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# Chapter 10. Conservation and Open Space Elements

## 10.1 Combined Element Organization

This chapter combines the Plan's required Conservation Element and Open Space Elements. The Conservation Element guides the conservation, development, and utilization of natural resources (water, forests, soils, rivers, mineral deposits, and others), while the Open Space Element guides the comprehensive and long-range preservation and conservation of open-space lands. Together, these elements present a framework of goals and policies for use and protection of all the natural resource and open space assets of the county.

Because these two elements naturally overlap, they have been combined into this single chapter, which has been organized into six related sections: Open Spaces, Biological Resources, Mineral Resources, Waste Management, Cultural Resources, and Scenic Resources. The relationship of these sections to the two elements of this chapter and other elements in this Plan is set forth in Table 10-A.

### 10.1.1 Relationship to Other Elements

State planning law provides a detailed description of open space lands and the topics that must be addressed in the Conservation and Open Space Elements. These topics include:

- **Open Space for the Preservation of Natural Resources**—areas required for the preservation of plant and animal life, such as habitat for fish and wildlife and areas required for ecological and other scientific study (for example: rivers, streams, bays and estuaries, coastal beaches, lakeshores, riverbanks, and watersheds).
- **Open Space for the Managed Production of Resources**—including forest lands, rangelands, agricultural lands, and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; areas that are important for the management of commercial fisheries; and areas containing major mineral deposits.
- **Open Space for Outdoor Recreation**—areas of outstanding scenic, historical, and cultural values; areas suited for park and recreational purposes (for example: access to lake shores, beaches, rivers, and streams); and areas that serve as links between major recreation and open-space reservations such as highway corridors, trails, and utility easements.
- **Open Space for Public Health and Safety**—areas that require special management or regulation because of hazardous conditions such as earthquake fault zones, floodplains, high fire hazard areas, and areas required for the protection of air and water resources; areas designed for fuel breaks, fire access, and fuel reduction zones; and historical natural hazard boundaries (for example: inundation areas, landslide paths, debris flows, and earthquake faults).

- **Open Space for military bases, installations, and operating and training areas** — areas adjacent to military installations, military training routes, and underlying restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands.
- **Open Space for Native American historic, cultural or sacred site** — Open space for the protection of places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

These open space areas and topics are covered throughout the General Plan as detailed below and in Table 10-A:

#### **Open Space for the Preservation of Natural Resources**

- Maintenance of natural resources and public lands managed for resource protection are addressed in the Land Use Element.
- Preservation of fish, plants, and wildlife, including protection of rivers and streams is a main topic of the Biological Resources section of this element.
- Protection of watersheds and their water resources is covered in the Water Resources Element.
- Bay, estuary, and coastal beach protections can be found in the coastal plans.

#### **Open Space for the Managed Production of Resources:**

- Timber and agricultural production topics are contained in the Forest and Agricultural Resources section of the Land Use Element.
- Production of mineral resources, including rock, sand, and gravel, are addressed in the Mineral Resources section of this element.

#### **Open Space for Outdoor Recreation:**

- Public lands managed for public recreation and open space are addressed in the Land Use Element and the Community Infrastructure and Services Element.
- Demands for trails and trails oriented recreational uses and bikeways are primarily covered in the Circulation Element.
- Protection of scenic, historic, and cultural assets, including Native American cultural heritage resources, is the primary topic of the Cultural and Scenic Resources section of this Element.
- Coastal access and recreational is a major topic of the Coastal Plans.

**Open Space for Public Health and Safety:**

- Policies to minimize risks and manage development in hazardous areas are included in the Land Use Element and the Safety Element.
- Community design and circulation for public health is a topic of the Circulation Element and the Land Use Element.
- Policies to retain publicly owned corridors for future trail use are found in the Circulation Element.
- Policies to integrate city and county trail routes with state trail systems are included in the Circulation Element. The Water Resources Element addresses water supply and water quality. The Air Quality Element addresses the protection and enhancement of air quality.

**Open Space for military bases, installations, and operating and training areas:**

- Narrative description of these open space lands and a map showing their locations is included in the Safety Element.
- Policies to minimize impacts to military trainings areas are included in the Safety Element.
- Policies to provide notification to the military are included in the Safety Element.

**Open Space for Native American historic, cultural or sacred site:**

- Narrative description of these open space lands is included in the Cultural Resources Section of the Conservation and Open Space Elements.
- Policies relating to Native American Tribal consultation are included in the Cultural Resources Section of the Conservation and Open Space Elements.
- Policies relating to the identification, protection, and enhancement of cultural resources are included in the Cultural Resources Section of the Conservation and Open Space Elements.

**Table 10-A Conservation and Open Space Policy Summary**

Policy Summary	General Plan Elements/Sections
<p><b>Open Space for the Preservation of Natural Resources</b></p> <p>Maximize the long-term public and economic benefits from the biological resources within the county by maintaining and restoring fish and wildlife habitats.</p>	<p>Conservation and Open Space Element, Biological Resources Section</p> <p>Water Resources Element</p>
<p><b>Sustainable Development of Natural Resources / Open Space for Managed Production of Resources</b></p> <p><u>Forest Resources</u></p> <ul style="list-style-type: none"> <li>▪ Actively protect and conserve timberlands for long-term economic utilization and to actively enhance and increase county timber production capabilities.</li> </ul> <p><u>Agricultural Resources</u></p> <ul style="list-style-type: none"> <li>▪ Promote and increase Humboldt County's agricultural production and the economic viability of its agricultural operations.</li> <li>▪ Conserve agricultural land for continued agricultural use.</li> <li>▪ Protect working landscapes.</li> </ul> <p><u>Mariculture</u></p> <ul style="list-style-type: none"> <li>▪ Support mariculture expansion with permit coordination and streamlining, improved dock and processing facilities, and public education.</li> </ul> <p><u>Water Resources</u></p> <ul style="list-style-type: none"> <li>▪ Maintain or enhance the quality of the county's water resources and the fish and wildlife habitat utilizing those resources.</li> <li>▪ Maintain a dependable water supply, sufficient to meet existing and future domestic, agricultural, industrial needs and to assure that new development is consistent with the limitations of the local water supply.</li> </ul> <p><u>Mineral Resources</u></p> <ul style="list-style-type: none"> <li>▪ Assure the long-term availability of adequate supplies of mineral resources and construction materials, to protect mineral resource areas from incompatible land uses, and to minimize adverse environmental impacts.</li> </ul> <p><u>Energy Resources</u></p> <ul style="list-style-type: none"> <li>▪ Develop and implement countywide strategic energy planning.</li> <li>▪ Increase energy efficiency and conservation.</li> <li>▪ Increase the supply of energy from renewable sources, distributed generation, and cogeneration.</li> <li>▪ Pursue opportunities for local management of energy supply.</li> <li>▪ Move toward self-sufficiency in energy use, with maximum reliance on local renewable resources for local energy needs.</li> </ul>	<p>Land Use Element, Forest and Agricultural Resources and Land Use Maps</p> <p>Conservation and Open Space Element</p> <p>Economic Development Element</p> <p>Water Resources Element</p> <p>Conservation and Open Space Element, Mineral Resources</p> <p>Energy Element</p>

**Table 10-A. Conservation and Open Space Policy Summary**

Policy Summary	General Plan Elements/Sections
<p><b>Sustainable Development of Natural Resources / Open Space for Managed Production of Resources</b> (continued)</p> <p><u>Fish and Wildlife</u></p> <ul style="list-style-type: none"> <li>▪ Maximize, where feasible, the long-term public and economic benefits from the biological resources within the county by maintaining and restoring fish and wildlife habitats.</li> </ul> <p><b>Open Space for Outdoor Recreation &amp; Cultural and Scenic Values</b></p> <ul style="list-style-type: none"> <li>▪ Provide for compatible recreation opportunities on forestland.</li> <li>▪ Encourage a safe, efficient, and enjoyable county transportation and trails system for the transportation and recreation needs of bicyclists, equestrians, hikers, and joggers.</li> <li>▪ Increase participation in active recreational opportunities.</li> <li>▪ Maximize public access to and along the coast.</li> <li>▪ Provide for recreation needs of residents with public parks in the urban study areas.</li> <li>▪ Provide for the protection and enhancement of cultural resources including Native American cultural heritage resources.</li> <li>▪ Provide park and recreation opportunities in the county.</li> <li>▪ Develop a program to coordinate acquisition of important open space property through conservation easements and other mechanisms.</li> <li>▪ Promote the individual identities of communities by maintaining scenic open space areas between cities and communities.</li> </ul>	<p>Conservation and Open Space Element, Biological Resources, Water Resources Element</p> <p>Land Use Element – Forest Resources Circulation Element</p> <p>Community Infrastructure and Services Element</p> <p>Conservation and Open Space Element: Cultural and Scenic Resources</p> <p>Conservation and Open Space Element</p>
<p><b>Open Space for Public Health and Safety</b></p> <p>Minimize the potential for loss of life and property resulting from natural and manmade hazards.</p>	<p>Safety Element</p>
<p><b>Open Space for Military Training Areas</b></p> <ul style="list-style-type: none"> <li>• Minimize impacts to military trainings areas</li> <li>• Provide notification to the military of projects that could affect military readiness.</li> </ul>	<p>Safety Element</p>

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## Section 10.2 Open Space

### 10.2.1 Purpose

This subsection of the Conservation and Open Space elements addresses the conservation of open space lands, including issues related to working lands and park lands, the orderly development of residential land, and coordination with other agency programs related to conserving open space lands. Open spaces distinguish and showcase the county's natural environment and rural lands and provide attraction and enjoyment to residents and visitors.

### 10.2.3 Background

Humboldt County has vast and beautiful natural resources, areas of incomparable ecological value and a wealth of outdoor recreational opportunities. These are the defining characteristics of Humboldt County and represent its most significant environmental, social and economic assets. Approximately 1.4 million of the county's 2.3 million acres are used for agricultural and timber production. More than 550,000 acres are protected open space, forests, and recreation areas. Within county boundaries, there are 4 federal parks and beaches; 10 state parks; and 16 county parks and beaches, recreational areas, and reserves. There is also considerable National Forest land, as well as a number of city parks and open space areas owned by non-profit conservation groups. Conserving and protecting these assets to benefit multiple generations is a key goal of the General Plan.

State law (Government Code 65560 et seq.) requires a local open-space plan (element) for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction, and that the open space plan contain an action program that identifies how the plan or element is to be implemented.

### 10.2.3 Open Space Action Program

Table 10-A summarizes the goals from various sections of the general plan that outline the comprehensive and long-range preservation and conservation of open-space land. The County's open space action program includes the policies, standards, and implementation measures intended to achieve these goals. The County's strategy involves identifying and mapping significant natural resources and open spaces and implementing conservation and protection policies through zoning, project review, and proactive programs. Zoning designations will apply natural resource and open space development standards to individual properties. Discretionary projects will be evaluated for conformance with conservation and open space policies and standards of this Plan and the requirements of the California Environmental Quality Act (CEQA). Standards for the issuance of building permits and subdivision approvals are required by state law (Government Code Section 65567) to be consistent with Open Space Element policies.

The County will continue to implement state programs such as the Williamson Act and the Timberland Productivity Act, and work with the Coastal Commission for consistent implementation of the Coastal Act and other relevant state and federal resource agencies for implementation of other resource protection laws and programs.

Several regulatory agencies manage parks, recreation, and open space resources in the county, including the U. S. Forest Service (USFS), Bureau of Land Management (BLM), California State Parks Department, California Department of Fish and Game, Native American tribes, local city governments, and the County itself. The County will coordinate with federal and state agencies involved with managing resource land, as well as cities and tribes.

The County will seek to expand its ability to implement and sustain voluntary natural resource and open space protection programs such as the County's existing Conservation and Recreation Easement Program. The County will also participate in regional conservation efforts such as the Five County Salmon Conservation Plan and the Integrated Regional Water Management Plan.

The County will work to protect and develop outdoor recreation areas and opportunities necessary to maintain competitiveness as a tourist destination and as a desirable place to work and conduct business.

