



## HUMBOLDT BAY MUNICIPAL WATER DISTRICT

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JOHN FRIEDENBACH

September 26, 2018



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

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

Dear Mr. Miller,

Humboldt Bay Municipal Water District (District) provides high quality drinking water to over 88,000 customers in Humboldt County. This water is drawn from wells along the Mad River. The District has a direct interest in protecting this water source and in support of this goal, submits these comments on the proposed zoning changes to be considered by the Planning Commission on October 4, 2018 (Zoning Amendment). In an effort to voice concerns well in advance of the Planning Commission hearing, the District submits the comments below based on the information available to date, specifically, the Sunday, September 23, 2018 Times-Standard public notice of the October 4, 2018 Planning Commission hearing and draft zoning maps you provided this week. Once more detailed information becomes available, the District will expand on these comments.

Based on the public notice, the District has potential concerns about three new zoning classifications: 1) the new "RR – Railroad" Combining District; 2) the new "MR – Mineral Resources" Combining Zone; and 3) the "Other minor changes."

#### 1. RR – Railroad Combining District

The Times-Standard public notice stated that the Zoning Amendment would create "a new 'RR – Railroad' Combining Zone that will be applied to railroad rights of way held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake." The District is concerned about the possible impacts of the RR – Railroad Combining Zone on a project located adjacent to our pumping facility at 7270 West End Road (Essex Facility). The District has a \$1.7 million dollar grant-funded construction project which will be located within the Annie and Mary Railroad rail corridor adjacent to our Essex Facility. The District negotiated and obtained a license

agreement with the North Coast Rail Authority to locate our project at this location. The District is concerned that the new RR – Railroad Combining Zone may unintentionally have a negative impact on this project and respectfully requests that the RR- Railroad zoning designation not impose restrictions on development in the railroad corridor that would negatively impact our project.

## 2. MR – Mineral Resources

The Times-Standard public notice states that the Zoning Amendment will create the designation “MR – Mineral Resources” applicable to parcels with permitted surface mining operations. This raises several concerns for the District. For example, how will this apply to existing non-conforming uses claiming to be permitted by virtue of their asserted vested rights? Will this designation permit parcels with small mining operations or previously non-conforming uses to transform, by right, into larger operations with additional activities? If so, the full environmental consequences of such a transformation must be analyzed.

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

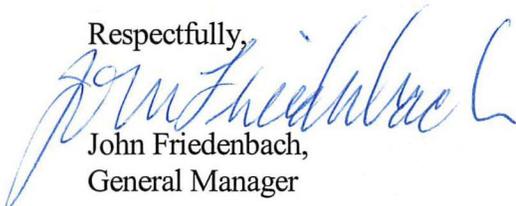
## 3. Other minor changes

Of greatest concern to the District are the “Other minor changes to Zoning Maps that are also proposed to be consistent with the General Plan.” As we have expressed before, the District is particularly concerned with rezoning properties adjacent to the District’s water intake wells to permit industrial operations in close proximity to the drinking water source and throughout the Mad River Watershed. Such rezoning and resulting permitted activities could compromise the quality of water withdrawn and operations of the District’s wells as well as critical habitat in the Mad River.

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As mentioned above, this letter is submitted in advance of detailed information about the proposed Zoning Amendment, but it is likely that some of the proposed changes merit additional environmental analysis and public input due to their likely direct and indirect impacts. The District looks forward to participating in such a process. Moreover, the District appreciates working with the County to promote the protection of water supply and water quality in the Mad River Watershed. To this end, the District renews its request for timely notification of planning process issues which will have a direct impact on the Mad River and Mad River Watershed.

Respectfully,



John Friedenbach,  
General Manager