

HUMBOLDT COUNTY GENERAL PLAN

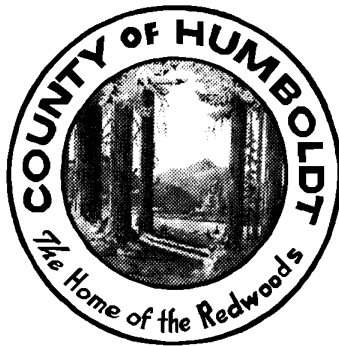
Volume II

EEL RIVER AREA PLAN

of the

Humboldt County

Local Coastal Program



April 2007

**EEL RIVER AREA PLAN
OF THE
HUMBOLDT COUNTY
LOCAL COASTAL PROGRAM**

Approved by the
Board of Supervisors
March 9, 1982
Resolution No. 82-38

Amended and Adopted
September 21, 1982
Resolution No. 82-119¹

Certified by the State Coastal Commission
April 8, 1982

Date of this edition: December 2014

This document was prepared by the Humboldt County Planning Department's Local Coastal Program with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972, administered by the California Coastal Commission.

As required by the Coastal Act Section 30519.5, this plan will be reviewed at least once every five years by the State Coastal Commission to determine the effectiveness of this land use plan to implement the Coastal Act.

The Board of Supervisors may review the effectiveness and adequacy of this plan at any time and commensurate with State Planning Law, Chapter 3, Article 6, Section 65361, may amend the land use plan up to three (3) times a year. All plan amendments must be approved by the State Coastal Commission. (Amended by Res. No. 81-143, 12/15/81).

¹See next page for complete revisions history.

REVISION HISTORY
EEL RIVER AREA PLAN

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Adopted September 21, 1982
Resolution #82-119

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Coastal Commission Action

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ACKNOWLEDGEMENTS

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Straight Arrow Coalition	Judy Sternberg	Louis DeMartin	
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²As of 1982

PREFACE

This is the Eel River Area Plan (ERAP) for the Humboldt County Local Coastal Program. The policies and standards contained in this document are based on almost two years work by the Humboldt County Local Coastal Program's Citizen Advisory Committee (CAC). During this time, almost a dozen public workshops were held on various topics ranging from access to agriculture. The CAC has also met over 70 times, volunteering their time with no compensation, to develop policies and standards that best represent local interests which comply with State Coastal Law.

A series of four workshops were held in the Planning Area in March of 1980. Two were held in Ferndale and two in Loleta. Attendance was close to fifty people at each of the workshops and extensive comments were recorded and utilized in the preparation of this land use plan.

The maps included herein are reduced scale and for illustrative purposes only. The official maps at full scale (1" = 600' and USGS 7.5 minute quadrangles) are available for review at the Humboldt County Planning Department at the Clark Complex, 3015 H Street, Eureka, California. Requests for additional copies of this document or full scale maps should be sent to the same address.

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FOR LEGAL MAPS PLEASE CONTACT THE HUMBOLDT COUNTY PLANNING DEPARTMENT.

CHAPTER 1

INTRODUCTION

1.10 INTRODUCTION

This Area Plan, representing one of six County Coastal Planning Areas (see map, Section 1.40) identifies land uses and standards by which development will be evaluated within the Coastal Zone. The indicated uses and standards adopted by the County of Humboldt, and certified by the California Coastal Commission are in conformance and satisfy the policies and requirements for coastal land use contained in the California Coastal Act of 1976 (Public Resource, Code 30000 et seq.) and other related legislation. Local policies and standards developed in the area planning workshops specific to the Coastal Act also affect the review of projects and are reflected in Chapters 3 and 4. All current County adopted planning documents, County Ordinances, and State law regulating planning and land use, unless superceded by policies of this document, also govern the relation of the coastal plan to applicable currently adopted County Plan documents.

Post certification development not in conformance with this Plan shall not be approved by the County. This Plan may be amended, in conformance with the policies of the California Coastal Act, only with the approval of the California Coastal Commission. As required by the Coastal Act Section 30519.5, this plan will be reviewed at least once every five years by the State Coastal Commission to determine the effectiveness of this land use plan to implement the Coastal Act.

The Board of Supervisors may review the effectiveness and adequacy of this plan at anytime and commensurate with State Planning Law, Chapter 3, Article 6, Section 65361, may amend the land use plan up to three (3) times a year. All plan amendments must be approved by the State Coastal Commission.

1.20 ORGANIZATION

The Area Plan consists of six chapters and appendices according to the following format:

- Chapter 1 Introduction to the Local Coastal Program
- Chapter 2 The Coastal Act and Eel River Planning Area concerns, including: an explanation of the Act's requirement and intent, and types of development and/or geographical areas exempt from Coastal Development Permits.
- Chapter 3 The Land Use Plan proposal and development and resource protection policies and standards. These govern zoning plan amendments, public works extensions, land divisions, and other development activities.
- Chapter 4 General discussion of planned uses, access maps, and the generalized plan maps, including land use and resource protection.
- Chapter 5 Land use designations including an explanation of permitted uses densities.
- Chapter 6 Definitions

Appendix A References, indicating the information used in arriving at development standards and the plan map. (The technical studies are adopted as an informational appendix to this Area Plan, but are bound separately because of their bulk.)

1.30 USE OF THIS DOCUMENT

The California Coastal Act requires that all development within the Coastal Zone have a Coastal Development Permit in addition to any other permit required for development by a local or state agency. In most cases, the Coastal Development Permit is issued by Humboldt County. In some cases, specified types of development are exempt from the requirement for a Coastal Development Permit. **EXEMPT DEVELOPMENTS MUST STILL BE IN CONFORMANCE WITH THIS AREA PLAN AND APPLICABLE ZONING, AND ALL NECESSARY COUNTY PERMITS MUST BE SECURED.** In a few cases, the Coastal Development Permit must still be obtained from the California Coastal Commission. Chapter 2 of the Area Plan indicates which areas or types of development are under local jurisdiction and which require Commission approval.

While all development in the Coastal Zone must conform to this Area Plan, the zoning of a parcel immediately controls allowable uses and densities. The planning designations as presented in this Area Plan are a guide based on the overall concept of the particular area addressed. It indicates how the land should ideally be used. The zoning ordinance, on the other hand, legally dictates what uses can be made of the lands described. The two may not always be in total agreement but there should be reasonable compatibility between them. One method of assessing the degree of compatibility is through a matrix which compares the Plan designation to the Zoning Ordinance designation in a particular area. Therefore, anyone considering available uses of a property should first consult the Coastal Planning Ordinance and applicable zoning map, available at the office of the Humboldt County Planning Department. Where the proposed development will meet all the standards indicated for the zone, a Coastal Development Permit for the proposed development should be applied for as indicated in the Coastal Zoning Ordinance.

In some cases the proposed development either fails to meet the zoning standards, or (as in the case of a public works extension) is not directly controlled by the zoning. In these cases, the Area Plan is the controlling document. Where a conditional use (as indicated by the zoning), or a variance from specific zoning standards, or a zone change is necessary, policies and standards of the Area Plan as indicated in Chapter 3, provide guidance for such decisions³. Plan designation for the property should ordinarily be determinable from the maps attached to the Area Plan. In cases where this determination is difficult, the official map may be consulted at the office of the Humboldt County Planning Department.

Section 2.40 of Chapter 2 of the Area Plan details the administrative procedures for Coastal Development Permits, and identifies those areas or types of development where appeals from a county decision can be made to the County Coastal Commission.

³Text addition to correct typographical omission.

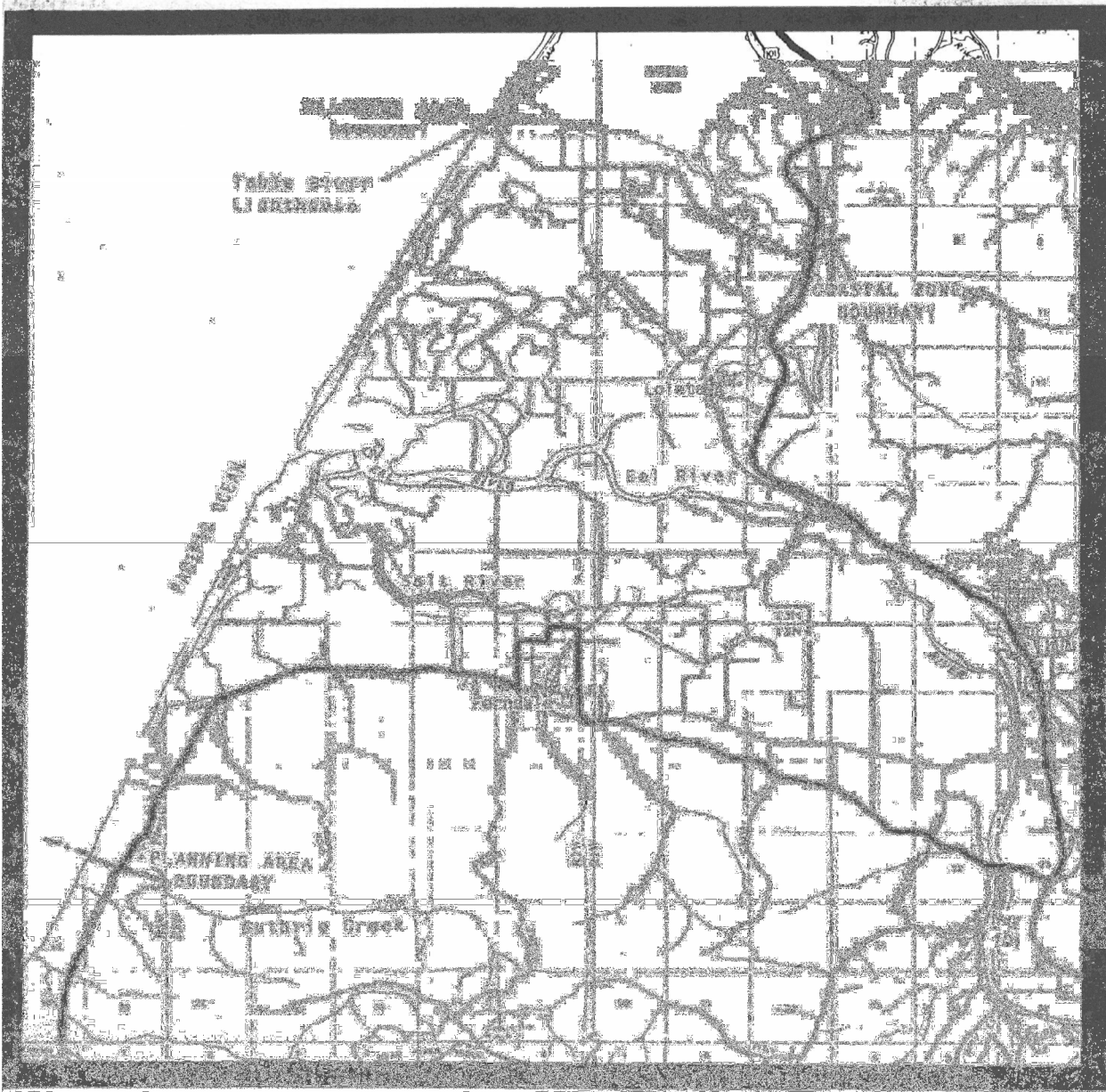
1.40 EEL RIVER PLANNING AREA MAP

Eel River Area Plan

Certified: 04-08-82

1.40

EEL RIVER PLANNING AREA MAP



(ERAP\Ch1)

Chapter 1 Page 3

October, 1989

CHAPTER 2

THE COASTAL ACT AND EEL RIVER CONCERNS

2.10 BACKGROUND

Prior to 1972, land uses in the Humboldt County Coastal Zone were regulated by local governments under the provisions of State Planning and Zoning Law. This enabling legislation requires the preparation of a comprehensive general plan and zoning to ensure orderly growth and development within their jurisdiction.

Two significant pieces of legislation in 1972 began the process of coastal planning: the Federal Coastal Zone Management Act, and the passage of Proposition 20 on the California ballot, which created the original Coastal Commission.

The Coastal Zone Management Act established broad national policies for land use in coastal areas, provided funds for states to prepare coastal zone management plans, and established the Office of Coastal Zone Management (OCZM) within the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce. A significant portion of funds for preparing Humboldt County's Coastal Program comes from OCZM.

Proposition 20 established some priorities and guidelines for coastal development and conservation, and created the California Coastal Commission whose job was to prepare a coastal zone management program for approval by the legislature. The result was the Coastal Act of 1976, which established more detailed policies for incorporating these policies into their planning and zoning regulations. Development within the Coastal Zone required approval by the Coastal Commission prior to certification of a local government's coastal plan. After certification, the Commission continues to review permits and hear appeals for only certain types of development (see Section 2.40) and may initiate review of coastal plans every five years. The Commission has the power to approve or deny any changes or amendments in coastal plans and zoning. Until July 1981, the Coastal Commission was assisted in its responsibilities by six regional Commissions. The Northcoast Regional Commission, which includes Del Norte, Humboldt and Mendocino Counties was housed in Eureka⁴.

2.20 COASTAL ACT GOALS AND POLICIES

The state legislature, by enacting the Coastal Act of 1976, adopted the following basic goals for the Coastal Zone⁵:

- (a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the state.

⁴Region is now served by The Northcoast District, located in San Francisco.

⁵Section 30001.5.

- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

To achieve the above listed goals, Chapter 3 of the Act provides specific direction to local governments for preparing a coastal plan in the planning and management policies. These policies address coastal development and resources, identify priorities for resolving conflicts between competing uses, and ultimately will be used by the State Commission as a yardstick for evaluating the adequacy of all coastal plans. The fourteen 'policy groups' which form the planning and management policies include:

- Shoreline Access
- Recreation and Visitor Serving Facilities
- Water and Marine Resources
- Diking, Dredging, Filling and Shoreline Structures
- Environmentally Sensitive Habitats
- Agriculture
- Hazards
- Forestry and Soils Resources
- Locating and Planning New Development
- Coastal Visual Resources and Special Communities
- Public Works
- Industrial and Energy Development
- Housing
- Commercial Fishing and Recreational Boating¹

2.30 EEL RIVER PLANNING AREA ISSUES

Because the Act sees the coast as a physically limited resource to be protected for all Californians for a variety of uses, the following uses are of a specific statewide concern and require special attention for protection of these uses in the Eel River Area Plan. In summary these are:

USE

PROTECTION

Resource Production

- Prime Agricultural Lands
- Coastal Commercial Timberland
- Beach Fishing/Driftwood Sites

- Agricultural Exclusive Zoning
- Timberland Preserve Zoning
- Commercial Vehicle Access Protection

Sensitive Environments

¹ Text additions to correct typographical omissions

Wetlands
Salt Water Marsh
Eel River Estuary

Wetland Buffers (Development Controls)
Septic System Controls
Road Construction Standards
Special Treatment Areas
State Park Acquisition
Riparian Corridors

Riparian Habitats

Recreation

Department of Fish and Game Wildlife Area
Centerville Beach County Park
Crab Park (County)
Pedrazzini County Park

Low-density Development Adjacent
Adequacy of Facilities

Access

Shoreline and Riverbank Access
Coastal Trail

Identification of Location and Improvements needed
Route Identification

2.40 POST CERTIFICATION ADMINISTRATION OF THE EEL RIVER AREA PLAN

Local administration of the Plan hinges upon a substantial number of unresolved issues. This critical section of the Plan will be developed jointly by the Coastal Commission and Humboldt County and added to this Plan at a later date. Unresolved issues include, but are not limited to:

1. Where the State Coastal Commission retains primary permit authority;
2. What areas in which the State Commission will hear appeals;
3. Procedures for local notice and approval; and
4. Procedures for how coastal zone boundary determinations will be made.

2.50 EXEMPTIONS

There are currently several exemption programs adopted by both Humboldt County and the Coastal Commission. The specific exemptions are included below¹.

Order #:	Categorical Exclusion E-86-4
Effective Date:	June 11, 1986
Affected Development:	Single family dwellings Lot line adjustments Agriculturally related development

¹ Text change to reflect current status of exemption programs.

CHAPTER 3

EEL RIVER DEVELOPMENT AND RESOURCE POLICIES

3.10 INTRODUCTION

The Coastal Act requires sharply different development policies for urban and rural areas. This chapter reflects that distinction: Section 3.20 deals with urban development, Section 3.30 with rural development. The basis for considering a parcel under one of these headings is the parcel's location in relation to the Urban Limit Line as indicated on the Area Plan Map (see Chapter 4). In addition, the Coastal Act requires that all development be subject to standards designed to protect natural and cultural resources and assure public safety. Standards to satisfy these requirements are presented in Section 3.40; they apply, where relevant, in both urban and rural development. Finally, Section 3.50 presents the policies and uniform standards for coastal access including a methodology for reviewing potential access ways, limitations to access, prescriptive rights, and offers of dedication for access. The implementation of these policies, in the Eel River Planning Area, is reflected in the Access Plan, Section 4.80, Chapter 4.