To maintain working landscapes, the County will refrain from measures that reduce the economic viability of continued timber, mining, and agricultural operations and lobby for more efficient application of state and federal regulatory standards. The County will also work to improve the infrastructure and workforce necessary for the forest products and agriculture industries and help promote innovative forest and agriculture products.

## **Conservation and Recreation Easement Program**

### **Program Description**

In July 2004, the Board of Supervisors initiated a county-level program to preserve Humboldt County working lands and improve access to public lands. This Conservation and Recreation Easement Program (the "Program") will be further developed to implement a full range of General Plan conservation and open space goals. Currently, the Program provides support for conservation easements, including new Williamson Act contract fees and public access easements. The Program provides small grants to facilitate conservation and open space easements and pays processing fees for owners enrolling new lands in the Williamson Act program. The Program also helps secure non-motorized access to public lands to support hunting, fishing, and recreational use.

The goals of the Program are as follows:

1. Position the County as an active participant in local conservation and preservation activities.
2. Implement General Plan conservation and open space policies, including the conservation of working lands and access to public lands.
3. Create cooperative working relationships with local land trust and conservancy organizations.
4. Provide incentives for voluntary participation by producers and landowners in the conservation of working lands.
5. Provide non-motorized access to public lands for hunting, fishing, and recreational uses.

Program strategies will focus on incentive-based, voluntary, and cooperative approaches to implementing access and conservation easements in the county. The County GIS will be used to identify, inventory, and prioritize working lands that may be eligible and appropriate for the Program. With the input of Program partners, potential benefits of placing conservation easements on particular parcels can be examined in light of specific threats or development pressures. Partners will include local land trusts, the Humboldt Farm Bureau, agricultural and timber interest groups, and agencies that fund easements or manage public lands. Access easement will be explored with groups concerned with non-motorized access to public lands for hunting, fishing, and other recreational purposes, as well as with affected public lands agencies

## Legal Lots and Open Space Provisions

Parcels have legal status if at the time they were created applicable laws were followed.

For older lots the Subdivision Map Act sets out a process that a property owner can use to determine if a parcel was created legally and can be considered a separate legal parcel under the law. This “Determination of Status” process results in the issuance of a Certificate of Compliance or Conditional Certificate of Compliance depending upon the legal status of the property.

**Patent Parcels**

A land patent is the right of ownership to a parcel of land usually granted by the federal or state government to an individual or private company. Over 18,000 patent parcels have been issued in Humboldt County. Based on historical records, the County has been able to map over 17,000 of these parcels. A number of these have been altered by subdivision, lot line adjustments, and mergers and do not retain their original status. The mapped parcels range from a fraction of an acre to over 11,000 acres, with an average size of 153 acres. Within Timber Production Zones TPZ, 7,304 original patents were mapped, with sizes ranging from 5 to 2,227 acres, with an average size of 136.5 acres.

Owning a legal lot does not necessarily guarantee the right of development. Modern lots created through the subdivision process were required to undergo review for consistency with a General Plan and development standards such as access, sewage disposal, water supply, and resource protection. This process guaranteed their suitability for development. Lots that were created legally but without these considerations may not be suitable for development; for example, the entire parcel may be located in a floodway or wetland. Because Open Space Element protection policies must be considered before issuing a building permit (Government Code Section 65567) development potential on legal lots can be restricted.

## 10.2.4 Goals and Policies

### Goals

- CO-G1. Conservation of Open Spaces.** Open spaces that distinguish and showcase the county’s natural environment, including working resource lands while not impacting the ability to provide livelihoods, profitable economic returns and ecological values.
- CO-G3. Conservation and Open Space Program.** An Open Space and Conservation Program that implements this Element’s policies and is complimentary to the



conservation and open space lands and programs of cities, tribes, and state and federal agencies while respecting private property rights.

- CO-G4. Parks and Recreation.** Well maintained and accessible parks offering a range of popular recreation opportunities and a regional trail system that meets future recreational and non-motorized transportation demands.
- CO-G5. Open Space and Residential Development.** Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the costs of providing public infrastructure and services.
- CO-G6. Community Separation.** Open space areas between urban development areas that separate and preserve unique identities of the county's cities and communities.

## Policies

- CO-P1. Conservation and Open Space Program.** The County shall inventory and appropriately zone conservation, resource and open space lands and work to maintain these lands through discretionary or ministerial review, Williamson Act programs, TPZ zoning designations, conservation easement and recreation programs, and support for continued resource production.
- CO-P2. Transfer of Development Rights.** Research and develop, if feasible, a voluntary transfer of development rights program as a method of protecting resource lands and open space based on community input.
- CO-P3. Open Space Acquisition.** The County may consider opportunities to acquire high value open space lands, including community forests, and open space conservation easements from willing sellers.
- CO-P4. Support for Working Lands.** The County shall support policies that maintain profitable resource production on timber and agricultural lands as a means to secure long-term protection and sustainability of open space lands through programs such as the Williamson Act and Timber Production Zone programs.
- CO-P5. Conservation Easements.** Support conservation easement programs that protect natural resource and open space assets. Where private and/or non-profit options do not exist or are not needed, the County may consider accepting voluntary offers of conservation easements that generate economic returns to the landowners and continued resource production, in exchange for permanent protection of natural resource and open space values.
- CO-P6. Community Separation.** Maintain separation of urbanized communities through appropriate land use designations and zoning density. Avoid merging urban development boundaries of adjacent communities.
- CO-P7. Development within Community Separation Areas.** Retain a rural character and promote low intensities of development in community separation areas, consistent with the LAFCo process. Provide opportunities for transfer of

development rights in exchange for permanent open space preservation within community separation areas.

- CO-P8. Planning for Recreational Needs within Communities.** Policies addressing community recreational needs shall be prepared as part of planning efforts within each community. Implement park in-lieu fee programs in major communities.
- CO-P9. Develop and Maintain County Parks.** Secure, develop, and maintain county parks and recreation areas that are highly accessible to the public in order to serve the present and future needs of county residents.
- CO-P10. Encourage Private Outdoor Recreation.** Encourage private acquisition, development, and management of compatible outdoor recreational services and facilities as a means to generate economic returns for the landowner from conservation and open space lands where such recreational uses do not significantly detract from the agricultural capability or timber productivity of lands planned and zoned for agriculture or timber.
- CO-P11. Public Recreation.** Support acquisition, development and management of parklands and trails primarily in locations that are highly accessible to the public in order to serve the outdoor recreation and ADA needs of current and future residents, and where such uses do not reduce the agricultural capability, timber productivity and ecological services on open space lands.
- CO-P12. Development Review.** Development proposed on conservation and open space lands shall be reviewed for consistency with Conservation and Open Space Element policies.

## 10.2.5 Standards

- CO-S1. Identification of Local Open Space Plan.** The County's local open space plan consists of the goals, policies, standards, and implementation measures of the following sections of this general plan:
- A. Preservation of Natural Resources:
    1. Sections 10.1 and 10.2 - Conservation and Open Space
    2. Section 10.3 – Biological Resources
    3. Chapter 11 – Water Resources Element
  - B. Managed Production of Resources:
    1. Section 4.5 – Agricultural Resources
    2. Section 4.6 – Forest Resources
    3. Section 10.4 – Mineral Resources
    4. Chapter 12 – Energy Element
  - C. Outdoor Recreation, and Cultural and Scenic Values:
    1. Section 4.7 – Public Lands
    2. Section 10.6 - Cultural Resources
    3. Section 10.7 – Scenic Resources
    4. Chapter 7 - Circulation

- D. Public Health and Safety:
  - 1. Chapter 14 – Safety Element
  - 2. Chapter 15 – Air Quality Element

**CO-S2. Identification of the Open Space Action Program.** The specific programs which are intended to implement the open space plan:

- A. The following land use designations:  
CF, NR, OS, PR, P, MR/, T, TC, AE, AG, and AEG.
- B. The following zoning classifications:
  - 1. Agriculture Exclusive (AE)
  - 2. Timber Production Zone (TPZ)
  - 3. Commercial Timber (TC) [Coastal Zone]
  - 4. Natural Resources (NR) [Coastal Zone]
  - 5. Public Recreation (PR)
- C. The following combining zone classifications:
  - 1. Archaeological Resource Combining Zone (A)
  - 2. Alquist-Priolo Combining Zone (G)
  - 3. Streams and Riparian Corridors Protection Combining Zone (R)
  - 4. Flood Hazard Combining Zone (F)
  - 5. Alquist-Priolo Fault Hazard (G)
  - 6. Mineral Resources Combining Zone (MR) [Coastal Zone]
  - 7. "T" Combining Zone [Coastal Zone]
  - 8. Streamside Management Areas and Wetlands (WR)
- D. The following plan overlay areas:
  - 1. FEMA mapped flood hazard zones
  - 2. Sensitive cultural resource area
  - 3. Special biological areas
  - 4. Streamside Management Areas and Other Wet Areas
  - 5. Areas mapped of geologic instability
  - 6. Areas mapped as Very High Fire Severity hazard
  - 7. Critical Water Supply
  - 8. Critical Watersheds
- E. The implementation measures of the chapters and sections listed in CO-S1.

**CO-S3. Conservation and Open Space Element Consistency Determination.** No building permit may be issued, no subdivision map approved, and no open space ordinance adopted unless the proposed action is consistent with the local open space plan as identified in CO-S1 and CO-S2 above.

- CO-S4. Open Space Consistency Determination on Legal Non-Conforming Parcels.** Require an open space consistency determination, based upon the conformance with General Plan density and open space development policies, for the development of residential structures based upon the following standards:
- A. Legal Non-Conforming residentially designated lots may be developed with a residential structure if:
    - 1. the lot was lawfully created, regardless of whether or not development of the lot would be consistent with the density of the General Plan. A Special Permit is required for the development of a residential structure on a substandard lot located wholly within a flood hazard zoned or a Streamside Management Area (SMA) or Other Wet Area (OWA).
  - B. Resource production, open space, and public land designated lots may be developed with a residential structure if:
    - 1. the lot was lawfully created for uses other than utility or right of way purposes.
- CO-S5. Lot Line Adjustments on Resource Lands.** Lot line adjustments for lands planned for resource production may be allowed to create logical management units where densities are met and there is no resulting increase in the number of building sites.
- CO-S6. Development in Community Separation Areas.** New development within community separation areas shall:
- A. Site and design structures to take maximum advantage of existing topography and vegetation in order to substantially screen structures from view along scenic corridors.
  - B. Minimize cuts and fills on hills and ridges.
  - C. Minimize the removal of trees and other mature vegetation.
  - D. Install landscaping consisting of native vegetation in natural groupings that fit with the character of the area in order to screen structures from view where existing topography and vegetation would not screen structures from view from scenic corridors.
  - E. Design structures to use building materials and color schemes that blend with the natural landscape.
  - F. Cluster structures on each parcel within existing built areas to the maximum extent feasible.
  - G. Locate building sites and roadways to preserve natural features, native vegetation and existing trees.

- CO-S7 Subdivisions in Community Separation Areas.** Subdivisions in community separation areas shall:
- A. Ensure developments are subordinate to or consistent with the viewscape, from the point of view of public roadways and public trails.
  - B. Reduce visual impact where consistent with the Land Use Element by clustering.
  - C. Locate building sites and roadways to preserve natural features and native vegetation.
  - D. Where appropriate, encourage the dedication of permanent open space easement at the time of subdivision.
- CO-S8. Location of Community Separation Areas.** Community Separation Areas consist of the following areas:
- A. The Forested Hillside Area in Figure 3 of the McKinleyville Community Plan.
  - B. The McKay Community Forest Phase 1 and Conservation Easement Area shown.

## 10.2.6 Implementation Measures

- CO-IM1. Conservation and Recreation Easement Program.** Provide staffing and secure continued funding to support the Williamson Act Program and continue the County's Conservation and Recreation Easement Program as a means to maintain and protect working landscapes, priority open space lands, and outdoor recreational opportunities.
- CO-IM2. Working Landscapes.** Advocate for state and federal regulatory policy that sustains profitable resource production as a means to sustain the conservation and open space values of forest and agricultural land. Support market development efforts that maximize financial returns to the landowner for agriculture and timber products, recreation, and ecological services.
- CO-IM3. Review of New Development for Impacts on Recreational Resources.** Seek input from Parks and Recreation Division staff regarding land use planning decisions related to recreational opportunities in the county.
- CO-IM4. Pursuit of Funding.** The County shall maintain its Parks and Recreation Program within Public Works and shall pursue state and federal grant funding for the acquisition and maintenance of recreational facilities, trails, and other programs consistent with this Plan.
- CO-IM5. Zoning Ordinance Revision for Open Space Consistency Determinations.** Revise the Zoning Regulations governing development in open space lands to guide development consistency determinations pursuant to Government Code Section 65567.

