

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 25, 2017

ORDINANCE ADDING SECTION 314-4.3 PF2 - PUBLIC FACILITIES (RURAL) TO CHAPTER 4 OF THE ZONING REGULATIONS (TITLE III OF HUMBOLDT COUNTY CODE), AND AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE GARBERVILLE AREA [ZR-10-002 (SOUTHERN HUMBOLDT COMMUNITY PARK)]

ORDINANCE NO. 2572

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. ZONE AMENDMENT. Chapter 4 of the Zoning Regulations (Title III of Humboldt County Code) is hereby amended by adding Section 314-4.3 PF2 - Public Facilities (Rural) as shown in Exhibit A, and Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Garberville area Assessor Parcel Numbers (APNs): 222-091-014, 222-241-009 from Agricultural Exclusive (AE) to Public Facilities (Rural) (PF2) and to add Qualified and Recreation combining zones to the remaining lands zoned Agricultural Exclusive (AE) Zone District. The area described is also shown on the Humboldt County zoning map for the Garberville/Redway/Alderpoint/Benbow Zoning Map (Page 2) and on the map attached as Exhibit B.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in Paragraph 4 herein are hereby made applicable to the property reclassified from "Agriculture Exclusive" to "Agriculture Exclusive with a Recreation (R) and Qualified (Q) combining zones (AE-R-Q)", in accordance with Humboldt County Code Section 314-32, which authorizes restriction of the AE and R combining zone regulations by application of the "Q" (Qualified Combining Zone).

SECTION 3. PURPOSE OF QUALIFICATIONS. The qualification overlay has three purposes. The first is to establish restrictions and regulations imposed in section 4 below, to identify and restrict principally and conditionally permitted uses in the Recreation (R) combining zone to those that are consistent with a General Plan designation of Public Recreation (PR) and which are protective and compatible with the general agricultural use of the property.

The second purpose of the qualification overlay is to serve as a holding designation for 54 residential units which could currently be constructed on the property, but which are being retained for possible transfer under a Transfer of Development Right program which may be established at a later date. The Terms of the transfer are laid out in section 5 below.

The third purpose of the qualification overlay is to implement the requirements of the Mitigation Monitoring and Reporting Plan. The MMRP is applicable to the development, maintenance and operation of the park and since there is no discretionary approval associated with the park, the Q Zone overlay is the mechanism to implement these requirements.

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SECTION 4. SPECIAL RESTRICTIONS. Conditionally permitted uses otherwise allowed under the Recreation (R) combining zone regulations of Humboldt County Code Section 314-33.1 shall not be allowed on the property except as provided for below:

- (a) Uses Permitted with a Use Permit. Uses as set forth in Sections 33.1.2.1 through 33.1.2.6, inclusive, shall be restricted to those certain recreational and recreation-supportive uses identified in the Project Description and the certified Environmental Impact Report for the Southern Humboldt Community Park General Plan Amendment and Zone Reclassification (Case No. GPA-10-02 and ZR-10-02) and applied to lands within the Community Park zoned Agricultural Exclusive (AE), as may from time to time be amended.
- (b) Those mitigation measures in the certified EIR intended to reduce impacts to the continued agricultural use of the AE Zoned portions of the Community Park property shall remain in effect for the life of all recreational uses approved under Conditional Use Permit (Case No. CUP-10-04).

SECTION 5. TERMS OF POSSIBLE TRANSFER OF DEVELOPMENT RIGHTS. Under the AE zoning, a total of 54 units could have been developed on the project site. The potential to develop these units on site has been superseded by the Public Facilities zoning applied to the site. The development potential of these units is being retained within this qualified zone until a Transfer of Development Rights process is adopted and the units are transferred, subject to the following:

- (a) The County, at its sole discretion, adopts a Transfer of Development Rights system or process,
- (b) Appropriate environmental analysis for relocating the units from this site to a receiver site has been completed,
- (c) An appropriate application has been approved by the County to allow the units to be constructed at a different location subject to the requirement that twenty percent or more of those housing credits shall be affordable to low income households for at least 30 years consistent with the affordability requirements of the County's Housing Element.

SECTION 6. MITIGATION MONITORING AND REPORTING PLAN. The FEIR includes a Mitigation Monitoring and Reporting Plan to implement the mitigation measures contained within the FEIR. The park is a permitted use but will require significant review by the County to implement the mitigation measures. The applicant is responsible for the following:

- (a) The applicant shall provide all required information and monitoring to demonstrate that the mitigation measures are being complied with as required by the adopted Mitigation Monitoring and Reporting Plan.

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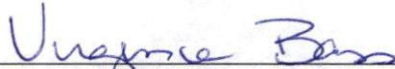
- (b) Prior to issuance of any construction permits the applicant/developer shall enter into an agreement with the County to pay all costs associated with County implementing the MMRP.