In each section, relevant Coastal Act Policies are presented with their Coastal Act section number immediately before local policies and standards and are enacted as County policy.

3.20 URBAN DEVELOPMENT POLICIES AND STANDARDS

The policies and standards set forth in this section apply to all lands within an established Urban Limit Line as shown on the Area Plan Map (Chapter 4). These policies and standards are also subject to restrictions identified in Section 3.40, Resource Protection, as explained in that section. Inset headings under each section are from Chapter 3 of the Coastal Act.

3.21 URBAN LIMITS

A. IDENTIFICATION OF THE URBAN LIMIT LINE

*** 30250. (a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

*** 30253. New development shall:

---Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

---Minimize energy consumption and vehicle miles traveled.

1. An Urban Limit Line is identified and mapped at a suitable scale for all existing developed areas in the Coastal Zone of Humboldt County. The establishment of this line shall be based on findings that lands included within the Urban Limit would be generally suitable for development at a density greater than one unit per acre or as shown in Chapter 4 of the Area Plan, were public sewerage, water, and road improvement services provided, according to the following criteria:

- a. That sufficient water to serve the development of all permitted uses is available to the area at a cost affordable within the reasonable economic expectation of existing or potential suppliers, and that adopted water quality control plans would not be exceeded by such development;
 - b. That carrying capacity of major roads and of coastal access corridors is sufficient for the development of all permitted uses, or that improvements to an adequate level can be provided at a cost affordable within the reasonable economic expectation of the County, or of an incorporated city where the Urban Limit surrounds a city.
 - c. That permitted uses would be within the constraints of all standards related to the protection of public safety;
 - d. Pursuant to provisions of Sections 3.24 and 3.25, that the permitted uses do not reduce the viability of agricultural or timber production on lands outside the Urban Limit, or constitute conversion from agricultural or timber production uses except as specifically permitted by provision of this chapter.
2. Wherever possible, Urban Limit Lines established pursuant to Section 3.21A1 of this chapter shall follow significant natural and man-made features that will increase the effectiveness of the urban-rural boundary.
 3. Any lands lying outside the Urban Limit shall be deemed rural for development purposes, and subject to the Rural Development Policies and Standards in Section 3.30 of this chapter.

B. GENERAL DEVELOPMENT POLICIES WITHIN THE URBAN LIMIT

1. The establishment of an Urban Limit Line and designation of planned uses within that limit is not a commitment by the County of Humboldt to approve land divisions or other developments at urban densities within said limit. It establishes rather the maximum extension of such development for a five- year period, at which time the location of the Urban Limit Line shall be re- examined by the County and the California Coastal Commission and adjustments, if necessary or appropriate, made.
2. No land division or development proposal shall be approved within the Urban Limit that would constitute a conversion from the use identified in the Area Plan Map; and no zoning shall be approved which would allow such conversion.
3. The development of lands within the Urban Limit for the uses indicated in the Area Plan Map, and division of lands within the Urban Limit to the densities indicated in the Land Use Designations, are contingent on the ability of the area to accommodate that development or that density. More specifically, no land within the Urban Limit shall be developed or divided as allowed by the Area Plan, unless the following findings are made in addition to any other findings required by this chapter or Section 3.40.
 - a. That water supply and adequate provision for sewage disposal, as required by the use at the density permitted in the Area Plan, is available to the development or division;
 - b. That the carrying capacity of major roads and of coastal access corridors is sufficient for all permitted uses, or that improvements to an adequate level can be provided at a

cost affordable within the reasonable expectation of the County, or of an incorporated city where the Urban Limit surrounds the city.

- c. That the proposed development or division meets all standards for the use designated in the Area Plan, as set forth in Chapter 5 of this document.

Moreover, zoning of lands within the Urban Limit shall not allow such developments or divisions until such time as these findings can be made.

- 4. The dedication or offer of dedication of an easement for coastal access or view shall not be considered to lower the area of a parcel on which such easement is dedicated or offered for dedication, for purposes of determining conformance with approved minimum lot sizes.
- 5. Nonconforming Uses and Structures (Amended by Res. No. 88-116, 9/13/88)

It is the intent of this Plan that nonconforming uses and structures may be substituted, or replaced with more conforming uses and structures. Such substitution, replacement or alteration will be consistent with the Plan only when the following findings are made:

- a. The nonconforming use and/or structure is not a public nuisance; and
- b. The nonconforming use and/or structure will not conflict with surrounding land uses.

C. SPECIFIC POLICIES FOR AREAS DESIGNATED WITHIN THE URBAN LIMIT AT ARLYNDA CORNERS INCLUDE:

- 1. Existing development is served via the City of Ferndale.
- 2. No subdivision of parcels within this area shall be permitted.
- 3. Development of vacant parcels shall require the agreement of the City of Ferndale to provide services.
- 4. All development shall be consistent with Hazard Policies in 3.28.

3.22 PUBLIC WORKS

- *** 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the Coastal Zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal- dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor- serving land uses shall not be precluded by other development.

A. SERVICEABLE AREA

- 1. The serviceable area of a utility providing water or sewer service within an Urban Limit shall be construed as all parcels within 300 feet by the shortest feasible route of an existing service line

with capacity to serve the permitted development of said parcels as indicated in the Area Plan; except that, where the total capacity of the water or sewer system cannot serve the aforesaid development of all such parcels, the serviceable area shall be that portion of such parcels on which permitted development can be served within the capacity of the system as designated in an approved Public Works Plan as provided by 3.22B of this chapter. However, no lands designated for agricultural use in the Area Plan shall be considered to be in the serviceable area of a water or sewer system, unless such lands are already serviced by such a system.

2. The serviceable areas within the Eel River Planning Area are defined as follows and include:

Ferndale - The serviceable area (and Urban Limit) is at the Coastal Zone Boundary (the City limits) as per the recent exclusion of the City from the Coastal Zone. All serviced development is to take place within this boundary.

Loleta - Three hundred (300') feet by the shortest feasible distance from the existing water and sewer lines.

Arlynda Corners - That area as shown on the land use map where services are available, and/or provided by the City of Ferndale.

Riverside Community Services District – That area within the existing District boundaries. (amended Res. 91-15, 2/4/92)

B. PUBLIC WORKS PLAN

1. All special districts providing or authorized to provide sewer or water services, including all County Service Areas providing or authorized to provide these services, and all private providers of such services with 20 or more residential-equivalent connections, shall annually submit to the County Planning Commission a Public Works Plan consisting of: five-year projection of service growth and a specific plan, if any, for system expansion in the following year. The Commission, after public hearing, shall recommend approval or disapproval of the plan to the Board of Supervisors, based on criteria of Section 3.22B 3 of this chapter. Where an approved expansion plan does not exist, no permit will be issued by the County for any work contributing to the extension of services outside the serviceable area, or to expansion of system capacity above the capacity needed to provide services in the serviceable area. Where a Public Works Plan has been approved, all permitted work on said utility shall conform to the Plan.
2. A Public Works Plan may be amended by the Planning Commission, up to three times in a year; and any such amendment shall be based on the criteria of Section 3.22B 3.
3. Criteria for approval of a Public Works Plan, as required by Section 3.22B 1 of this chapter shall be:
 - a. That the Public Works Plan will provide services consistent with the proposed scale and pattern of development shown in the Area Plan within the Urban Limit.
 - b. That provision of service to all lots in the expanded portion of the serviceable area, for uses permitted in the Area Plan, will not remove capacity necessary to serve future development of undeveloped lots in the existing serviceable area to the uses permitted in the Area Plan.

- c. That no assessments, readiness to serve fees, or other costs or encumbrances, including bonded indebtedness, related to water or sewer expansion, will be assessed against lands designated Agriculture Exclusive or Commercial Timber, or against any lands outside of the Urban Limit.

When service plans are available a brief account of their plans will be included in the appendix.

C. SERVICE EXTENSION

- 1. When a service extension is completed, the newly serviced area shall be formally designated as part of the Urban Service Area, as described in Section 3.22A of this chapter.

3.24 AGRICULTURE WITHIN THE URBAN LIMIT

*** 30241. Conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

A. CONVERSION OF AGRICULTURAL LANDS TO NON-AGRICULTURAL USES

*** 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

- 1. Lands designated for Agricultural Use within the Urban Limit by the Area Plan shall not be considered a part of the serviceable area of a utility providing water or sewer service, unless such lands are already serviced by such a utility; and shall be protected for agricultural use by the agricultural zoning.
- 2. The owner of a parcel zoned for agricultural use within the Urban Limit may apply for a rezoning to a non-agricultural use if the Area Plan shows a non-agricultural use, and such application shall be approved where all of the following findings can be made:

- a. That specified urban uses severely limit the economic viability of continued agricultural operations, and that alternative agricultural uses have been explored.
 - b. That conversion would not diminish the productivity of adjacent prime agricultural land outside the Urban Limit Line;
 - c. That the subject parcel would be either: Immediately serviceable by existing utility systems; or zoned for a use not requiring off-site services, that does not constitute a conversion from the use designated in the Area Plan.
3. While agricultural use is considered compatible within an Urban Limit Line, the inclusion of agricultural lands within the Urban Limit indicates that these lands may one day be suitable for conversion to an urban use. Therefore it is the policy of Humboldt County that, in addition to lands designated for agricultural use in the Area Plan, all lands currently in agricultural use, and all lands 20 acres or larger with prime soils, falling within the Urban Limit, shall be zoned for agricultural use regardless of the designated use in the Area Plan, unless or until such time as the findings required by 3.24A 2 are made.

3.25 RECREATIONAL AND VISITOR SERVING USES

- *** 30213. (Part) Lower cost visitor and recreation facilities...shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- *** 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
- *** 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- *** 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.
- *** 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- *** 30252. The location and amount of new development should maintain and enhance public access to the coast by assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

A. ACREAGE RESERVATION

1. Land suitable for water oriented and other recreational purposes, and for visitor serving facilities, have been identified in the Eel River Planning Area as indicated on the plan maps.

2. It is the policy of this County to prefer the private sector as the provider of visitor-serving facilities. To this end land has been reserved in each planning area for visitor-serving uses and the County discourages public agencies from establishing visitor-serving facilities, beyond the level of overnight campgrounds and picnic areas and other non-commercial day use facilities such as interpretive centers, boat launching facilities, etc.

B. RECREATIONAL OPPORTUNITIES

1. The County encourages the provision of on-site recreational opportunities in major new development.

C. RESIDENTIAL USE OF RECREATIONAL FACILITIES

1. In an approved recreational vehicle park the Area Plan may allow occupancy of serviced recreational sites by mobile homes up to 20% of such existing sites from June through August and up to 80% from September through May.

3.26 HOUSING

A. HOUSING OPPORTUNITIES

Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element.

B. MULTIPLE UNIT AND MOBILE HOME SUBDIVISION DEVELOPMENT

1. Where appropriate, the Area Plans shall indicate within Urban Limit Areas lands suitable for multiple-unit development and for mobile home park and mobilehome subdivision development. In areas so designated:
 - a. No land division shall be approved which would create new lots below a size sufficient to support appropriate multiple-unit or mobilehome development, as indicated in the Area Plan; or a neighborhood commercial development approved according to "d"; except that where such a proposed division includes a lot on which a single-family residence already exists, that lot may be approved if it meets all other standards for a legal lot and is no smaller than 6,000 square feet.
 - b. A proposed multiple-unit or mobile home park development as designated in the Area Plan shall be approved, subject to the standards and restrictions of the applicable zone, and the provisions of 3.25B 1 of this chapter.
 - c. A proposed single-family residence shall only be approved where it is proposed on an existing lot too small to support a multiple unit or mobile home park development as shown in the Area Plan;
 - d. A proposed neighborhood commercial development may be approved, after public hearing, if it is found that the proposed development is at an appropriate physical scale for the area based on the Area Plan and zoning of surrounding lands; that the development will not require significant off-site parking or contribute to traffic congestion for the area; and that the proposed site would not displace more than 10% of

the number of units the area would contain if developed to the density established in the Area Plan.

C. PLANNED UNIT DEVELOPMENT

It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41, 3.42, and 3.50. Incentives to participate in such a development program may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than 35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards (Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07)

3.27 INDUSTRIAL

A. DEVELOPMENT POLICIES

1. General

(Modified) 30250(a) New industrial development, except as may be otherwise provided in this plan, shall be located within, contiguous with, or in close proximity to, existing developed industrial areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

- a. Where an industrial use is proposed as a conditional use, in addition to complying with Section 3.27, such a proposed use must demonstrate compatibility with the policies and standards of the principal use designations of the areas within, contiguous with, or in close proximity to the site of the proposed use.

2. Oil and Gas Wells

For oil and gas wells and for production support facilities including those serving the Outer Continental Shelf, Section 30262 applies, in addition to other applicable sections:

*** 30262. Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

- (a) The development is performed safely and consistent with the geologic conditions of the well site.
- (b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

- (c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.
- (d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facilities or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.
- (e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.
- (f) With respect to new facilities, all oil field brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.
- (g) Where appropriate, monitoring programs to record land surface and near- shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

*** 30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and clean-up facilities and procedures shall be provided for accidental spills that do occur.

- a. Prior to project approval, findings in conformance with Section 30262 will be required.
- b. Development associated with onshore oil and gas wells shall be permitted by conditional use permit in agricultural, timber commercial, general industrial and coastal-dependent land use classifications.
- c. A permit will be required for each drill site and a separate permit will be required for production facilities. Additional wells proposed for an approved drill site may be administratively approved provided that they can be accomplished within the limitations and conditions of the original use permit for the drill site.
 - (1) In submitting information for the initial study, the applicant shall include information sufficient to determine that the project will be so sited and designed to mitigate to the maximum extent feasible adverse environmental effects. Specifically, the following shall be provided for:
 - (a) A plot plan of the entire area under lease or ownership, showing the relationship of the proposed facilities to ultimate potential development, and a map showing the relationship of contours, buildings, structures, and/or natural features.

- (b) Consolidation of facilities as per 30262(b); in general, drill sites shall not be established at a density greater than one per eighty (80) acres.
- (c) Procedures for the transport and disposal of all solid and liquid wastes shall meet discharge requirements of the Regional Water Quality Control Board.
- (d) Grading plans and procedures for minimizing erosion.
- (e) Where public views are affected, landscaping plans and measures for minimizing visual impacts.
- (f) Fire prevention procedures.
- (g) Air emission control measures.
- (h) Oil spill contingency procedures.
- (i) For production facilities, a phasing plan for the staging of development which indicates the approximate anticipated timetable and production levels for the project.
- (j) Procedures for the abandonment and restoration of the site which provide for removal of all equipment, disposal of wastes, and recontouring, reseeding and planting to conform with surrounding topography and vegetation. All earthen sumps or other depressions containing drilling mud, oil, or other waste products from the drilling operation shall be cleaned up by removing such waste products or by consolidating them into the land by diking, harrowing, and regrading to restore the area to its original condition.

3. Oil and Gas Pipelines

For pipelines serving oil and gas facilities, the following shall apply:

- a. "Pipelines should where feasible avoid sensitive habitat areas and archaeological sites and follow existing utility corridors where they are present. Active faults or other geologically unstable areas should be avoided where feasible, or be designed to mitigate against such hazards."
- b. When avoidance of a sensitive habitat area is not possible, effective mitigation measures shall be employed to minimize adverse impacts. Directional drilling shall be employed to avoid wetlands and riparian habitats unless an independent engineering contractor selected by the County determines that to do so would not be feasible.
- c. All compressor, metering, or odorizing stations shall be visually and acoustically buffered with vegetation and other means as necessary.
- d. All right-of-ways shall be regraded and revegetated to their original state. Where a responsible agency identifies a degraded habitat along the proposed right-of-way where

it might be preferable to restore it to a condition other than its present state, said agency shall recommend to the lead agency plans for the restoration of the habitat. The lead agency shall require restoration of the habitat as a condition of approval, unless a review of the public record indicates it would be more appropriate to do otherwise.