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## Section 10.3 Biological Resources

### 10.3.1 Purpose

This section addresses biological resources including wildlife, fisheries, special status species and their habitats; it is a subsection of the Conservation and Open Space Element. Biological resource considerations are also reflected in the policies and development standards of the Land Use Element. For example, the list of primary and compatible uses in a given zone can be reflective of wildlife and fisheries considerations. Policies within the Growth Planning section of the Land Use Element (Chapter 4) have been developed to balance the need for growth with the need to protect biological resources. Finally, there are additional biological resource considerations reflected in the County's Local Coastal Program to achieve consistency with the California Coastal Act.

### 10.3.2 Background

Humboldt County is part of California's Klamath/North Coast bioregion. The major terrestrial habitat types in the county are coniferous forests (61%), oak woodlands (21%), and grasslands (10%). They represent a vast store of plant species and are home to numerous animals including deer, fox, elk, bears, and mountain lions. Nearly 400,000 acres of the county's mountains and coastline are within state and national park systems, leaving large tracts of existing terrestrial habitat in a natural condition.

A signature asset of the county is its aquatic habitats, including rivers, estuaries, and wetlands. Humboldt Bay, one of California's largest coastal estuaries, is second only to San Francisco Bay in size. The bay is home to many invertebrates, fish, birds, and mammals. Humboldt's rivers and the ocean off the coast have tremendous productive potential. In the seventies, over half of the fish produced and consumed in California were landed in the Humboldt Bay Area. Restoring this biological productivity to the region, especially the recovery of threatened Coho salmon and steelhead, is a high priority of this Plan.

In total, there are more than 20 species of plants and animals listed as Endangered or Threatened under federal and state classification systems in Humboldt County. Making land use decisions consistent with the special protections afforded these species is also a high priority of this Plan.

The County's biological resource conservation strategy relies on an understanding and mapping of the locations and extent of sensitive and critical biological habitat. Known habitats can then be protected for future generations by applying conservation policies and standards to development that has the potential for significant adverse effects. For example, new development in proximity to wetlands will trigger protective measures. Riparian corridors will be protected from encroachment with development restrictions. The protective measures will serve to minimize habitat loss and degradation with an emphasis on the protection and restoration of endangered or threatened species.

## Sensitive and Critical Habitats

When habitat requirements for a specific species of plant or wildlife are in short supply because either the habitat is limited to a small geographical area or is threatened by rapidly changing conditions, then the habitat is designated in this Plan as *sensitive*. A *critical* habitat is a type of sensitive habitat that is presently threatened, and reduction or loss would cause the extinction of a federal or state listed threatened, rare, or endangered species.

### Sensitive Habitats

The protection of sensitive habitats is an important part of planning and environmental assessment for land use development. Impacts to sensitive habitats must be assessed under the California Environmental Quality Act (CEQA), and the Open Space and Conservation elements of the General Plan (Government Code, Sections 65302(d) and (e) and 65560-65567).

### 10.3.3 Goals and Policies

#### Goals

- BR-G1. Threatened and Endangered Species.** Sufficient recovery of threatened and endangered species to support de-listing.
- BR-G2. Sensitive and Critical Habitat.** A mapped inventory of sensitive and critical habitat where biological resource protection policies apply.
- BR-G3. Benefits of Biological Resources.** Fish and wildlife habitats protected on a sustainable basis to generate long-term public, economic, and environmental benefits.

#### Policies

- BR-P1. Compatible Land Uses.** Area containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive habitats shall be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat, to the extent feasible consistent with California Department of Fish and Wildlife guidelines or recovery strategies.
- BR-P2. Critical Habitat.** Discretionary projects which use federal permits or federal funds on private lands that have the potential to impact critical habitat shall be conditioned to avoid significant habitat modification or destruction consistent with federally adopted Habitat Recovery Plans or interim recovery strategies.
- BR-P4. Development within Stream Channels.** Development within stream channels shall be permitted when there is no lesser environmentally damaging feasible alternative, and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. Development shall be limited to essential, non-disruptive projects as listed in Standard BR-S6 - Development within Stream Channels.

- BR-P5. Streamside Management Areas.** To protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and interference with surface water flows, the County shall maintain Streamside Management Areas, along streams including intermittent streams that exhibit in-channel wetland characteristics and off-channel riparian vegetation.
- BR-P6. Development within Streamside Management Areas.** Development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 - Required Mitigation Measures, BR-S9 - Erosion Control, and BR-S10 - Development Standards for Wetlands) have been provided to minimize any adverse environmental effects, and shall be limited to uses as described in Standard BR-S7 - Development within Streamside Management Areas.
- BR-P7. Wetland Identification.** The presence of wetlands in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified professional shall be required when wetland characterization and limits cannot be easily inventoried and identified by site inspection.
- BR-P8. Wetlands Banking.** The County supports the development of a wetlands banking system that minimizes potential conversion of prime agriculture lands to wetlands.
- BR-P9. Oak Woodlands.** Oak woodlands shall be conserved through the review and conditioning of discretionary projects to minimize avoidable impacts to functional capacity and aesthetics, consistent with state law.
- BR-P10. Invasive Plant Species.** The County shall cooperate with public and private efforts to manage and control noxious and exotic invasive plant species. The County shall recommend measures to minimize the introduction of noxious and exotic invasive plant species in landscaping, grading and major vegetation clearing activities.
- BR-P11. Biological Resource Maps.** Biological resource maps shall be consulted during the ministerial and discretionary permit review process in order to identify habitat concerns and to guide mitigation for discretionary projects that will reduce biological resource impacts to below levels of significance, consistent with CEQA.
- BR-P12. Agency Review.** The County shall request the California Department of Fish and Wildlife, as well as other appropriate trustee agencies and organizations, to review plans for development within Sensitive Habitat, including Streamside Management Areas. The County shall request NOAA Fisheries or U.S. Fish and Wildlife Service to review plans for development within critical habitat if the project includes federal permits or federal funding. Recommended mitigation measures to reduce impacts below levels of significance shall be considered during project approval, consistent with CEQA.



- BR-P13. Landmark Trees.** Establish a program to identify and protect landmark trees, including trees that exhibit notable characteristics in terms of their size, age, rarity, shape or location.)

## 10.3.4 Standards

### Sensitive and Critical Habitats

- BR-S1. Development Excluded from Sensitive Habitat Policies.** Proposed development occurring within areas containing sensitive habitats shall be subject to the conditions and requirements of this chapter except for these exclusions (which do not preempt other County regulations or those of other agencies):
- A. Timber management and harvest activities conducted under the California Forest Practice Act (Z' Berg-Nejedly) and Rules or activities exempt from local regulation as per California Public Resources Code 4516.5(d). These standards shall not be used to reduce buffers specified under the State Forest Practice Rules and mining activities pursuant to Surface Mining and Reclamation Act.
  - B. Any area proposed for development, which upon examination of the biological resource maps and field inspection is not actually within or does not contain the indicated habitat.
  - C. Agricultural practices which are principally permitted within the zone shall not be considered development for the purposes of this standard.
- BR-S2. Agency Consultation.** For discretionary projects with potential to impact critical, or sensitive habitats, the County will seek specific recommendations from the appropriate agencies, as applicable to the specific project location, class of development, or natural resource involved
- BR-S3. Critical Habitat Defined.** Critical habitats are habitats necessary for the protection of threatened or endangered species listed under the Federal Endangered Species Act. Designation, mapping and enforcement of critical habitat is the responsibility of federal agencies.
- BR-S4. Sensitive Habitat Defined.** Sensitive habitats are defined as a biologically unique, limited, or an especially valuable habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change to the species population across its range and may include the following:
- A. Habitat necessary for the protection of rare, threatened and endangered species as listed under the FESA or CESA
  - B. Migratory deer winter range
  - C. Roosevelt elk range
  - D. Sensitive avian species rookery and nest sites (e.g. osprey, great blue heron and egret)
  - E. Streams and streamside areas
  - F. Wetlands

- G. Protected vascular plant communities as listed by the US Fish & Wildlife Service or the California Department of Fish and Wildlife.
- H. Other sensitive habitats and communities as may be currently, correctly and accurately listed in the California Department of Fish and Wildlife's California Natural Diversity Data Base, as amended periodically.

**BR-S5. Streamside Management Areas Defined.** Streamside Management Areas (SMA) are identified and modified as follows:

- A. Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures.
- B. For areas along streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA shall be defined as:
  - 1. 100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.
  - 2. 50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.
  - 3. The width of Streamside Management Areas shall not exceed 200 feet measured as a horizontal distance from the top of bank.
- C. The width of Streamside Management Areas shall be expanded to up to 200 feet measured as a horizontal distance from the top of bank as necessary to include slides, or areas with visible evidence of slope instability.
- D. The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that the mapping of the SMA is not accurate, there are no in-channel wetland characteristics or off-channel riparian vegetation, the reduction will not significantly affect the biological resources of the SMA on the property. When the prescribed buffer would prohibit development of the site for the principal use for which it is designated, measures shall be applied that result in the least environmentally damaging feasible project.
- E. SMAs do not include watercourses consisting entirely of a man-made drainage ditch, or other man-made drainage device, construction, or system.

## Stream Channels

- BR-S6. Development within Stream Channels.** Development within stream channels may be approved where consistent with Policy BR-P4, Development within Stream Channels, and is limited to the following projects.
- A. Fishery, wildlife, and aquaculture enhancement and restoration projects.
  - B. Road crossings consistent with Standard BR-S9, Erosion Control, of this section.
  - C. Flood control and drainage channels, levees, dikes, and floodgates.
  - D. Mineral extraction consistent with other County regulations.
  - E. Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies.
  - F. Wells and spring boxes, and agricultural diversions.
  - G. New fencing, so long as it would not impede the natural drainage or wildlife movement and would not adversely affect the stream environment or wildlife movement.
  - H. Bank protection, provided it is the least environmentally damaging alternative.
  - I. Other essential projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety.

## Streamside Management Areas

- BR-S7. Development within Streamside Management Areas.** Development within Streamside Management Areas may be approved where consistent with Policy BR-P6, Development within Streamside Management Areas, and shall be limited to the following uses:
- A. Development permitted within stream channels per BR-S6, Development within Stream Channels.
  - B. Timber management and harvest activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(d).
  - C. Road, bridge, and trail replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
  - D. Removal of vegetation for disease control or public safety purposes.
  - E. Normal, usual and historical agricultural practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.
  - F. Normal, usual and historical agricultural and surface mining practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.

- BR-S8. Required Mitigation Measures.** Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:
- A. Retaining snags unless felling is required by CAL-OSHA, by CAL FIRE forest and fire protection regulations or for public health and safety reasons. The felling must be approved by the Planning Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.
  - B. Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
  - C. Erosion control measures (as per Standard BR-S9- Erosion Control).
  - D. Maximum feasible retention of overstory canopy in riparian corridors.
- BR-S9. Erosion Control.** Erosion control measures for development within Streamside Management Areas shall include the following:
- A. During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here.
  - B. Consistent with BR-S8, construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per mitigations as recommended in writing by the lead agency with native or non-invasive vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation.
  - C. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.
  - D. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.
  - E. Runoff shall be controlled to prevent erosion by on-site or off- site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.
  - F. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board requirements.

- G. Winter operations (generally October 15 thru April 15) shall employ the following special considerations:
1. Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations, and
  2. Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

## Wetlands and Other Wet Areas

**BR-S10. Development Standards for Wetlands.** Development standards for wetlands shall be consistent with the standards for Streamside Management Areas, as applicable except that the widths of the SMA for wetlands are as follows:

seasonal wetlands = 50 ft.

perennial wetlands = 150 ft.

and the setback begins at the edge of the delineated wetland. Buffers may be reduced based on site specific information and consultation with the California Department of Fish and Wildlife. No buffer shall be required for man-made wetlands except wetlands created for mitigation purposes.

