



COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

<http://co.humboldt.ca.us/CDS/Planning>

For the meeting of August 23, 2011

Date: August 23, 2011
To: Board of Supervisors
From: Kirk Girard, Director of Community Development Services
Subject: August 23, 2011 Public Hearing Item # L-2 (Multifamily Rezoning Program)
Supplemental Item #5

This supplemental responds to correspondence received yesterday. It includes an updated Resolution of Approval and Ordinances for adoption (Attachment A of this staff report).

1) Updated List of Candidate Sites, and Phase 2 Candidate Sites.

Correspondence was received challenging the validity of the Notice of Preparation for the project because it did not include several candidate sites reviewed in the Final Supplemental Environmental Impact Report (FSEIR). Staff verified that Assessor Parcel Numbers (APN's) 303-240-011, 509-132-007, and 510-281-021 did not appear in the Notice of Preparation, and recommends these properties be moved to the candidate sites list under consideration for Phase 2 of the multifamily rezoning program.

Also, the development potential of APN 306-361-003 was capped at 100 units pursuant to H-IM17 requirements.

With these revisions, the proposed rezoning will yield 975 units at a density of 17 units per acre, 5 units below the minimum needed to meet H-IM18. The revised list exceeds the more restrictive standards of H-IM17 by 44 units. This revised list does not allow the Board flexibility to delete any of the candidate sites from the list and still meet the project objectives. Exhibit A-1 of Attachment A presents the updated development potential for each of the candidate sites, showing development potential at both 16 and 17 units per acre.

The revised list of Phase 2 properties is included in the Resolution of Approval (page 5 of this staff report).

2) Coordination with the Native American Tribes.

Attachment B of this staff report contains correspondence from Janet Eidsness, the Tribal Historic Preservation Officer for the Blue Lake Rancheria. In her letter, she requests local tribal representatives be allowed permission for a site visit on four (4) of the properties under consideration. Staff presents language to be added to the Q-Qualified Zone in Attachment A to respond to this request.

Attachment 1

Revised Resolution of Approval and Ordinance August 23, 2011

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____

RESOLUTION NO. 11 - ____

RESOLUTION OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF HUMBOLDT

MAKING THE REQUIRED FINDINGS FOR APPROVING THE LISTED GENERAL PLAN AMENDMENTS AND ZONING AMENDMENTS

WHEREAS, The proposed plan and zoning amendments will change the General Plan Land Use and the zoning designations of the selected candidate sites to allow multifamily housing as a principally permitted use. Q- Qualified combining zone designations will be used to tailor the zoning for the selected candidate sites to site-specific conditions, to mitigate impacts on the environment, to establish a minimum residential density of 16 units per acre, and to allow more than four units per building.

WHEREAS, the proposed plan and zoning amendments implement measures in the 2010 Housing Element (H-IM17 and H-IM18) requiring the County adopt a General Plan Amendment, Zone Reclassification, and Local Coastal Plan Amendment of a set of candidate sites for rezoning, which will increase the inventory of multifamily housing development potential in the County by a minimum of ~~964~~ 980 units; and,

WHEREAS, the list of ~~52~~ 50 candidate sites with proposed plan and zoning amendments were reviewed by the Community Development Services Department - Planning Division for conformance with general and community plan policy, goals and regulations and applicable zoning as required to allow for the proposed zone reclassification; and; and,

WHEREAS, the Community Development Services Department - Planning Division referred the proposed plan and zoning amendments to involved reviewing agencies for site inspections, comments and recommendations; and,

WHEREAS, a Draft Subsequent Environmental Impact Report (DSEIR) was prepared for the proposed plan and zoning amendments; and

WHEREAS, in the month of June, 2011, public scoping meetings were held in the affected areas to discuss proposed plan and zoning amendments and the DSEIR; and

WHEREAS, the Planning Commission held public hearings on the proposed plan and zoning amendments on June 30, and July 14, 2011 during which they received staff reports, accepted public comment, and deliberated on the proposed rezones; and

WHEREAS, notices announcing the workshops and June 30, 2011 Planning Commission public hearing were published in the Times-Standard, a newspaper with general circulation throughout the County, and mailed to all property owners and neighbors within 300 feet of all the candidate sites on June 2, 2011,; and

WHEREAS, A notice announcing the July 14, 2011 Planning Commission public hearing was also published in the Times-Standard, a newspaper with general circulation throughout the County; and

WHEREAS, the Board of Supervisors held a public hearing on the proposed plan and zoning amendments on July 26, 2011, ~~and~~ July 27, 2011, and August 23, 2011 during which they received

staff reports, the Planning Commission's recommended action, accepted public comment, and deliberated on the proposed General Plan and Zoning amendments.

WHEREAS, on ~~July 27~~ August 23, 2011 the Board of Supervisors certified the Final Subsequent Environmental Impact Report was completed in compliance with CEQA; and

NOW, THEREFORE BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that this Board has reviewed and considered the proposed plan and zoning amendments, including comments, responses and revisions to the list of candidate sites for rezoning concerning the public's interest, and that the following findings be and are hereby made:

Public Interest Findings

1. The Board of Supervisors has found that the proposed plan and zoning amendments are in the public interest because they provide the County with a mechanism to further social, economic, housing and other goals that have been adopted by the Board of Supervisors and the State Legislature. The proposed plan and zoning amendments will help the County achieve the following social, economic, housing and other goals:
 - To provide adequate housing and a satisfying living environment for all segments of the community.
 - To provide for adequate sites for all types of residential development throughout the county.
 - To promote simplification, flexibility, and diversity of housing and zoning regulations to allow the construction of multifamily housing developments by the public and private interests that will provide for the housing needs of all socio-economic sectors in the community, but particularly lower income households.
 - To provide for affordable housing.

The proposed plan and zoning amendments also help the County achieve housing goals of the State which are stated in §65580 of the California Government Code:

- The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.
 - The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.
 - The provision of housing affordable to low and moderate-income households requires the cooperation of all levels of government.
 - Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.
 - Each local government also has the responsibility to consider economic, environmental and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.
2. The Board of Supervisors held public hearings on the proposed multifamily rezones on July 26, 2011 to consider the public's concerns and comments.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby approves and adopts the proposed changes to the General Plan Land Use and the zoning designations of the selected candidate sites shown in Table 1 of Exhibit A of this Resolution, which is incorporated herein by reference as if set forth in its entirety herein. The changes will allow multifamily housing as a principally permitted use, and use Q- Qualified combining zone designations to tailor the zoning for the selected candidate sites to site-specific conditions, to mitigate impacts on the environment, to establish a minimum residential density of 16 units per acre, and to allow more than four units per building.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that the following findings be and are hereby made:

Findings:

1. The proposed plan and zoning amendments have been reviewed for compliance with requirements of the California Environmental Quality Act and reports prepared pursuant to that Act have been duly considered by this Board and found to have been prepared pursuant to requirements of that Act.
2. The adoption of the proposed plan and zoning amendments is in the public interest, and is consistent with State law based on the analysis of Exhibit A of this Resolution, which is incorporated herein by reference as if set forth in its entirety herein.
3. Neither the proposed plan and zoning amendments, nor any part thereof, will operate to limit the number of housing units which may be constructed on an annual basis in areas to which the project applies based on the analysis of Exhibit A of this Resolution.
4. The adoption of the proposed plan and zoning amendments is consistent with a comprehensive view of the General Plan based on the analysis of Exhibit A of this Resolution.
5. The Board of Supervisors approves the Plan Amendments and Zone Reclassification by adopting this resolution and the ordinance in Attachment 3 of this staff report.
- 6., For properties in the inland (non-coastal) portion of the County, this resolution shall take effect and be in full force thirty (30) days from the date of its passage. For properties in the coastal zone, this resolution shall take effect immediately upon Coastal Commission certification of the proposed amendments to the local coastal program.
7. The Board of Supervisors directs staff to submit the proposed amendments to the Coastal Commission for certification.
8. Modifications to the amendments required by the Coastal Commission for certification shall be brought back to the Board of Supervisors for consideration at a future public hearing.
9. The Board of Supervisors directs CDS staff to immediately initiate the Phase 2 Multifamily Rezoning Program to identify additional sites, and designate sites to be withdrawn from the multifamily land inventory if there is a surplus. The preliminary set of properties to be considered for the Phase 2 Program are as follows:

Preliminary List of Candidate Sites for the Phase 2 Multifamily Rezoning Program

<u>30638108 (Eureka)</u>	<u>50824208 (McKinleyville)</u>	<u>303240011 (Eureka)</u>
<u>30638109 (Eureka)</u>	<u>50830125 (McKinleyville)</u>	<u>509132007 (McKinleyville)</u>
<u>30910104 (Eureka) (Loleta)</u>	<u>50908204 (McKinleyville)</u>	<u>'510281021 (McKinleyville)</u>
<u>30910106 (Eureka) (Loleta)</u>	<u>50920147 (McKinleyville)</u>	
<u>50608102 (Manila)</u>	<u>50922163 (McKinleyville)</u>	
<u>50608107 (Manila)</u>	<u>51009113 (McKinleyville)</u>	
<u>50608117 (Manila)</u>	<u>52003140 (Orick)</u>	

10. To cooperatively discuss city and county affordable housing partnerships, the Board of supervisor members (District 1 and 4 Supervisors) shall explore with city and csd representatives the possibility of cooperative efforts to promote and identify affordable housing opportunities across city and county jurisdictional boundaries
11. The Board of Supervisors directs CDS staff to initiate Plan, Zoning and Local Coastal Program amendments to apply flexible zoning on selected sites allowing multifamily housing or commercial use or a combination of both in non coastal-dependent areas.
12. The Board of Supervisors directs CDS staff to meet with Supervisors and interested parties to continue work on the refinement and update of the County's dynamic land use inventory.
13. The Board of Supervisors directs CDS staff to identify and pursue housing and infrastructure grant funding opportunities to the community of McKinleyville.
14. The individual parts of this resolution 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.
15. The individual candidate sites included in this resolution are severable such that if the general plan or rezoning amendment on one or more candidate sites are determined to be invalid, the general plan or rezoning amendment on all the other candidate sites will remain in full force and effect.

Chair, Humboldt County Board of

Supervisors

Adopted on motion by Supervisor _____
and the following vote:

, seconded by Supervisor _____

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:

STATE OF CALIFORNIA)
) SS.
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES
Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: _____
KATHY HAYES

Date: _____

EXHIBIT A

**ANALYSIS OF EVIDENCE SUPPORTING THE REQUIRED FINDINGS FOR THE
PROPOSED PLAN AND ZONING AMENDMENTS**

Required Findings: To approve this project, the Board of Supervisors must determine that there is evidence in support of making **all** of the following required findings.

1. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed implementing ordinances, GP changes and LCP Amendments are consistent with a comprehensive view of the General Plan Volume 1 (Framework Plan).

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency §1330</p>	<p>The elements of the General Plan must be consistent.</p> <p>All the goals, policies and standards must be consistent.</p> <p>The General Plan text and diagrams must support each other and show the same conclusions.</p> <p>The data base must be consistent for all the elements.</p> <p>When a portion of the plan is amended, then the rest of the plan and its implementing programs must be brought into conformity.</p> <p>Zoning or the implementation of the plan is required to be consistent with the plan.</p>	<p>The new zoning changes, GP changes and LCP Amendments are required to implement the adopted 2009 Housing Element Update and to conform it to requirements of state law. Findings made in approving the 2009 Housing Element Update included the finding it is consistent with the other elements of the general plan.</p> <p>The 2009 Housing Element Update uses the same base information as the other Elements. For example the residential land inventory uses information from the Land Use Element and the Hazards and Resources chapter of the Framework Plan in setting development potential for lots.</p> <p>The project involves amendment to the land use maps of the General Plan and LCP to bring them into conformity with the programs of the 2009 Housing Element Update.</p> <p>The project also involves zoning map changes to ensure consistency with the programs of the 2009 Housing Element Update.</p>
<p>§1452.2 Required Findings</p>	<p>Base information or physical conditions have changed; or</p> <p>Community values and assumptions have changed; or</p> <p>There is an error in the plan; or</p> <p>To maintain established uses otherwise consistent with a comprehensive view of the plan.</p>	<p>The base information of the General Plan changed with the adoption of the 2009 Housing Element Update.</p> <p>The new GP changes and LCP Amendments are required to bring the other elements of the General Plan in line with the implementation measures of the adopted 2009 Housing Element Update.</p> <p>Implementation of the 2009 Housing Element Update is also necessary to maintain the County's competitive status with regard to grant eligibility. This could be considered an established use that is otherwise consistent with a comprehensive view of the plan.</p>

2. Public Interest: The following table identifies the evidence which supports finding that the proposed implementing ordinances, GP changes and LCP Amendments are in the public interest.

Plan Section(s)	Applicable Requirements	Evidence Sup[porting the Finding
Government Code Section 65356.1 and §1452.2 of the Framework Plan.	The General Plan Amendment must be in the public interest.	<p>The project applies countywide. The implementation measures are necessary to facilitate residential development, particularly development affordable to lower income households. Assisting lower income households with renting or purchasing a home is in the public interest. Adoption of the 2009 Housing Element, and public testimony received during the public meetings for the Housing Element supported these changes, further indicating public interest in this implementation program.</p> <p>The proposed land use changes are necessary to comply with requirements of state law, which is also in the public interest.</p>

3. Consistency With State Laws: The following table identifies the evidence which supports finding that the proposed implementing ordinances, GP changes and LCP Amendments are consistent with State Laws.