- e. Aboveground pipelines should be sited to minimize visual impacts when feasible. When an aboveground pipeline must be sited in a highly scenic area, it shall be visually buffered with vegetation and other means as necessary.
- f. "For liquid-carrying pipelines passing through important coastal resource areas, including recreation, habitat, archaeological areas, and geologically unstable areas, segments shall be isolated by automatic shutoff valves. The County may determine whether spacing of automatic shutoff valves at intervals less than the maximum set by the Department of Transportation is required to protect sensitive coastal resources."

4. Electrical Transmission Lines

The California Public Utilities Commission (PUC) and the California Energy Commission are the agencies responsible for review and approval of transmission lines which includes technical and safety performance and environmental concerns. The CPUC has the authority to regulate all service, design, construction, and related activities of electrical utilities including the location and method of construction of transmission and distribution facilities. All transmissions lines proposed for the Coastal Zone are considered developments under the Coastal Act, thus the County will have permit review authority, following certification, based on the following policies:

- a. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the Coastal Zone, especially in highly scenic areas, and to avoid locations which are on or near habitat, recreational, or archaeological resources whenever feasible. Scarring, grading, or other vegetative removal shall be minimized and revegetated with plants similar to those in the area.
- b. Where aboveground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When aboveground facilities are necessary, design of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.
- c. Aboveground transmission lines should be sited so as to minimize visual impacts.
- d. Location of transmission lines should be sited so as to minimize visual impacts.
- e. New major steel tower electrical transmission facilities should be consolidated with existing electrical steel tower transmission facilities unless there are social, aesthetic or significant economic concerns.
- f. Existing rights-of-ways should be utilized for other related utilities to provide consolidated corridors wherever such uses are compatible or feasible.

- g. Access and construction roads should be located to minimize landform alterations. Road grades and alignments should follow the contour of the land with smooth, gradual curves where possible.

Allow pipelines and transmission lines in all land use designations by conditional use permit.

5. Power Plant Siting

- a. Wind generating facilities shall be conditionally permitted in all land use designations except Natural Resources.

The following shall be considered in reviewing proposed wind generating facilities: parcel size, relationship to other structures, offset on potential down-wind sites, compliance with Uniform Building Code and National Electrical Code, rotor and tower safety, noise, electromagnetic interference, utility notification, height, liability insurance, and appearance and design.

Findings necessary for approval shall be:

- (1) The proposed use is not detrimental to the public health, convenience, safety, and welfare.
- (2) That the use of the property for such purposes will not result in material damage or prejudice to other property in the vicinity.
- (3) The project will not have a significant adverse effect on coastal resources including wildlife qualities.

3.28 HAZARDS

A. DEVELOPMENT POLICIES

*** 30253 New Development shall:

1. Minimize risks to life and property in areas of high geologic, flood and fire hazard.
 2. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
1. New development shall be consistent with the adopted Humboldt County Safety and Seismic Safety Element of the General Plan. Of particular interest, when siting new development, the Natural Hazards/Land Use Risk Rating Matrix in Chapter 3 of Volume 1 should be used in conjunction with Plates III. Plate III is a map delineating seismic zones relating to earthquake shaking as well as land stability and other natural hazard conformation.

2. The County shall amend Chapter 70, Section 7006, of the Uniform Building Code to require soil engineering and geological engineering investigations, prepared by a registered geologist or by a professional civil engineer with experience in soil mechanics or foundation engineering, or by a certified engineering geologist, for classes of development and hazard areas as shown in Table 1 (Page 3-15 of this document) and Plate III.
 - a. The report should consider, describe and analyze the following:
 - (1) Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;
 - (2) Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport;
 - (3) Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features, such as bedding, joint and faults;
 - (4) Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity;
 - (5) Impact of construction activity on the stability of the site and adjacent area;
 - (6) Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e. introduction of sewage effluent and irrigation water to the groundwater system; alterations in surface drainage);
 - (7) Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e. landscaping and drainage design);
 - (8) Effects of marine erosion on sea cliffs;
 - (9) Potential effects of seismic forces resulting from a maximum credible earthquake;
 - (10) Any other factors that might affect slope stability.
 - b. The report should evaluate the off-site impacts of development (e.g. development contributing to geological instability on access roads) and the additional impacts that might occur due to the proposed development (e.g. increased soil moisture from a septic system). The report should also detail mitigation measures for any potential impacts and should outline alternative solutions. The report should express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the lifespan of the project. The report should use a currently acceptable engineering stability analysis method and should also describe the degree of uncertainty of analytical results due to assumptions

and unknowns. The degree of analysis required should be appropriate to the degree of potential risk presented by the site and the proposed project.

- c. The developments permitted in the hazard areas shall be sited and designed to assure stability and structural integrity for their expected economic life spans while minimizing alteration of natural landforms. Bluff and cliff developments (including related storm run-off, foot traffic, site preparation, construction activity, irrigation, waste water disposal and other activities and facilities accompanying such development) shall not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.
 - d. Alteration of cliffs and bluff tops, faces, or bases by excavation or other means shall be minimized. Cliff retaining wall shall be allowed only to stabilize slopes.
3. Tsunamis--New development below the level of the 100 year tsunami run-up elevation described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26 by the Corps of Engineers) shall be limited to public access, boating, and public recreation facilities.
 4. Flood Plains--No critical facilities should be permitted to locate within the 100 year flood plain. Utility lines may cross hazard zones if there is no reasonable alternative and provisions are made to mitigate the hazard. Non-critical facilities should be permitted in the 100 year flood plain only if adequate flood control measures, such as control works, compact fill, etc., that would result in a site being beyond or above the 100 year flood extend, are provided. Further, the County will continue to review development in light of and impose conditions consistent with the National Flood Insurance Program.
 5. Fire hazard--The County shall request that the fire service agencies recommend to the planning staff new ordinances or amendments to existing ordinances that will promote the orderly implementation of recognized fire protection practices. These recommendations shall be evaluated by the Board of Supervisors for inclusion in Phase III of the Local Coastal Plan for the area.

TABLE 1

LAND USE/NATURAL HAZARDS INVESTIGATION

BUILDING TYPE/LAND USE	Landslide Zone			Liquefaction Zone					
	1	2	3	N	L	M-L	M	H	VH
Nuclear power plants, major dams, hazardous chemical storage	X	X	X		X	X	X	X	X
Hospitals, fire and police stations, civil defense headquarters, life line utility systems (non-redundant facilities), emergency broadcast stations, ambulance stations	X	X	X		X	X	X	X	X
Schools, theatres, auditoriums, hotels, motels, office buildings, high and medium density residential, redundant utility systems, major highway bridges	X	X	X		X	X	X	X	X
Single family residences, normal commercial, industrial, warehousing, and storage		A	X			X	X	X	X

EXPLANATION

- X Site investigation required
 - Landslide Zones: 0=Negligible
1=Low Instability
2=Moderate to Moderately High Instability
3=High Instability

- A Site investigation required if located in Area of Demonstration
 - Liquefaction Zones: N=Nil
L=Low Potential
M-L=Moderate to Low Potential
M=Moderate Potential
H=High Potential
VH=Very High Potential
 - HMZ Hazard Management Zone (Applies to Official Alquist-Priolo Special Study Zone)

3.29 ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

*** 30244. Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Office, reasonable mitigation measures shall be required.

A. Reasonable mitigation measures may include but are not limited to:

1. Changing building and construction sites and/or road locations to avoid sensitive areas.
2. Providing protective cover for sites that cannot be avoided.
3. Where appropriate and with the approval of all parties concerned, provide for the removal or transfer of culturally significant material by a professional archaeologist or geologist.

3.30 RURAL DEVELOPMENT POLICIES AND STANDARDS

The policies and standards set forth in this chapter apply to all lands outside an established Urban Limit Line as shown on the Area Plan. These policies and standards are subject to restrictions as identified in Section 3.40 of this chapter, Resources Protection Policies and Standards, as explained in that section. Inset headings under each section are from Chapter 3 of the California Coastal Act, and are also enacted as County policy.

3.31 RURAL DEVELOPMENT

A. GENERAL REQUIREMENTS

*** 30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, Coastal-dependent developments shall not be sited in a wetland.

*** 30250(a). Land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

B. RURAL SUBDIVISION REQUIREMENT

1. No division of land planned for rural exurban, rural residential, agricultural general, or commercial timberlands shall be approved unless at least fifty percent of the parcels in similar use in the Planning Area of the subject parcel, outside the Urban Limit Line, have been developed. The average density of new development created by the policies of Chapter 4 and the designations of the land use maps, which are based on:

- a. The average size of parcels planned for the same use within the neighborhood of the subject parcel. Average usually means the arithmetic mean, although the mode may be used when very many parcels are of a common size and a very few parcels skew the mean to create an average atypical of the size of surrounding lots.
- b. A size adequate to prevent individual or cumulative significant adverse effects to coastal resources, including water resources, environmentally sensitive habitats, agricultural and timberlands, and coastal view.

2. The dedication or offer of dedication of an easement for coastal access or view shall not be considered to lower the area of a parcel on which such easement is dedicated or offered for dedication, for purposes of determining conformance with approved minimum lot sizes.
3. Minimum parcel sizes for rural areas designated for uses other than agriculture, timber, or resource protection shall be as follows:
 - a. Table Bluff Rancheria - RURAL EXURBAN
Creation of new parcels shall not be permitted. Existing parcels may only be combined and/or developed consistent with hazard protection and sewage disposal requirements (3.39 and 3.41H).
 - b. Clough Road - RURAL EXURBAN
Minimum parcel size is 2-1/2 acres.
 - c. Table Bluff - RURAL RESIDENTIAL
Within the area serviced by water is 2-1/2 acre minimums. Remaining area designed Rural Residential is five (5) acre minimum.
 - d. Port Kenyon - RURAL EXURBAN
Creation of new parcels shall not be permitted. Existing parcels may only be combined and/or developed consistent with hazard protection and sewage disposal requirements (3.39-3.41H).
 - e. Meridian Road - RURAL EXURBAN
Creation of new parcels shall not be permitted. Existing parcels may only be combined and/or developed consistent with hazard protection and sewage disposal requirements (3.39 and 3.41H).
 - f. Waddington - RURAL EXURBAN
The minimum parcel size is 2-1/2 acres.
 - g. Fernbridge - Minimums for each of the designations as mapped are:
 - (1) General Commercial - To maximize the potential for permitted uses within this designation no subdivision shall be permitted unless it is to segregate an existing use from the remainder of the property and it shall be found that:
 - (a) the economic viability of permitted uses within that designation has been demonstrated on the remaining parcels; and
 - (b) all lots created meet the requirements of 3.41H for non- serviced lot size.
 - (2) Tourist Commercial - (NW of Fernbridge Market) To maximize the potential for permitted uses within this designation no subdivision shall be permitted unless it is to segregate an existing use from the remainder of the property and it shall be found that:

- (a) the economic viability of permitted uses within that designation has been demonstrated on the remaining parcels; and
 - (b) all lots created meet the requirements of 3.41G for non- serviced lot size.
- (3) Rural Exurban - Creation of new parcels shall not be permitted. Existing parcels may only be combined and/or developed consistent with hazard protection and sewage disposal requirements (3.39 and 3.41H).
- (4) General Industrial - To maximize the potential for permitted uses within this designation no subdivision shall be permitted unless it is to segregate an existing use from the remainder of the property and it shall be found that:
 - (a) the economic viability of permitted uses within that designation has been demonstrated on the remaining parcels; and
 - (b) all lots created meet the requirements of 3.41H for non- serviced lot size.
- h. Alton - Minimums for each of the areas mapped are:
 - (1) Tourist Commercial - To maximize the potential for permitted uses within this designation no subdivisions shall be permitted unless it is to segregate an existing use from the remainder of the property and it shall be found that:
 - (a) the economic viability of permitted uses within that designation has been demonstrated on the remaining parcels; and
 - (b) all lots created meet the requirements of 3.41H for non- serviced lot size.
 - (2) Industrial - To maximize the potential for permitted uses within this designation no subdivisions shall be permitted unless it is to segregate an existing use from the remainder of the property and it shall be found that:
 - (a) the economic viability of permitted uses within that designation has been demonstrated on the remaining parcels; and,
 - (b) all lots created meet the requirements of 3.41H for non- serviced lot size.

C. NONCONFORMING USES AND STRUCTURES

It is the intent of this Plan that nonconforming uses and structures may be substituted, or replaced with more conforming uses and structures. Such substitution, replacement or alteration will be consistent with the Plan only when the following findings are made:

1. The nonconforming use and/or structure is not a public nuisance; and
2. The nonconforming use and/or structure will not conflict with surrounding land uses.

(Amended by Resolution 88-116, 9/13/88)

3.32 PUBLIC SERVICES

*** 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal- dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor- serving land uses shall not be precluded by other development.

A. EXTENSION OF SERVICES

1. It is the intent of this chapter that extensive rural public service systems other than road, electric, telephone and gas systems appropriate to planned levels of development, not be developed. No permit shall be denied by any agency of the County to a special district or private utility or mutual system proposing to provide such services outside an Urban Limit Line which would exceed the maximum number of building sites which should be developed under this adopted plan except as provided in Section 3.32 A2.
2. Port Kenyon-Waddington-Grizzly Bluff - In both these areas, water service only is available in rural areas in the middle prime agricultural lands. Main line extensions shall not take place in these areas while individual service hookups to existing lots may be approved where it can be shown that such hookups shall not have an adverse effect on agriculture nor be inconsistent with this plan.

The Riverside Community Services District was formed on June 25, 1991 with the adoption of Resolution 91-64 by the Humboldt County Board of Supervisors. Residents of the Port Kenyon area formed the District for the sole purpose of securing State grant funding to bring an existing water system into compliance with the current State water system requirements. The proposed improvements are designed and intended to serve development which is consistent with the adopted Coastal Plan and Zoning regulations. Formation of the District is not intended to support the conversion of agricultural lands to non-agricultural lands. (amended by resolution 92-15, 2/7/1992)

3. In addition, extension of public or private water service to areas planned for agriculture outside of an Urban Limit Line shall be permitted for both domestic and agricultural use provided that:
 - a. Extensions will only be permitted in areas planned for agriculture and the serviced use must be compatible with the Area Plan.
 - b. The extension of water will not cause financial encumbrance to any rural lands.
 - c. No new or additional uses may be permitted access to the extension.

- d. The capacity of the extension is limited to a size adequate to meet existing agricultural and domestic requirements.

B. EXTENSION OF THE URBAN LIMIT LINE

1. Where an area not zoned for agricultural or forestry uses is contiguous to an Urban Limit Line; and where 50% of the existing parcels in the subject area have been developed; and where the Urban Service Area is served by a special district or private utility, and both sewer and water service have been extended to the Urban Limit Line adjacent to the subject area; then the County shall set a public hearing before the Planning Commission, based on which the Commission shall recommend to the Board of Supervisors whether the Urban Limit Line be amended to include the subject area. The Commission shall recommend amending the Urban Limit by amendment of the land use plan as provided in Section 30514 of the Coastal Act if the following findings are made:
 - a. Service systems within the Urban Limit are adequate to serve the proposed addition under Urban Development Standards.
 - b. Development allowable in the addition under Urban Development Standards would not adversely impact agricultural or timberlands bordering the addition.
 - c. Expansion of the Urban Limit and the development permitted under such expansion shall be consistent with the Resource Protection Policies and Standards in Section 3.40.

3.34 AGRICULTURE

*** 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

*** 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime

agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

A. IDENTIFICATION OF AGRICULTURAL LANDS - PRIME/NON PRIME

1. Lands outside Urban Limit Lines that are prime agricultural lands based on the adopted definition of prime lands of the State of California shall be planned for continued agricultural use, and no division or development of such lands shall be approved which would lower the economic viability of continued agricultural operations on them.
2. Lands outside Urban Limit Lines that are not prime agricultural land, but are in agricultural use, have present or future potential for significant agricultural production, and/or are contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize the agricultural use of adjacent agricultural lands shall be planned or continued agriculture.
3. Non-prime agricultural land may be converted to other types of land use only when the long-term economic infeasibility of continued agricultural operation is shown to exist; and no division of or development of such lands shall be permitted which would lower the viability of continued agricultural operations on adjacent agricultural lands.
4. Within areas planned for long-term productive agricultural use, no agricultural land division will be approved where any parcel created thereby is less than 60 acres. However, divisions of these agricultural lands to a minimum size of 20 acres otherwise consistent with this chapter may be approved pursuant to rezoning and parcel map procedures, subject to the below conditions, if the County or Commission on appeal, finds that the division is necessary for a specific agricultural purpose (e.g. to provide for a separate starter farm for a family member), the division will not adversely affect the area's agricultural economy or habitat resources. The rezoning and parcel map may be approved only upon satisfaction of all the following conditions:
 - a. Execution of an Agricultural Preserve Contract (Williamson Act Contract) with the County.
 - b. Acknowledgment either on the parcel map or in a covenant within the chain of title that although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, except to other open space or habitat restoration use, will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.
5. Rezoning conforming to this section of the land use plan shall be reviewed and considered as minor amendments to the certified local coastal program.
6. These policies and requirements regarding new divisions of lands planned Agriculture Exclusive, apply only as long as they are required by this Plan.