**BR-S11. Wetlands Defined.** The County shall follow the US Army Corps of Engineers Wetland Delineation manual in the identification and classification of wetlands which considers wetlands as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

## Other Sensitive and Critical Habitats

### Oak Woodlands

**BR-S12. Discretionary Review within Oak Woodlands.** Discretionary projects which may result in a significant effect on oak woodlands shall evaluate and mitigate any impacts, consistent with the provisions of CEQA, specifically Public Resources Code Section 21083.4.

### Invasive Plant Species

**BR-S13. Principally Permitted Accessory Use.** Invasive plant species management and control measures shall be considered a principally permitted accessory use in all zones, except in the Coastal Zone.

### 10.3.5 Implementation Measures

- BR-IM1. Biological Resource Maps.** The County shall maintain the best available data in the form of GIS maps for the location and extent of wetlands, critical habitats, streamside management areas, Habitat Conservation Plan Areas, rookeries, and ranges of species identified in the California Natural Diversity Database.
- BR-IM2. State and Federal Agency Permitting Coordination.** The County shall maintain efficient and timely procedures for project referral to state and federal agencies for biological review and consultation.
- BR-IM3. Biological Review and Referral.** Building and Planning Division staff shall receive periodic training, and be encouraged to receive certification, related to the field identification of biological resources and mitigation of impacts.
- BR-IM4. Wetlands Bank.** The County shall assist in the development of a wetlands bank that minimizes potential conversion of prime agriculture lands to wetlands.
- BR-IM5. Oak Woodlands Conservation Program.** The County shall maintain an Oak Woodland Management Plan and attain eligibility for Oak Woodland Preservation Program funding (Fish and Game Code, Section 1360, Division 2, Chapter 4) to conserve and protect high-value oak woodlands.
- BR-IM6. Modifications to the Streamside Management Area Ordinance.** The County shall modify the SMA Ordinance for consistency with BR-S5 and to allow reductions to SMA widths through ministerial review in consultation with California Department of Fish and Wildlife. The SMA Ordinance shall provide exemptions for minor additions of up to 500 square feet aggregate for buildings or structures existing on April 25, 1995.

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## Section 10.4 Mineral Resources

### 10.4.1 Purpose

This chapter is a subsection of the Conservation and Open Space Element. The purpose of this chapter is to identify the county's known mineral resources and support the conservation, development, and utilization of these resources. Energy production and conservation are discussed in the Energy Element.

### 10.4.2 Background

Humboldt County has a wealth of mineral resources. Over ninety extraction sites produce sand and gravel, hard rock, and metals essential for the economic well-being of the county (see Figure 10.1).

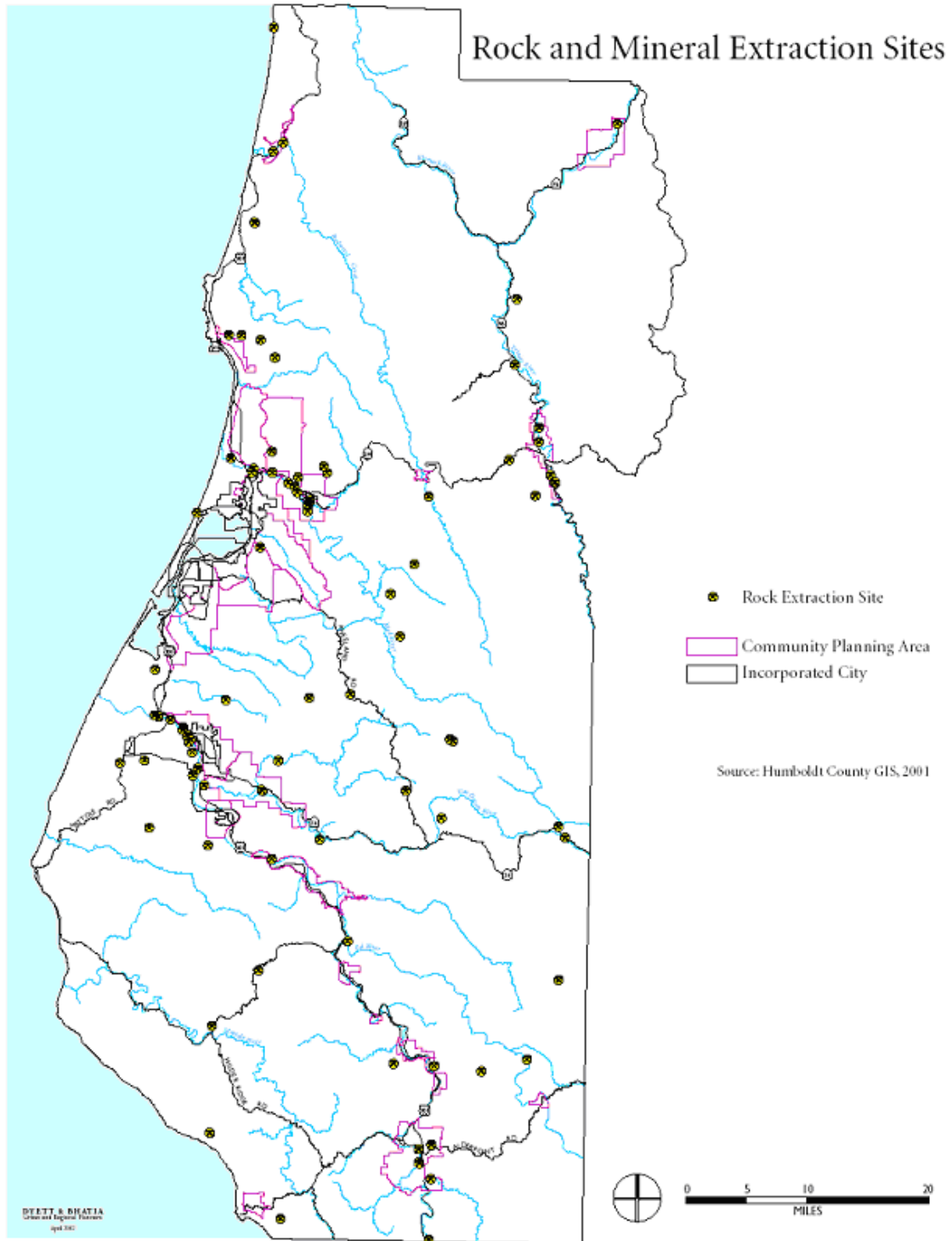
#### Mineral Resource Production

While gold was the first local mineral of interest. Current mineral resource production is primarily limited to sand, gravel, and rock. In-stream mining of gravel bars above low flow water levels, but within the active riverbed, supplies most of the area's sand and gravel needs. Gravel and sand extraction in 2007 was 612,000 cubic yards from mining along the Eel and Van Duzen Rivers (70 percent), Mad River (25 percent), and Trinity River (5 percent).

Mines and quarries in Humboldt County primarily produce shale and quarry stone used for base rock and other structural applications. There are over 30 active rock quarries permitted in the county, with a permitted annual potential yield of approximately 660,000 cubic yards per year. Actual extraction amounts are significantly less than this and vary depending on local demand. Rock quarries are an important augmentation of the in-stream sand and gravel mining operations. These quarries provide rock products of various sizes that are not obtainable from in-stream operations or are closer to the demand. Of particular importance are the rock quarries that mine blue schist, a hard rock used in construction and the rock quarries that provide road base for rural roads and timber operations.

Sand, gravel, and rock mining are essential to road construction, road maintenance, concrete, streambank protection, erosion control, and engineered fill and drainage systems. Mine closures raise costs and negatively impact development and maintenance projects within the county.

Figure 10.1 Rock and Mineral Extraction Sites





## In-Stream Gravel Mining Regulatory Coordination

To address state, federal, and County permitting requirements in a coordinated way and to implement mitigation required in program environmental impact reports for in-stream gravel mining, the County established the County of Humboldt Extraction Review Team (CHERT).

CHERT serves as a vehicle for interagency cooperation and annually reviews in-stream mining operations for compliance with CEQA mitigations and the California Surface Mining and Reclamation Act of 1975 (SMARA). The CHERT review process involves extensive interagency coordination and on-site annual inspections. Through this process, the following agencies have input and can annually establish extraction quantities and permit restrictions, up to limits contained in pre-existing vested or permitted rights, for in-stream gravel mining operations:

- California Department of Fish and Game, through their Streambed Alteration Agreements.
- National Oceanographic Atmospheric Administration, National Marine Fisheries Service, through the Endangered Species Act, Section 7 consultation.
- U.S. Fish and Wildlife Service, through the Endangered Species Act, Section 7 consultation.
- U.S. Army Corps of Engineers, through Section 404 of the Clean Water Act authorization for gravel mining.
- California Coastal Commission, for operations requiring coastal development permits within Coastal Commission jurisdiction
- County of Humboldt, for oversight of conditional use permits, coastal development permits, reclamation plans, financial assurances, and monitoring of required CEQA mitigations.

Additionally, the California Department of Conservation is involved in the review and approval of reclamation plans and financial assurances.

## Environmental Protection and Reclamation of Mined Lands

SMARA established state standards for mining activities and the reclamation of mined lands. These standards require that local governments obtain reclamation plans and set operational standards in granting permits for surface mining. Humboldt County is the local SMARA lead agency and administers the County's Surface Mining and Reclamation Act Ordinance (#1373 as amended) to comply with this state requirement.

It is a high priority of this Plan to protect fisheries habitat, riparian vegetation, and snowy plovers from in-stream mining impacts in order to maintain watershed health and the viability of in-stream mining. This goal will be accomplished primarily through the CHERT review process, interagency cooperation, and continued CEQA environmental review. The alternative to in-stream mining is mining off-river terrace deposits, which can be expensive and negatively impact agricultural lands or importation of sand and gravel, which is prohibitively expensive.

When naturally occurring asbestos is present at hard rock quarries, precautions are necessary to prevent exposure to employees and neighboring residents. This Plan relies on the site registration, sampling, and operational protocols of The North Coast Unified Air

Quality Management District Airborne Toxic Control Measures (ATCM) to mitigate the effects of naturally occurring asbestos.

The surface mining standards adopted within the County's Surface Mining Ordinance set environmental protection standards and prevent new mining operations from becoming nuisances to nearby communities or from creating problems of traffic, noise, water quality, or visual degradation.

### Land Use Compatibility

In the 1980s and early 1990s, numerous surface mining conditional use permits were issued with a permit term of 15 years, subject to renewal. Furthermore, many vested mining operations in Humboldt County qualified and still qualify as legal non-conforming uses. A number of these permits have recently come up for renewal, and through the renewal notification and hearing process it has become apparent that there are currently a greater number of concerned neighboring property owners than there were when the permits were first being issued. In one instance, it was found that over 70% of parcels adjacent to an active extraction operation or haul route had changed ownership since the initial permit issuance. In order to ensure the continued production of essential mineral resources, all mining operations and haul routes need to be identified and recognized in land use decision making and disclosed during real estate transactions to promote land use compatibility.

## 10.4.3 Goals and Policies

### Goals

- MR-G1. Long-Term Supply of Mineral Resources.** A geographically distributed inventory of mining sites protected from incompatible land uses, permitted and operated to prevent or minimize to the extent feasible significant environmental impacts and to satisfy long-term demand for mineral resources and construction materials. Mining permits may be issued for any term consistent with the resource and subject to ongoing regulatory review.
- MR-G2. In-stream Sand and Gravel Extraction.** Continued supplies of in-stream sand and gravel using extraction methods and rates that are consistent with state and federal endangered species regulations and will not adversely impact public infrastructure. Where possible, extraction should take place in a manner beneficial to endangered or threatened species.

### Policies

- MR-P1. Scientific Review of In-stream Mining.** The County shall maintain the County of Humboldt Extraction Review Team (CHERT) to advise the County on in-stream mining methods, extraction volumes and environmental impacts.
- MR-P2. Production and Conservation.** Encourage 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.