Section(s)	Applicable Requirements	Evidence Sup[porting the Finding
Government Code Section 65302.81	Specific findings are required where a general plan element is adopted that limits the number of housing units which may be constructed on an annual basis.	The proposed implementing ordinances, GP changes and LCP Amendments support construction of new homes.
Government Code Section 65580.	Housing Elements shall include discussion of all the items required by Government Code.	The Housing Element is required to include a housing program that describes actions the County will undertake to implement the policies and achieve the goals and objectives of the Housing Element. The proposed ordinance, GP changes and LCP Amendments implement the policies and achieve the goals and objectives of the 2009 Housing Element Update.

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200 (Coastal Act)</p>	<p>The proposed amendments must conform to the policies contained in Chapter 3 of the Coastal Act. Chapter 3 sets forth policies regarding the following issues:</p> <p><u>Access</u> (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p>	<p>Maps of the proposed candidate site locations show development of multifamily housing will not interfere with public access to a greater degree than development under the existing plan and zoning designations.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua-cultural uses, and priority of development purposes)</p>	<p>Humboldt County has a wealth of outdoor recreational opportunities and areas of incomparable value and unsurpassed beauty. More than twenty percent of the county’s 2.3 million acres are protected open space, forests, and recreation areas. Within the county boundaries, there are 4 federal parks and beaches, 10 state parks (3 of which are encompassed by Redwood National Park), 16 county parks and beaches, recreational areas and reserves, and National Parkland and National Forest land. These areas contribute to the quality of life in Humboldt County and provide needed recreation opportunities for residents of neighboring counties and from all over the world as well.</p> <p>The policies, programs, standards and regulations referenced in the DSEIR for the 2009 Housing Element Update serve to reduce impacts to developed recreational facilities in the coastal zone.</p> <p>Other recreational resources in the coastal zone include areas for water-oriented activities, ocean- front land protected for recreational uses, and aqua- cultural uses. Numerous policies in the Framework Plan and coastal plans aim at avoiding any alteration of sensitive biological communities, which are found along water bodies and ocean front land. These include the Streamside Management Areas, and Coastal Zoning designations. Existing policies directed toward Streamside Management Areas protect valuable riparian and inland wetland habitat, while coastal zoning designations serve to protect sensitive habitat areas near the coast, bays, sloughs and lagoons. These same policies also serve to protect areas for water-oriented activities and ocean-front land protected for recreational uses from alteration from the proposed LCP Amendments.</p> <p>Effectuation of the policies, programs, and standards in the Framework Plan, community plans, coastal plans and other land use requirements identified in the DSEIR will reduce the potential impacts of the proposed LCP Amendments on recreational resources to less than significant levels. The County has mapped sensitive habitat areas, riparian areas and wetlands, and the building permit review process for new residential construction references these maps to avoid significant impacts on biological resources and recreational uses, and to ensure new residential construction does not conflict with policies or ordinances protecting biological or recreational resources.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)</p>	<p>The County usually has some discretionary authority for all other land uses on privately held property in unincorporated areas. The Framework Plan, community plans and coastal plans guide the County in these decisions. These plans include policies for the protection and preservation of our biologically diverse county.</p> <p>Within the coastal zone, the Natural Resources zone designation and a set of combining zones which are applied to other base zone designations protect environmentally sensitive areas. An overlay to the zoning district designates the Coastal Wetland, Coastal Resource Dependent, Riparian and Stream Corridor, Offshore Rocks, Coastal Elk Habitat, and Beach and Dune Area. The zoning overlay requires specific development review standards in accordance with the coastal plan policies in order to ensure maximum habitat protection in these coastal areas. Development proposals within the coastal zone that may impact the mapped sensitive habitat areas must submit an environmental assessment as part of their development application.</p> <p>The California Department of Fish & Game (CDFG) has developed a list of "special status species." Plant or animal species may be identified as "special status species" even if they are not officially listed as threatened or endangered.</p> <p>A number of "special status species" exist in Humboldt County. The California Department of Fish and Game (CDFG) has also identified a number of Significant Natural Areas (SNAs). SNAs are designated sites that support extremely rare communities or species, populations of several special-status species, high-quality examples of special biological communities, or high species diversity. In addition to the specific sites identified as SNAs, other biological communities in the County require special protection.</p> <p>Numerous policies in the Framework Plan, community plans and coastal plans aim to avoid any alteration of the diversity of species in sensitive biological communities resulting from the proposed LCP Amendments. These include the Streamside Management Areas, and Coastal Zoning designations. Existing policies directed toward Streamside Management Areas protect valuable riparian and inland wetland habitat, while coastal zoning designations serve to protect sensitive habitat areas near the coast, bays, sloughs and lagoons. Protection of the riparian habitat will also indirectly result in reducing impacts to water quality from erosion, pollutants and stormwater run-off.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control) (continued)</p>	<p>Effectuation of the policies, programs, and standards in the Framework Plan, community plans, coastal plans and other land use requirements identified in the DSEIR will reduce the potential impacts of the proposed LCP Amendments to less than significant levels. The County has mapped sensitive habitat areas, riparian areas and wetlands, and the building permit review process for new residential construction references these maps to avoid significant impacts on biological resources, and to ensure new residential construction does not conflict with policies or ordinances protecting biological resources.</p> <p>The construction of housing that may indirectly result from the implementation of these LCP Amendments does not normally involve a risk of accidental explosion or release of hazardous substances. Although torches used in welding pipes together may result in explosions and hazardous materials such as deck sealer may tip over and drain into the soil, these impacts are normally incidental and not significant</p> <p>Implementation of the County's coastal plans and zoning ordinance will also serve to prevent any impacts of the proposed LCP Amendments from diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control.</p>
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p>	<p>A number of biological communities characterize Humboldt County. These communities include mixed evergreen forest, oak woodlands, Douglas fir forest, old growth and coast redwood forest, grassland, coastal beach-dune vegetation, northern coastal scrub, chaparral, salt marsh, riparian, and freshwater marsh. The Framework Plan, community plans, coastal plans and the Natural Resources and Hazards Report contain detailed descriptions of each of these habitats</p> <p>As mentioned previously, a number of "special status species" exist in Humboldt County. The California Department of Fish and Game (CDFG) has also identified a number of Significant Natural Areas (SNAs). In addition to the specific sites identified as SNAs, other biological communities in the County require special protection.</p> <p>Numerous policies in the Framework Plan, community plans and coastal plans aim to avoid any alteration of the diversity of species in sensitive biological communities resulting from the proposed LCP Amendments. These include the Streamside Management Areas, and Coastal Zoning designations.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources) (continued)</p>	<p>Existing policies directed toward Streamside Management Areas protect valuable riparian and inland wetland habitat, while coastal zoning designations serve to protect sensitive habitat areas near the coast, bays, sloughs and lagoons. Protection of the riparian habitat will also indirectly result in reducing impacts to water quality from erosion, pollutants and stormwater run-off.</p> <p>Within the coastal zone, the Natural Resources zone designation and a set of combining zones which are applied to other base zone designations protect environmentally sensitive areas. An overlay to the zoning district designates the Coastal Wetland, Coastal Resource Dependent, Riparian and Stream Corridor, Offshore Rocks, Coastal Elk Habitat, and Beach and Dune Area. The zoning overlay requires specific development review standards in accordance with the coastal plan policies in order to ensure maximum habitat protection in these coastal areas. Development proposals within the coastal zone that may impact the mapped sensitive habitat areas must submit an environmental assessment as part of their development application.</p> <p>The Framework Plan, each of the individual community plans, coastal plans, the Natural Resources and Hazards Report and the Housing Element contain a complete discussion of agricultural and timber resources.</p> <p>Agricultural and timber operations and resources may potentially be adversely affected by encouraging housing in areas used for or suitable for agricultural use and zoned to allow residential uses. Conflicts between agricultural and residential uses reduce the productivity of the agricultural lands, making them less valuable, and more vulnerable to conversion.</p> <p>The DSEIR identifies the existing policies and standards that will help mitigate potential impacts of new development on agricultural and timber lands. All of those policies, programs standards and regulations identified in the DSEIR to respond to potential impacts on Agricultural Resources serve to mitigate potential impacts of the proposed LCP Amendments on agricultural resources.</p> <p>In the coastal zone, these are sufficient to prevent agricultural and timber lands from being converted to other uses, and to prevent conflicts between agriculturally and timber- zoned properties from adjacent residential uses.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Land Resources (continued) (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p>	<p>The Framework Plan, community plans, coastal plans and the DSEIR contain a complete description of cultural resources and conditions. Existing County policies, programs, standards, and other requirements identified in DSEIR for protecting cultural resources sufficiently reduce impacts of the proposed LCP Amendments on mapped cultural and archaeological resources to a level of insignificance.</p>
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p>	<p>A complete discussion of scenic resources is contained in the Framework Plan, each of the individual community plans, coastal plans, the Natural Resources and Hazards Report (Dyett and Bhatia, 2002), and in the SEIR for the 2009 Housing Element Update.</p> <p>In general, the proposed LCP Amendments could result in impacts on the visual quality and community character of the County through additional development of multifamily residential uses, and possibly some commercial uses. Unless carefully sited and designed, this development would have the potential to block or alter water and scenic hillside and ridgeline views.</p> <p>The Housing Element, Framework Plan, and numerous community plans and coastal plans described in the DSEIR contain numerous specific policies and implementation programs designed to minimize visual impacts and maintain a high degree of design harmony with the environmental setting of the County and the scale and character of existing development. The zoning ordinance carries out these programs through application of zone designations and development standards.</p> <p>Implementation of the many existing policies, programs, standards, and requirements which serve to mitigate visual impacts reduce the aesthetic impacts of the project.</p> <p>The Framework Plan, community plans, coastal plans and the Natural Resources and Hazards Report contain a complete description of geologic and soils conditions. Maps in the Framework Plan depict soils and geologic conditions and areas of relative hazard.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p>	<p>The Plan intends not to remove all risks associated with each specific type of hazard, but to reduce risks to life and property and to make informed decisions about development near these hazards. These factors are considered in the type, location, design and density or intensity of development in the County. The policies and programs in the Plan that constitute part of the project, specifically address potential environmental impacts related to rupture of earthquake faults, and serve to mitigate potential impacts to some degree.</p> <p>Mitigation measures contained in the County’s zoning ordinance are implemented in the review of specific development proposals. Site specific measures will further serve to mitigate this impact. They illustrate and clarify how potential impacts have been addressed in the project itself.</p> <p>Soil erosion from construction sites is now regulated by the County’s Grading Ordinance, which was adopted in 2002. Measures contained in that ordinance reduce the potential for soil erosion by limiting the time for soil disturbance to the summer months, and only with an erosion control plan may soil disturbing activities occur in the winter.</p> <p>Soil testing requirements of the Health Department and the Regional Water Quality Control Board’s Basin Plan for the North Coast for placement of on-site sewage disposal systems ensure soils are capable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.</p> <p>Some areas of Humboldt County face multiple geologic hazards that are not completely mapped such as areas of strong seismic shaking, landslides and areas subject to liquefaction. Mapping these hazards is beyond the scope of this project</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p>	<p>The objectives, policies, and programs of the Framework Plan and other County regulations aim to reduce death, injuries, damage to property, and economic and social dislocation resulting from geologic hazards and other public health and safety concerns. These measures are identified in the DSEIR.</p> <p>A complete description of public services conditions is contained in the DSEIR, community plans, coastal plans the Building Communities Report (a technical background paper for the concurrent General Plan Update program), and the Master Service Elements of each water, wastewater and fire protection district.</p> <p>The policies, programs, standards and regulations referenced in the DSEIR serve to reduce the impacts of this project on public works facilities.</p>
	<p>Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.</p>	<p>The proposed LCP Amendments strive to accommodate anticipated growth, and facilitate affordable housing within existing developed areas. Industrial sites in the coastal zone will not be affected by the project as residential uses are not encouraged in industrial areas.</p>
	<p>The LCP Amendment shall be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.</p>	<p>The LCP Amendments will be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.</p>