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel;

except that on parcels of 60 acres or larger, a second house for parents or children of the owner-operator shall be considered a direct part of agricultural production.

Other uses considered compatible with agricultural operations include:

- a. Management for watershed
 - b. Management for fish and wildlife habitat
 - c. Recreational uses not requiring non-agricultural development under the control of the owner.
 - d. The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities. (Radio or television transmitting antennae shall require a conditional use permit; but such a development shall not in concept be considered incompatible with agricultural use per se.)
 - e. Farm labor housing and temporary labor camps of less than one year duration shall require a conditional use permit.
2. Where land zoned for agricultural use is adjacent to land in residential use, the establishment of hog production involving more than three adult animals (over 6 months old) shall require a conditional use permit.
 3. No greenhouse shall be approved for use on prime agricultural land, where the greenhouse has a slab foundation that would cover the underlying soil.

C. GRAZING LANDS - TABLE BLUFF

1. Grazing lands on Table Bluff shall be designated for agricultural use to insure availability of upland grazing sites and minimize conflicts with agriculture from conversion of these lands to other uses.
Division of these lands may be permitted into parcels of less than 160 acres only when consistent with this Plan's agriculture policies and other policies of Chapter 3 and when approved pursuant to rezoning and parcel map procedures provided:
 - a. The total number of building sites shall not exceed a density of one unit for each 20 acres of the original parcel.
 - b. New lots or parcels shall be no less than one acre and no larger than 2-1/2 acres, and shall be clustered adjacent to existing developed areas of the ranch or on portions of the site least suited for agricultural use and with the least adverse effects on coastal resources.
 - c. The surplus land area resulting from the division shall be committed to agricultural use through two or more of the following devices:
 - (1) Execution of an agricultural preserve contract with the County.
 - (2) Acknowledgment either on the parcel map or in a covenant within the chain of title that the new parcel is of a size considered a viable or economic agricultural

unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.

- (3) Conveyance of an open space easement to the County of Humboldt or other public entity or private non-profit corporation having as its chief goal the preservation of agricultural or open space lands.
 - (4) Conveyance of development rights.
- d. Rezoning conforming to this section of the land use plan shall be reviewed and considered as minor amendments to the certified local coastal program.

D. GRAZING LANDS - CENTERVILLE BEACH TO GUTHRIE CREEK

1. Non-prime grazing lands located between Centerville Beach and Guthrie Creek, within the Eel River Planning Area, shall be designated for agricultural use to insure the continuation of large acreage grazing operations. Division of these lands may be permitted into parcels of less than 600 acres only when consistent with this plan's agriculture policies and other policies of Chapter 3 and when approved pursuant to rezoning and parcel map procedures provided:
 - a. The total number of building sites shall not exceed a density of 1 unit for each 160 acres of the original parcel.
 - b. New lots or parcels shall be no less than 1 acre and no larger than 5 acres, and shall be clustered adjacent to existing developed areas of the ranch or on portions of the site least suited for agricultural use and with least adverse effects on coastal resources, consistent with the policies of this plan.
 - c. The surplus land area resulting from the division shall be committed to agricultural use through two or more of the following devices:
 - (1) Execution of an agricultural preserve contract with the County.
 - (2) Acknowledgment either on the parcel map or in a covenant within the chain of title that the new parcel is of a size considered a viable or economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.
 - (3) Conveyance of an open space easement to the County of Humboldt or other public entity or private non-profit corporation having as its chief goal the preservation of agricultural or open space lands.
 - (4) Conveyance of development rights.
 - d. Rezoning conforming to this section of the land use plan shall be reviewed and considered as minor amendments to the certified local coastal program.

E. EXCEPTION TO MINIMUM PARCEL SIZE - BOTTOM LANDS AND GRAZING LANDS

1. Historical Preservation

- a. An exception to the minimum parcel size may be made for the purposes of historic preservation consistent with the requirements of Section 3.42C where the following findings are made:
- (1) The viability of continued agricultural operations is not impaired, and;
 - (2) No additional building sites beyond what would be permitted as part of the existing agricultural operations are created.

2. Resource Protection Acquisition Programs

- a. Division of lands planned Agriculture Exclusive or Agriculture Exclusive Grazing creating parcels of less than 60 acres and 160 acres, respectively, may be approved to facilitate replacement of residences, agriculture related structures or protect water supplies and water rights, lost in either the U.S. Fish and Wildlife Service's acquisition for the Humboldt Bay Wildlife refuge or acquisition programs directed towards protection of Eel River Riparian Systems, when the County or Commission on appeal finds that such a division will not adversely affect the area's agricultural economy.

F. PUBLIC ACQUISITION

Public acquisition of lands designated Agriculture Exclusive shall be from willing sellers only.

3.35 TIMBERLANDS

*** 30243. The long-term productivity of soils and timberlands shall be protected and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

A. IDENTIFICATION OF TIMBERLANDS

1. Coastal Commercial Timberland shall be all lands zoned for Timberland Preserve, and all other lands 40 acres and larger on the A and B lists for proposed Timber Preserve Zones, as completed by the Office of the Assessor of Humboldt County where existing uses on the property are consistent with Section 3.35B1⁶.
2. Owners of timberland with parcels of 20 acres or more of "good site III" or 160 acres or more of Site IV or better shall be permitted to apply to have the land rezoned as Timberland Preserve in the Coastal Zone. Any such applicant must demonstrate the management of said parcel for timber harvesting purposes, and submit a management plan that includes a projected date of harvest for timber on the site, as required by County Ordinance 314, Section 12b (1-3).

⁶Section reference changed to correct reference.

3. All Coastal Commercial Timberland, whether or not it is in a Timberland Preserve Zone, should be protected for timber harvesting and production; and no division of such land shall be approved where parcels of less than 40 acres would be created except for timber processing and related facilities where the remainder parcel stays in TPZ. In any division of such land which creates parcels less than 160 acres size, a joint timber management plan is required pursuant to County Ordinance 314 which shall also provide:
 - a. For restocking of under stocked timber sites prior to recordation of the final subdivision map.
 - b. Protection of uses integrally related to the growing of timber such as roads, log landings, and log storage areas, from development, such as home construction, which may be incompatible with continued commercial use.
 - c. Joint use by all persons with interests in the parcels subject to the management plan of roads, log landings, and similar facilities.

Those timberlands currently in TPZ shall have no additional regulations placed on timber harvesting or management by any portion of this section.

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than the direct growing and harvesting of timber shall be restricted to:
 - a. Management for watershed.
 - b. Management for fish and wildlife habitat.
 - c. Any use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings and log storage areas, portable chippers and portable sawmills.
 - d. The erection, construction, alteration or maintenance of gas, electric, water, or communication transmission facilities.
 - e. Grazing and other agricultural uses.
 - f. No more than two single-family dwelling units and normal accessory uses and structure for owner and caretaker. The second dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.
 - g. Temporary labor camps of less than one-year duration, accessory to timber harvesting or processing operations.
 - h. Recreational uses of the land by the public, with or without charge, for any of the following: walking, hiking, equestrian, picnicking, boating, fishing, hunting, and skiing.

- i. Reforestation activities including site preparation under the authority of the California Department of Forestry and Fire Protection¹ (CDF) and other State Agencies having regulatory jurisdiction.

3.36 RECREATION

- *** 30213. (Part) Lower cost visitor and recreational facilities...shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- *** 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.
- *** 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- *** 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
- *** 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- *** 30250.(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction of visitors.
- *** 30253.(4) New development shall minimize energy consumption and vehicle miles traveled.

A. FINDINGS FOR PERMITTING OF RECREATIONAL FACILITIES

1. Public or private recreational facilities and visitor-serving facilities shall be permitted only where the following findings are made by the Planning Commission:
 - a. The proposed development includes adequate on-site services for water, waste disposal, parking and other facilities necessary to serve the proposed use.
 - b. The proposed development would not create traffic flows detrimental to agricultural or forestry uses in the Planning Area; except that where the proposal includes a showing that such adverse impacts will be mitigated through road improvements or other means within two years of project approval, the development shall be approved;
 - c. No location within an Urban Limit Area is more feasible.
 - d. The development does not constitute conversion of agricultural or timber lands inconsistent with the requirements of this chapter.

¹Preservation Zone to Timber Production Zone.

- e. In the case of visitor serving facilities, that an established recreational use exists in the immediate area, or will be provided by the development, for which the visitor-serving facility is appropriate commercial service.

B. RESIDENTIAL USE OF RECREATIONAL FACILITIES

1. In an approved recreational vehicle park the residential occupancy of recreational sites by mobile homes shall be allowed up to 20%, but not to exceed a total of 10 such existing sites from June through August and up to 80%, but not exceed 40 from September through May.

C. PUBLIC RECREATION

It is the policy of this County to prefer the private sector as the provider of visitor-serving facilities. To this end, land has been reserved, as shown on the Plan Map, for private commercial visitor-serving uses; and the County discourages public agencies from establishing visitor-serving facilities, beyond the level of overnight campgrounds and picnic areas in public parks.

D. TOURIST COMMERCIAL DEVELOPMENT

Tourist commercial development shall be approved only as designated on the Area Plan map because of possible conflicts with existing agriculture.

3.37 HOUSING

A. NEW HOUSING

Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element.

B. MULTIPLE UNIT AND MOBILE HOME PARKS

1. With the exception of temporary housing for agricultural or timber workers as permitted by this chapter, multiple-unit residential development and mobile home parks shall not be permitted outside an Urban Limit Line. This section is not intended to preclude single family residential development.

C. NEIGHBORHOOD COMMERCIAL

1. Lands planned for Rural Residential use and Rural Exurban are subject to the land division requirement of Section 3.31B of this chapter except that where 50% or more of the existing lots in such a contiguously zoned area have been developed, and no neighborhood commercial service is available within a three-mile driving distance of a site in the area where it is prepared to provide such a service, the proposal may be approved subject to the approval of a Conditional Use Permit and the Resource Protection constraints of Section 3.40 of this document, and the normal standards for a Neighborhood Commercial zone, and the subject parcel shall either be zoned Neighborhood Commercial, or a division into two parcels may be permitted if the noncommercial parcel meets requirements of Section 3.41H for nonserviced lot size, and only the proposed site is zoned Neighborhood Commercial.

D. PLANNED UNIT DEVELOPMENT

1. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41, 3.42, and 3.50. Incentives to participate in such a development program may include increases of up to 20% over planned densities.
2. For residential uses, the dedication or offer of dedication of an easement for coastal access or view shall not be considered to lower the area of a parcel on which such easement is dedicated or offered for dedication for purposes of determining conformance with approved minimum parcel size.

3.38 INDUSTRIAL

See Section 3.27

3.39 HAZARDS

See Section 3.28

3.391 ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

See Section 3.29

3.40 RESOURCE PROTECTION POLICIES AND STANDARDS

The policies and standards contained in this chapter, apply, where relevant, to all development within the County coastal areas unless specifically stated otherwise. The contents of this chapter are supplementary in nature to the policies and standards contained in Section 3.20 and 3.30, and are designed to protect natural and cultural resources and to assure public safety. As in the previous two chapters, inset headings under each section are from Chapter 3 of the California Coastal Act and are also enacted as County policy.

3.41 ENVIRONMENTALLY SENSITIVE HABITATS

*** 30240.(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

A. IDENTIFICATION OF ENVIRONMENTALLY SENSITIVE HABITATS

1. Environmentally sensitive habitats within the Eel River Planning Area include:
 - a. Rivers, creeks, and associated riparian habitats;
 - b. Estuaries, sloughs, and wetlands;
 - c. Rookeries for herons and egrets;

- d. Harbor seal pupping areas;
 - e. Critical habitats for rare or endangered species listed on State or Federal lists.
2. Proposed development occurring within areas containing these sensitive habitats shall be subject to conditions and requirements of this chapter. Should an area proposed for development appear, upon examination of the maps to be within or contain the indicated habitat, but upon field inspection is found not to contain the indicated habitat, then the development is exempt from requirements of this section. As an interim measure for habitat areas not currently identified on the maps, information obtained during the CEQA review process will be used by the County in reviewing applications for coastal development permits. The review of these habitat areas and the identification of appropriate land uses and/or mitigation measures shall be in cooperation with the Department of Fish and Game. The County shall review requests to amend the Environmentally Sensitive Habitat maps in terms of the entire plan proposal and supporting policies. Accommodation of new resource information on the maps may also require amendments to the certified land use plan and zoning.

B. WETLANDS IDENTIFICATION AND DEVELOPMENT POLICIES

*** 30233.(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.
- (5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake outfall lines.
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (7) Restoration purposes.
- (8) Nature study, aquaculture, or similar resource-dependent activities.

*** 30607.1 Where any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

1. Wetlands shall be identified according to the Coastal Act's definition of wetlands (See Chapter 6: Definitions; also see Chapter 6 for the definition of "boundary of a wetland.")
2. Estuarine areas, salt marshes and mudflats, and freshwater marshes and swamps are designated Natural Resources. New development in Natural Resource areas shall be limited to:
 - 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. In estuaries, maintenance and improvement of boating facilities consistent with Section 4.71 or minor alterations to existing facilities.
 - f. On private lands, removal of trees for firewood, disease control, and public safety purposes, provided that the removal is consistent with the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Snags shall be retained unless felling is required by CAI-OSHA regulations and live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, or egrets shall be retained. Heavy equipment shall be excluded from the natural resource area.
 - g. Incidental public service purposes.
 - h. Aquaculture.

C. TRANSITIONAL AGRICULTURAL WETLANDS IDENTIFICATION AND DEVELOPMENT POLICIES

1. Transitional Agricultural lands are wetlands as defined in Chapter 6 (Definitions) of this Plan.
2. Allowable uses in Transitional Agricultural Lands: Within transitional agricultural lands planned for Agriculture Exclusive, agriculture is the principal use in these areas but shall maintain long-term protection by ensuring new development is consistent with the provisions of this policy. Close cooperation among the County, Coastal Commission Agricultural Stabilization and Soil Conservation Service, Agricultural Extension, farm organizations, and fish and wildlife agencies will be necessary in order to ensure that new agricultural development

will be permitted consistent with these objectives. Changing agricultural practices may require periodic review and modification of this policy.

- a. Notwithstanding the exception in Section 3.34A, no division of Transitional Agricultural lands shall be allowed to create new parcels of less than 60 acres which are entirely Transitional Agricultural lands and any new parcel which consists entirely of Transitional Agricultural lands shall be created only if the limitations of this section applicable to such parcel are recorded in a covenant within the chain of title for the parcel.
- b. Diking and filling for new development in transitional agricultural lands shall be limited to oil and gas wells (consistent with Section 3.27 and 30607.1 of the Coastal Act), incidental public service purposes and to the principal uses in agricultural exclusive designation, including construction of spillways and modification or repair of existing dikes threatened by erosion.
 - (1) Where new fill is permitted for farm houses, the following findings must be made for approval:
 - operation of the agricultural use requires location of a residence on or near the site.
 - no upland sites on the parcel are available, and
 - the house is sited in the least environmentally damaging location.
 - (2) Any structure permitted by this section shall be sited in the least environmentally damaging manner as possible. Where feasible, new structures shall be sited 100 feet from tidal or nontidal sloughs, or clustered adjacent to existing structures. Any dikes or fill constructed as a part of a oil and gas development shall be removed upon completion of the activity and the site revegetated to its former condition.
- c. Dredging in transitional agricultural lands shall be limited to incidental public service purposes and to maintenance and repair of existing tide-gates, floodgates, dikes, levees and other drainage works, including replacement of drainage works damaged by flood or tidal surges.
- d. Road crossings of sloughs, channels and ditches shall be by culvert or bridge and all crossings may require a Stream Alteration Agreement with the California Department of Fish and Game.
- e. Mitigation for these uses by restoration of tidal action or removal of fill, except as provided in "b" above, is not feasible and shall not be required. Mitigation should where feasible take place in the Eel River Planning Area and where practicable, as close as possible to the development.