- MR-P3. Right to Mine.** Discretionary projects within 1000 feet of vested and permitted surface mining extraction sites or a minimum of 300 feet along existing haul routes shall be required 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.
- MR-P4. Identify Mineral Deposits.** The County shall maintain an inventory of the county's mineral deposits and permitted and/or vested mining sites.
- MR-P5. Sand and Gravel Extraction and Mean Annual Recruitment.** Annual in-stream gravel extraction prescriptions shall be based on maintaining long-term extraction at rates that do not exceed the best available scientific estimate of Mean Annual Recruitment for the affected river segment, while considering existing vested or permitted rights.
- MR-P6. New Permit Applications on over-subscribed River Segments.** New permit applications for in-stream mining shall not be approved on over-subscribed river segments where the total existing entitled permit extraction volumes, as stated in Conditional Use Permits or Reclamation Plans, exceeds the best available scientific estimate of Mean Annual Recruitment, unless it can be conclusively shown that the current estimate of Mean Annual Recruitment is inaccurate and the river segment is not over-subscribed. This policy does not apply to permit renewals.
- MR-P7. Reclamation.** Mined lands subject to SMARA shall be reclaimed consistent with the proposed and/or potential uses identified in an approved Reclamation Plan. End uses of reclaimed mining sites shall be consistent with the uses allowed by the site's General Plan designation and zoning.
- MR-P8. Future Development Planning.** Plan future development such that it will not interfere with the utilization of identified mineral deposits.
- MR-P9. Location of Mineral Haul Routes.** Design mineral haul routes to avoid incompatible areas such as landslides, highly erodible soils, residential areas, and schools, when feasible.
- MR-P10. Maintenance of Mineral Haul Routes.** Permits for mining operations shall ensure that roads are maintained in a safe condition.
- MR-P11. Permit Conditions to Reduce Impacts.** Permit conditions for mineral extraction operations, subject to SMARA, 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.
- MR-P12. Off-Channel Terrace Mining.** Off-channel commercial terrace mining of sand and gravel deposits is prohibited where such mining would result in the loss or degradation of prime agricultural land.

- MR-P13. Protection of In-stream Water Collection and Transmission Facilities on the Mad River.** Prescribed sand and gravel extraction rates shall not cause channel bed degradation to levels that adversely impact public infrastructure, or the source-water classification of the drinking water for the regional water system.

#### 10.4.4 Standards

- MR-S1. Surface Mining Standards.** Surface mining operations shall conform to standards contained in Surface Mining and Reclamation Act Ordinance, Title III, Division 9, County Ordinance #1373 as amended.
- MR-S2. Timberland Conversion.** Timberland conversion as a consequence of surface mining activities shall meet the requirements of the California Forest Practice Rules, and the Timberlands Productivity Act.
- MR-S3. Permitted Land Use Designations.** SMARA shall be conditionally permitted in all land use and zoning designations.
- MR-S4. Reclamation Plan Requirements.** Reclamation of mining operations may be ministerially approved if consistent with the Conditional Use Permit or Vested Rights Determination, CEQA evaluation, and approved Reclamation Plan.
- MR-S5. Forest and Agricultural Borrow Pits.** Borrow pits to support farming activities and timber road construction and maintenance operations shall be considered a principally permitted use when operated within SMARA exemption parameters, a grading permit is secured (if required by Humboldt County code) and the activity is otherwise consistent with this Chapter.
- MR-S6. Subdivision for Mineral Production.** Subdivisions shall be allowed to create parcels dedicated exclusively to the production of mineral resources.
- MR-S7. Hearing Notification.** For discretionary decisions associated with SMARA mining operations shown on maps in 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. Similarly, for discretionary projects within 1000 feet of mining operations, notice shall be provided to the mine owners.

#### 10.4.5 Implementation Measures

- MR-IM1. Scientific Review of In-stream Mining.** The County shall contract with the County of Humboldt Extraction Review Team (CHERT) to advise the County on in-stream mining methods, extraction volumes and environmental impacts. CHERT and other related in-stream mining regulatory program cost shall be subject to full cost recovery billing procedures according to the County of Humboldt's adopted fee schedules.
- MR-IM2. Mapping of Mineral Deposits and Mine Sites.** The County shall maintain GIS maps of the county's known mineral deposits and SMARA mining sites.

- MR-IM3. Development Consultant.** The County has the right, after consulting with the applicant, to hire a consulting firm of the County's choosing qualified in mining and reclamation practices to advise the County when surface mineral deposits are proposed for development or when an environmental impact report (EIR) is required. This should include, but is not limited to, EIR preparation, mitigation measures, and reclamation plans. The consultant's fees should be paid via reimbursements from the mine developers.
- MR-IM4. Combining Zone.** Establish a mineral resources (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. Notification shall be provided to parcels within 1000 feet of permitted surface mining extraction sites and along existing haul routes.
- MR-IM5. Coordination with the Air Quality Management District.** The County shall defer to the North Coast Unified Air Quality Management District during discretionary review of proposed mining operations in ultramafic rock areas with naturally occurring asbestos to develop asbestos control plans for the duration of quarrying activities.

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## Section 10.5. Waste Management

### 10.5.1 Purpose

This section describes the County's approach to solid waste management and waste diversion. The policies are designed to help implement the Countywide Integrated Waste Management Plan (CIWMP) currently administered through individual city and County solid waste diversion programs and under certain circumstances, on a multi-jurisdictional basis by Humboldt Waste Management Authority (HWMA).

### 10.5.2 Background

#### Integrated Waste Management

The Countywide Integrated Waste Management Plan (CIWMP), jointly adopted by the County of Humboldt and the county's seven cities in 1995, provides an integrated approach to materials management and includes the following elements:

- Source Reduction and Recycling. Includes County and city program plans for source reduction, recycling, organics diversion, special wastes management, education, funding, and organization, and is updated annually.
- Household Hazardous Waste. Includes County and city program plans for the safe reduction, recycling, and disposal of household hazardous wastes, and is updated annually.
- Countywide Siting. Quantifies landfill capacity needs, identifying general areas of the county potentially suited for landfill development or landfill expansion, and demonstrating a strategy for long-term disposal capacity. With the adoption of the Countywide Siting Element in 1994, Section 4600 of the General Plan was amended to ensure consistency and solid waste facility siting exclusion area maps were added the Public Facilities map sheets. The Countywide Siting Element was last updated in 2006.
- Non-Disposal Facility. Identifies the disposal and diversion capacities of, transfer stations, and other facilities with solid waste facility permits located within the County and cities, and was last updated in 2006.
- Integration Summary Plan. Summarizes countywide goals and objectives for integrated waste management, administration of the plan, current waste management practices, future diversion and disposal strategies, education needs, and programs financing. The Integration Summary Plan serves as the introduction to the CIWMP.

The Countywide IWMP includes a process and schedule for future review and revision of each element. This approval and revision process may trigger amendments to the General Plan to ensure consistency between the documents. Revisions to the CIWMP require approval from the California Department of Resources, Recovery and Recycling (CalRecycle).

## Waste Diversion Goals

In 2012, the county as a whole disposed of 84,145 tons of solid waste in landfills. Of the solid waste tonnage disposed in Humboldt County in 2012, approximately 43% came from the unincorporated area. In 2012, six of the eight reporting jurisdictions within Humboldt County, including the unincorporated area met or exceeded the waste diversion mandate of 50% set by the Integrated Waste Management Act of 1989 (AB 939). HWMA estimates that of the County's current 74% diversion rate, approximately half is due to wood ash diversion in the early 1990's. Future State legislation will likely require jurisdictions to increase diversion beyond the current 50% diversion target. In anticipation of state requirements and to reduce environmental impacts, the County is continuing to work toward achieving the higher diversion rates in municipal waste streams, including the establishment of curbside recycling collection in the unincorporated area. CalRecycle has set an overall statewide diversion rate target of 75% by 2020.

## Solid Waste Facility Siting

California general plan law requires that the Land Use Element designate areas for solid and liquid waste disposal facilities. The location of these facilities must also be reflected in a Countywide Siting Element which is required to be consistent with the General Plan.

The County conducted an extensive municipal landfill siting study in the mid 1990's to locate a replacement site for the Cummings Road landfill, which was reaching initial design capacity. While the County identified some potentially feasible sites for further study and potential expansion opportunities at the Cummings Road site, it determined that it was more cost effective to export to a proven site. The County, through HWMA, has been trucking its solid waste approximately 175 miles to two out-of-county landfills. One third of this waste is shipped to Dry Creek landfill near Medford, Oregon under a long-term contract which expires in November, 2016. Beginning in June, 2014 the remaining two thirds of solid waste will be hauled by Solid Waste of Willits to the Potrero Hills landfill located in Solano County, California. Together, these two landfills will allow the County to meet its landfill disposal needs over the next 20 years. Consequently, no additional local municipal landfill capacity is expected to be required during the 20-year planning horizon of this General Plan. Approximately 6,000 tons of solid waste that is not subject to curbside franchise agreements is also self-hauled to landfills outside of the county directly by local garbage haulers and self-haulers. Other materials designated as Class 2 "Special Waste"; such as contaminated soil and large amounts of non-friable asbestos, is sometimes hauled to specially permitted landfills.

Additional facilities are needed for handling, transferring or recycling diverted materials, such as construction and demolition debris, organic materials (e.g., food, fats/oils/grease, food soiled paper, biodegradable foodware) and household hazardous waste. Such facilities can be accommodated in various general plan land use designations depending on the nature and scale, of the facility. While not expected, it may also be necessary to consider siting non-municipal solid waste facilities such as construction demolition debris disposal sites. Land use clearance standards are included to address that potential need to regulate these facilities.

## Hazardous Waste

The Humboldt County Division of Environmental Health Hazardous Materials Program has been designated by the state as the Certified Unified Program Agency for Humboldt County. The CUPA is responsible for conducting compliance inspections of over 800 facilities in Humboldt County. These facilities handle hazardous materials, generate or treat a hazardous waste and/or operate underground storage tanks. The CUPA uses education and enforcement programs to minimize the risk of chemical exposure to human health and the environment. The CUPA forwards important facility information to local fire prevention agencies that enables them to take appropriate protective actions in the event of an emergency at regulated facilities. The Humboldt County CUPA program elements include:

- Hazardous Materials Release Response Plans and Inventory (Business Plans)
- California Accidental Release Program (CalARP)
- Underground Storage Tanks (UST)
- Aboveground Petroleum Storage Spill Prevention Control and Countermeasures (SPCC)
- Hazardous Waste Generation and Onsite Treatment

Pursuant to AB 2948 (Tanner, 1986), Humboldt County prepared the Hazardous Waste Management Plan that was adopted as part of the Framework General Plan in 1989. The Hazardous Waste Management Plan identifies the type and quantity of hazardous waste that is generated in the County; projects future quantities; includes goals, policies, and standards for the management of hazardous waste; and establishes procedures for the siting of new hazardous treatment, storage, and disposal facilities. The Hazardous Waste Management Plan will remain a part of the General Plan and will be reviewed for consistency as amendments to the General Plan are proposed.

## Litter and Illegal Waste Disposal

Litter and illegal waste disposal remains a countywide problem, particularly in remote areas. The County's Division of Environmental Health and Code Enforcement Unit handle complaints and share enforcement duties. In FY13/14, over \$67,000 in funding has been allocated to illegal dumping management, including \$35,400 in disposal costs and \$32,000 in solid waste tip fee pass-throughs for code enforcement clean-up efforts. State, federal and tribal resources are also utilized in large-scale cleanup efforts. The illegal disposal of junk cars is a significant source of blight in remote rural areas. Maintaining car dismantling and recycling centers in populated and rural areas provides a legal and accessible alternative to illegal disposal. Motorhomes and travel trailers are another major issues, as unlike passenger cars and pickups, they do not have salvage value and can have a higher disposal cost. To combat illegal disposal of wastes, the Plan promotes public education, maintaining easily accessed affordable disposal and recycling opportunities and code enforcement.



