



COUNTY OF HUMBOLDT

For the meeting of: September 9, 2013

Date: September 3, 2013
 To: Board of Supervisors
 From: Kevin Hamblin, Director of Planning and Building Department *KW*
 Subject: Continued Board review of the Planning Commission Approved Draft General Plan. In particular, review the outstanding issues for Chapter 4, Land Use, and begin review of the Economic Development Element (Chapter 9).

Recommendations

That the Board of Supervisors:

1. Open the public hearing.
2. Receive a staff report and public testimony.
3. Close public comments.
4. Continue deliberation on Chapter 4, Land Use.
5. Begin review and deliberation on the Economic Development Element (Chapter 9).
6. Deliberate as necessary regarding the Board's review schedule for the Draft General Plan.
7. Continue deliberation to September 23, 2013.

Source of Funding: The cost of preparing this staff report was borne by the General Fund through the Planning and Building Department, Advance Planning Division's FY 2013-2014 budget, and the General Plan user fees.

Prepared by *Michael Richardson*
Michael Richardson, Senior Planner

CAO Approval _____

REVIEW:
 Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:
 _____ Consent
 _____ Departmental
 XX _____ Public Hearing
 _____ Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
 Upon motion of Supervisor
 Seconded by Supervisor

 Ayes
 Nays
 Abstain
 Absent

PREVIOUS ACTION/REFERRAL:

Board Order No. H-2, D-1, C-1, L-1, C-1, C-1, L-3, C-1, C-1, C-1, C-1, C-1, C-1, C-1, C-1, C-1, C-1, C-1, C-1, C-1, C-1, C-1

Meeting of: June 12th, 18th & 25th; July 10th, 16th, 23rd & 24th; August 13th; September 10th & 17th; October 1st & 15th; November 5th & 8th; December 3rd & 17th, 2012; January 14 & 28th; February 11, March 11 & 25; April 22; May 6 & 20th, June 3 & 17th, July 8 & 22nd, August 23 & 26th, 2013.

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____
By: _____
Kathy Hayes, Clerk of the Board

Discussion: At the August 23 and August 26, 2013 meetings, the Board of Supervisors finalized (by straw vote) the wording of the Energy Element (Chapter 12), the Forest Resource Section of Chapter 4, and most of the Land Use Classifications section of Chapter 4 summarized in the list below. Attachment A of this report shows the text of the GPU approved by straw vote.

Forest Resource Section of Chapter 4:

- **FR-IM10. Review Standards and Process of Joint Timber Management Plans (JTMP)**
- **FR-S4. Timberland Subdivisions**

Energy Element:

- **E-IM3. County Energy Consumption Reduction.**
- **E-IM4. Install County Systems.**
- **E-IM6. Energy-conserving Landscaping.**
- **E-IM7. Small Hydroelectric Development.**
- **E-IM8. Energy Efficiency Standards.**
- **E-IM14. Energy Conservation Ordinance.**

Land Use Classifications:

- **RM. Residential Medium Density** adding Cottage Industry.
- **RL. Residential Low Density** adding Private Institutions.
- **RE. Residential Estates** adding Fish and Wildlife Management and Neighborhood Commercial.
- **RR. Rural Residential Agriculture**, (name change).
- **CG. Commercial General** deleting Maximum Height Limits, adding a Maximum Floor Area Ratio of three (3), and adding a note, "Maximum Structure Height and other development standards as specified in the zoning regulations" and footnote: "Family Day Dare centers are considered accessory to commercial use" .
- **CS. Commercial Services** deleting Maximum Height Limits, adding a Maximum Floor Area Ratio of three (3), and adding a note, "Maximum Structure Height and other development standards as specified in the zoning regulations" and footnote: "Family Day Dare centers are considered accessory to commercial use".
- **CR. Commercial Recreation** deleting Maximum Height Limits, adding a Maximum Floor Area Ratio of three (3), and adding a note, "Maximum Structure Height and other development standards as specified in the zoning regulations" and footnote: "Family Day Dare centers are considered accessory to commercial use".
- **MU. Mixed Use** adding a note, "Maximum Structure Height and other development standards as specified in the zoning regulations" and footnote "Family Day Dare centers are considered accessory to commercial use".
- **VC. Village Center.**
- **RCC. Rural Community Center.**
- **UR. Urban Reserve & GP-S9. Urban Reserve.**
- **IG & MG. Industrial General** deleting Maximum Height Limits, adding a Maximum Floor Area Ratio of three (3), and adding "Utilities and Energy Facilities"
- **IR. Industrial Resource Related** deleting Maximum Height Limits, adding a Maximum Floor Area Ratio of three (3), and adding "Utilities and Energy Facilities".
- **MB. Business Park** deleting Maximum Height Limits, adding a Maximum Floor Area Ratio of three (3), and adding "Retail Sales" "Retail Services" and "Transient Habitation" .
- **NR. Natural Resource** adding "General Agriculture" and "Timber Production" as "Other" uses.
- **OS. Open Space.**
- **PF. Public Facility** adding "General Agriculture" and "Timber Production" as "Other" uses.
- **PR. Public Recreation.**
- **P. Public Lands.**