D. WETLAND BUFFER

1. No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value. Wetland Buffer Areas shall be defined as:

- a. The area between the boundary of the wetland, as determined in Section 3.41B and the nearest paved road or the 40 foot contour line (as determined from the 7.5' USGS contour maps), whichever is the shortest distance, or
 - b. 450 feet from the boundary of the wetland, where the nearest paved road or 40 foot contour exceed this distance.
 - c. Lands designated Transitional Agricultural lands shall be excluded from the wetland buffer.
2. New development proposed within Wetland Buffer Areas shall include the following mitigation measures:
- a. No development, exclusive of those permitted in Section 30233 of the Coastal Act, shall be placed within 200 feet of the boundary of the wetland.
 - b. Not more than 25% of the lot surface shall be effectively impervious.
 - c. The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50 year storm of 10 minute duration.
 - d. Stormwater outfalls, culverts, gutters, and the like, shall be dissipated, and where feasible, screened.
 - e. Septic systems or alternative waste disposal systems must meet standards of the Humboldt-Del Norte Health Department and the Regional Water Quality Control Board.
 - f. Areas disturbed during construction, grading, etc., within 200 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.
 - g. 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 and, when feasible, avoidance of grading during the rainy season (November through April).
 - h. The County shall request the Department of Fish and Game to review plans for development within the Wetland Buffer.

E. ROAD CONSTRUCTION WITHIN WATERSHEDS CONTAINING WETLANDS

1. Road construction within watersheds containing wetlands, as identified on the sensitive habitat maps, other than for timber harvest purposes (road construction controls for this activity are currently regulated by the California Department of Forestry in Timber Harvest Plans), shall employ suitable techniques and measures necessary to prevent erosion and minimize surface run-off. This shall include, but is not limited to:
 - a. Limiting soil exposure time and disturbed area.
 - b. Minimizing uninterrupted slope length through surface roughening and serrated slopes.

- c. Temporary slope stabilization if grading operations do not occur during dry weather months (May through October) including, mulches, nettings, chemical and natural binders, rip-rap, etc.
- d. Immediate vegetative plantings of disturbed slopes at finished grades.
- e. Control of runoff through controlled water and drainage systems with dissipated discharges and receiving stream bank protection.
- f. Diversion of runoff away from graded areas and areas traveled during project development.
- g. Temporary and permanent sediment control through use of dikes, filter berms, and sediment basins.

F. EEL RIVER

*** 30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

1. Protection of Water and Fisheries Resources

a. Water Diversions

The Eel River is the principal coastal resource of this Planning Area. The County finds that the diversion of water from the Eel River, either individually or cumulatively will have a significant adverse impact on coastal resources. Specifically, diversion of water out of the Eel River basin could result in detrimental changes to coastal resources including: fisheries (both marine and freshwater), riparian systems, wildlife, wetlands systems, agriculture, recreation opportunities, sediment transport in the channel, disposition of sediment on farmlands, and increase the potential for saltwater intrusion in coastal aquifers.

For these reasons:

- (1) All projects in and out of the Coastal Zone which may have a significant impact on in-stream flow regimes and coastal resources, shall overall, maintain in-basin beneficial uses of water, where feasible enhance in-stream beneficial uses of water, and prevent significant adverse effects to coastal resources.
- (2) The County shall continue to pursue opportunities to restore and enhance, if possible, in-stream flows through such activities as participating in the re-licensing of the Potter Valley Dam.
- (3) Any project not in conformance with these policies, in or out of the Coastal Zone, is inconsistent with this Local Coastal Plan and Section 30200 of the Coastal Act of 1976.

b. Eel River Fishery

The Department of Fish and Game, in consultation with the County, local sports and fishing clubs, and property owners adjacent to the Eel River, should investigate opportunities and implement measures to augment and enhance anadromous fish runs in the Eel River. This should include: channel improvements, revision of fishing season opening day to better correlate to the fishery and hydrological conditions, and further study of harbor seal impacts on the fishery.

2. Development and Uses within the Eel River

New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:

- a. Wetlands, fishery, and wildlife enhancement and restoration projects.
- b. Road crossings, consistent with the provisions of Section 3.41F4c.
- c. Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands Policies and within areas planned for agriculture.
- d. Maintenance of levees, roads, fences, dikes, drainage channels, flood gates and tide-gates including replacement.
- e. Development consistent with 3.41F below.
- f. Surface Mining and Bank Protection.
 - (1) Within the Eel River stream transition line, the following conditions apply to all surface mining projects and operations whether they are covered by the County Surface Mining and Reclamation Ordinance No. 1373 or not:
 - (a) Removal shall be from unvegetated bars.
 - (b) Disturbance of banks shall be avoided or minimized.
 - (c) Excavations shall not leave holes or pits which could adversely affect aquatic life.
 - (d) Sediment settling ponds shall be used for fine silt trapment when a crusher is used at the gravel site.
 - (e) In order to minimize adverse impacts to migrating anadromous fish, the Department of Fish and Game guideline for removal of gravel only from May to November of each year, except for emergency purposes, shall apply.
 - (f) River crossings, or drainage crossing on the gravel bar, should use temporary culverts or removable bridges to minimize impacts to water quality.

- (g) Sand and gravel projects emphasizing flood control, bank protection, or anadromous fishery enhancement shall be encouraged.
- (2) Bank protection shall be permitted to:
 - (a) Maintain necessary public or private roads.
 - (b) Protect principal structures in danger from erosion.
 - (c) Protect lands designated Agriculture Exclusive from erosion.
- (3) It is the policy of the County, based on the effectiveness of protection, costs, and habitat protection, to prefer:
 - (a) Piling fence to rock hard points.
 - (b) Rock hard points to continuous revetment.
- (4) Bank protection projects, including design and materials shall minimize adverse effects on fisheries, wildlife, and recreation.
 - (a) Mitigation for rock hard points or continuous revetment shall include as a minimum:
 - (i) Where feasible, planting of riparian vegetation shall be included within the revetment itself.
 - (ii) Where feasible, planting and maintaining riparian vegetation within the riparian corridor.
- (5) Bank protection projects require permits from the Department of Fish and Game and the Army Corps of Engineers.

3. Definition of Riparian Corridor and Riparian Forest

a. Riparian Corridor

- (1) The Eel River riparian corridor shall be at a minimum, the larger of the following:
 - (a) 100 feet, measured as the horizontal distance from the stream transition line on both sides.
 - (b) 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of the river.
 - (c) 200 feet, measured as the horizontal distance from the stream transition line within mapped Riparian Forests.
 - (d) If either the County or the landowner requests, they may agree to expand the width of the riparian corridor to protect significant areas of

vegetation or special habitat areas adjacent to the corridor described above in 3(a)-(c).

The width of the riparian corridor, as described in 3(a)-(d) above, may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction of the corridor width will not result in a significant adverse impact to the habitat.

b. Riparian Forest

- (1) The Eel River Riparian Forests are typically comprised of older age class cottonwoods and alders. These forests, located near the Loleta Oxbow, Sandy Prairie, and Cock Robin Island, are significant wildlife habitats and are also critical for flood protection of adjacent prime agricultural lands and maintenance of the present river channel location. Riparian Forests are mapped based on 1976 aerial photos.

4. Development and Uses within the Riparian Corridor

- a. Conversion to agriculture is permitted on soils that are shown to be Class I or Class II, provided that a minimum 200 foot buffer of young aged woody riparian vegetation remains between the boundaries of converted area and the stream transition line.
- b. Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities under jurisdiction of the Department of Forestry shall be exempt from requirements of this section. Other new development within coastal streams and riparian areas shall be consistent with policies and standards of this section (3.41F).
- c. New development within the riparian corridor shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measures feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses:
 - (1) Maintenance and replacement of flood control and drainage channels, fences, levees, dikes, flood gates, and tide-gates.
 - (2) Wells in rural areas.
 - (3) Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized, where feasible by rights-of-way which cross streams at right angles and do not parallel streams within the riparian corridor.
 - (4) Construction of fences, so long as it would not impede the natural drainage or would not adversely affect the stream environment or wildlife.
- d. Mitigation measures for development within riparian corridors shall, at a minimum, include retaining snags within the riparian corridor unless felling is required by CAL-OSHA or permitted by California Department of Forestry Forest and Fire Protection

Regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets. Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, Sitka spruce, etc.) shall not be required unless natural regeneration does not occur within two years of completion of the project.

- e. The County shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.

5. Development and Uses within the Riparian Forest (located outside of the riparian corridor)

- a. Conversion to agriculture is permitted on soils that are shown to be Class I or Class II, provided that a minimum 200 foot buffer of young aged woody riparian vegetation remains between the boundaries of converted areas and the stream transition line.
- b. Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities under jurisdiction of the Department of Forestry shall be exempt from requirements of this section. Other new development within coastal streams and riparian areas shall be consistent with policies and standards of this section (3.41F).
- c. Within the Riparian Forest areas as described in Section 3.41F, 3b removal of major woody vegetation shall be consistent with the following:
 - (1) Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater, provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods or shrubs shall be protected from unreasonable damage.
 - (2) Timber management activities, provided:
 - (a) In pre-commercial thinning and release activities, that at least 50 percent of the treecrown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on the ground inspection, to increase these percentages to protect special habitat values.
 - (b) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effect on soil erosion, wildlife, aquatic life, or the beneficial uses of water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.
 - (c) In all timber management activities, including pre-commercial thinning, release activities, and site preparation, that heavy equipment shall be excluded, except where explained and justified as the least environmentally damaging feasible alternative.

- (d) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.
 - (3) Removal of firewood for personal use consistent with the applicable forest practice rules for stream protection zones in Coastal Commission special treatment areas.
6. Other Riparian Protection Measures

- a. The total acreage of riparian vegetation within the corridor will be maintained by the policies of Section 3.41E 5. However, long-term protection of riparian vegetation and adjacent vegetation located outside the corridor should be provided through the following means:
 - (1) Purchasing from willing sellers by public or private entities of fee title or easements.
 - (2) Providing economic incentives for planting riparian vegetation and, where feasible and consistent with habitat values, providing economic use (e.g., timber harvest) of wood species.
 - (3) Encouraging the planting of riparian vegetation as part of bank protection projects and channel improvements.

To achieve these objectives the County should work with property owners and affected State and Federal agencies.

- b. No coastal development permit may be denied under this Plan on the grounds that a public agency is planning or contemplating to acquire the property on, or adjacent to the property on which the proposed development is to be located, unless the public agency has been specifically authorized to acquire such property and there are funds available, or funds which could reasonably be expected to be made available within one year for such acquisition. If a permit has been denied for such reason and the property has not been acquired by a public agency within a reasonable period of time (one year from date of application), a permit may not be denied for such development on the grounds that such property, or adjacent property, is to be acquired by a public agency when the application for such a development is resubmitted.

G. OTHER COASTAL STREAMS

- *** 30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

1. Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities under jurisdiction of the Department of Forestry shall be exempt from requirements of this section (3.41G).
2. Within the Eel River Planning Area the following coastal streams (as mapped on USGS 7.5' Quads) have been identified:

Hawk Slough	Morgan Slough
Quill Slough	Smith Slough
Hogpen Slough	Cutoff Slough
Seven Mile Slough	Centerville Slough
Unnamed stream North of Loleta	Russ Creek
Intermittent streams on Table Bluff	Reas Creek
	Salt River
	Williams Creek
	Coffee Creek
	Perry Creek
	Barber Creek
3. New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:
 - a. Wetlands, fishery, and wildlife enhancement and restoration projects.
 - b. Road crossings, consistent with the provisions of Section 3.41G6e and trail crossings consistent with the provisions of 3.41 G (6)(h). (Amended by Res. 02-77. 8/27/2002)
 - c. Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands Policies and within areas planned for agriculture.
 - d. Maintenance of levees, roads, fences, dikes, drainage channels, flood gates and tidegates including replacement.
 - e. Development consistent with 3.41G 6, below.
 - f. New fences, so long as it would not impede the natural drainage or would adversely affect the stream environment or wildlife. (Typically, 2-3 strands of barbed wire with fence posts set outside of the stream channel would be consistent with this policy.)
4. The riparian corridor along the Salt River shall be limited to the bankfull channel.
5. Riparian corridors on all other perennial and intermittent streams shall be, at a minimum, the larger of the following:
 - a. 100 feet, measured as the horizontal distance from the stream transition line on both sides.
 - b. 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams.

- c. Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.

The width of the riparian corridor may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction of the corridor will not result in a significant adverse impact to the habitat. New structures, including houses, barns, sheds, etc., shall be placed a minimum of 50 feet from the stream transition line.

- 6. New development within the riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measures feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses:

- a. Timber management activities, provided:

- (1) In precommercial thinning and release activities, that at least 50 percent of the treecrown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on the ground inspection, to increase these percentages to protect special habitat values.
- (2) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water, these activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.
- (3) In all timber management activities, including precommercial thinning, release activities, and site preparation, that heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line and shall not be permitted in other portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.
- (4) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.

- b. Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods or shrubs shall be protected from unreasonable damage.
- c. Maintenance and replacement of flood control and drainage channels, fences, levees, dikes, flood gate, and tidegates.
- d. Wells in rural areas.

- e. Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized where feasible, by rights of way which cross streams at right angles and do not parallel streams within the riparian corridor.
 - f. Removal of trees for disease control or public safety purposes.
 - g. Removal of firewood for personal use on property consistent with the applicable forest practice rules for stream protection zones in Coastal Commission special treatment areas.
 - h. Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary. (Amended by Res. 02-77. 8/27/2002)
7. Mitigation measures for development with riparian corridors shall, at a minimum, include retaining snags within the riparian corridor unless felling is required by CAL-OSHA or permitted by California Department of Forestry forest and fire protection regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets. Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) has not been required unless natural regeneration does not occur within two years of completion of the development project.
 8. The County shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.
 9. Natural drainage courses, including ephemeral streams, shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse effect on water quality or wildlife habitat. Stormwater outfalls, culverts, gutters, and the like, shall be dissipated, and, where feasible, screened. Natural vegetation within and immediately adjacent to the bankfull channel shall be maintained except for removal consistent with the provisions of this section.

H. PERMITTING AND SITING OF SEPTIC SYSTEMS

1. Sewage disposal systems placed on existing and proposed lots must meet all of the requirements of the Humboldt-Del Norte Department of Public Health and the Regional Water Quality Control Board.

3.42 VISUAL RESOURCE PROTECTION

*** 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

*** 30253. New development shall:

- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

A. PHYSICAL SCALE AND VISUAL COMPATIBILITY

1. No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall be determinative in establishing the compatibility of the proposed development:
 - a. for proposed development within an Urban Limit as shown in the Area Plan, that such development meets all standards for the principal permitted use as designated in the plan and zoning;
 - b. for proposed development not within an Urban Limit as shown in the Area Plan that such development meet all standards, including specific limitations on height and bulk, for the principal permitted use as designated in the plan and zoning, where such principal use is for detached residential, agricultural uses, or forestry activities regulated by CDF only;
 - c. for proposed development that is not the principal permitted use, or that is outside an Urban Limit and for other than detached residential, agricultural uses, or forestry activities regulated by CDF, that the proposed development is compatible with the principal permitted use, and, in addition is either:
 - (1) No greater in height or bulk than is permitted for the principal use, and is otherwise compatible with the styles and visible materials of existing development or landforms in the immediate neighborhood, where such development is visible from the nearest public road.
 - (2) Where the project cannot feasibly conform to paragraph 1, and no other more feasible location exists, that the exterior design, and landscaping be subject to public hearing, and shall be approved only when:
 - (a) There is no less environmentally damaging feasible alternative location.
 - (b) The proposed exterior design, and landscaping are sufficient to assure compatibility with the physical scale established by surrounding development.

B. PROTECTION OF NATURAL LANDFORMS

1. Natural contours, including slope, visible contours of hilltops and tree lines, bluffs and rock outcroppings, shall suffer the minimum feasible disturbance compatible with development of any permitted use, and the following standards shall at a minimum secure this objective:
 - a. Under any permitted alteration of natural landforms during construction, mineral extraction or other approved development, the topography shall be restored to as close

to natural contours as possible, and the area planted with attractive vegetation to the region.

- b. In permitted development, landform alteration for access roads and public utilities shall be minimized by running hillside roads and utility corridors along natural contours where feasible, and the optional waiving of minimum street width requirements, where proposed development densities or use of one-way circulation patterns make this consistent with public safety, in order that necessary hillside roads may be as narrow as possible.

C. PROTECTION OF HISTORICAL BUILDINGS

1. Historic buildings shall be considered a scenic and visual resource of public importance.
2. Historic buildings shall be defined as those sites on County, State or Federal Historic Registers.
3. The restoration and preservation of historic buildings shall be encouraged consistent with the other requirements of this Plan.