### 10.5.3 Goals and Policies

#### Goals

- WM-G1. Comprehensive System.** A flexible system for the management of solid wastes and waste resources on a countywide basis, which encompasses storage, collection, separation, processing, reduction, reuse and repair, recycling, recovery, marketing, and, when necessary, landfill disposal.
- WM-G2. Environment, Health, and Safety.** A solid waste management system that protects and improves the county's environment, public health, safety, and economy.
- WM-G3. Reduce Waste Toxicity.** A low toxicity waste stream that reduces risk of exposure to residents, solid waste and recycling industry workers, and the environment.
- WM-G4. Management Strategy Hierarchy.** An integrated waste management hierarchy that first emphasizes source reduction, followed by reuse and repair, recycling, composting, materials recovery, environmentally safe energy recovery, environmentally safe transformation, and, as a last resort, landfill disposal.
- WM-G5. Maximize Achievement of Objectives.** Successful achievement or exceedance of integrated waste management objectives through education, economic incentives, and increased participation in waste reduction programs.
- WM-G6. Convenient, widespread participation.** High participation rates of recycling and waste diversion programs by making options convenient and widely available, such as through curbside recycling collection.
- WM-G7. Recovered Materials for Local Industry.** Growth in local businesses using previously discarded materials as a resource for value added manufacturing.
- WM-G8. Coordination.** An integrated waste management strategy emphasizing cooperation and coordination among local jurisdictions, waste haulers, and recyclers consistent with state and federal regulations and programs.
- WM-G9. Self-sufficient Disposal Practices.** Disposal capacity within the county or a contingency plan to develop local disposal capacity in order to achieve self-sufficiency and to hedge against increasing transportation, or waste export costs, and deal with catastrophic events.

## Policies

- WM-P1. Implementation of Waste Reduction Programs.** Waste reduction, re-use and recycling programs should be implemented countywide on a continuous basis to achieve the maximum possible waste diversion rate using the following criteria for program prioritization and selection:
- A. Achieves the maximum feasible reduction in volume and/or weight of waste requiring landfill disposal;
  - B. Supports regional efforts that maximize the reduction and diversion of additional materials in a consistent fashion for affected parties; such as local bans on the use of plastic bags or mandatory recycling of construction and demolition debris;
  - C. Ensures the feasibility of expanding diversion programs by requiring that, in addition to solid waste collection bins, new commercial and multi-family land use plans include on-site space for diversion collection bins, such as recycling and organics;
  - D. Maximizes the economic value of materials heretofore discarded;
  - E. Benefits the environment and health and safety of county citizens;
  - F. Is able to be implemented on a timely, practical, and cooperative basis;
  - G. Is supported by and is sustainable over the long-term by residents, businesses, and jurisdictions; and
  - H. Allows cost-effective achievement of the above criteria.
- WM-P2. Support Successful Programs.** Support successful existing programs and diversion activities through increased promotion and technical assistance. Identify, develop, and fund new programs using selection and prioritization criteria identified in WM-P1.
- WM-P3. Joint Facility Planning.** Facilities that are intended to serve all county residents should be jointly planned and implemented by all affected stakeholders. Priority facilities recommended for joint planning are:
- A. County disposal facility: local new landfill, expansion, or export;
  - B. Centralized composting facility: materials to be processed, size, location, design, and cost; and,
  - C. Household hazardous waste transfer facility: ownership, operation, funding, and liability issues.
  - D. Centralized organic waste processing facility: reliable feedstock sources, design, size and cost.
- WM-P4. Information Sharing.** The County shall support ongoing dialogue between HWMA, city or County waste management staff to reduce duplication of efforts and increase cooperative implementation of integrated waste management strategies.
- WM-P5. Administrative Structure.** The County supports unified administration and funding of countywide integrated waste management strategies and programs cooperatively sustained by HWMA, the County and cities.

- WM-P6. Illegal Waste Disposal.** The County shall work to reduce dumping and other illegal waste disposal items such as automobiles, e-wastes, and toxics through better code enforcement and increased fines, public education, maintaining affordable and geographically distributed opportunities for waste disposal and recycling, proactive prevention programs, and site cleanups.
- WM-P7. Countywide Integrated Waste Management Plan (IWMP).** The County shall abide by and participate in revisions to the CIWMP lead by the HWMA, per HMWA's current contract with the County, and consider the need to amend this General Plan to maintain consistency.
- WM-P8. Support for Waste Diversion and Recycling Operations.** The County shall recognize the importance of siting waste diversion and recycling operations within the County to attain state mandated waste reduction goals. Permitting processes and decisions should balance this public interest with the health, safety and welfare of those living in the vicinity of proposed facilities.

#### 10.5.4 Standards

- WM-S1. Solid Waste Facility Permit.** When seeking approval for the construction or expansion of a solid waste facility in Humboldt County, project applicants must obtain a Solid Waste Facility Permit from the Department of Health and Human Services Division of Environmental Health with concurrence by the CalRecycle pursuant to the requirements of California Code of Regulations, Title 14, Division 7, or successor regulations.
- Prior to submitting an application for a Solid Waste Facility Permit, a project applicant must obtain the clearances, approvals, or permits listed below:
- A. Certification of compliance with the California Environmental Quality Act (CEQA) pursuant to the requirements of the California Code of Regulations Division 6.3.
  - B. Land use approval from the appropriate city or County land use authority.
  - C. Approval from the North Coast Unified Air Quality Management District.
  - D. Approval from the North Coast Regional Water Quality Control Board.  
Note: that NCRWQCB approval may require permits for stormwater discharges (NPDES) and/or waste discharge permits.
  - E. Other approvals and clearances such as streambed alteration agreements, Williamson Act cancellation, timberland conversion approval from the Board of Forestry, a Section 404 permit from the Army Corps of Engineer, if wetlands are involved, and any others which are required as a result of site design or facility location.

- WM-S2. Solid Waste Disposal Facility Conformance with Countywide Integrated Waste Management Plan (CIWMP).** Any proposed new or expanded solid waste facility must be in conformance with the IWMP and included in the adopted Countywide Siting Element or the Non-Disposal Facility Element prior to issuance of a Solid Waste Facility Permit.
- WM-S3. Solid Waste Facility Consistency with State and Federal Laws.** Proposed solid waste facilities shall meet any applicable requirements of the Resources Conservation and Recovery Act's Subtitle D, CalRecycle regulations (Title 14, Division 7), and requirements of the State Water Resources Control Board regulations (Title 23, Division 3), or successor regulations.
- WM-S4. Land Use Permits for Solid Waste Facilities.** Solid waste facilities are allowed by Conditional Use Permit in most non-residential land use and zoning designations and where otherwise consistent with this Chapter. To ensure consistency with the IWMP at the time of issuance of applicable land use permits for solid waste management facilities, the applicant shall submit the following supplemental information with the land use permit application:
- A. Assessment of conformance with the adopted Countywide Siting Element or Non-Disposal Facility Siting Element.
  - B. Projections of the quantity of waste to be managed in weight and volumetric measures and the area required for disposal or processing on an annual basis for the life of the facility.
  - C. Operational plans in compliance Solid Waste Facility Permit requirements.
  - D. Analysis of a minimum of three alternative sites with a summary description of the operational characteristics and environmental impacts associated with each alternative.
  - E. Relationship of the solid waste facility to existing solid waste facilities in terms of waste streams, end products, operational capacity, and compatibility.
  - F. A site post closure plan consistent with applicable state and federal regulations and a description of any land use limitations after project completion.
  - G. Assessment of conformance with the policies and provisions of the (CIWMP).

### 10.5.5 Implementation

- WM-IM1. Local Enforcement Agency.** The Division of Environmental Health will continue to function as the designated local enforcement agency.
- WM-IM2. Solid Waste Management Authority.** Continue the County's participation in the Humboldt Waste Management Authority, including contracting and advocacy for the Countywide Integrated Waste Management Plan and Source Reduction and Recycling Element.
- WM-IM3. Code Compliance.** Maintain a code compliance program to respond to complaints of illegal waste disposal.
- WM-IM4. Support for Waste Diversion and Recycling Operations.** Provide technical and permitting assistance to waste diversion activities, particularly those that reduce illegal disposal activities; for example, junk yards and car dismantling and other recycling operations.

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## Section 10.6 Cultural Resources

### 10.6.1 Purpose

This is the Cultural Resources subsection of the Conservation and Open Space Element. It includes policies to protect cultural heritage, including historic, prehistoric, and architectural resources.

### 10.6.2 Background

Cultural resources are elements of cultural heritage. From a land use perspective, important cultural resources include archaeological sites, historic architecture, industrial relics, artifacts, cultural landscapes, spiritual places, and historic districts. These elements provide traces of Humboldt County's rich history and add to the unique character and identity of the county.

The importance of history to local residents can be seen in the many celebrations and expressions of Native American cultural heritage, the architectural preservation efforts of numerous local home and business owners, and the high level of support for local museums and historical societies. The educational, social, and economic benefits of historic preservation to the county are tremendous; protecting outstanding cultural resources and the legacy they represent is a priority of this Plan.

#### Resource Inventories

Over one thousand sites of cultural significance have been surveyed and officially designated as cultural resources in Humboldt County. The participation of state and federal historic registration programs include 13 sites as California Historical Landmarks, 16 sites included on the National Register of Historic Places, 58 sites as California Historical Resources, and nearly 700 sites as historical and prehistoric archeological sites. Many of these sites, as well as numerous unlisted sites, are of cultural and religious significance for Native American populations. Any scientific archeological interest in such sites must be respectful of the cultural and religious significance they may hold.

#### Site Preservation

Protection of significant cultural resources has become recognized as a vital part of planning and environmental assessment. The passage of the National Historic Preservation Act of 1966 (NHPA), the National Environmental Policy Act of 1969 (NEPA), the California Environmental Quality Act (CEQA), the California Public Resources Code (commencing with §5097.5), and passage in 2014 of Assembly Bill (AB) 52 relating to Native Americans and CEQA, among others) all speak to the importance of protecting and preserving these essential resources.

The NHPA, NEPA and CEQA provide environmental policy guidance to preserve important aspects of our cultural legacy. Section 101(b)(4) of NEPA stresses the preservation of important historic, cultural, and natural aspects of our national heritage. Similarly, §21001(b) of CEQA states that it is a California policy to "take all action necessary to provide the people of this state with . . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities."

The protection of the cultural environment in general and heritage resources in particular is also given priority in the California Public Resources Code. Sections 5097.9 et seq. provide protection from damage to Native American historic, cultural, or sacred sites and features, artifacts, and objects. Moreover, California Government Code §65351 et seq. provide for public involvement and required consultation with Native American tribes (Senate Bill 18, 2004) during the preparation of a general plan for purposes of preserving or mitigating impacts to California Native American cultural places.

The County's Board of Supervisors established a policy in 1971 to evaluate archeological sites not only for their scientific value, but also for their importance to the Native American community (Resolution No. 71-14.1). The County currently maintains an agreement with the Northwest Information Center of the California Historical Resources Information System (NWIC) to review development proposals to assess any potential impact to culturally sensitive areas. The County also refers development proposals to local tribes within their defined area of interest for review and recommendation. These practices are consistent with the new requirements for Native American consultation under CEQA codified by passage of AB 52 (2014).

In addition to numerous sites of archeological significance in the county, there are many other sites of historic worth. For example, sites may be significant for their architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural value. Judgment of significance and the need for protection is straightforward if a site is eligible for, or listed in, state or federal historic registration programs. Determining significance and the need for protection of uncatalogued sites must be assessed on a case-by-case basis to avoid adverse change in the significance of a historical resource. Determination can require cultural resource studies prepared by qualified professionals to inform the judgment of decision makers.

### 10.6.3 Goals and Policies

#### Goal

**CU-G1 Protection and Enhancement of Significant Cultural Resources.** Protected and enhanced significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations.

#### Policies

**CU-P1. Identification and Protection.** The potential for impacts to significant cultural resources shall be identified during ministerial permit and discretionary project review, impacts assessed as to significance, and if found to be significant, protected from substantial adverse change per California Public Resources Code (PRC) §5020.1.