- **MR. Resource Dependent** adding "Timber Production" as a "Resource Production" Use.
- **T. Timberland** adding "Single Family Residence" and "Second Residential Unit" as Other Uses and deleting "Residence Incidental to Principal Use."

Outstanding Issues – Land Use Classifications

The following paragraphs describe items that were discussed at the meeting(s), but required additional analysis. The discussion highlights the issues raised, staff's recommendations how to address those issues, and the basis for the Department's recommendations.

- **MC. Industrial, Coastal Dependent.**

The Resource Lands working group recommends Timber Production be added as a permitted use. The Board heard testimony that these sites may also have potential for growing timber. The Board requested more information about the potential for these sites to accommodate timber production.

Recommendation: Allow Timber Production as a conditionally permitted use in the MC designation by listing it as a permitted use (Timber Production will be conditionally permitted in the MC designation in the draft zoning ordinance).

Discussion: The MC-designated areas are industrial sites adjacent to Humboldt Bay. The Coastal Act prioritizes coastal-dependent industrial land uses on these sites above other uses, including timber production. Allowing timber production by adding it to the list of permitted uses would be consistent with the allowances in the other Industrial land use classifications the Board has straw-voted already. Identifying Timber Production as a conditionally permitted use in the draft zoning ordinance would allow for it in MC areas where it does not detract from the priority coastal-dependent industrial use of the site.

- **CFR. Conservation Flood Plain Recreational.**

The Board heard testimony that the descriptions of this designations isn't clear, and seems to not precisely describe the areas mapped with these designations. The Board requested clarification of these designations.

Recommendation: Eliminate the CFR. Conservation Flood Plain Recreational designation.

Discussion: This Plan designations was introduced into the Framework Plan concurrent with the adoption of the Avenue of the Giants Community Plan (Avenues CP) in 2000. The Planning Commission heard opposition to how this designation was applied in the Phillipsville and Myers Flat areas; since residential uses require a conditional use permit through the FP-Flood Plain zoning associated with the CFR designation, there was concern that the designation prevented any new residential development.

As a general rule, the Planning Commission avoided substantial modifications to recently updated community plans, including the Avenues CP, the Eureka Community Plan and the McKinleyville Community Plan, recognizing the substantial efforts recently put into those updates by those communities and the County.

The CFR designation applies to areas outside the river channel, but within the 100-year floodplain mapped by the Federal Emergency Management Agency. The designation applies mostly to areas in Phillipsville and Myers Flat; seventy five percent (75%) of the total occurrences of the CFR designation are on properties within those communities and in other parts of the Avenues CP; the other occurrences are along the upland portions of the Mad River between Blue Lake and the Highway 101 bridge. The main concern is that the designation is not applied consistently throughout the County; even the same floodplain upstream and downstream of the Avenues CP area has land use designations other than CFR.

Deleting this land use designation will require modifications to the flood hazard policies, standards and implementation measures in Chapter 14 - the Safety Element to avoid significant flood hazard impacts in presently mapped CFR areas. Modifications to the Land Use maps will also be needed to assign appropriate substitute land use designations to the CFR areas. Public outreach over the coming weeks in the affected communities of Phillipsville, Myers Flat and Glendale will be needed to help formulate the specific changes necessary prior to the Board's review of the Safety Element and Land Use maps.