D. PUBLIC LANDS RESOURCE BUFFER

1. The intent of this policy is to guide public agencies through a step-by-step procedure in both the acquisition of land and in the generation of management or development plans for existing public lands. Where necessary, buffer areas around public lands to mitigate adjacent land uses, including buffers necessary for habitat and resources protection, shall be identified and implemented according to the following policy:
 - a. Where feasible, buffer areas shall be internalized within the boundary of the public lands. This applies to both future proposed acquisitions and to existing public lands where the public agency involved sees the need for buffers from adjacent uses or activities.
 - b. Where adequate buffers cannot be feasibly internalized during the acquisition process or, where applicable in the development of management plans for the public lands:
 - (1) activities requiring buffering are to be identified,
 - (2) the location, width, and nature of the buffer are to be determined, and
 - (3) any proposed restrictions affecting adjacent privately owned properties shall be discussed with the affected property owner and Humboldt County.
 - (4) Pursuant to this meeting a mutual agreement shall be made between the public agency and the affected property owner regarding the implementation of the identified buffer. Techniques to be considered for implementation of a buffer include, but are not limited to:
 - alternatives to full acquisition
 - purchase of easements
 - purchase of development rights
 - purchase of major vegetation

-full acquisition of buffer areas

- (5) Eminent domain proceedings shall be initiated by the public agency seeking a resource buffer only after the opportunity for mutual agreement, outlined above, has been exhausted.

E. NATURAL FEATURES

Significant natural features within the Eel River Planning Area, and specific protection measures for retention of these resources are as follows:

<u>AREA</u>	<u>SCENIC PROTECTION</u>
Eel River and associated riparian vegetation	Eel River and riparian protection policies (Sec. 3.41F)
Eel River delta bottomlands	Designated Agriculture Exclusive which encourages continuation of current agricultural activities and prohibits conversion to non-resource dependent activities.
Table Bluff	Designated Agriculture Exclusive--Grazing (160 acre minimums).

3.50 ACCESS

Consistent with the requirements of the California Constitution and the Coastal Act as outlined below, "maximum access and recreational opportunities shall be provided for all people." This chapter and the Access Inventory in Chapter 4, constitute the Access Component of the Local Coastal Program.

- *** 30210. In carrying out the requirements of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.
- *** 30211. Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including , but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.
- *** 30212. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- *** 30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

3.51 CONCEPT OF ACCESS

The complete concept of "access" to the shoreline requires the integration of three basic factors:

1. Lateral access to provide for recreational uses along the shoreline; and
2. Vertical access to provide a means of travelling to the shoreline; and
3. Support facilities to provide the improvements necessary to the use of the accessway (listed in 3.52).

3.52 ACCESSWAY IMPROVEMENTS AND FUNDING

- A. Public agencies or other entities having or accepting responsibility for accessways shall provide support facilities compatible with the character of the land and adequate for the number of people using them prior to opening the access to public use.
 1. Minimal improvements should be scheduled for unimproved access points in character with the rural nature of the communities they serve, and accessways accepted by the responsible entity or agency should include but shall not be limited to, the following as they are found consistent with the identified uses, modes of access and limitations as identified in the Access Inventory.
 - a. parking
 - b. roads
 - c. trails, stairs and ramps
 - d. sanitary facilities (including trash collection)
 - e. facilities for the handicapped
 - f. fencing and barriers to inappropriate uses
 - g. signing of access points, trails and hazard areas
 - h. maintenance and operation of the accessway and support facilities
 2. In reviewing improvements to accessways, the approving authority shall consider:
 - a. The common use(s) of the shoreline;
 - b. The proposed mode of access (pedestrian, equestrian, or vehicular) and adverse impacts on adjacent owners' use of their property, and the size of the development;
 - c. The likelihood of trespass and vandalism on adjacent private property;
 - d. The need to provide for public health and safety, including the need for:
 - (1) parking
 - (2) road capacity and traffic patterns
 - (3) conflicts in uses (i.e. pedestrian, equestrian, vehicular)
 - (4) use by the handicapped
 - (5) capacity of sanitary facilities, including trash disposal
 - (6) topography of trail
 - (7) beach hazards (tides, currents, undertows)

- e. Conflicts with agriculture including:
- (1) vandalism
 - (2) theft of livestock, agricultural supplies and tools
 - (3) damage to crops and livestock
 - (4) trespass on areas not part of accessway
 - (5) damage to fencing and gates
 - (6) dogs killing, maiming or harassing livestock
 - (7) litter
 - (8) interference with agricultural operations (by access corridor)

Improvement of accessways shall be permitted where the level of development is adequate to support common uses of the shoreline and the mode(s) of access proposed in the Plan, and where the improvements are sited and designed to prevent significant hazards to public health and safety or to agriculture and minimize the likelihood of trespass and vandalism on adjacent private property.

3. When the approving authority finds adverse impacts associated with improving access in conjunction with the criteria within this section appropriate mitigation measures must be provided.
4. Signs at access points are to be supplemented by an atlas of County coastal access points for use by both residents and visitors.
5. Funding for acquisition, improvement, maintenance and operations and coverage for associated liability on new accessways required as part of the Coastal Plan mandated by the State shall be from resources other than Humboldt County.

3.53 POTENTIAL PRESCRIPTIVE RIGHTS

- A. An initial survey of accessways is included in this Area Plan. This Plan does not determine whether implied dedication or prescriptive rights exist. The Plan is made without prejudice to the existence or absence of such rights.
- B. Where potential public prescriptive rights of access to the shoreline are affected by new developments, the applicant shall either:
 1. Site and design the project to maintain the accessway, or
 2. Provide an equivalent accessway to the same destination including dedication of an access easement as described in Section 3.54, or
 3. Demonstrate that either the State of California has quitclaimed any interest it may have in the accessway or a court of competent jurisdiction has determined that prescriptive rights do not exist along the accessway.

3.54 ACCESS DEDICATION

- A. New development on parcels containing the accessways recommended for dedication shall include an irrevocable offer to dedicate an easement, as described in the Eel River Access Inventory and Development Section (4.80) for public use as provided in the improvement recommendations.
- B. The County shall seek assistance from the Coastal Conservancy and other public entities for the acquisition and maintenance of the accessways described in the inventory.

3.55 DESIGNATION GUIDELINES

- A. Guidelines for the designation of accessways are as follows:
 - 1. Vertical Access
 - a. Location should be along boundaries of property but may be resited as necessary.
 - b. Width should be a minimum of 10 feet for pedestrian use with additional width as required for slope or construction easements and/or other uses.
 - c. Privacy buffer between accessway and residence shall be a minimum of five (5) feet for pedestrian accessways.
 - 2. Lateral Access
 - a. Where there is an existing accessway adjoining the proposed accessway, the location and size of the new accessway shall be the same as the adjoining accessways, or
 - b. Where there is a fixed landward point from which to measure (e.g. bluffline) the accessway shall be no less than 25 feet in width seaward from the fixed landmark, or
 - c. To the first line of terrestrial vegetation, excepting dune areas, or
 - d. A minimum of 25 feet from the mean high tide line, or
 - e. Where there is no vertical gradient differential between the development and the accessway, a privacy buffer shall be established with a minimum of 10 feet with only limited uses allowed from 10 to 20 feet and only passive recreational uses between 20 and 50 feet.

CHAPTER 4

THE EEL RIVER PLANNING AREA

4.10 INTRODUCTION

This chapter describes current and planned land uses within the Eel River Planning Area. The land use plan maps and accompanying text are based on public discussion and review at numerous workshops, meetings and public hearings sponsored by the Citizen's Advisory Committee, Planning Commission, and Board of Supervisors. The policies and standards of Chapter 3 regulate the planned uses and new development.

At the end of this section, two reduced scale plan maps are presented. These maps are necessarily generalized because of size limitations and do not officially represent a parcel by parcel designation. They are included here to provide a general perspective only. The first map series defines land uses, densities, and intensities based on the land use designations found in Chapter 5.

Constraints on new development, including natural resource protection, are delineated on the second map series. The official maps at full scale (1" = 600', 1" = 400', and 7.5' USGS quads) are available for review at the Humboldt County Planning Department located at the Clark Complex, 3015 H Street, Eureka, California.

4.20 GENERAL DESCRIPTION AND EXISTING USES

The Eel River Planning Area, of the County's Local Coastal Program, stretches for approximately 10 miles, from Table Bluff on the north to Guthrie Creek on the south. Its inland boundary generally follows U.S. 101, extending to the mouth of the Van Duzen River, approximately five miles above the Eel River's estuary and 11 miles from the Pacific Ocean's beaches. The area includes approximately 26,120 acres of land.

The Eel River basin is the largest drainage basin in Humboldt County, reaching from the Coastal Range north of Clear Lake and terminating along the ocean south of Eureka. Approximately 16 miles of the river's main channel are within the Planning Area. The river drains about 2.28 million acres, carrying some 10 percent of California's runoff and exhibiting among the highest loads of suspended sediment in the world. An average of 210,000 chinook and coho salmon and steelhead trout annually pass through the Eel River and associated tributaries on their way to upstream spawning gravels. The Eel River ranks second among rivers in California in coho salmon and steelhead production and third in chinook salmon production.

The river's estuary extends to approximately Fernbridge, about seven miles from the Pacific Ocean. This lower portion of the river includes approximately 75 miles of fresh and saltwater sloughs which lace through an estimated 8,700 acres of wetlands. These wetlands include approximately 1,550 acres of mudflat and fresh and saltwater marshes and 5,500 acres of farmed wetlands (transitional agricultural lands), the third largest wetland complex in California's Coastal Zone. Over 30 species of fish use the Eel's estuary as a feeding, nursery, or spawning area. Many more marine species are supported in the near coastal waters adjacent to the estuary. The Eel River delta's rich channels, mudflats, marshes, and diked pasturelands support over 1.3 million days of use by waterfowl and 1.0 million days of use by shorebirds. These fish and wildlife resources support over 30,000 days of recreational angling and waterfowl hunting annually.

In 1850, when the "F.M. Ryerson", the first ship known to have crossed the Eel River bar, sailed upstream, the lower river was much deeper, and shallow draft sailing ships could come upstream. At this time, much of the lowlands near the mouth of the river were heavily overgrown with low brush. However, the rich soils of the delta attracted the hardiest of pioneers and soon the area was under cultivation. Levees and dikes were

constructed to reclaim the tidelands and small communities began to develop. By the late 1800's the delta was a major producer of potatoes, and Port Kenyon on the Salt River was a major shipping port. During the early 1900's, the growing and shipping of potatoes became uneconomical, while increased siltation from logging and other upstream land use changes made the river too shallow to allow boat passage. The need for ocean shipping disappeared with new avenues of transportation and the change from row crops to stock/pasture agriculture was established.

Basically, the valley has seen little change during the intervening years. The area is much the same today as it was 50 years ago, with only minor differences resulting from further man-made alterations and floods. Virtually all the upland portions of the delta are in agricultural production with dairies, stock pasturage, and some row crops. Approximately 19,700 acres (80.4 percent) of the flood plain, including about 5,500 acres of diked pasturelands and 12,000 acres of prime soils, are in agricultural use. These soils, both prime and non-prime, are a significant coastal resource, established through the historic development of this area, enhanced by the deposits left by major and minor flooding, and necessitating the continued maintenance of drainage facilities that were developed in the previous century. This area accounts for over half the cultivated agricultural land in Humboldt County's Coastal Zone, and is the heart of the County's dairy industry.

The agricultural use of this area is unique to Humboldt County's Coastal Zone because of the relationship between seasonally inundated pastures and upland areas. During the wet season, the upland areas provide grazing areas free from both inundation and irrigation requirements. During the dry season, when the uplands would require extensive irrigation for pasturage, the seasonal wetland areas, with their high freshwater table, provide prime grazing land with minimum or no irrigation requirements. Besides the soils themselves, agriculture is dependent upon this relationship between wetlands and upland use.

The Department of Fish and Game in Natural Resources of the Eel River Delta describes the Eel River Delta as:

"...an important segment of the coastal wetlands of California. It is rich in biological and scenic resources and provides many opportunities for outdoor recreation. In conjunction with adjacent Humboldt Bay, the delta is one of the most heavily used wetlands in the State, in terms of days used by migratory water associated birds."

It is important to note that this 1974 description of the Eel River is based on evaluations done after over 100 years of continuous agricultural use. In fact, in recommending that a comprehensive plan be prepared for the Eel River Delta, the same document recommends that:

"(A) comprehensive plan should recognize the recreational, educational and scientific use of the delta resources, in addition to agricultural use, as the highest and best use of the area's total assets."

Existing industrial development in the Eel River area is limited to two creameries at Loleta and Fernbridge and sand and gravel operations located along the river from Fernbridge to the mouth of the Van Duzen River. Several exploratory oil and gas wells have been drilled in recent years, but existing gas production is limited to a relatively small gas field outside the Coastal Zone and east of Loleta.

4.30 PLANNED LAND USES

Planned land uses, in a general sense, reflects the public sentiment expressed throughout the development and review of the plan: "Keep things the way they are." The planned uses are based to a very large extent on existing uses. Existing agricultural lands and areas of prime agricultural soils are planned for continued agriculture; the Plan proposes no conversion of these lands to uses which are incompatible with continued agricultural use. Urban Limits, based on the policies of Section 3.20 have been established for the communities

of Ferndale, Loleta, and Arlynda Corners. Rural development policies of Section 3.30 have been applied to, and limits established for, eight existing developed areas including:

Table Bluff Rancheria	Meridian Road
Clough Road	Grizzly Bluff
Table Bluff	Fernbridge
Port Kenyon	Alton

Resource protection policies have been developed for environmentally sensitive areas including wetlands, transitional agricultural lands, riparian areas, and rare and endangered species. Visual resources will be primarily protected through the designation of over 80 percent of the Planning Area as Agriculture Exclusive.

The access sections of Chapter 3 and 4 contain an inventory of both existing and future accessways with specific directions for acquisition, use, and development.

4.40 RESOURCE PRODUCTION LANDS

4.41 AGRICULTURAL LANDS

As shown on the land use plan maps, the largest portion of the Eel River Planning Area is designated as Agriculture Exclusive (AE). Consistent with the policies of Section 3.34, the minimum parcel size is 60 acres. However, divisions of lands to a minimum of 20 acres may be permitted for specific agricultural purposes, provided that a number of other requirements are met. This provision would allow the division of less than 60 acres of lands planned for agriculture exclusive, for example, a 'starter farm' for a son or daughter.

Grazing lands located along Table Bluff and from below Centerville Beach to Guthrie Creek are planned Agriculture Exclusive - Grazing (AEG). Minimum parcel size permitted by this Plan are: 160 acres at Table Bluff and 600 acres below Centerville Beach. Within both areas planned AEG, the policies of Section 3.34C and D permit pursuant to rezoning and parcel map procedures, the splitting-off of homesites. At Table Bluff, new homesites could be created so long as the total number of building sites does not exceed a density of one unit for each 20 acres of the original parcel and similarly below Centerville Beach new homesites could be created so long as the total number of building sites does not exceed a density of one unit for each 160 acres of the original parcel. The surplus land area resulting from this type of division would be required to be permanently committed to agricultural use through an open space easement of similar dedication.

Within all areas planned for agricultural use, the policies of Section 3.34E provide exceptions to the minimum parcel size requirements for purposes of historical preservation and relocating agricultural structures following acquisition by public agencies for resource protection.

With few exceptions, the existing parcelization and the level of development within areas planned for continued agricultural use provide an historical perspective of how these operations have been functioning in this area for over fifty years. The men and women that attended the workshops, during the early development of this Plan, presented two significant considerations in preparing this Plan. First, they and their families have the only experience in living next to a truly wild river, where as they so aptly put it, "The river gets the first mortgage, the bank gets the second." In some cases these families have tenaciously held on to a living and working relationship with this river for over 100 years. Secondly, none of those people attending the workshops were interested in any level of development other than what is consistent with their continued agricultural operations. In fact, many expressed disbelief that anyone would want to do anything else in an area where the river could come and take it all overnight. Other testimony regarding grazing lands located below Centerville Beach

included concern that the area geologically has serious and significant limitations to development; water availability is a concern; and shoreline erosion problems will also limit new development.

4.42 TIMBERLANDS

Those properties designated as Coastal Commercial Timberlands (TC) pursuant to Section 3.35 are identified on the land use map. These relatively limited areas reflect the changes in soils from the valley agricultural soils to the upland timber soils as the elevation increases on the southern fringes of the Coastal Zone in this Planning Area.