- CU-P2. Native American Tribal Consultation.** Native American Tribes (as defined below in CU-S3) shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. Consultation on ministerial permits shall be initiated if it has been determined the project may create a substantial adverse change to a significant cultural resource. At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential Tribal cultural resources located in project areas within their respective tribal geographical area of concern.
- CU-P3. Consultation with Other Historic Preservation Agencies and Organizations.** Historic preservation agencies and organizations shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. These include, but may not be limited to, the County's Cultural Resources Advisory Committee, Humboldt County Public Works Department and the Planning and Building Divisions, the Northwest Information Center of the California Historical Resources Information System (NWIC), the California Office of Historic Preservation, the Native American Heritage Commission, local historical societies, museums, colleges and universities, and incorporated cities historic preservation commissions or committees for their respective LAFCO sphere of influence, and local historians, cultural resources consultants and historic preservation staff affiliated with various state and federal agencies.
- CU-P4. Avoid Loss or Degradation.** Projects located in areas known, or suspected to be archeological sites or Native American burial sites shall be conditioned and designed to avoid significant impacts to significant sites, or disturbance or destruction to Indian burial grounds. Preserving Native American remains undisturbed and in place shall be selected as the preferred alternative unless substantial factual evidence is presented demonstrating that no alternative(s) are feasible. Conditions of approval shall include standard provisions for post-review inadvertent archaeological discoveries and discovery and respectful treatment and disposition of Native American remains with or without funerary objects in accordance with state law (Health and Safety Code (HSC) §7050.5 and PRC §5097.98).
- CU-P5. Findings Necessary for Loss or Destruction.** Substantial adverse changes to significant cultural resources shall not be allowed through a ministerial or discretionary action unless:
- a. The cultural resource has been found not to be significant based on consultation with culturally affiliated Native American Tribe(s) and other historic preservation agencies and organizations as required by CU-P2 and CU-P2x; or
  - b. There is an overriding public benefit from the project, and compensating mitigation to offset the loss is made part of the project.
- CU-P6. Mitigation.** Mitigation measures shall be required for any permitted project or County action that would adversely impact significant cultural resources.



## 10.6.4 Standards

- CU-S1. Significant Cultural Resources Defined.** Significant cultural resources include, but are not limited to, any object, building, structure, site, district, area, or place that is culturally, historically, or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of Humboldt County, the State of California or the Nation. Sites, resources, or structures listed in federal, state, or local registration programs, or formally determined eligible for listing, or that meet the criteria for listing in the California Register of Historical Resources as well as those cultural resources determined to be significant by a lead agency shall also be recognized as significant cultural resources. Significant cultural resources also include Tribal Cultural Resources defined by the 2014 Assembly Bill 52 (Native Americans: CEQA), Native American Sacred Sites such as sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines and Native American Historic Resources such as any historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register, including any "historic or prehistoric ruins, any burial grounds, and any archeological or historic sites" (PRC §5097.9 and §5097.993).
- CU-S2. Confidentiality.** As prescribed by California Public Records Act, Government Code § 6250 et seq., and the Information Practices Act of 1977, Civil Code §1798 et seq, the exact location of Native American grave sites, burial grounds, sacred sites, sensitive cultural places, and prehistoric and historic archaeological sites shall not be publicly disclosed in order to prevent the possibility of theft or vandalism.
- CU-S3. Cultural Resources Community.** The cultural resources community includes:
- A. Native American Tribes, defined as federally recognized and non-recognized tribes and tribal organizations that have ancestral lands in Humboldt County that are on the contact list maintained by the Native American Heritage Commission; and, the appointed Tribal Historic Preservation Officers (THPOs) of such tribes.
  - B. Historic preservation agencies and organizations referenced in CU-P2x.
  - C. Other interested parties who have requested in writing to be notified of such matters.
- CU-S4. Conditioning, Designing, or Mitigating Projects to Avoid Loss or Reduce Impacts to Archaeological Resources.** Conditioning, designing, and/or mitigating projects to avoid or reduce impacts to archaeological resources, significant for their cultural value to descendent communities and/or scientific value shall consider the following options:
- A. **Avoidance.** Design projects involving any ground disturbance to avoid known archaeological sites, or
  - B. **Capping.** Provide protective cover (e.g. cap with geotextile material and/or other barrier and cover with imported fill soil using light-weight rubber tired equipment) and confine development to the protective cover for all or portions of known sites that cannot be feasibly avoided, after the site has been adequately characterized (depth, area,

constituents) and reported on using appropriate scientific excavation techniques, or

- C. **Data Recovery.** Where site avoidance or capping is infeasible, design and implement a research design guided mitigation excavation program, in consultation with culturally affiliated Tribe(s) or other descendant groups, as appropriate, under the direction of a professional archaeologist knowledgeable about regional archaeology, to recover and document significant scientific information that would otherwise be lost by project implementation. Preserving Native American remains undisturbed in place shall be selected as the preferred alternative unless substantial factual evidence is presented demonstrating that no alternative(s) is (are) feasible.
- D. **Conservation Easements.** Voluntary deeding of the site into a permanent conservation easement.
- E. **Standard Conditions and Notations for Inadvertent Archaeological or Native American Remains Discoveries.** In addition, for discretionary projects and ministerial permits that involve ground disturbing activities, the following measures shall be included as standard conditions of approval or as notations to be placed on development plans:

"The project site is not located within an area where known archaeological sites have been identified. However, as there exists the possibility that undiscovered archaeological resources may be encountered during construction activities, the following post-review, inadvertent archaeological discovery measures are required under state and federal laws:

If archaeological resources are encountered, all ground disturbing work at the find location plus a reasonable buffer zone must be immediately suspended, the approving County department contacted, and a qualified professional archaeologist retained to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, and protective cover) in consultation with culturally affiliated tribes or other descendant groups, where applicable.

Pursuant to California Health and Safety Code §7050.5, if known or suspected Native American or other human remains are encountered, all ground-disturbing work must cease in the vicinity of the discovery, and the County Coroner contacted. The respectful treatment and disposition of remains and associated grave offerings shall be in accordance with PRC §5097.98.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition."

- CU-S5. **Professional Archaeologist Qualification Standards and Practices.** For the purpose of this chapter, a professional archaeologist meets the Secretary of the Interior's Professional Qualification standards for Archaeology Principal Investigator and the explicit education and experience qualification standards adopted by the Society for California Archaeology in 2012. The professional archaeologist shall make a good faith effort to inform and include the descendant community in all aspects of their work, as applicable, to respect sensitive or confidential information, and to integrate the

community's policies and practices in respectful handling of archaeological material.

**CU-S6. Assessment and Treatment of Impacts to Significant Historic Structures, Buildings and Districts.**

- A. **Ministerial Permit Review.** For ministerial permits, a records check will be conducted by staff. If the project site and/or structures are listed on the local, State, or federal register, or has been surveyed and determined to be eligible for listing on the local, State, or federal register, it will be considered a significant cultural resource. The project will either be modified as may be necessary to ensure continued protection of the significant historic structures, buildings or districts, or the project will be subjected to the discretionary review process described below.
- B. **Discretionary Project Review.** For discretionary projects, a records check will be conducted by staff, and if no listing or survey for eligibility has been done, an initial screening will be conducted to determine whether there is a potential for significant historic structures, buildings or districts to be significantly impacted by the project. Where it is found that there is a potential for significant adverse impacts, an historic architectural resources report meeting the Secretary of the Interior's Standards for Historic Preservation prepared by a qualified professional shall be required. The report shall assess the presence, extent, condition, and explicit significance values of all extant cultural resources and the likely impact upon such resources found to qualify as significant historical resources under CEQA. The report shall include recommendations for avoiding and/or mitigating identified significant adverse impacts.
- C. **Areas of Historic Concern.** To assist in protecting potential historical structures yet to be surveyed, the Board of Supervisors may designate areas of historical concern, in which all structures 45 years or older would be assessed as outlined for discretionary projects above. Designating an "area of historic concern" shall require providing written notice to all the affected property owners and at least one public hearing by the Board of Supervisors prior to approving the designation.
- D. **Encouraging Nomination to the California Register.** To assist in identifying historical resources of significance, the County encourages the cultural resources community to utilize the nomination process for the California Register of Historical Resources, which provides notice and comment opportunities for local government and the property owner, in determining eligibility for register listing.

**CU-S7. Cultural Resource Advisory Committee Recommendations and Mitigation.**

The conclusions, findings and recommendations of the Historic Architectural Report and other types of cultural resources reports shall be evaluated during the project review process including referral for comments from the advisory Cultural Resources Committee. The Cultural Resources Committee will make recommendations on cultural resources to County staff and the Planning Commission. Applicants shall be encouraged to plan projects to avoid substantial adverse change to significant cultural resources, otherwise, mitigation measures shall be required to lessen the impacts to a less than significant level.

## 10.6.5 Implementation Measures

- CU-IM1 Cultural Resources Ordinance and Advisory Committee.** Review existing ordinances and guidelines and make necessary amendments to assure the protection of cultural resources, resulting in the adoption of a comprehensive Cultural Resources Ordinance and establishment of (an) advisory Cultural Resources Committee(s). The purpose of the Ordinance is to implement the goals, policies and standards of this section (10.6- Cultural Resources), including a clearly prescribed process for the identification, evaluation, assessment and treatment (mitigation) of cultural resource impacts for County permitted projects or actions that could result in significant adverse impacts. The Ordinance shall include establishing a Cultural Resources Committee composed of local historic preservation professionals that are knowledgeable and experienced in CEQA and historical resources, and in the fields of regional prehistoric and historic archaeology, historic architecture, and cultural landscapes, plus County tribal representatives (THPOs), which shall advise County staff and the Planning Commission about the adequacy, findings and recommendations of CEQA review and reporting in accordance with applicable laws and best practices in historic preservation. In addition the Committee will advise and educate the public about historic preservation, tribal cultural resources, and the field of cultural resources management.
- CU-IM3 Cultural Resources Designation.** Develop a process to encourage and actively support nominations with the owner's consent to the federal, state, and local cultural resource registration programs.
- CU-IM4. Historic Building Code.** Promote the use of the Historic Building Code of the State of California for historical sites.
- CU-IM5. Historic Building Identification.** Establish and maintain a process for identifying significant historic buildings and structures (individually or as part of districts or landscapes).
- CU-IM6. Map Resource Areas.** In consultation with the cultural resources community (as defined), and the Cultural Resources Committee, the Planning Division shall (1) map Overlay Zones for culturally sensitive areas (including potentially significant cultural landscapes) especially in rural, inland areas outside the Coastal Zone to expand the County's review of projects that may affect known & unknown cultural resources to facilitate Initial Project Screening (CU-P1), (2) develop a confidential database that identifies locations of archaeological or cultural heritage sensitivity, and (3) compile and maintain a listing of listed, eligible or potentially eligible cultural resources including but not necessarily limited to architectural sites, districts and cultural landscapes, within the County's jurisdiction. Continue to contract with the NWIC to provide rapid-response, reduced fee initial review of project locations for purposes of determining if known cultural resources are recorded on or near project areas, and for opinions on cultural resources sensitivity with appropriate recommendations.

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## Section 10.7 Scenic Resources

### 10.7.1 Purpose

This is the Scenic Resources Section of the Conservation and Open Space Element. It includes policies to protect outstanding scenic resources that may be adversely affected by land use and development. Signs and billboards are addressed in this chapter as well as in the Land Use Element. Protection programs and the identification of high-value visual resources are also addressed in this section.

### 10.7.2 Background

Scenic beauty is perhaps the most notable characteristic of Humboldt County for visitors and one of the most appreciated attributes among residents. Forested hillsides, working agricultural land, river corridors, and the coast provide a range of stunning scenic areas. Certain of these are exemplary and warrant protections to maintain the county's characteristic scenic beauty and unique sense of place.

#### Forests

Forestland is a prominent component of the visual landscape of Humboldt County, covering more than 80% of the total land area. Redwood National Park, Six Rivers National Forest, Redwoods State Park, and King Range National Conservation Area are all significant, protected forests. However, these and other public forested lands total only 26% of the 1.9 million acres of forested land in the county. Forestland in private ownership constitutes the remainder. The scenic value of these natural resources is important to residents, and there is strong public support for protecting working forests and other productive resource lands from conversion to other uses.