EXHIBIT A: TABLE 1

SELECTED PROPERTIES TO BE REZONED TO MULTIFAMILY

**TABLE A-1
SELECTED PROPERTIES TO BE REZONED TO MULTIFAMILY**

Properties Included in Table Z3 of the Housing Element Appendix that meet H-IM17 and H-IM18 Standards (sorted by # new units)						
APN	Address	Acres	Developable Acres	Minimum Potential # New Units	<u>Expected Potential # New Units</u>	Maximum # New Units Allowed
508251055	1400 BLOCK OF NURSERY WAY, MCKINLEYVILLE	11.21	5.00	100	<u>100</u>	115
019041009	4543 UNION ST, EUREKA	9.35	3.67	58	<u>62</u>	84

Properties not in Table Z3 of the Housing Element Appendix that meet H-IM17 and H-IM18 Standards (sorted by # new units)						
APN	Address	Acres	Developable Acres	Minimum Potential # New Units	<u>Expected Potential # New Units</u>	Maximum # New Units Allowed
510132031	1552 CITY CENTER ROAD, MCKINLEYVILLE	57.46	5.00	100	<u>100</u>	115
306361003	6200 BLOCK OF LOMA AVENUE, EUREKA	49.68	6.6	405 100	412* 100	452 100
019131018	1281 SEA AV, EUREKA	6.13	5.40	88	--	88
017032007	3300 BLOCK OF FREESE AVENUE, EUREKA	22.81	5.00	80	<u>85</u>	115
510101020	2612 CENTRAL AV, MCKINLEYVILLE 95519	4.48	3.8	61	<u>65</u>	88
306381007	6483 PURDUE DR, EUREKA	4.00	3.55	56	<u>60</u>	82
509151028	2160 SUTTER RD, MCKINLEYVILLE	11.42	2.42	. 38	<u>41</u>	56
016112010	3000 MOORE AV, EUREKA	2.50	2.21	. 35	<u>38</u>	51
019071007	488 SEA AV, EUREKA	4.05	2	. 32	<u>34</u>	46
510051008	1657 BABLER ROAD, MCKINLEYVILLE	5.88	1.23	. 19	<u>21</u>	29
077302002	195 WEST COAST RD, REDWAY	1.34	1.19	. 19	<u>20</u>	27
508232004	1766 McKinleyville AV, McKinleyville	1.74	1.06	. 17	<u>18</u>	25
506082017	2200 BLOCK OF PENINSULA DRIVE, MANILA	1.02	1.02	. 16	<u>17</u>	24