4.50 URBAN DEVELOPMENT

4.51 THE CITY OF FERNDALE

The City is located at the base of the hills on the south edge of the Planning Area approximately one quarter mile south of the Salt River. As a trade center and port town, Ferndale grew rapidly until the early part of this century. The silting of the Eel and Salt Rivers, along with the development of Humboldt Bay as a major shipping center, marked the decline of Ferndale's importance as a transportation center. Ferndale continues to prosper as an independent small town and regional center of the area south of the Eel River. Dairying is the largest local industry and the Humboldt County Fairgrounds are located there. Because of the preservation of the Victorian appearance of the town and the annual County Fair, the town is also an important visitor center as well.

Although a significant part of this Planning Area, Ferndale was excluded from the Coastal Zone pursuant to AB462 (Mello) effective January 1, 1980. The present Coastal Zone boundary is also the city limits of Ferndale. Based on the preliminary work done in the Ferndale LCP prior to the City's exclusion from the Coastal Zone, the city limits are the Urban Limit for Ferndale. Except as provided in the description of Arlynda Corners (see Section 4.52), urban development shall be limited to within the city limits.

4.52 ARLYNDA CORNERS

Although not within the city limits of Ferndale, this area has historically exhibited an urban level of development and has been serviced by both sewer and water by Ferndale. The present urban area, as mapped, reflects an attempt to recognize this existing level of development. At the same time, the concerns relative to the flood hazard as well as the potential problems of expanded urban development outside of the City of Ferndale, yet adjacent to it, prompted the development of the policies of Section 3.21C. These policies, in addition to the Urban Limit Line designation around Arlynda Corners, will allow development of existing urban lots with provision of urban services from Ferndale. Specific designations within this Urban Limit are based on existing uses. Of the 28 existing parcels totaling approximately 22 acres, 22 parcels are presently developed with structures.

4.53 LOLETA

The remaining urban area within the Eel River delta is the community of Loleta. Originally developed as a railroad town about 100 years ago, it now represents the urban center on the north side of the Eel River, within the Planning Area. The community is serviced by both the Loleta Sanitary District and a private water system. The community sits above the flood plain between prime agricultural lands to the west of Eel River Drive (the

old Highway 101) and the present Highway 101 to the west. Set atop a small ridge sloping down to the west towards the agricultural bottomlands, the natural boundaries of steeper slopes (to the north and south), and the flood plain (to the west) limit the directions suitable for urban development. Presently, water supplies provide no upper limit to development. Sewer treatment facilities limitations could provide for almost a 30% increase in population assuming all other factors (e.g. industrial usage) remain constant. The planned urban reserve provides for modest growth commensurate with the availability of services.

4.60 RURAL DEVELOPMENT

4.61 TABLE BLUFF RANCHERIA - Rural Exurban (RX)

The Rural Exurban (RX) land use designation reflects existing use and lot sizes. The existing lot pattern includes twenty parcels in a total area of 20 acres. The Plan prohibits further subdivision, recognizing the existing lot patterns, conflicts with adjacent agricultural operations, and potential problems with individual sewage disposal systems on small lots and in close proximity to McNulty Slough.

4.62 CLOUGH ROAD - Rural Exurban (RX)

This area is also planned Rural Exurban. Located at the southeast corner of the intersection of Hookton Road and Clough Road, the total area consists of about 12 acres divided into six parcels which range from 1 to 5 acres. The planned minimum parcel size is 2.5 acres and is based on septic tank suitability, existing parcel sizes in the area, and potential conflicts with adjacent agricultural operations.

4.63 TABLE BLUFF - Rural Residential (RR)

This is an area with an existing small lot development which includes a mutual water company with capacity to serve sixteen connections. Additional development surrounding this area has occurred in recent years. The area designated Rural Residential (RR) has two minimum parcel sizes as designated on the map. The 2.5 acre minimums are for the area serviced by the mutual water system with five acre minimums for the balance of the area. Surrounding this area are larger parcels in agricultural production. Providing for protection of these agricultural lands and establishing a limit for rural development in this area would still permit, under best case conditions, the creation of sixteen additional parcels bringing the total in both designations to sixty parcels. This would maintain the existing rural character of the area, respect the capacity of the existing rural service system and establish limits to new growth consistent with protection of adjacent agricultural operations.

4.64 PORT KENYON - Rural Exurban (RX)

Located on the Ferndale side of the Eel River and adjacent to the Salt River, this old port is now a small lot subdivision partially within the existing Design Floodway designation of the County Zoning Maps. The community is supportive of maintaining existing uses and the area has been planned Rural Exurban (RX). Comments received during the development of this Plan indicate that the people who live in this area are aware of the potential flood hazards and sewage disposal limitations to new development. The Plan reflects this local desire to allow limited rural development consistent with flooding conditions, the septic suitability, and the high water table. Portions of Port Kenyon are serviced by the Riverside Water Works Inc., which is presently under the control of the Trust Department of the Bank of America in Eureka. Numerous problems and serious questions about this system's ability to continue service in this area and the dairies that it presently services, limit any potential expansion.

4.65 MERIDIAN ROAD - Rural Exurban (RX)

This area, located around the intersection of Centerville Road and Meridian Road and west of Ferndale is also serviced by the Riverside Water Works Inc. The Rural Exurban (RX) designation again reflects the communities desires to maintain the existing densities and levels of development while protecting adjacent agricultural areas.

4.66 WADDINGTON - Rural Exurban (RX)

This area of smaller lot development is also serviced by a small rural water system. The Rural Exurban designation includes about thirty acres consisting of fourteen parcels. Surrounding uses are all prime agricultural soils and will be protected by limiting new rural development.

4.67 FERNBRIDGE - General Commercial (CG), General Industrial (MG), Rural Exurban (RX), and Commercial Recreation (CR)

Specific designations of General Commercial (CG), General Industrial (MG), and Rural Exurban (RX) all reflect existing land uses in the area. The Commercial Recreation (CR) area west along the Eel River Drive will provide opportunities for visitor serving or commercial development consistent with 3.36A. This policy protects agriculture by locating potential conflicting uses outside of agricultural area. The RX designation includes parcels which are urban in nature, yet not provided with urban services. Policies provide for existing development while limiting further subdivision. Concerns about segregation of existing development and division of undeveloped parcels are addressed in the policy requiring substantiation of the economic viability of permitted uses on the newly created parcels.

4.68 ALTON - Industrial, Commercial Recreation (CR), and Agriculture Exclusive (AE)

Plan designation for Industrial and Commercial Recreation reflect existing uses on these five parcels. Policies limiting subdivision of these parcels to provide for permitted uses and consistent with sewage disposal regulations would protect these planned uses from inappropriate conversion of these parcels to other uses. Existing agricultural uses between the river and Highway 101 have been planned Agricultural Exclusive (AE).

4.70 RESOURCE PROTECTION**4.71 WETLANDS**

As was described in Section 4.20, the Eel River delta represents the third largest wetland complex in California's Coastal Zone. The resource protection maps designate about 7,000 acres of wetlands: 5,500 acres of transitional agricultural land (farmed wetlands) and 1,550 acres of mudflats, and fresh and saltwater marshes.

Typically, transitional agricultural lands were identified as diked former tidelands and clearly defined non-tidal sloughs (see Chapter 6: Definitions). The plan policies of Section 3.41 generally limit new filling to new agricultural uses, such as residences, barns, etc., and oil and gas development. Minimum parcel size in these areas is 60 acres. Dredging within transitional agriculture lands is limited to maintenance of existing drainage facilities.

Within areas defined as "wetlands" only resource dependent uses are permitted; those areas are all planned Natural Resources (NR).

4.72 EEL RIVER

Section 3.41F includes policies for protecting coastal resources within the Eel River and adjacent to it. These include policies to control diversions of water from the river within and without the Coastal Zone, to regulate sand and gravel extraction, and to limit conversion of riparian woodlands along the river. Only conversions within areas of prime agricultural soils is permitted, thus balancing Coastal Act requirements for protecting sensitive habitats and resources of statewide significance, such as prime agricultural soils.

4.73 OTHER COASTAL STREAMS

Section 3.41G lists specific coastal streams of the Eel River delta. Policies of this section prohibit conversion of riparian vegetation while allowing new development to be placed within 50 feet of the stream, provided no woody vegetation is removed. Other development which is permitted within the riparian corridor and mitigation requirements are also described.

4.74 VISUAL RESOURCES

Policies of Section 3.42 insure that new development maintain the existing scale of structures and protect natural landforms. The most significant and effective visual protection stems from the designation of over 80% of the Planning Area as Agriculture Exclusive. Specific provisions to encourage protection of historic structures is also included.

4.80 ACCESS

Consistent with the requirements of the California Constitution and The Coastal Act of 1976, "maximum access and recreational opportunities shall be provided for all the people." Based on the inventory and mapping of existing and potential access provided by the Coastal Commission, the review of access ways provided in Chapter 3 and the discussion generated in the workshops, the Eel River Access Component is included herein.

MAP IDENTIFICATION NUMBER

41. Eel River (General Description). The major recreation activity on the Eel River from its mouth to the junction with the Van Duzen River is angling for salmon and steelhead. Fishing for crabs also attracts a few anglers near the mouth of the river. In addition to angling, hunting and birdwatching are concentrated in the area downstream from the bridge at Fernbridge because of the estuarian habitat that prevails in that section.

RECOMMENDATION:

Limitations to access in the area are, in almost every case, a result of the inadequacy of support facilities in relation to use and the need to protect adjacent agricultural areas from adverse impacts of existing and any substantially increased use. Specific recommendations are listed for each of the accessways. All accessways to be included in the inventory shall have adequate signing and will be listed in the Humboldt County Access Atlas.

42. North Spit-Eel River. This area has been identified as a prime resource for commercial wood products. Vehicular access is available through the County Park at Table Bluff (to be included in the Humboldt Bay Planning Area Access Inventory). Ownership is by the Department of Fish and Game.

RECOMMENDATION:

Suggested improvements for the spit include restrooms and parking facilities. Due to the fact that the access corridor is to be addressed in the Humboldt Bay Area Plan, (Table Bluff County Park) and that the siting of improvements would probably be located within the park, only generalized recommendations are included here.

43. South Spit. Vehicle and pedestrian access from Centerville Beach County Park to the mouth of the Eel.

RECOMMENDATION:

The only problem identified in the workshops was in relation to trespass on agricultural lands east of existing public ownership along the shoreline. Any action that would substantially increase utilization of this lateral access should be conditioned to provide reasonable protection of agricultural lands from trespass.

44. Indian Reservation Road. This road ends at McNulty Slough which, in turn, empties into North Bay, and, eventually into the Eel River near its mouth. This area is occasionally used by duck hunters and fishermen. Although limited to car-top boats due to the undeveloped nature of the boat launch, the infrequent use also results from the nearby access on the North Spit (42) which is more easily accessible through the County park.

RECOMMENDATION:

No improvement of this accessway is recommended.

45. Sevenmile Slough. This site is located about one-quarter mile south of Cannibal Island Road at the southern end of Sevenmile Slough Road where it ends at Ropers Slough. Other than the road right-of-way, all lands are in private ownership. Physical limitations to access include a high steep bank and tidal limitations to boating access. No parking is available and surrounding lands are all in agricultural production. An existing developed access at Pedrazzini County Park (46) is a preferred accessway to the Eel River.

RECOMMENDATION:

This accessway should be deleted from the inventory because of physical hazards, limited use, conflicts with agriculture and the fact that adequate access exists nearby.

46. Pedrazzini County Park (Cock Robin Island Bridge). A County maintained boat ramp is located on the north end of the bridge leading to Cock Robin Island one-half mile south of Cannibal Island Road. Space for parking 10 - 15 cars is currently available for recreationists who wish to launch a boat into the lower river system. The existing ramp needs some level of improvement. Additionally the peak usage of this area dictates that additional parking be provided for vehicles and boat trailers.

RECOMMENDATION:

For the purposes of expanding or improving Pedrazzini Park, any acquisition by lease or sale shall be deemed for "incidental public service purposes".

Restroom facilities should be provided in the summer and fall; the entrance to the park should be signed and the boundaries posted.

47. Cock Robin Island. Cock Robin Island Road ends on the south side of the island at the river bank. Small boats could be launched here and pedestrian access up and down the river would be available. There is tidal action here and the wide mudflat may preclude vehicle use along the river. Although the river is presently on the opposite side of the channel, when the river shifts back to the north side this is a good place to launch small boats. Parking is presently nonexistent with cars using the existing roadway.

RECOMMENDATION:

To the extent feasible without creating a conflict with agriculture, additional parking for 20 vehicles should be provided on an "as needed" basis when the river is on the north side of the channel. For the purposes of expanding or improving this accessway any acquisition by lease or sale shall be deemed for "incidental public service purposes."

48. Crab County Park. This is a County owned facility and is located at the western end of Cannibal Island Road. By launching a small boat here, access to the north and south spits is available as is other areas of the river and its sloughs. Parking space is available for about 20 cars. Although a popular park, two problems have been noted. First, the boat ramp is subjected to tidal influence and any improvement here should take into consideration the deposition of sand and silt. Secondly, there is a potential hazard to people and vehicles during high tides and periods of rough water as drift and other debris can be thrown substantial distances into the parking area.

RECOMMENDATIONS:

The improvement of the boat ramp should not include permanent facilities as they would soon be covered with silt and sand deposits. Regular maintenance of the gravel ramp is required to continue its use. Signs warning of the high-tide and rough water hazards shall be posted and noted in the Access Atlas. The following recommendations are from the County Recreation Element:

49. Singley Hole - (North). This site is located at the end of Singley Road about one-half mile west from Fernbridge on the north bank of the river. Parking for 8 - 10 cars is available at this time and could be increased to accommodate up to 20 cars. Access here is to a longtime favorite fishing hole on the Eel River. Nearby agricultural operators have experienced trespass and vandalism problems from unauthorized vehicular access along the river bar.

RECOMMENDATIONS:

Additional parking space should be provided. This accessway should be signed to prohibit vehicle use of the accessway and to prohibit overnight camping.

50. Fernbridge. Access to the river bar under the bridge at Fernbridge is accomplished by going through County owned property where it operates a gravel stockpile facility located about one-half mile easterly of Fernbridge on the river's north bank. Unlimited parking is available on the gravel bar. This is an extremely popular accessway. Much concern has been expressed about the use of the river bar for overnight camping. Besides the potential for illegal night fishing, sanitary and waste disposal are major problems on the river bar.

RECOMMENDATION:

Overnight camping should not be permitted on the river bar. Signs should be posted to indicate that overnight camping is prohibited.

- 50.1 Substation Road. This is a popular vehicular accessway to the Eel River bar on the Ferndale side of the river at Fernbridge. Located on the southeast side of State Highway 256, this County Road parallels the State Route back under Fernbridge. When the river is on the Fernbridge side of the channel, extensive areas of river bar are available to vehicular access.

RECOMMENDATION:

Stream bank erosion should be minimized by providing a single place for vehicular access to the river bar. Overnight camping should not be permitted on the river bar. Signs should be posted to indicate that overnight camping is prohibited.

53. Sandy Prairie Road. Sandy Prairie Road runs north-south until it reaches the Eel River and then it makes a turn to the southeast and returns to Highway 101. At the corner next to the river, anglers and other river users have been crossing the levee and walking down to the river for years, thus prescriptive rights may be established at the site. A wide shoulder on the road here can easily provide parking space for 10 - 15 cars. Although a popular pedestrian access, parking is limited.

RECOMMENDATION:

No improvements required.

- 53.1 Drake Hill Road. This long time pedestrian accessway to the east bank of the Eel River presently has informal parking for approximately 15 cars.

RECOMMENDATION:

Designation and control of parking should be provided.

55. Van Duzen River. As southbound Highway 101 approaches the Van Duzen River, there is a turn-off to the west just north of the Van Duzen Bridge. A dirt road winds through the willows for about 100 yards where it drops onto a gravel bar alongside the Van Duzen River. Once on the gravel bar, users have been able to continue in their vehicles on downstream to the Eel River and on along its bank. There is plenty of room for parking and prescriptive rights may have been established. Presently this area has been closed to the public by the County because of the health hazard of unauthorized, unsanitary living conditions. There is a hazard in entering the highway in a north bound direction requiring a left turn across Highway 101 into the northbound lanes.

