



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING

3015 H Street Eureka CA 95501
Phone: (707) 445-7541 Fax: (707) 268-3792

MEMORANDUM

Date: November 9, 2020

To: McKinleyville Municipal Advisory Committee (MMAC) and Community Members

From: Michael Richardson
Supervising Planner
Humboldt County Planning and Building Department

Re: Agenda and Materials for Special Meeting regarding the Town Center on November 18, 2020, 6pm-8:30pm

At the meeting on October 28, 2020, I provided the MMAC a schedule for review of the concept plans for the Town Center being prepared by our architect (Kash Boodjeh), the draft Town Center wetland policy and the remaining materials for the Town Center Master Plan. We have been advised by Kash that the concept plans he is working on would benefit from a little more time to work out some of the remaining details, so rather than review them at the next meeting we would instead like to discuss the enclosed draft Town Center wetland policy at the special MMAC meeting on November 18th.

The agenda for the November 18th MMAC meeting is:

- 6:00 - 6:20: Staff presentation of draft Town Center wetland policy
- 6:20 – 7:00: Panel discussion of draft Town Center wetland policy
- 7:00 – 8:15: Public Comment and MMAC-led discussion of the draft Town Center wetland policy
- 8:15 – 8:30: Schedule for review of the concept plans for the Town Center being prepared by Kash Boodjeh and next steps

