve the issues identified below.

- 1. The Zoning Amendment should make clear which areas will be designated MR - Mineral Resources Combining Zone Designation and the environmental impacts of mining operations in close proximity to the Mad River should be fully considered.**

The Zoning Amendments outline a new combining zone designation, MR—Mineral Resource, to identify and monitor surface mining operations. (Proposed Humboldt County Code, § 314-28.2.1.) This designation is to be applied to “parcels with vested or permitted surface mining operations, as shown on the Mineral Resources – Mining Operations Map contained in the General Plan Appendix F, Map Book and land within 1,000 feet of the outside edge of Assessor’s Parcel containing surface mining

operations.” (Proposed Humboldt County Code, § 314-28.2.2.) New mining operations are permitted in these areas with a “conditional use permit issued pursuant to Title III – Land Use and Development, Division 9, Mining Operations, of the Humboldt County Code and the California Surface Mining and Reclamation Act (SMARA).” (Proposed Humboldt County Code, § 314-28.2.3.1.)

As a preliminary matter, the District had difficulty determining which properties would be subject to the MR designation because the referenced “Mineral Resources – Mining Operations Map contained in the General Plan Appendix F, Map Book” is not readily available. The “Rock and Mineral Extraction Sites Map” in Part 3, Chapter 10 Conservation and Open Space in the Humboldt County General Plan referenced by staff does not provide precise information about the parcels to which the zoning designation will apply. The absence of the map hampers the District’s ability to evaluate the impact of the MR designation on the District’s water intake wells and the Mad River Watershed. Because the referenced maps are not available to the public 72 hours in advance of the Planning Commission Hearing, the District again requests the hearing be continued until sufficient information is timely available. It is necessary that interested members of the public will be allowed adequate time to evaluate and provide comment on the entire content of the proposed changes.

The District is particularly concerned with the zoning and use of properties in close proximity to the drinking water source and throughout the watershed. The MR designation appears to freeze in perpetuity mineral resource designation and encourages its expansion by designating adjacent lands with this same or compatible use. This designation may permit parcels with small mining operations or previously non-conforming uses to transform into larger operations with additional activities or allow expansion of industrial or commercial uses that are not compatible with protecting the Mad River watershed and drinking water source for two-thirds of our county’s population. The District requests that County clarify the effect of the proposed designation in these scenarios. In particular, the District requests the County clarify how the determination that a mining operation is “vested or permitted” will be made for the purposes of the MR designation and whether the MR designation will permit the expansion of existing mining operations or establishment of other industrial and/or commercial uses.

The District’s underlying concern is with the environmental impact of expanding mining operations or industrial and/or commercial uses and their potential cumulative impacts on the County’s drinking water and the habitat in the Mad River Watershed. The MR zoning and resulting expansion of permitted activities could compromise the quality of water withdrawn and operations of the District’s source water wells as well as the critical habitat in the Mad River and watershed. General Plan policy WR-P1 requires that the County “[e]nsure that land use decisions conserve, enhance, and manage water resources on a sustainable basis to assure sufficient clean water for beneficial uses and future generations.” (2017 General Plan, p. 11-8) Consequently, these risks merit additional environmental analysis and public input due to their likely direct and indirect impacts.

For example, the expansion of surface mining operations in some MR zones may have significant amounts of waste water contaminating the Mad River. Acid mine drainage, metal contamination, and increased sediment levels are only a few water-pollution problems commonly associated with surface mining and therefore warrant detailed CEQA reviews for the potential cumulative environmental impacts of expanded mining, commercial or industrial uses. Additional environmental effects, though indirect or unintentional, come from dust in the air, noise stressing the local ecology, and traffic and operations disturbing the site’s structure and landform, jeopardizing the integrity of the riverbed. The environmental impacts of the MR designation along the Mad River must



be analyzed in consideration of the threats to area's water supply, water quality, and other environmental resources.

The broad-brush alteration of the zoning on all parcels where mining currently occurs omits the important case-by-case analysis to determine whether such use is appropriate for each parcel. It further allows existing uses to drive the land use patterns in the County, rather than considering whether existing operations are consistent with the County's desired growth patterns, the protection of natural resources, and the important drinking water source for over half of Humboldt County's residents. For these reasons, the District has serious concerns about the application of the MR Combining Zone Designation.

**2. The RR Rights-of-Way designation should clarify the role of railroad authority license agreements in determining that a use will not interfere with "rights-of-way for rail and other public transportation uses."**

The Zoning Amendments create combining zone designation RR—Railroad Rights-of-Way Protection "to protect specific contiguous rail rights-of-way from development that may interfere with the uses of the rights-of-way for rail and other public transportation uses." (Proposed Humboldt County Code, §314-33.2.1.) Within the RR zone, development "shall be sited and designed to ensure that there is no interference with the use of the rights-of-way for rail and other public transportation uses." (Proposed Humboldt County Code, § 314-33.2.3.) The District requests modification of proposed section 314-33 to clarify that it will not have any impact on the District's currently planned construction project within the Annie and Mary Railroad rail corridor.

Specifically, the District has a \$1.7 million-dollar FEMA Hazard Mitigation grant to construct a switchgear facility within the Annie and Mary Railroad rail corridor adjacent to our Essex Facility. This project will relocate our original switchgear out of the flood plain. The District negotiated and obtained a license agreement with the North Coast Rail Authority to locate our project at this higher elevation location. As part of issuing a license agreement, the North Coast Rail Authority considered whether a project would interfere with the use of the rights-of-way. In anticipation of a possible future trail along the Annie & Mary rail corridor, the District has sited its project such that sufficient space will be available within the railroad right of way if such a project should materialize in the future. Therefore, the District requests the County modify proposed section 33.2.3 as follows:

"All development proposed on land designated "RR" on the Zoning Maps shall be sited and designed to ~~ensure that there is no~~ minimize interference with the use of the rights-of-way for rail and other public transportation uses. Evidence that the development is sighted and designed to minimize interference with the use and rights-of-way for rail and other public transportation uses shall include, but not be limited to, license agreements between the proponent of the development and the applicable rail authority or successor rail authority."

The District has received verbal confirmation that the programmed construction of the new switchgear facility is consistent with the Section 33.2.3 as proposed in the staff report and would not require additional review beyond the existing confirmation from the North Coast Rail Authority. The District requests the Planning Commission and ultimately the Board of Supervisors memorialize this recognition in order to permit this much needed facility to proceed as planned.

**3. The Exemption in proposed County Code section 314-55.3.4.1 should not apply to withdrawn applications.**

The Zoning Amendments exempt Commercial Cannabis Activity land use permits “currently under review” and filed on or before December 31, 2016 from being subject to the proposed Zoning Amendments. (Proposed Humboldt County Code, § 314-55.3.4.1.) The District would like to confirm that formally withdrawn applications are not considered to be “currently under review.”

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In conclusion, the District appreciates the opportunity to work collaboratively with the County to ensure that the Zoning Amendment protects the County’s drinking water, the habitat of the Mad River Watershed, and the District operations. We acknowledge the discussions and efforts made by County Planning staff member John Miller. We look forward to responses to the questions posed above and look forward to providing any necessary clarification. Please contact me with any questions.

Respectfully,

**FILE COPY**

John Friedenbach,  
General Manager