Alternative: An alternative for the Board's consideration (not recommended by staff) is to postpone taking a straw vote on these designations, and direct staff to specifically identify the changes needed in the Safety Element and Land Use Maps for review prior to taking a straw vote. This alternative would also involve a public outreach component.

- **AE. Agricultural Exclusive, AG. Agricultural Grazing, Tribal Lands (TL) and Railroad**

While some public testimony was taken on the AE. Agricultural Exclusive designation, no action was taken on that or any of these other designations, so further deliberations are necessary. There were no issues raised so far that required additional analysis.

Introduction to the Economic Development Element

Chapter 9, the Economic Development Element provides an overview of the economy, characterizing the trends, land, and infrastructure needs. The policies of this Element are intended to achieve a balance between the need to sustain and promote Humboldt County's economy and the need to protect and advance the community's collective interests. More background is provided in Report #1 for the Economic Element in Attachment B of this staff report.

The ad hoc working group submitted several comments regarding this Element. The group is also proposing three (3) new Policies and 11 new Implementation Measures. These are outlined in detail in Attachment C, the Economic Development Element worksheet.

In addition to specific comments on Policies and Measures, the group recommends removing the section of the Element describing the 1999 Comprehensive Economic Development Strategy (CEDS). Rather than removing that section, staff recommends it be updated with the most current information available. Staff will have those updates available at the meeting for review as needed.

Financial Impact: Awarded grants, General Plan user fees, and the General Fund contribution to the Advanced Planning Division has paid for the costs of the General Plan Update Program to date. This project fits into the County's Strategic Framework in several ways.

- The project is consistent with the Mission Statement. The General Plan Update will serve the needs and concerns of the community, and enhance their quality of life. It provides a framework for strategically pursuing a broad range of services provided by the County and other agencies, and guiding new development toward the goals presented in the Plan.
- The General Plan Update supports the self reliance of the community by clarifying County policy and regulations in a broad number of subject areas and presenting them in a format that is easy to understand and available on the internet.
- The General Plan Update will safeguard the public trust by establishing clear County policy and regulations guiding new development.
- The proposed implementation measures of the General Plan Update ensure its sustainability over time.
- The General Plan Update increases the transparency, accessibility, and accountability of the services provided by the County by establishing clear roles and procedures, using language

that is easy to understand and available on the internet. The General Plan Update promotes interjurisdictional and regional cooperation.

- The General Plan Update is intended to be "an effective voice for our community in areas outside traditional mandates". The General Plan Update includes provisions for public involvement that extend far beyond the requirements of state law. Public involvement encouraged by the General Plan Update will include discussions of natural resource and the County's economic future. The General Plan Update also intends to engage new partners through its implementation measures.

Other Agency Involvement: The General Plan Update program has been a multi-year project. Multiple agencies have been involved in the review and preparation of the Planning Commission approved Draft General Plan. The County has been in communication with the Planning Commissioners, County Counsel and the County Administrator's office on the transmittal of these draft documents.

Alternatives to Staff Recommendations: Board's discretion.

Attachments:

- Attachment A: Detail of Board's straw votes on August 23 & 26, 2013, and worksheet for the remaining Land Use Classifications
- Attachment B: Report #1 for the Economic Element
- Attachment C: Board worksheet for the Economic Development Element

Attachment A

Detail of Straw Votes on 8/23 and 8/26 and Worksheet for the Remaining Land Use Classifications

Detail of Straw Votes 8/23/13 and 8/26/13

1) Forest Resources: The Board finalized straw votes on the Forest Resources section of the Land Use Element as shown below.