McKinleyville Town Center Master Plan – Proposed Wetlands Policies

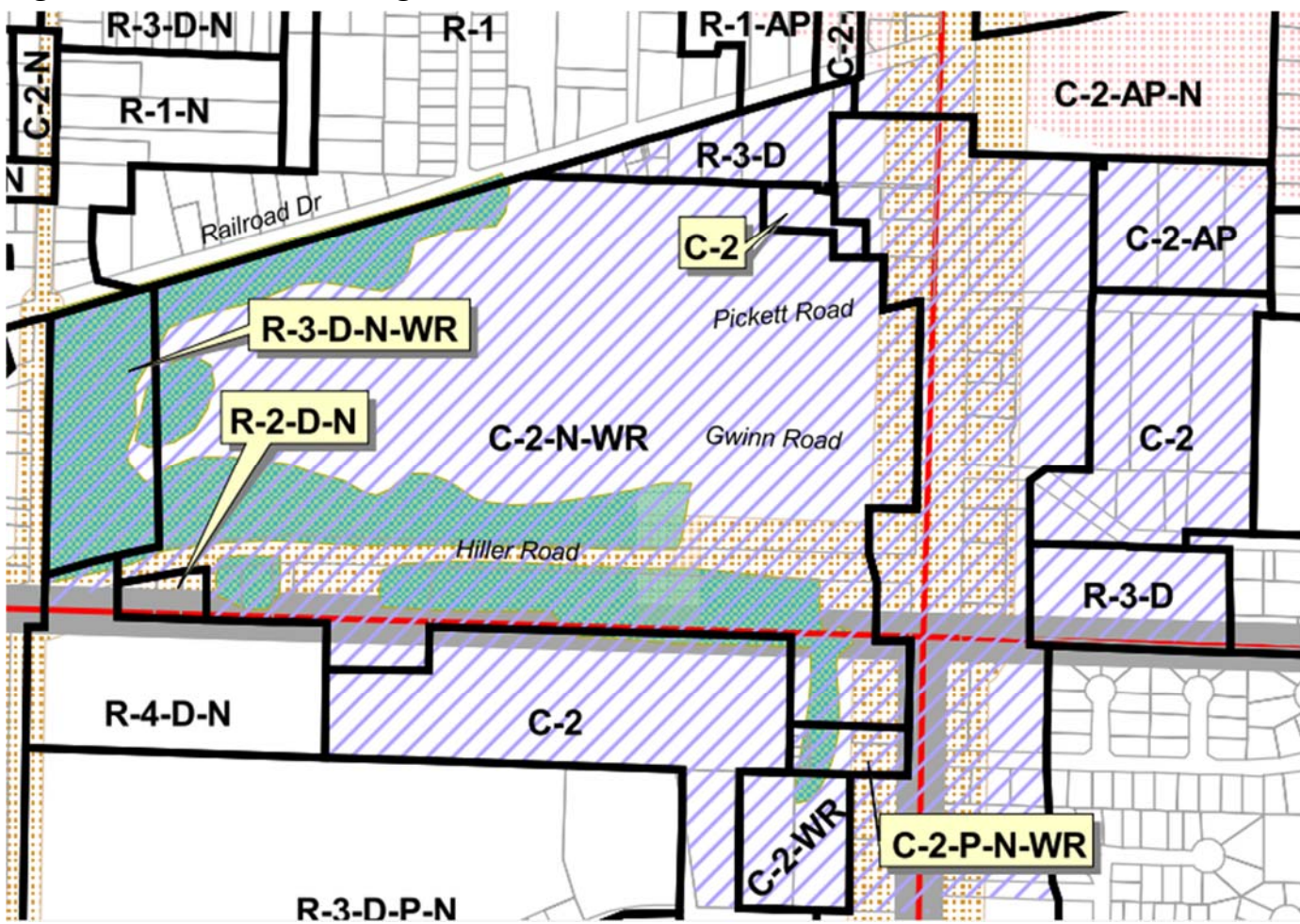
Background

The Community Plan broadly defines wetlands and protects and preserves them throughout the Community Plan area including the Town Center area in Section 3422.7: wetlands are areas that satisfy at least one of the following three criteria: (1) the presence of wetland plants; or, (2) soils that are sufficiently wet in the upper part to develop anaerobic conditions during the growing season; or, (3) periodic inundation for seven (7) consecutive days.

The Community Plan uses a Wetlands Combining Zone to identify the wetlands at a community scale and requires on-site investigation of mapped sites to determine the precise boundaries of Wetland Areas to be protected and retained in their natural state (Section 3422.9). New development in Wetland Areas is limited such that urban uses are not allowed (3422.13). The Community Plan goes on to specify that “(n)o land use or development shall be permitted in Wetland Areas” within newly created parcels and that “(o)n existing parcels, development within Wetland Areas shall be permitted where the least environmentally damaging alternative of development techniques is employed and where mitigation measures have been provided to fully offset any adverse effects.”

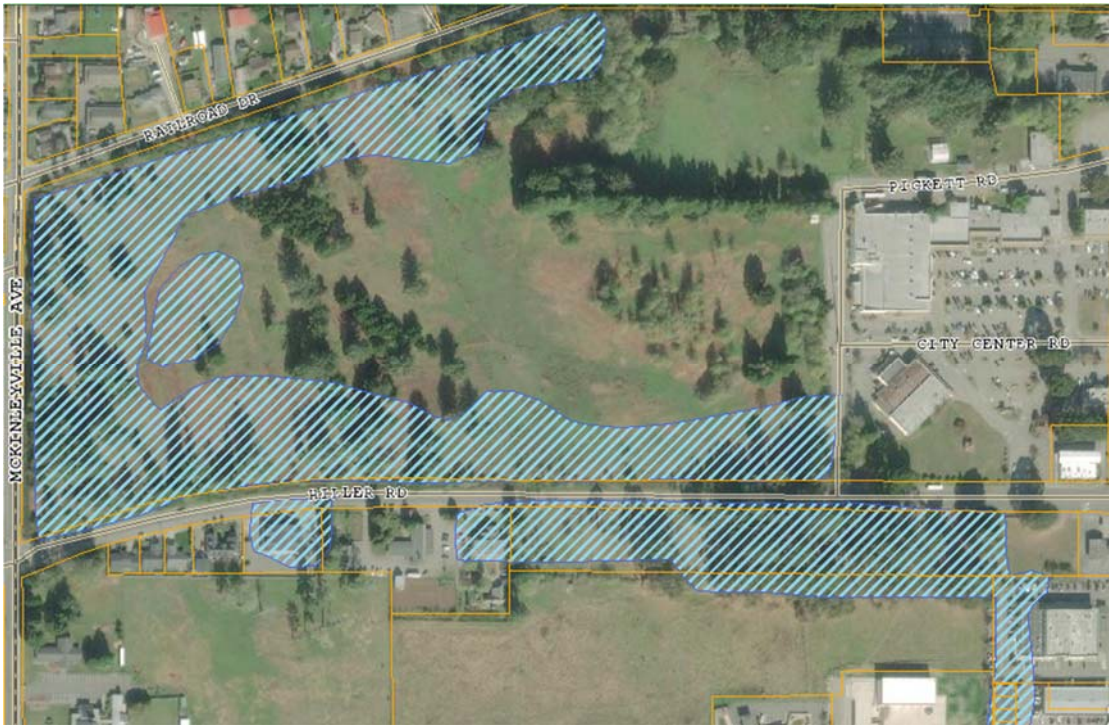
The below figure shows the Wetlands Combining Zone in the Town Center area in blue shading. The Town Center is shown in diagonal hatching:

