

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

ORDINANCE NO. 2475

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) CONSISTENT WITH STATE LAW

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) consistent with state law.

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 the property in the coastal zone (APN 306-361-003), 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 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.


Chair, Humboldt County Board of Supervisors

PASSED, APPROVED AND ADOPTED this 13 day of March, 2012 the following vote, to wit:

AYES: SMITH, LOVELACE, CLENDENEN, BASS

NOES: SUNDBERG

ABSENT:

(SEAL)

ATTEST:

Kathy Hayes

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

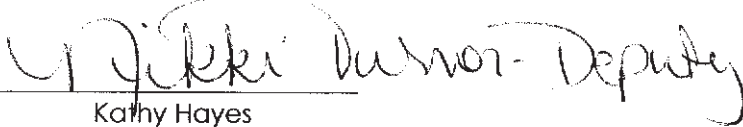

Kathy Hayes

Exhibit A

**List of Sites and Areas to be Rezoned and
Description of Q- Qualified Combining Zone Restrictions**

Table A-1

Properties to be Rezoned

APN	Address	Plan & Zoning	Total Acres	Acres by Zoning*	Minimum Potential # New Units
508251055	1400 BLOCK OF NURSERY WAY, MCKINLEYVILLE	CG; RM; C-2-N-WR, R-3-D-N-WR	11.97	5.0 <u>6.25</u> ac. R-3 6.97 <u>5.72</u> ac. C-2	100
306361003	6200 BLOCK OF LOMA AVENUE, EUREKA	RM, RL, NR RM/W,Q, RS-20/W,Q, NR	49.68	6.6 <u>3.125</u> ac. R-3 43.02 <u>46.555</u> ac. RS-20 & NR	50
017032007	3300 BLOCK OF FREESE AVENUE, EUREKA	RM RL,; R-3*,GO Q, R-1*/GO	22.81	5.0 <u>2.875</u> ac. R-3 17.81 <u>19.935</u> ac. R-1	46
306381007	6483 PURDUE DR, EUREKA	RM; RL, R-3*/GO/Q; RM,Q; R-1/GO*, RS-5	4.00	3.55 <u>1.875</u> ac. R-3 0.45 <u>2.125</u> ac. R-1	30

*The strikeout and underline text are the areas modified by this ordinance. Maps showing the location of the rezoned areas are in Attachment 3 of the January 28, 2012 staff report on this item prepared for the March 13, 2012 Board of Supervisors meeting, which are incorporated into this Exhibit as if set forth in their entirety herein.

Description of Q- Qualified Combining Zone Restrictions

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.

1. 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. Unless otherwise specified in Table A-1 of this ordinance 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.
2. 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 on the ground are less than the amount shown in 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.
3. 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.
4. Exterior roofing and siding materials in new multifamily housing development on the candidate sites selected for rezoning shall be required to be non-reflective.
5. 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.

6. Candidate sites for rezoning in the coastal zone shall incorporate the development standards consistent with the visual resource protection measures of the Coastal Act.
7. 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.
8. 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.
9. 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.
10. Candidate sites for rezoning in the coastal zone shall incorporate development standards for consistency with the biological resource protection measures of the Coastal Act.
11. 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."

12. 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.
13. 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.
14. 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.
15. To ensure that the necessary traffic, road access and safety concerns are properly address for the rezone parcels, the following provision 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. 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. 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:

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

18.12 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.

18.13 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.

18.14 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.

18.15 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.

18.16 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.

18.17 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.

18.18 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.

18.19 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."

18.20 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. *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, a focused archaeological survey study report shall be prepared, and the Blue Lake THPO shall be consulted prior to building permit issuance.*