SECTION 7. SEVERABILITY. The individual parts of this ordinance are severable, such that if one or more parts are determined to be invalid, all the other parts will remain in full force and effect.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this 25th day of April, 2017 on the following vote, to wit:

AYES: Supervisors Sundberg, Fennell, Bass, Bohn, Wilson
NOES: Supervisors --
ABSENT: Supervisors --



VIRGINIA BASS, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: 

Ana Hartwell, Deputy

ATTACHMENT C, EXHIBIT A

**Text Added to Section 314-4.3 PF2 - Public Facilities (Rural)
 of the Humboldt County Zoning Regulations**

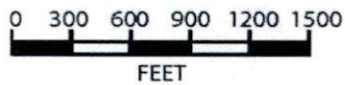
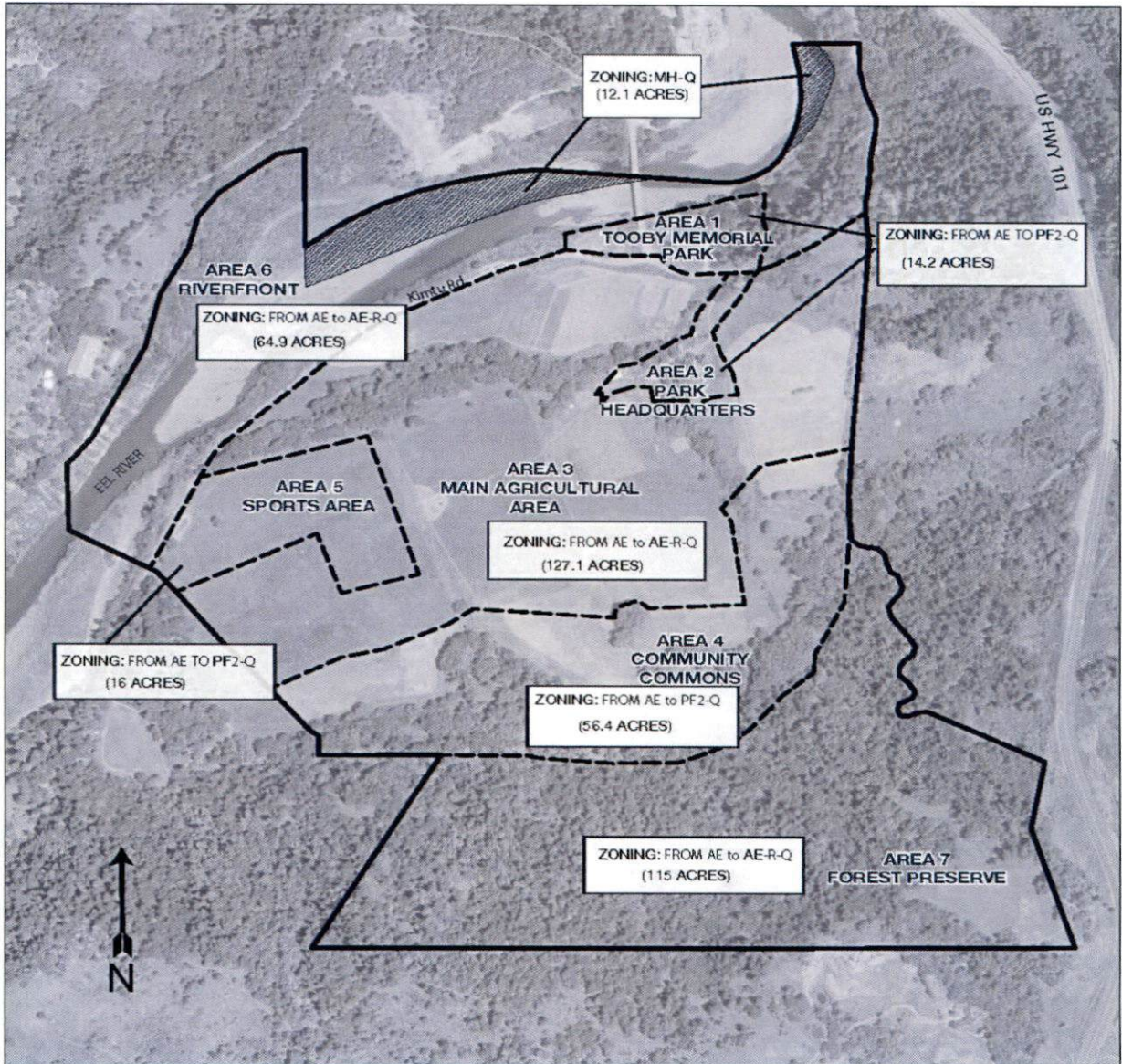
"314-4.3 PF2: PUBLIC FACILITY ZONE (RURAL)

The PF2 zone is intended to apply to areas in which community-based uses are the desirable predominant uses. The purpose of this zoning classification is to allow a variety of civic uses and natural resource uses, including resource production, recreation, education and research, and natural resource uses.

314-4.6		PF2: PUBLIC FACILITY (RURAL)	
Principal Permitted Uses			
Essential services and minor utilities			
Community assembly.			
Commercial and non-commercial recreation			
Education and research.			
General Agriculture and Timber Production			
Caretakers and other incidental residence.			
Uses Permitted with a Use Permit			
Extensive impact civic uses, solid waste disposal.			
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PF zone.			
Other Regulations			
Minimum Lot Area	(None specified.)		
Minimum Lot Width	(None specified.)		
Minimum Yard Setbacks*			
Front	(None specified.)		
Rear	(None specified.)		
Side	(None specified.)		
Maximum Ground Coverage	(None specified.)		
Maximum Building Height	35'		

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11."

ATTACHMENT C, EXHIBIT B
Map of Zoning Changes



ZONING CLASSIFICATIONS
PF2 = PUBLIC FACILITIES (Rural)
AE = AGRICULTURE EXCLUSIVE
MH-Q = HEAVY INDUSTRIAL

COMBINING ZONES
-R = RECREATION
-Q = QUALIFIED

PROPOSED ZONING AND SITE AREAS