Figure 1. Wetlands Combining Zone in the Town Center



Approximately 60% of the undeveloped portion of the McKinleyville Shopping Center has a Wetlands Combining Zone shown below in Figure 2.

Figure 2. Detail of Wetland Combining Zone in the Town Center



Mapping from the most recent National Wetlands Inventory (2016) reveals more wetlands on the site, extending from north to south in the center of the undeveloped portion of the McKinleyville Shopping Center at the heart of the Town Center⁰

The approach taken in the McKinleyville Community Plan is more protective of wetlands than the countywide General Plan (Standard BR-S11), which follows the U.S. Army Corps of Engineers Wetland Delineation Manual, requiring an area include all three criteria (plants, soils and hydrology) to be classified as a wetland, rather than just one.

At the same time, the Community Plan seeks development of a viable town center serving as a community focal point. Community Plan policies identify a range of desired land uses planned for the Town Center area including higher density urban housing, retail and other commercial use, public facility, and open spaces (Section 2352.3, .4, .5).

The input at the public meetings in the last part of 2019 indicated interest in also seeing visitor-serving uses, small light manufacturing production spaces and variety of open spaces within the Town Center including leisure and gathering areas, a town square, parklets, and sidewalk seating

McKinleyville Municipal Advisory Committee (MMAC) Recommendations

Balancing the competing objectives of protecting wetlands and encouraging development of a vibrant town center, on January 8, 2020 the MMAC voted to recommend establishing a hybrid approach for protecting wetlands in the Town Center:

- apply the General Plan wetlands definition;
- no net-loss of wetlands allowed;
- wetlands impacted must be replaced and integrated, and wetland enhancement and consolidation are highly encouraged;
- wetland areas may be used for trails, public gathering places; public improvements, and for detention and retention of runoff; and
- setbacks around wetlands may be reduced down to 25' for public use such as trails.

Draft Wetland Policy Modifications

Based on the recommendations of the MMAC, Planning staff developed the following suggested modifications to the wetland policies in Section 3422 of the McKinleyville Community Plan for the MMAC's consideration (additions are shown in underline and deletions in ~~strikeout~~).

“Wetland Areas Outside the Town Center

7. Wetland Areas outside the mapped Town Center shall be defined according to the criteria utilized by the CA Dept. of Fish and Game (also included in the County's Open Space Implementation Standards). In summary, the definition requires that a given area satisfy at least one of the following three criteria:

- the presence of at least periodic predominance of hydrophytic vegetation; or,
- predominately hydric soils; or,
- periodic inundation for seven (7) consecutive days

8. The County shall identify Wetland Areas as mapped by the CA Dept. of Fish and Game, as appears in the Report for Wetlands in McKinleyville as Revealed by Infrared Aerial Photograph Interpretation (Winzler & Kelly, Feb., 1993), and described in Hydrology and Ecology in the Mill Creek Corridor, McKinleyville, CA (Oscar Larson & Assoc., Mar., 1995) by adopting a McKinleyville Community Plan Wetlands Map.

9. The County shall adopt a Wetlands Combining Zone to require identification of the precise boundary of Wetland Areas as shown on the McKinleyville Community Plan Wetlands Map. The intent of the ordinance shall be to protect and retain Wetland Areas in their natural state.

10. The McKinleyville Community Plan Wetlands Map should be updated regularly to recognize the precise locations of Wetland Areas as identified through new information provided by the California Dept. of Fish and Game, the Open Space Implementation Standards process, or as identified through the CEQA review process.

11. Wetland Areas shall be identified, mapped and managed as areas separate and distinct from the Streamside Management Areas.

