

Inclusion in Humboldt County's Lower Income Inventory

What are the criteria for property to be eligible for up-zoning?

Please take note that the County cannot require housing development projects that are not receiving public funding be affordable lower income households even when developed on Lower Income inventory sites.

State law specifies the requirements for sites to be eligible for inclusion in a jurisdiction's Lower Income Inventory for sites included in the Lower Income inventory. The County cannot modify or request exceptions to these requirements.

- State law requires sites to be suitable for residential development, be zoned to allow by-right multifamily residential development at a minimum density of 16 dwelling units per acre.
- Sites must have sufficient water, sewer and dry utilities available and accessible to support housing development. In Humboldt County sufficient water and sewer means sites are within the service area of an established community services district, and the district has public water and sewer connections available. Dry utilities mean electricity, natural gas, telephone, and cable systems are available.
- Sites must be outside the Martin Slough Interceptor service area. The Martin Slough Interceptor services portions of unincorporated greater Eureka. Affected geographic areas include Cutten and Myrtle town.
- The site is greater than 0.50 acres and smaller than 10 acres in size. An inventory site may consist of one parcel, a portion of a parcel, or multiple parcels.
- If the site is nonvacant the existing use must be described, and the County must demonstrate that the existing use does not constitute an impediment to additional residential development during the current housing element planning period. State law presumes an existing use on a site impedes additional residential development absent substantial evidence that the use is likely to be discontinued during the present period. To help with make this determination, property owners will need to submit a site plan using [this checklist](#).
- Environmental constraints that hinder the development housing must be described at least the jurisdictional or programmatic level. Environmental constraints include fire hazard; inadequate road and emergency access including dead end roads; steep slopes; the presence of known earthquake faults and landslides; the presence of streams, wetlands, or other natural bodies of water; hazards and inundation from flooding, tsunami and sea level rise; and adjacency to hazardous waste sites, also referred to as Cortese list sites.

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- Parcels located in Shelter Cove are not eligible in accordance with Department of Housing and Community Development's standing input on adequacy of sites in this geographic area of the County.
- Due to the requirements of the Coastal Act, volunteered sites located in the Coastal Zone will be subject further review by County staff to determine eligibility for the Multifamily Rezone Project.



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What to expect if you up-zone your property.

This document discloses to the best of our knowledge the anticipated land use regulations that would apply at the completion of the Multifamily Rezone Project should you volunteer your property for up-zoning for inclusion in the Lower Income Inventory.

- At the conclusion of the Multifamily Rezone Project, volunteered properties that qualify will be rezoned to Residential Multifamily with a Qualified combining zone ("R-3-Q"). Multifamily development with a minimum density of 16 dwelling units per acre will be the principally permitted use. R-3 will be the Principal Zone and the Q is an overlay zone. The Q zone is discussed further below.
- The County's Housing Element Inventory of sites will be amended to include parcels that are rezoned to R-3-Q.
- In most cases, the entirety of the property will be rezoned to R-3-Q. In some cases, a portion of the property will be rezoned R-3-Q. This is most likely to occur for properties with an established commercial use that will be retained or if the property is greater than 10 acres in size. When a single property has more than one zoning, it is "split zoned".
- If there are combining zones that currently apply to property, these combining zones will mostly likely remain when the Multifamily Rezone Project is completed. Examples of combining zones that will be carried forward and retained are:
 - Greenway and Open Space ("GO")
 - Noise Impact ("N")
 - Streamside Management Areas and Wetlands "WR"
- Existing combining zones are likely to remain because they originate from a previously completed environmental analysis and are intended to reduce an impact to a sensitive resource. For a comprehensive list of combining zones, please see [Humboldt County Code Section 314-15](#).
- A new Qualified combining zone ("Q zone") will be applied to up-zone properties when the Multifamily Rezone Project is completed. As per [Humboldt County Code Section 314-32](#), the Q zone will be combined with the R-3 principal zone to indicate that dwelling groups and multiple dwellings are the principally permitted use. The allowable uses of the R-3 zone may be limited or not be allowed with or without a Use Permit. The Q zone may add, delete, or modify the R-3 development standards to implement the General Plan, including the 2019 Housing Element, CEQA mitigation, or other State housing mandates. The terms of the Qualified combining zone will be specified in an

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ordinance that is adopted by the Board of Supervisors. Two examples of existing Q zones that apply to Lower Income inventory can be found here:

- [Ordinance No. 2460](#), adopted by the Board of Supervisors August 30, 2011.
- [Ordinance No. 2472](#), adopted by the Board of Supervisors February 14, 2012.
- In 2017, the State passed a new housing law for Replacement Housing. The County is required to implement this new law. Replacement Housing applies to all non-vacant inventory sites with existing rental housing units, or sites that had residential uses in the last five years. If Replacement Housing applies to a site, any development of the site will be conditioned on replacement with equivalent units. Please [contact us](#) if you would like more information about Replacement Housing.
- When properties are rezoned, the California Environmental Quality Act ("CEQA") requires localities to assess potential adverse environmental impacts. The County will conduct the environmental analysis at no cost to the property owner. In some cases, it may be necessary for County staff to conduct a site visit of your property to ground truth this information. For these site visits, County staff may be accompanied by employees from other State and County agencies, or representatives from the local tribes.
- If you elect to volunteer your property for the Multifamily Rezone Project, the application packet will include a consent form authorizing a site visit by County, other government staff, or tribal representatives. Should a site visit be necessary, Planning staff will contact you at least 48 hours ahead to arrange a date and time. If you want to be present and attend the visit, we will accommodate your request, and property owner attendance is strongly encouraged.
- If there are sensitive resources that may be adversely impacted by development, CEQA requires those impacts be mitigated in order to reduce potential negative effects. Future development of the property will be required to comply with the mitigation measures.
- Housing units constructed on up-zoned parcels can be either rental or ownership units, or a mix of both. In order to meet the 16 dwelling unit density, ownership units may be constructed as bungalow courts, townhouses, condominiums, or a mix of housing forms. Because housing projects incorporating ownership units will require a subdivision map, these applications will receive priority and fast tracking, and technical assistance will be available.

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Other land use regulations that may also apply:

- Payment of an in-lieu parkland dedication fee of +/- \$250 per residential unit (McKinleyville and Eureka areas only).
- There may be a requirement for projects to develop at or near the designated density. Requests to build at less than may involve other permit requirements, and/or may not be allowed if what is proposed would preclude development at the designated density.
- Implementation of best practices during construction phase(s) to minimize dust, prevent erosion, and protect water resources.
- Set hours for active construction during construction phase(s) to minimize noise impacts for nearby inhabitants.