* Only 100 units are counted in the H-IM17 Affordable Multifamily Housing Land Inventory

**TABLE A-1
SELECTED PROPERTIES TO BE REZONED TO MULTIFAMILY**

Properties not in Table Z3 of the Housing Element Appendix that meet H-IM18 Standards only (sorted by APN)						
APN	Address	Acres	Developable Acres	Minimum Potential # New Units	<u>Expected Potential # New Units</u>	Maximum # New Units Allowed
018052019	2365 ARBUTUS STREET, EUREKA	0.34	0.27 0.34	4	<u>6</u>	8
077081035	1200 BLOCK OF BRICELAND-THORNE ROAD, REDWAY	0.50	0.30	4	<u>5</u>	7
077181001	10 WHITMORE AV, REDWAY	0.31	0.06	4	<u>5</u>	2
204192015	3652 HWY 36, HYDESVILLE	1.14	0.7 0.25	11 4	<u>4</u>	16 6
214051001	STATE HWY 254 AND PHILLIPSVILLE RD, PHILLIPSVILLE	13.13	2.06	33	<u>35</u>	33 47
302021003	904 ALPHA AV, EUREKA	2.49	0.16 0.68	4 11	<u>12</u>	4 16
302041005	4800 MEYERS AVE., EUREKA	4.44	0.27	8	<u>8</u>	8
303062002	6047 AVALON DR, EUREKA	1.16	0.26	4	<u>4</u>	6
303191048	5956 CHRISTOPHER DR, EUREKA	5.10	0.3	4	<u>--</u>	7
303240011	2200 BLOCK OF WINDWOOD LANE, EUREKA	1.20	0.56	9	<u>10</u>	13
306022001	6682 2ND ST., EUREKA	0.53	0.10	1	<u>2</u>	3
306023002	240 B STREET, EUREKA	0.21	0.18	2	<u>3</u>	4
306023004	6600 BLOCK OF 3RD STREET, EUREKA	0.15	0.15	2	<u>3</u>	4
306023005	6600 BLOCK OF 3RD STREET, EUREKA	0.15	0.15	2	<u>3</u>	4
306023006	6600 BLOCK OF 3RD STREET, EUREKA	0.15	0.15	2	<u>3</u>	4
306023007	269 RAILROAD DRIVE, EUREKA	0.15	0.15	2	<u>3</u>	4
508172024	1895 OCEAN DRIVE, MCK.	0.26	0.09	1	<u>1</u>	2
508182012	1901 OCEAN DRIVE, MCK.	0.27	0.10	2	<u>2</u>	2

**TABLE A-1
SELECTED PROPERTIES TO BE REZONED TO MULTIFAMILY**

Properties not in Table Z3 of the Housing Element Appendix that meet H-IM18 Standards only (continued)						
APN	Address	Acres	Developable Acres	Minimum Potential # New Units	Expected Potential # New Units	Maximum # New Units Allowed
508182013	1931 OCEAN DRIVE, MCK.	0.27	0.00	0	<u>0</u>	0
508182014	1925 OCEAN DRIVE, MCK.	0.27	0.06	1	<u>1</u>	1
508191084	1933 OCEAN DRIVE, MCK.	0.18	0.07	1	<u>1</u>	1
508301021	1707 VINE AVE, MCKINLEYVILLE	0.80	0.50	8 <u>5</u>	<u>5</u>	12
509093002	2185 SECOND ST, MCK.	1.24	0.60	9	<u>10</u>	14
509095004	2084 SECOND ST, MCK.	1.02	0.54	16	<u>16</u>	16
509104022	2183 PARK ROAD, MCK.	0.69	0.39	12	<u>12</u>	12
509114002	1790 A AV, MCKINLEYVILLE	1.15	0.87	15	<u>15</u>	20
509132007	2084 SUTTER RD, MCK.	2.00	0.75	12	13	48
509151029	2116 SUTTER ROAD, MCK.	0.43	0.16	2	<u>3</u>	4
509212023	1734 VAN EATON AVE, MCK.	0.28	0.27	4	<u>5</u>	7
509212024	1716 VAN EATON AVE, MCK.	0.34	0.14	2	<u>2</u>	4
509221016	1765 MARKET AVENUE, MCK.	1.04	0.40	6	<u>7</u>	10
510071001	2600 Block Of Central Av MCK	1.83	0.47	7	--	41
510091021	2760 LOREN LANE, MCK.	1.45	0.36	5	<u>6</u>	9
510091074	2758 CENTRAL AVENUE, MCK.	0.92	0.48	7	<u>8</u>	12
510101008	1428 REASOR RD, MCK.	1.09	0.73	11	<u>12</u>	17
510101025	1434 REASOR RD, MCK.	0.47	0.20	3	<u>3</u>	5
510142052	2244 WALNUT AV, MCK.	1.12	0.55	8	<u>9</u>	13
510211075	1100 BLOCK OF JOANNA COURT, MCK.	0.25	0.25	4	<u>4</u>	6 <u>7</u>
510211076	1100 BLOCK OF JOANNA COURT, MCK.	0.17 <u>0.22</u>	0.17 <u>0.22</u>	2 <u>4</u>	<u>4</u>	4 <u>7</u>
510211077	1100 BLOCK OF JOANNA COURT, MCK.	0.16 <u>0.22</u>	0.16 <u>0.22</u>	2 <u>4</u>	<u>4</u>	4 <u>7</u>
510281021	2150 Walker Ave, McKinleyville	0.4	0.30	8	<u>8</u>	<u>8</u>

Ordinance, No. ____

AN ORDINANCE TO AMEND THE COUNTY CODE TO REZONE PROPERTY TO IMPLEMENT THE 2010 HOUSING
ELEMENT MULTIFAMILY REZONING PROGRAM

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING DIVISION I OF TITLE III OF THE HUMBOLDT COUNTY CODE (THE ZONING ORDINANCE), MODIFYING SECTIONS 311-7 (DESIGNATION AND ADOPTION OF ZONING MAPS) TO REZONE PROPERTY TO IMPLEMENT THE 2010 Housing Element Multifamily Rezoning Program (H-IM17 and H-IM18)

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. CODE AMENDMENT. Section 311-7 of Division I of Title III of the Humboldt County Code (Zoning Ordinance: Designation and Adoption of Zoning Maps) is amended by reclassifying the zoning of property described in Exhibit A of this ordinance, which is incorporated into this ordinance as if set forth in its entirety herein, to implement the 2010 Housing Element Multifamily Rezoning Program (H-IM17 and H-IM18).