12. For purposes of these requirements, wetlands and wetland buffer standards shall not apply to watercourses consisting entirely of a drainage ditch, or other man-made drainage device, construction or system.

Development Within Wetland Areas Outside the Town Center

13. New development within Wetland Areas outside the mapped Town Center shall be limited to the following uses:

- A. Fish and wildlife management.
- B. Nature study.
- C. Wetland restoration.

- D. Hunting and fishing including development of duck blinds and similar minor facilities.
- E. Removal of trees for significant disease control and public safety purposes. Snags shall be retained unless felling is required by CAL-OSHA or State fire regulations. Heavy equipment shall be excluded from the designated natural resource area. Live or dead trees with visible evidence of use as nesting or roosting sites by hawks, owls, eagles, osprey, herons, egrets or any species known to be endangered or threatened shall be retained.
- F. Incidental public service purposes.
- G. Aquaculture.
- H. Wells in rural areas.
- I. New fencing, so long as it would not impede the natural drainage or would not adversely effect the stream environment or wildlife.

14. On existing parcels, development within Wetland Areas shall be permitted where the least environmentally damaging alternative of development techniques is employed and where mitigation measures have been provided to fully offset any adverse effects. Mitigation measures for development within Wetland Areas shall, at a minimum, include those prescribed by the administration of the Open Space & Grading ordinance.

15. No land use or development shall be permitted in Wetland Areas which degrade the wetland or detract from the natural resource value on newly created parcels.

Wetland Buffer Areas Outside the Town Center

16. A Wetland Buffer Area outside of the mapped Town Center shall be defined as the area around a wetland where restrictions on development are required to protect the wetland from significant impact, as mapped or as identified through the Open Space Implementation Standards, or as identified through the CEQA process.

17. If the entire parcel is within the Wetland Buffer Area, the buffer may be reduced to allow principally permitted uses when:

- A. The prescribed buffer would prohibit development of the parcel for the principal permitted use for which it is designated; or
- B. The applicant for the proposed development demonstrates, to the satisfaction of the County and to the Department of Fish and Game, that the principally permitted use will not result in significant adverse impacts to the wetland habitat and will be compatible with the continuance of such habitats. Any such buffer reduction may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the wetland habitat values.

Development Within Wetland Buffer Areas Outside the Town Center

18. To prevent land uses or development which may degrade adjacent wetlands, all development within the wetland buffer outside the mapped Town Center shall include the following mitigation measures:

- A. No more than 25% of the lot surface shall be made effectively impervious by development activities.
- B. The release rate of storm runoff to adjacent natural wetlands, in any size storm, shall not exceed the natural rate of storm runoff for a 50 year storm of 10 minute duration.
- C. Stormwater outfalls, culverts, gutters, and other similar facilities, shall be dissipated.
- D. Septic systems or alternative waste disposal systems must meet standards of the Humboldt- Del Norte Health Department and the Regional Water Quality Control Board.
- E. Areas disturbed during construction, grading, or related activities within 100 feet of the boundary of the wetland in areas outside of the Urban Development Area, and 50 feet of the boundary of the wetland

in areas within the Urban Development Area, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.

F. Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, seeding or planting bare soil, diversion of run-off away from graded areas and areas heavily used during construction, and avoidance of grading in the buffer areas during the rainy season (November to April).

19. No land use or development shall be permitted in Wetland Buffer Areas outside the mapped Town Center which degrade the wetland or detract from the natural resource value.

20. The County shall request the Department of Fish and Game to review plans for development within 200 feet of the boundary of the wetland outside the mapped Town Center.

Wetland Areas *Within the Town Center*

21. Wetland Areas within the mapped Town Center shall be defined according to the Humboldt County General Plan Policy BR-S11 which uses the US Army Corps of Engineers Wetland Delineation manual in the identification and classification of wetlands: 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.

22. For purposes of these requirements, wetlands and wetland buffer standards in the mapped Town Center shall not apply to watercourses consisting entirely of a drainage ditch, or other man-made drainage device, construction or system.

Development Within Wetland Areas Within the Town Center

23. To achieve more orderly development within the Town Center, wetlands may filled and relocated subject to achieving no net-loss of wetlands.