Policies in this Plan for protecting scenic qualities of forestlands are limited to supporting the continued timber production uses of these lands, and discouraging their conversion to residential, commercial, or industrial use. State laws governing timber harvest regulations significantly narrow the scope of scenic protection measures the County may apply to forest lands. The Forest Resources Section of this Plan provides more comprehensive discussion of this and other forestry-related issues.

#### Open Space and Agricultural Lands

Agricultural land vistas are too many a quintessential characteristic of Humboldt County; agriculture and grazing land uses comprise 15% of unincorporated lands. Scenic protection of agricultural lands is, for the most part, accomplished by policies in the Land Use Element, by encouraging continued agricultural production and discouraging conversion to residential, commercial, or industrial uses. The State Coastal Act and Williamson Act also protect agricultural lands. This Plan provides recognition of "heritage landscapes," which are lands with combined historical, cultural, and scenic values, such as the Arcata and Ferndale Bottoms areas.

## Scenic Roads

The following Scenic Highway Element goals outlined in the County's 1984 Framework Plan remain relevant for local scenic roadways:

- To establish a system of scenic routes.
- To conserve scenic views observable from the routes.
- To provide multiple recreational uses on publicly owned lands adjacent to the routes.
- To recognize the dual scenic and economic value of lands planned for the growing and harvesting of timber, and agricultural products.

Several highways in the county have unique scenic qualities owing to their natural setting. A scenic highway is defined as a highway that, in addition to its transportation function, provides opportunities for the enjoyment of natural and scenic resources. Scenic highways direct views to areas of exceptional beauty, natural resources or landmarks, or historic and cultural interest.

Although no highways in the county are "officially designated" as California State Scenic Highways, several state highways could be eligible for official designation:

- Route 36 from Route 101 near Fortuna to the Trinity County line
- Route 96 from Route 299 at Willow Creek north to Siskiyou County
- Route 101 for its entire length in Humboldt County
- Route 254 in the Avenue of the Giants Community Plan Area
- Route 299 from Arcata to Willow Creek

## Wild and Scenic Rivers

Portions of several rivers in the county are designated as part of the National and/or California Wild and Scenic River Systems. Sections of the Eel, Klamath, Trinity, and Van Duzen rivers are designated "wild," "scenic," or "recreational." Policies relating to protection of water resources are found in the Water Resources Element.

## Other Scenic Areas

### Coastal Scenic and Coastal View Areas

Humboldt County's varied and extensive coastline allows for a wide range of scenic vistas from roads and highways, and from beaches, state parks, and coastal access points. Considerable work has been done to assess scenic resources in developing the County's Local Coastal Program (LCP). This program relies on a technical study and a detailed inventory of visual resources along the coastline. The scenic qualities of these areas are protected by land use designations that encourage open space, permit review under the LCP, and design review requirements that minimize visual impacts of new development.

## Inland Scenic Areas

Many scenic natural features outside of the coastal zone are protected by virtue of being within public lands, provisions of various county timber production, agricultural land use designations, and California Environmental Quality Act (CEQA) review. There are also areas in Shelter Cove and along the Avenue of the Giants that have design review requirements intended to protect natural features.

The policies and standards presented in this Plan support protections already in place, including timber production and agricultural land use designations, design review, and CEQA review.

## Community Separators

Maintaining a visible separation between communities enhances a sense of community identity. Open space areas can serve as community separators, helping to avoid the look of continuous corridor-style urbanization. These areas are frequently subject to pressure for development because they are close to developed areas and major roads. A set of goals, policies, and programs to retain community separators is presented in this section.

## Off Premise Billboards

Billboards along scenic roadways and other scenic areas impact the scenic quality by blocking views and introducing a source of outdoor lighting. Policies and standards in the Land Use Element minimize these impacts by limiting placement of new billboards to commercial and industrial areas. This section includes a standard which establishes a 15-year limit to the lifespan of new billboards.

There are numerous existing billboards in areas not zoned for commercial or industrial use. These billboards are considered “non-conforming.” State law prohibits local jurisdictions from requiring removal of existing non-conforming billboards without compensation. New policies support efforts of the North Coast Railroad Authority to remove billboards from the railroad right-of-way, and to prioritize enforcement of Humboldt County’s existing regulations requiring removal of illegal billboards.

### 10.7.3 Goals and Policies

#### Goals

- SR-G1. Conservation of Scenic Resources.** Protect high-value scenic forest, agriculture, river, and coastal areas that contribute to the enjoyment of Humboldt County’s beauty and abundant natural resources.
- SR-G2. Support for a Designated Scenic Highway System.** A system of scenic highways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County without detracting from allowed uses.

## Policies

- SR-P1 Working Landscapes.** Recognize the scenic value of resource production lands.
- SR-P2. Development in Mapped Scenic Areas.** In mapped scenic areas, new discretionary and ministerial development shall be consistent with and subordinate to natural contours, hilltops, tree lines, bluffs and rock outcroppings. Visible disturbance and interruption of natural features shall be minimized to the extent feasible.
- SR-P3. Scenic Highway Protection.** Protect the scenic quality of designated Scenic Highways for the enjoyment of natural and scenic resources, coastal views, landmarks, or points of historic and cultural interest.
- SR-P4. Term of Off-Premise Billboards and Prohibition.** Limit the term of new and existing off-premise billboards by ordinance to provide for removal consistent with the Outdoor Advertising Act. Prohibit the construction of new off-premise billboards along mapped Scenic Highways and coastal views.
- SR-P5. Billboards in Sensitive Habitat Areas.** Prohibit construction of billboards in mapped sensitive, habitat areas.
- SR-P6. Removal or Relocation of Billboards on Public Lands and Right-of-Ways in the Northwestern Pacific Railroad Right-of-Way.** Support efforts of public agencies; such as the North Coast Railroad Authority and the U.S. Fish and Wildlife Service to remove or relocate billboards from their right-of-way between Fields Landing and Arcata on lands under their control.
- SR-P7. Removal of Illegal Billboards.** Illegal billboards on property within County jurisdiction shall be removed through code enforcement. The County shall advocate for removal of illegal billboards in areas outside of County jurisdiction, including petitioning Caltrans' Outdoor Advertising Office to remove illegal billboards along highways.
- SR-P9 Vandalism of billboards.** If vandalism of legal nonconforming billboards requires repair or reconstruction, the billboard shall not lose its legal, nonconforming status, consistent with Humboldt County Zoning Code.

## 10.7.4 Standards

- SR-S1. Development in Mapped Scenic Areas.** Discretionary and ministerial development shall avoid visual disturbance of natural contours, hilltops, tree lines, forest landscapes, bluffs and rock outcroppings, to the maximum extent feasible. Roads and public utility corridors shall be as narrow as feasible and follow natural contours. Natural features disturbed for construction purposes shall be restored to as close to natural condition as feasible. The construction of new off-premise billboards is prohibited.



- SR-S2. Scenic Highway Standards.** The following standards apply to mapped Scenic Highways:
- A. **Visual Buffer Width.** The width of the visual buffer along the road shall not exceed 200 feet from the edge of the traveled roadway.
  - B. **Permitted Uses.** Permitted uses shall be allowed except the construction of new off premise billboards is prohibited. Permitted uses that are within the visual buffer area measures may be required to protect scenic qualities of the site.
  - C. **Site Development.** Buildings and landscaping within the visual buffer shall be designed and located on the site to create a harmonious visual relationship with surrounding development and the natural terrain and vegetation.
    1. Existing topography, vegetation, and scenic features of the site shall be retained to the maximum extent possible and incorporated into the proposed development.
    2. Structures and signs shall be limited in height, bulk, and siting to be visually compatible with, and subordinate to, the character of surrounding areas.
  - D. **Consideration of Views.** Structures, signs, and plant materials within the visual buffer shall be constructed, installed, and planted to complement, enhance, and retain scenic views. Vegetative screening shall be used where needed to prevent significant intrusion or degradation of public views.
  - E. **Location and Screening of Unsightly Features.** Potentially unsightly features within the visual buffer area, such as parking lots etc., shall be located in areas not visible from the scenic highway. Where it is not feasible to locate such features out of view, features shall be screened from view by planting and/or fences, walls, or berms. Screening shall utilize primarily natural materials rather than solid fencing, preferably vegetation, in conjunction with low-earth berms.
  - F. **Site Grading.** Grading or earth-moving operations within the visual buffer area shall be planned and executed in such a manner that final contours appear to be consistent with the existing terrain both on, and adjacent to, the site.
    1. Vegetative cover shall be provided within a reasonable time after grading is completed to prevent visible scars remaining on the land from such operations.
    2. Contours altered by grading shall be restored by means of land sculpturing and a cover of topsoil in such a manner as to minimize runoff and erosion and prevent ponding of water.
    3. Finished contours shall be planted with native vegetation, so as to require minimum care and to be visually compatible with the existing landscaping.
  - G. **Access Roads.** The location and design of access roads within the visual buffer area shall not detract from the scenic quality of the road.

- H. **Utilities.** New, relocated, or existing utility distribution lines within the visual buffer area shall be placed underground whenever feasible. When it is not feasible to place lines underground, they shall be located so as to be inconspicuous from the scenic route wherever feasible. Combined or adjacent rights-of-way and common poles shall be used wherever feasible.
- I. **Railroads and Public Facilities.** Visual buffers shall exclude railroad rights-of-way and public facilities.

- SR-S3. **New Off-Premise Billboards.** New off-premise billboards shall be restricted to a maximum term of 15 years and limited to areas designated as Commercial Services or Industrial General. Off-premise billboards shall not include animation or electronic messaging unless for public service purposes and be restricted to a size of 300 square feet.
- SR-S4. **Light and Glare.** 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.
- SR-S5. **Permits for Billboards.** Require Conditional Use Permits and conformance to building, zoning and other local codes for construction of new billboards, as well as the expansion of existing billboards. These requirements shall not apply to Customary Maintenance of billboards, as defined in the Outdoor Advertising Act.
- SR-S6. **Scenic Highway Map.** Until such time as a General Plan Scenic Highway Roadway Map is prepared and adopted, Humboldt County Highways listed in Sections 263.1 through 263.8 of the California Streets and Highways Code shall be considered to be Scenic Highways pursuant to Policy SR-P3, Scenic Highway Protection, and the County shall address the potential for significant impacts to scenic resources during ministerial and discretionary permit review.

### 10.7.5 Implementation Measures

- SR-IM1. **Mapping of Scenic Areas and Scenic Highways.** Initiate a public process to identify, map, and designate Scenic Areas and Scenic Highways, including specific ordinance standards for scenic protections and design review.
- SR-IM2. **Sign Ordinance Revision.** Amend the sign ordinance to implement adopted policies for off-premise billboards and to consider other revisions to ensure community compatibility.
- SR-IM3. **Removal of Illegal Billboards.** Identify billboards that may have been placed without permits or have expired permits and, with the help of Caltrans' Outdoor Advertising Office, pursue removal of billboards found to be illegally placed as defined by the California Outdoor Advertising Act.
- SR-IM4. **Wayfarers Signage.** Establish a local scenic byways network designed to direct travelers to areas of scenic, cultural, and historic interest.

**SR-IM5 Lighting Design Guidelines.** Amend the Zoning Regulations to include lighting design guidelines for discretionary projects. Require new development and projects that would make significant parking lot improvements or add new exterior lighting to submit a lighting plan consistent with these guidelines. Lighting design guidelines should address:

- A. Intensity – Acceptable standards shall be defined for various land uses and development types specifying the maximum allowable total lumens per acre.
- B. Directional Control – Standards shall be developed to minimize the upward transmission and intensity of light at various distances from its source through the use of full-cutoff lighting, downward casting, shielding, visors etc.
- C. Signage – Standards with respect to illuminated signs shall be developed that prohibit or limit the size, spacing, design, upward transmission of light, and hours of operation. In addition, signs should be white or light colored lettering on dark backgrounds.
- D. Night Lighting – Hours of operation for various uses shall be specified in order to prohibit all night lighting except when warranted for public safety reasons. On demand lighting shall be encouraged.
- E. Incentives – The County shall develop incentives for residents and businesses encouraging the conversion of existing lighting sources to compliant ones.
- F. Enforcement – These standards shall be incorporated into the County Development Code and design review process for new development.

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