SECTION 2. EFFECTIVE DATE. For properties in the inland (non-coastal) portion of the County, this ordinance shall take effect and be in full force thirty (30) days from the date of its passage. For properties in the coastal zone, the ordinance shall take effect immediately upon certification of the proposed amendments to the local coastal program. A summary shall be published at least five (5) days before the date for adoption and again fifteen days after passage of this ordinance. It shall be published at least once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

SECTION 3. ZONE QUALIFICATION. The special restrictions and regulations set forth in Exhibit A of this ordinance are applicable to the property described in Exhibit A of this ordinance in accordance with Humboldt County Code Section 313-32.1 and 314-32.1 (Q- Qualified Zone), which authorizes restrictions of the principal zone by application of the Q – Qualified Combining Zone.

SECTION 4. PURPOSE OF QUALIFICATION. The purpose of the special restrictions and regulations herein imposed on the property described in Exhibit A of this ordinance is:

To tailor the zoning for the selected candidate sites to site-specific conditions, to mitigate impacts on the environment, to establish a minimum residential density of 16 units per acre, and to allow more than four units per building.

SECTION 5. SPECIAL RESTRICTIONS. For the property described in Exhibit A of this ordinance, the principal permitted and conditionally permitted uses otherwise allowed under the Principal Zoning regulations of Humboldt County Code Section 313-6 and 314-6 shall not be allowed except as provided in Exhibit A of this ordinance.

SECTION 6. PROPERTY DESCRIPTION.

Exhibit A of this ordinance identifies the areas to be rezoned.

Supervisors

Chair, Humboldt County Board of

PASSED, APPROVED AND ADOPTED this _____ day of July, 2011 the following vote, to wit:

AYES:

NOES:

ABSENT:

(SEAL)

ATTEST:

Kathy Hayes

Clerk of the Board of Supervisors
of the County of Humboldt, State of California.

Kathy Hayes

EXHIBIT A

LIST OF SELECTED CANDIDATE SITES AND AREAS TO BE REZONED AND

DESCRIPTION OF Q- QUALIFIED COMBINING ZONE RESTRICTIONS

TABLE A-1

SELECTED PROPERTIES TO BE REZONED TO RESIDENTIAL MULTIFAMILY

**TABLE A-1
SELECTED PROPERTIES TO BE REZONED TO MULTIFAMILY**

Properties Included in Table Z3 of the Housing Element Appendix that meet H-IM17 and H-IM18 Standards (sorted by # new units)						
APN	Address	Acres	Developable Acres	Minimum Potential # New Units	<u>Expected Potential # New Units</u>	Maximum # New Units Allowed
508251055	1400 BLOCK OF NURSERY WAY, MCKINLEYVILLE	11.21	5.00	100	<u>100</u>	115
019041009	4543 UNION ST, EUREKA	9.35	3.67	58	<u>62</u>	84

Properties not in Table Z3 of the Housing Element Appendix that meet H-IM17 and H-IM18 Standards (sorted by # new units)						
APN	Address	Acres	Developable Acres	Minimum Potential # New Units	<u>Expected Potential # New Units</u>	Maximum # New Units Allowed
510132031	1552 CITY CENTER ROAD, MCKINLEYVILLE	57.46	5.00	100	<u>100</u>	115
306361003	6200 BLOCK OF LOMA AVENUE, EUREKA	49.68	6.6	105 100	112* <u>100</u>	152 100
306361003	6200 BLOCK OF LOMA AVENUE, EUREKA	49.68	6.6	105 100	112* <u>100</u>	152 100
019131018	1281 SEA AV, EUREKA	6.13	5.40	88	--	88
017032007	3300 BLOCK OF FREESE AVENUE, EUREKA	22.81	5.00	80	<u>85</u>	115
510101020	2612 CENTRAL AV, MCKINLEYVILLE 95519	4.48	3.8	61	<u>65</u>	88
306381007	6483 PURDUE DR, EUREKA	4.00	3.55	56	<u>60</u>	82
509151028	2160 SUTTER RD, MCKINLEYVILLE	11.42	2.42	. 38	<u>41</u>	56
016112010	3000 MOORE AV, EUREKA	2.50	2.21	. 35	<u>38</u>	51
019071007	488 SEA AV, EUREKA	4.05	2	. 32	<u>34</u>	46
510051008	1657 BABLER ROAD, MCKINLEYVILLE	5.88	1.23	. 19	<u>21</u>	29
077302002	195 WEST COAST RD, REDWAY	1.34	1.19	. 19	<u>20</u>	27
508232004	1766 McKinleyville AV, McKinleyville	1.74	1.06	. 17	<u>18</u>	25
506082017	2200 BLOCK OF PENINSULA DRIVE, MANILA	1.02	1.02	. 16	<u>17</u>	24

**TABLE A-1
SELECTED PROPERTIES TO BE REZONED TO MULTIFAMILY**

Properties not in Table Z3 of the Housing Element Appendix that meet H-IM18 Standards only (sorted by APN)						
APN	Address	Acres	Developable Acres	Minimum Potential # New Units	<u>Expected Potential # New Units</u>	Maximum # New Units Allowed
018052019	2365 ARBUTUS STREET, EUREKA	0.34	0.27 0.34	4	<u>6</u>	8
077081035	1200 BLOCK OF BRICELAND-THORNE ROAD, REDWAY	0.50	0.30	4	<u>5</u>	7
077181001	10 WHITMORE AV, REDWAY	0.31	0.06	4	<u>5</u>	2
204192015	3652 HWY 36, HYDESVILLE	1.14	0.7 0.25	11 4	<u>4</u>	16 6
214051001	STATE HWY 254 AND PHILLIPSVILLE RD, PHILLIPSVILLE	13.13	2.06	33	<u>35</u>	33 47
302021003	904 ALPHA AV, EUREKA	2.49	0.16 0.68	4 11	<u>12</u>	4 16
302041005	4800 MEYERS AVE., EUREKA	4.44	0.27	8	<u>8</u>	8
303062002	6047 AVALON DR, EUREKA	1.16	0.26	4	<u>4</u>	6
303191048	5956 CHRISTOPHER DR, EUREKA	5.10	0.3	4	<u>=</u>	7
303240011	2200 BLOCK OF WINDWOOD LANE, EUREKA	1.20	0.56	9	<u>10</u>	13
306022001	6682 2ND ST., EUREKA	0.53	0.10	1	<u>2</u>	3
306023002	240 B STREET, EUREKA	0.21	0.18	2	<u>3</u>	4
306023004	6600 BLOCK OF 3RD STREET, EUREKA	0.15	0.15	2	<u>3</u>	4
306023005	6600 BLOCK OF 3RD STREET, EUREKA	0.15	0.15	2	<u>3</u>	4
306023006	6600 BLOCK OF 3RD STREET, EUREKA	0.15	0.15	2	<u>3</u>	4
306023007	269 RAILROAD DRIVE, EUREKA	0.15	0.15	2	<u>3</u>	4
508172024	1895 OCEAN DRIVE, MCK.	0.26	0.09	1	<u>1</u>	2
508182012	1901 OCEAN DRIVE, MCK.	0.27	0.10	2	<u>2</u>	2