24. Wetlands in the Town Center may be relocated on site or to other areas within the McKinleyville Community Plan Area with a Special Permit. Relocated wetlands shall meet all the following criteria:

A. On-site and off-site relocated wetland areas shall be a minimum of one and one-half times the wetland area being replaced. Exception: Where relocated wetlands have a higher biological resource value than the wetlands being replaced, off-site relocated wetland areas may be less than one and one-half times the wetland area being replaced provided no net loss of wetlands occurs. Off-site relocated wetlands adjacent to existing wetlands which are hydrologically connected to a perennial stream may have a higher biological resource value than the wetlands in the Town Center and may be eligible for this exception.

B. The County determines in consultation with the Department of Fish and Wildlife that relocated wetlands will enhance the biological resource value of wetlands in the Community Plan area based on specific factual findings,

C. Relocated wetlands are protected from future development through a permanent conservation easement or other instrument ensuring the biological resource values of the relocated wetland will be maintained or enhanced in perpetuity.

D. The efficacy of the relocated wetland shall be demonstrated for a minimum of three consecutive years as verified by the County in consultation with the Department of Fish and Wildlife before the wetland being relocated may be converted from a wetland to an upland.

25. Development within retained or relocated wetlands in the Town Center shall be limited to the following uses:

A. Fish and wildlife management.

B. Nature study.

C. Wetland restoration.

D. Incidental public service purposes.

E. New fencing, so long as it would not impede the natural drainage.

Wetland Buffer Areas Within the Town Center

26. A Wetland Buffer Area within the mapped Town Center shall be defined as a 50-foot area around a wetland boundary where restrictions on development are required to protect the wetland from significant impact as identified through the CEQA process.

27. Wetland Buffer Areas in the mapped Town Center may be reduced to allow principally permitted uses when the applicant for the proposed development demonstrates, to the satisfaction of the County in consultation with the Department of Fish and Wildlife, that the use will not result in significant adverse impacts to the wetland habitat and will be compatible with the continuance of such habitats. Any such buffer reduction may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the wetland habitat values. Low-impact public uses including trails, benches and picnic tables located 25 feet or more from the boundary of a wetland in the mapped Town Center are presumed to not adversely affect wetland habitat values.

Development Within Wetland Buffer Areas Within the Town Center

28. To prevent land uses or development which may degrade adjacent wetlands, all development within the Wetland Buffer Area in the mapped Town Center shall include the following mitigation measures:

A. No more than 25% of the lot surface shall be made effectively impervious by development activities.

B. The release rate of storm runoff to adjacent natural wetlands, in any size storm, shall not exceed the natural rate of storm runoff for a 50 year storm of 10 minute duration.

C. Stormwater outfalls, culverts, gutters, and other similar facilities, shall be dissipated.

D. Areas disturbed during construction, grading, or related activities within 50 feet of the boundary of the wetland shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.

E. Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, seeding or planting bare soil, diversion of run-off away from graded areas and areas heavily used during construction, and avoidance of grading in the buffer areas during the rainy season (November to April).

29. No land use or development shall be permitted in Wetland Buffer Areas in the mapped Town Center which degrade the wetland or detract from the biological resource value. Low-impact public uses including trails, benches and picnic tables located 25 feet or more from the boundary of a wetland in the Town Center are presumed to not adversely affect wetland biological resource values.

30. The County shall consult with the Department of Fish and Wildlife during review of plans for development within Wetland Buffer Areas in the mapped Town Center.

Other Sensitive and Critical Habitats

In addition to the preceding policies for streams, adjacent streamside areas, wetlands, and buffer areas adjacent to wetlands, several other sensitive and critical habitat areas exist within the Community Planning Area. These include:

- Habitat for listed and candidate rare, unique, threatened, and endangered species in the federal and state Endangered Species Acts.
- Sensitive Avian Species Rookery and Nest Sites (e.g., Osprey, Great Blue Heron, Egret sp.).
- Rare and endangered vascular plant communities as compiled by the California Native Plant Society.
- Other sensitive habitats and communities as listed in the Department of Fish and Game’s California Natural Diversity Data Base, as amended periodically.

~~24~~ 31. As part of the review of all discretionary development project applications within the Plan Area, the Planning & Building Department will consult with the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and other regional, state and federal resource and trustee agencies, as applicable to the specific project location, class of development, or natural resource involved.”