FR-IM10. Review Standards and Process of Joint Timber Management Plans (JTMP). With assistance from the Forestry Review Committee (FRC), rReview and provide recommendations to the Board of Supervisors on:

1. the standards for JTMPs; and
2. guides for subdivisions or conveyances **of TPZ lands into units or ownerships below 160 contiguous acres** of TPZ lands below 160 acres; and
3. Eestablishing a process for review of all previously approved JTMPs, to include, reviews for compatibility with the plan's management recommendations when new development is proposed, and on a periodic basis to evaluate changed conditions or circumstances (e.g., fire or infestation), with the frequency of such scheduled reviews to be determined by the FRC every 5 years for compliance; and
4. establishing a program to familiarize landowners with the concepts of TPZ and increase understanding of approved JTMPs; and
5. work to reduce redundancy between NTMP and JTMP requirements in cases where NTMPs have been prepared

FR-S4. Timberland Subdivisions. Subdivisions of lands designated as Timberland (T) below 160 acres down to the minimum parcel size may be permitted if the project meets the following criteria:

- A. The subdivision will **improve the ability to manage the parcel for improved forest health and productivity** result in significant improvements (as defined in the Glossary) in site productivity, timber growth, and harvest through intensive management, or the subdivision is necessary for the public interest as determined by the Board of Supervisors **with the recommendation from the Forest Resources Committee;**
- B. Adequate access, water, and geologic stability can be demonstrated for the proposed use and the land division meets all other regulatory requirements, including the General Plan standards and policies for rural lands; and
- C. On each parcel, the residential site is located, to the extent practical and considering proximity to existing infrastructure, in areas of the lowest productivity; and
- D. A joint timber management plan (JTMP) is prepared for divisions below 160 acres.

Improvement in Forest Health and Productivity *(to be added to Glossary)*

Significant improvement can be addressed with reasonable and feasible measures as described in the subdivision application. Examples of typical forest management measures that will be applicable to this definition are:

- Silvicultural practices that are used to increase conifer stocking, species distribution tree growth, and reduce the spread of forest pests and disease.
- Measures applied to roads to reduce sediment inputs.
- Stream or upland, fisheries or wildlife enhancement projects.
- Activities related to improved access for fire suppression.
- Activities related to fire prevention and reduction of the spread of wildfire.
- Protection of archeological and historic features.
- Continued maintenance of past projects that support the above list.

2) Energy Element: The Board also finalized straw votes on the Energy Element as shown below.

E-IM3. County Energy Consumption Reduction. Develop a comprehensive program to reduce the County's government energy consumption in operations including: public buildings and facilities, street lighting, vehicle fleet management, equipment procurement, and employee energy awareness program.

E-IM4. Install County Systems. Pursue the installation of cost-effective conservation measures, renewable energy systems, cogeneration systems, and distributed energy systems in County owned/operated facilities.

E-IM6. Energy-conserving Landscaping. Consider the use of natural and drought-resistant planting materials, and efficient irrigation systems, utilizing pervious surfaces and the siting of trees to reduce energy demand in the preparation of the County landscaping ordinance.

E-IM7. Small Hydroelectric Development. Support ~~local efforts to develop~~ development of cost-effective, environmentally sensitive, small-scale, run-of-the-river hydroelectric facilities in the County. (to be renumbered as a policy)

E-IM8. Energy Efficiency Standards. Develop and implement energy-efficiency standards for subdivision, mixed use, infill, and planned unit development that shall incorporate cost-effective energy efficiency measures ~~Green Building standards, which may include incentives such as tax credits, fee reductions, or faster-track permitting for silver rating or higher compliance with Green Building standards.~~

E-IM11. County Facility Efficiency and Alternative Energy Fund. Establish a "County facility efficiency and alternative energy fund" to support implementation of County energy efficiency and alternative energy investments in County owned or operated facilities. The fund would receive up to 75% of the County's monetary savings from improved County energy efficiency and conservation practices. The estimate of monetary savings will be based on the likely energy costs that would have been incurred had the energy efficiency measures and/or conservation practices not been implemented. (add to Climate Action Plan)

E-IM14 Energy Conservation and Green Building Ordinance. The County shall adopt a residential and commercial energy conservation and green building ordinance ~~that establishes energy conservation incentives and performance standards exceeding state mandates~~ for building construction and retrofit that establishes energy conservation incentives and performance standards for projects exceeding state building codes.

3) Land Use Classifications: The Board began deliberation on Land Use Classifications and took straw votes as shown in the following worksheet (note: the AE – Agricultural Exclusive, AG – Agricultural Grazing, Tr - Tribal and Railroad designations have not yet been straw voted):