**TABLE A-1
SELECTED PROPERTIES TO BE REZONED TO MULTIFAMILY**

Properties not in Table Z3 of the Housing Element Appendix that meet H-IM18 Standards only (continued)						
APN	Address	Acres	Developable Acres	Minimum Potential # New Units	<u>Expected Potential # New Units</u>	Maximum # New Units Allowed
508182013	1931 OCEAN DRIVE, MCK.	0.27	0.00	0	<u>0</u>	0
508182014	1925 OCEAN DRIVE, MCK.	0.27	0.06	1	<u>1</u>	1
508191084	1933 OCEAN DRIVE, MCK.	0.18	0.07	1	<u>1</u>	1
508301021	1707 VINE AVE, MCKINLEYVILLE	0.80	0.50	8 <u>5</u>	<u>5</u>	12
509093002	2185 SECOND ST, MCK.	1.24	0.60	9	<u>10</u>	14
509095004	2084 SECOND ST, MCK.	1.02	0.54	16	<u>16</u>	16
509104022	2183 PARK ROAD, MCK.	0.69	0.39	12	<u>12</u>	12
509114002	1790 A AV, MCKINLEYVILLE	1.15	0.87	15	<u>15</u>	20
509132007	2084 SUTTER RD, MCK.	2.00	0.75	12	13	18
509151029	2116 SUTTER ROAD, MCK.	0.43	0.16	2	<u>3</u>	4
509212023	1734 VAN EATON AVE, MCK.	0.28	0.27	4	<u>5</u>	7
509212024	1716 VAN EATON AVE, MCK.	0.34	0.14	2	<u>2</u>	4
509221016	1765 MARKET AVENUE, MCK.	1.04	0.40	6	<u>7</u>	10
510071001	2600 Block Of Central Av MCK	1.83	0.47	7	--	11
510091021	2760 LOREN LANE, MCK.	1.45	0.36	5	<u>6</u>	9
510091074	2758 CENTRAL AVENUE, MCK.	0.92	0.48	7	<u>8</u>	12
510101008	1428 REASOR RD, MCK.	1.09	0.73	11	<u>12</u>	17
510101025	1434 REASOR RD, MCK.	0.47	0.20	3	<u>3</u>	5
510142052	2244 WALNUT AV, MCK.	1.12	0.55	8	<u>9</u>	13
510211075	1100 BLOCK OF JOANNA COURT, MCK.	0.25	0.25	4	<u>4</u>	6 <u>7</u>
510211076	1100 BLOCK OF JOANNA COURT, MCK.	0.17 <u>0.22</u>	0.17 <u>0.22</u>	2 <u>4</u>	<u>4</u>	4 <u>7</u>
510211077	1100 BLOCK OF JOANNA COURT, MCK.	0.16 <u>0.22</u>	0.16 <u>0.22</u>	2 <u>4</u>	<u>4</u>	4 <u>7</u>
510281024	2150 Walker Ave, McKinleyville	0.4	0.30	8	8	8

Description of Q- Qualified Combining Zone Restrictions

Q-Zone Requirements which apply to all the selected candidate sites *(with modifications from the language presented at the July 27, 2011 and August 23, 2011 Board Hearings on the item shown in underline and strikethrough)*

1. In the non-costal areas, two-family dwellings and multiple dwellings and dwelling groups are allowed. In coastal areas, duplexes and Multifamily Residential uses are allowed.
2. Unless otherwise specified in Table A-1 of this ordinance, development potential on each property is limited to the area shown on the maps presented in Supplemental Item #2 for the July 26, 2011 hearing on this item, and a minimum density of 16 units per acre times the developable area of the site according to Table A-1, the table in Attachment 1 of the DSEIR, and a maximum density of 30 units per acre times the developable area of the site according to the table in Attachment 1 of the DSEIR. ~~(Mitigation Measure 1)~~ The Q-Qualified Zone applied to each candidate site shall impose a requirement of a maximum density of 23 units per acre. Up to 30 units per acre may be allowed, subject to the review and approval of the Planning Director, if multifamily development is proposed where 50% or a higher percentage of the proposed new units are one (1) bedroom or studio units. APNs 510-132-31, 510-133-13 and 508-251-55 are not subject to the 23 unit per acre density limit considering their role in the Town Center plans in the McKinleyville Community Plan.
3. Subject to review and approval by the Planning Director, the developable area of candidate sites outside of the coastal zone may be expanded if site specific information is provided by a licensed civil engineer showing actual flood hazards, slope hazards, earthquake fault hazards or other constraints on the ground are less than the amount shown in Attachment 1 (of the DSEIR) Table A-1. The developable area of candidate sites may also be expanded outside of the coastal zone, subject to review and approval by the Planning Director, if site specific information is provided by a qualified biologist that the Streamside Management Area or Other Wet Areas of the property on the ground are less than the amount shown in Table A-1.
4. All new outdoor lighting in new multifamily housing development on the candidate sites selected for rezoning shall be required to be shielded, designed and located so that direct rays are confined to the property.
5. Exterior roofing and siding materials in new multifamily housing development on the candidate sites selected for rezoning shall be required to be non-reflective.
6. The following design guidelines from §314-6.4 and 314-6.5 of the zoning ordinance shall be used for new multifamily development for projects involving 16 or more units:
 - Avoid letting garages, driveways and parking lots dominate the streetscape.
 - Design to minimize conflicts between vehicles and pedestrians.
 - Design public open areas to the same level of quality as any other "space" in the development.
 - Provide direct access to open space from the dwelling units that the open space is intended to serve.
 - Provide visual access to shared open spaces from individual units, preferably from the kitchen, living room or dining room.
 - Avoid lighting which shines directly into dwelling units on- and off-site.
 - Private outdoor space, including patios, porches, decks, balconies and yards should be of adequate size and within easy access of each dwelling unit.
 - Good landscaping is critical to the quality of any multifamily project.
 - Where possible without affecting the number of developable units afforded by the Q-Qualified Zone, existing vegetation and open space sufficient to conserve neighborhood visual character should be preserved.

The above design guidelines will apply through administrative review during the Zoning Clearance Certificate Process.

7. Candidate sites for rezoning in the coastal zone shall incorporate the development standards consistent with the visual resource protection measures of the Coastal Act.
8. All soils exposed during construction of new multifamily housing development on the candidate sites selected for rezoning shall be required to be watered to reduce potential wind erosion of the soils; Water shall be applied to disturbed land surfaces at a frequency high enough to maintain soil cohesion and to reduce blowing dust to the extent practicable. The project engineer or prime contractor shall maintain a log identifying the date and time and the amount of water applied to maintain dust control. The log shall be kept on the project site and shall be presented for review by county or other agency personnel upon request.
9. All construction equipment used during construction of new multifamily housing development on the candidate sites selected for rezoning shall be required to be equipped with approved exhaust systems; Construction waste or debris shall not be burned on the project site under any circumstances. Vegetation waste shall not be burned except under conditions established by permit from the North Coast Unified Air Quality Management District.
10. All Wood-burning appliances used for space-heating purposes in the new multifamily housing development on the candidate sites selected for rezoning shall meet Environmental Protection Agency or state requirements for particulate emissions. "Wood-burning appliances" shall include all of the following: any fireplace, or any wood-fired heater that burns wood, pelleted wood, or any other nongaseous or nonliquid fuels, or any similar device burning any solid fuel used for aesthetic or space-heating purposes, and which has a heat input less than one million British Thermal Units per hour.
11. Candidate sites for rezoning in the coastal zone shall incorporate development standards for consistency with the biological resource protection measures of the Coastal Act.
12. A Q-Qualified Zone shall be applied to each candidate site selected for rezoning requiring new development to comply with the following cultural and historic resource preservation measures:

"If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

The applicant is ultimately responsible for ensuring compliance with this condition."
13. Selected candidate sites for rezoning in the tsunami runup area shall contribute a proportional share to the emergency warning siren fund, and provide a tsunami evacuation plan to persons living on the property.
14. A Q-Qualified Zone will be applied to each site to apply LID strategies to each of the candidate sites, including Best Management Practices for soil erosion, detention of stormwater runoff, and to minimize impervious surfaces.
15. Candidate sites for rezoning in the coastal zone shall incorporate the development standards for consistency with the coastal access protection measures of the Coastal Act.
16. To ensure that the necessary traffic, road access and safety concerns are properly address for the rezone parcels, the following provisions shall be incorporated and implemented as Q-zone requirements.

The project will be evaluated to determine the extent of needed traffic improvements relative to road capacity, intersection functionality, normal and emergency access, and on-street/off-street parking, non-motorized transportation (pedestrians, bicycles, etc...), and road surfacing.. Appropriate requirements will be imposed to ensure that design standards and adequate service levels are maintained and consistent with General Plan and Community Plan policies and standards.

17 ~~20 The Q-Qualified Zone applied to each candidate site shall impose a requirement of a maximum density of 23 units per acre. Up to 30 units per acre may be allowed, subject to the review and approval of the Planning Director, if multifamily development is proposed where 50% or a higher percentage of the proposed new units are one (1) bedroom or studio units. APNs 510-132-31, 510-133-13 and 508-251-55 are not subject to the 23 unit per acre density limit considering their role in the Town Center plans in the McKinleyville Community Plan.~~

~~24~~ In areas subject to parkland dedication requirements a Q-Qualified Zone will be applied to require at the time of development parkland be developed on site at the rate of 130 square feet per person for each new unit proposed for construction. Parkland dedication in-lieu fees shall be collected prior to building permit issuance at the rate of \$250 for each one (1) bedroom or studio unit, and \$500 for each two (2) or more bedroom unit.

18. ~~49~~- This Q-Zone incorporates the July 22, 2011 Rezoning Understanding on the Pierson property, which is shown below in its entirety:

“This statement of understanding concerns the proposed rezoning of portions of two parcels (510-132-31 and 508-251-55) owned by L&A Enterprises, LLC (“Pierson”) in and around the town center of McKinleyville.

The ownership of these properties have expressed a willingness to rezone up to 8.75 additional acres, for a total of up to 14.75 acres of parcel 510-132-31 and up to 5.0 acres of parcel 508-251-55 to R-3 to accommodate a maximum of 100 multifamily units on each parcel if the following understandings are included in the final record of adoption of the rezoning by the Board of Supervisors:

18.1 The density for the rezoned parcels would range between a minimum of 16 units and a maximum of 30 units per acre.

18.2 The owner has full discretion to build within this density range. The total number of units that must be constructed on the parcel will be based on the application of the minimum density (16 units per acre) on the net developable area of the property calculated at the time of building permit application.

18.3 To allow for flexibility in the design of the town center and the build-out of these properties, the multifamily inventory assigned to each of the multifamily zoned areas of parcels 510-132-31 and 508-251-55 can be transferred to other areas of these properties and to the adjacent property 510-133-13 owned by Pierson at the owner’s discretion (see attached map). The construction of multifamily units on other areas of these properties and on parcel 510-133-13 shall count towards, and be deducted from, the multifamily inventory requirements of the multifamily zoned areas of the properties. Reductions in inventory requirements will be officially reflected through a reduction in the size of multifamily zoned portions of the parcels and/or the number of units assigned to these areas at the owners discretion.

18.4 If the County’s Affordable Housing Inventory requirements are reduced through future Regional Housing Needs Allocation processes or additional multifamily inventory is added to the inventory within a five year period, the multifamily inventory identified on these two parcels will be reduced proportionately.

18.5 The inclusion of these parcels in the affordable housing inventory does not include mandatory housing affordability standards for units constructed on the property. Housing affordability standards may change based on future legislative actions of the state or Board of Supervisors.

18.6 The County will pursue the use of Housing Income Trust Funds to help pay for the subdivision costs associated with the division of the multifamily zoned portions of the properties to facilitate the construction of affordable housing units.

18.7 The County will pursue HOME, CDBG and other low income housing funding to contribute to infrastructure and affordable housing development costs on these parcels. The County will dedicate a fair share (at least proportional to the affordable inventory provided by these properties) of its grant application efforts and received funds for this purpose.

18.8 To facilitate the division of the multifamily rezoned portions of the property, the County agrees that under the filing of a parcel map subdivision (four or fewer parcels) on 510-132-31, 510-133-13 and 508-251-55, subdivision improvements can be deferred without bonding until the time of application for building permits and then, only such improvements related to the particular parcel being permitted shall require improvement. This does not include improvements that cannot be deferred due to state or federal law for example, ADA requirements for lots containing existing development.

18.9 The area of parcel 510-132-31 zoned multifamily that has been mapped as a two-parameter wetland is intended to be developed as a drainage detention feature for the entirety of 510-132-31. The area of the property developed for detention purposes shall be minimized to preserve area for housing development but the ultimate design based on wetland enhancement and hydrologic principles may reduce the net developable area and therefore the total number of required housing units.”

18.10 The design guidelines developed pursuant to the McKinleyville Community Plan Town Center policies shall apply, and APN's 510-132-31 and 508-251-55 are exempt from the design guidelines in #6 of this Resolution.

19. ~~20~~ A 50' wide forested buffer shall be preserved and maintained on the northerly property boundary of the multifamily zoned portion of APN 017-032-007. Forested buffer includes greenbelts, the integration of existing trees into landscaping, or any other measure that preserves the appearance of a forested buffer to the local neighborhood and the Harris Street corridor.

20. Before any ground-disturbing activity toward a building permit for multifamily development on APN 506-082-017, 509-151-028, APN 509-151-029, APN 509-132-007, a focused archaeological survey study report shall be prepared, and the Blue Lake THPO shall be consulted prior to building permit issuance.

Attachment B

Communication from Janet Eidsness