RECOMMENDATION:

Upon acquisition, this accessway should be open for public use. Acquisition through either the Coastal Conservancy or the Wildlife Conservation Board should be investigated. Prohibition of overnight camping and/or living on the river bar should be enforced. The exit onto the highway should be limited to right hand (southbound) turns.

56. Barber Creek. Barber Creek empties into the Eel River from the southwest and approximately opposite its junction with the Van Duzen River. Grizzly Bluff Road runs within 50 yards of the river at this point and public access could be provided at Barber Creek. The site would provide angler and other river users pedestrian access to a portion of the river not now available to the public. A five car parking area would have to be developed to supplement access at this site. Preliminary information indicates that there may be a significant opportunity to provide a new access to the Eel.

RECOMMENDATION:

To the extent that the development of a pedestrian accessway and necessary support facilities are consistent with the requirements to protect agriculture and mitigate parking problems, and the landowner is willing to participate, the acquisition by lease or sale should be deemed for incidental public services purposes. This site is recommended for application to the State Coastal Conservancy or Wildlife Conservation Board for acquisition and improvement of the accessway. Such application is predicated on the willingness of the landowner and the lack of significant impacts on adjacent agricultural operations.

57. East Ferry Road. East Ferry Road near Grizzly Bluff School is a public road and provides access to the gravel bar along the western side of the Eel River. Upon reaching the river bar, users have made their own roads, albeit very rough in places, along the bar to the river. From East Ferry Road, it is possible to travel by vehicle along the gravel bars all the way downstream to the Highway One bridge at Fernbridge. Parking is not a problem and prescriptive rights may have been established all along this area shown as Sandy Prairie on most quadrangle maps.

RECOMMENDATION:

Overnight camping should not be permitted on the river bar. This access should be signed to indicate overnight camping is prohibited.

58. Sage Road/Singley Hole - (South). Sage Road crosses Highway 1 about two miles south from Fernbridge. A Humboldt County Parks Department access right-of-way is located at the northern end of Sage Road. This right-of-way passes through a farm gate which must be opened and closed and then to the river bar where users make their own roads and have unlimited parking space.

RECOMMENDATION:

Availability of funds should be directed to providing a cattle guard on the road and a new gate adjacent to it.

59. Tappendorff Road. Tappendorff Road is located near the north end of Fulmor Road and provides recreational use of a one mile segment of the south bank of the Eel River. This County Road is recognized by Humboldt County Department of Parks and Recreation as an access point to the Eel River. Once access has been achieved to the river bar, users make their own roads and have unlimited parking space. When the County was removing gravel from this property, the yearly grading and maintenance of the road was performed by the County. Since the County gravel extraction stopped, the property owner has assumed responsibility for the annual maintenance of this accessway to the river.

RECOMMENDATION:

Funding should be pursued through the Coastal Conservancy Accessway Project grant program to provide for the annual maintenance of this river bar access.

60. Dillon Road. The northern end of Dillon Road ends at the south bank of the Eel River and is listed as a river access point by Humboldt County Department of Parks and Recreation. Access at this site allows pedestrian use of the river and launching of car-top boats. Vehicular use may be curtailed or limited because of the tidal influence over much of the river bar. Parking could be developed for five to ten cars.

RECOMMENDATION:

Specific designation and control of parking should be provided. To this end, any acquisition, from willing sellers, through lease or sale shall be deemed for incidental public service purposes.

62. Camp Weott Road. The westerly end of Camp Weott Road ends on the south bank of the Eel River about one mile from its mouth. This site is also listed as a river access point by the Humboldt County Department of Parks and Recreation. A dirt boat ramp of sorts is located at the road terminus. Access here provides pedestrian access along the shoreline and boat access to the lower river from one-half tide up. Currently, only 3 - 5 cars maximum can be parked at the site and space for 10 - 15 additional cars would have to be provided.

RECOMMENDATION:

Specific designation and control of parking for vehicles and boat trailers should be provided. Any acquisition, from willing sellers, to accomplish this through lease or sale shall be deemed for incidental public service purposes.

63. Centerville Beach County Park. This approximate two acre County facility is located where Centerville Road reaches the coastal shore as it runs westerly from Ferndale. There is room for approximately 100 cars and beach access for vehicles as well as for pedestrians. The sand beach stretches for miles in both directions along the shoreline. Besides being a major commercial vehicular accessway for fishermen and splitmakers, this is the most popular ocean shoreline access in the Planning Area.

RECOMMENDATION:

Coastal access signing should be provided including limitations to access (i.e. where vehicle use is permitted) other general improvements include: Provision of more picnic areas, extension of water line to the park, a limited parking area designed to control vehicle traffic, fencing to protect adjacent agricultural lands from trespass and vandalism, and provision of handicap parking and access.

Opportunities to augment law enforcement, in addition to the sheriff's efforts, should be explored including an agreement with the Department of Fish and Game to use game wardens during hunting season to aid in this effort.

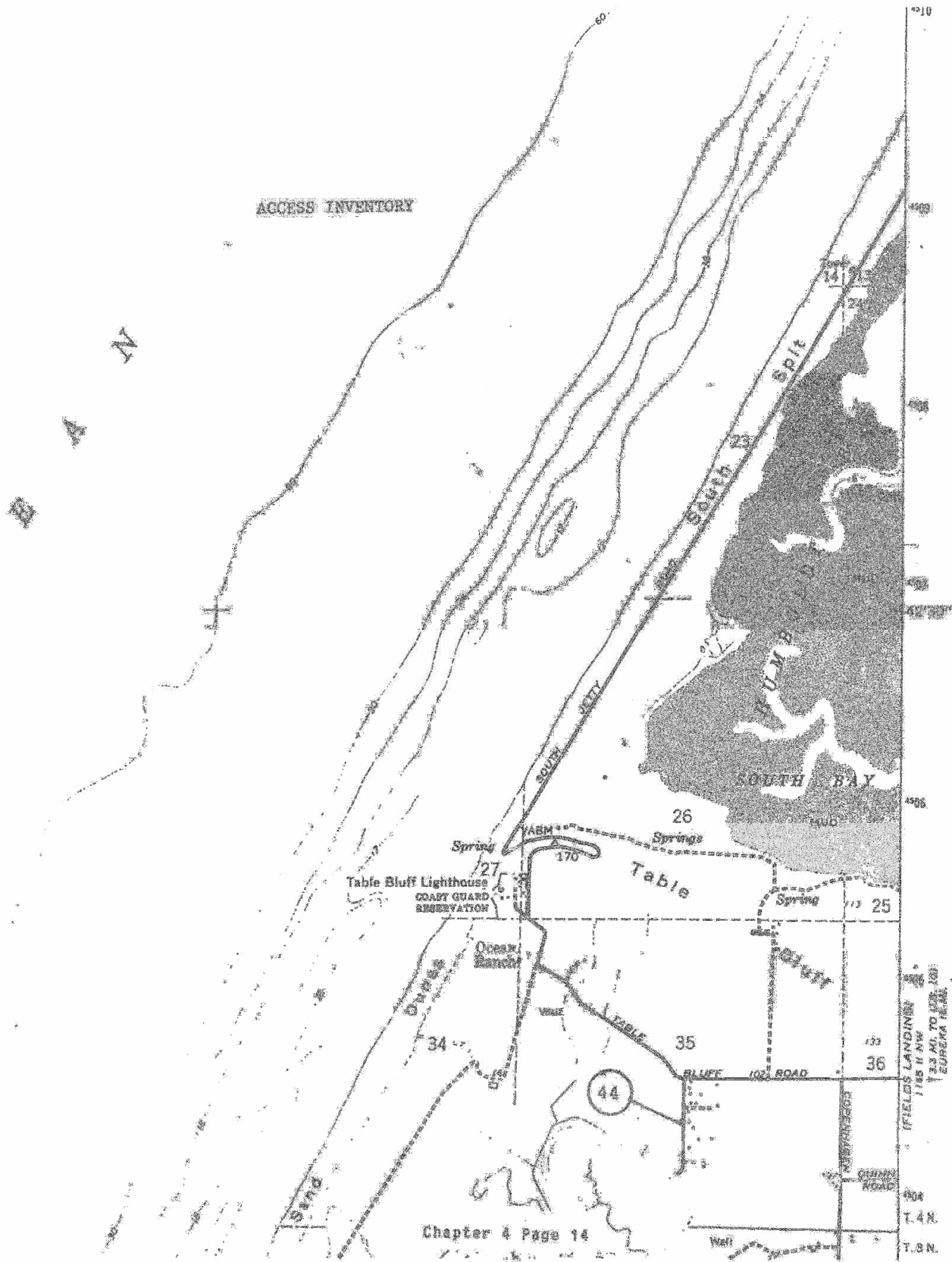
65. Centerville to Guthrie Creek. In the 1860's, the wagon road between Bearding's Store at Centerville and Singley's Creek was declared a public highway by the State Legislation (Chapter CCLV, Section 5, Dated April 29, 1861). There is no record of this road right-of-way ever being abandoned and it has potential for pedestrian use.

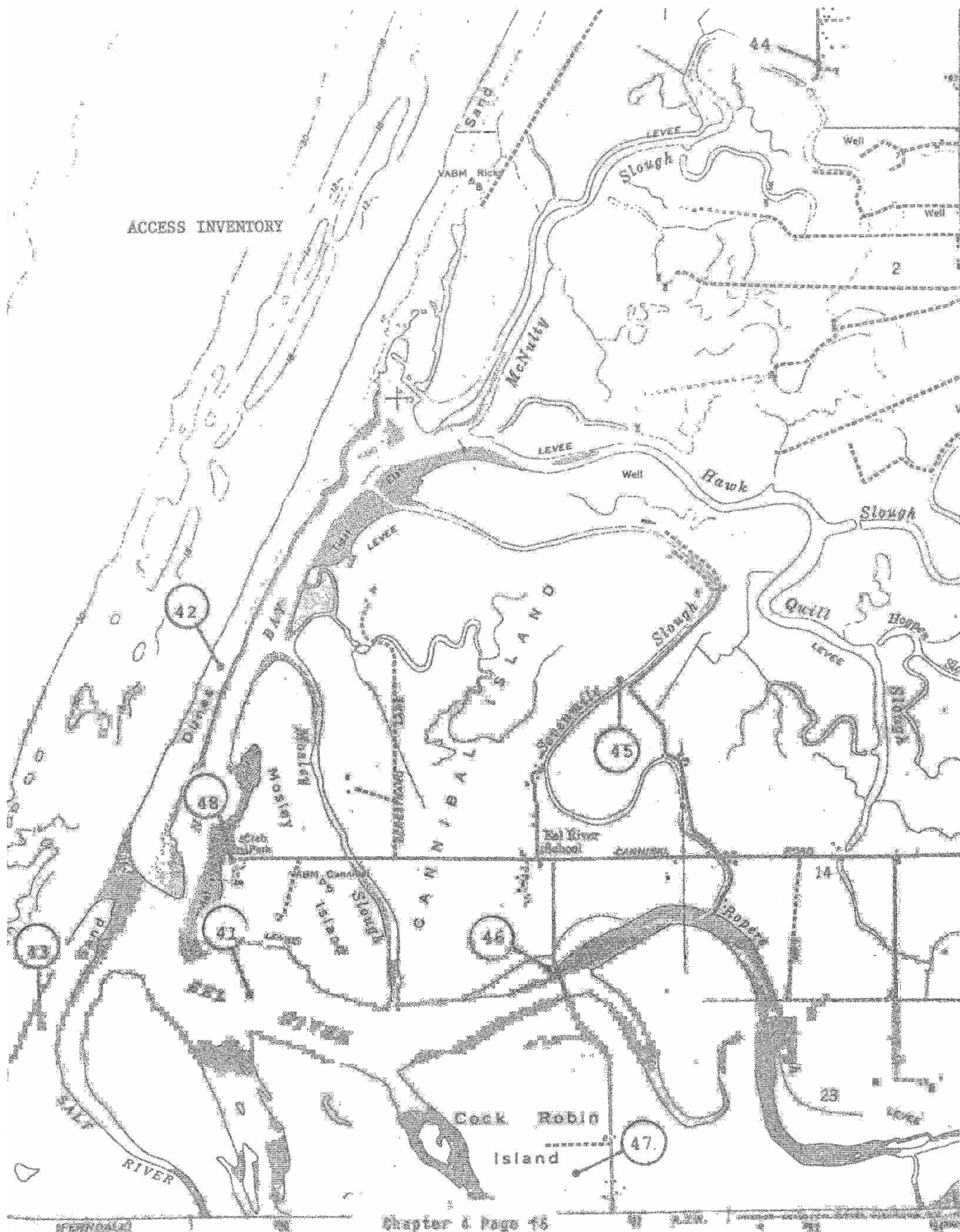
RECOMMENDATION:

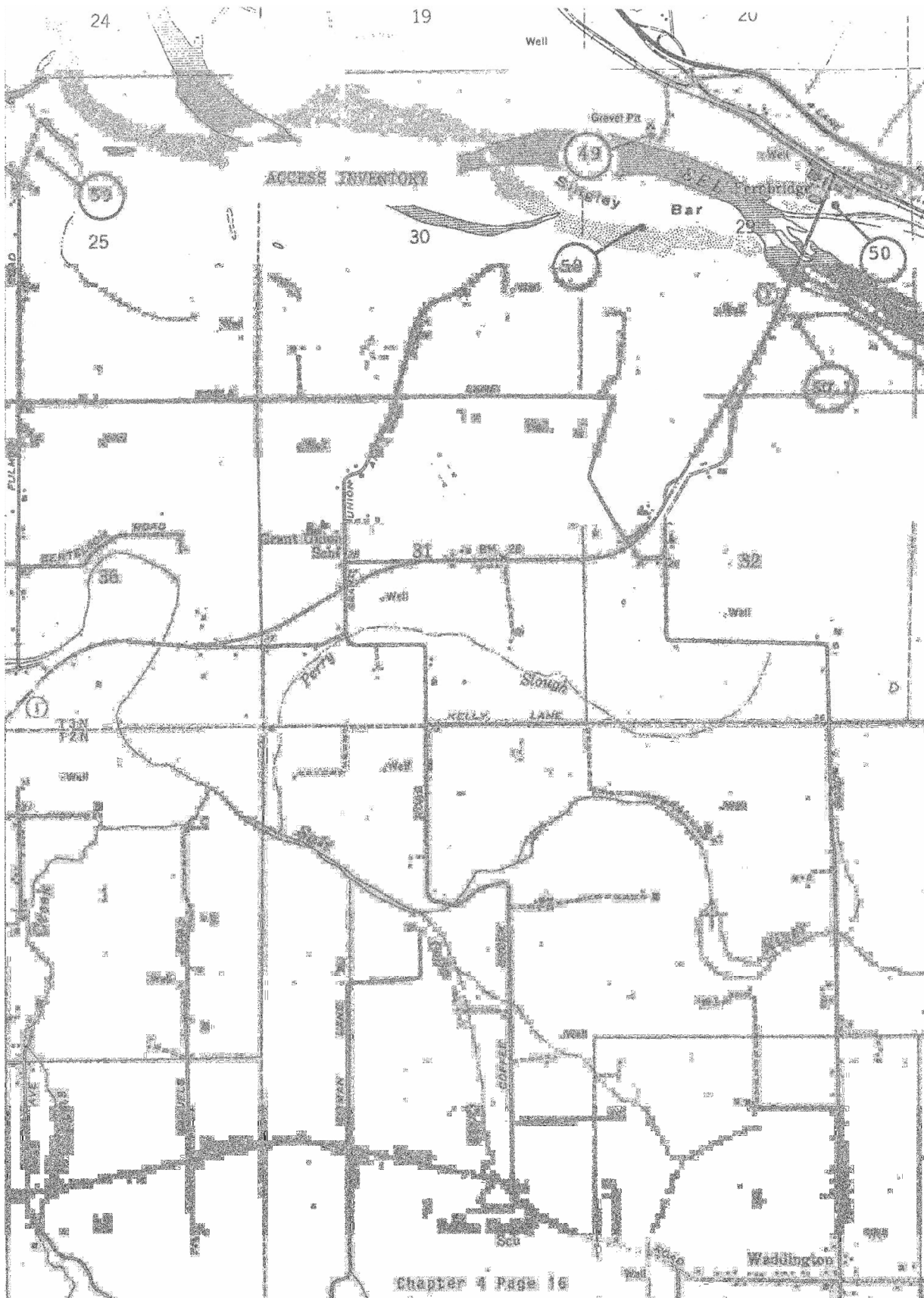
New development should maintain historical public use along the beach. Should a public agency acquire access from Singley Creek to the Mattole River, an alternate routing of the coastal trail could include this access.

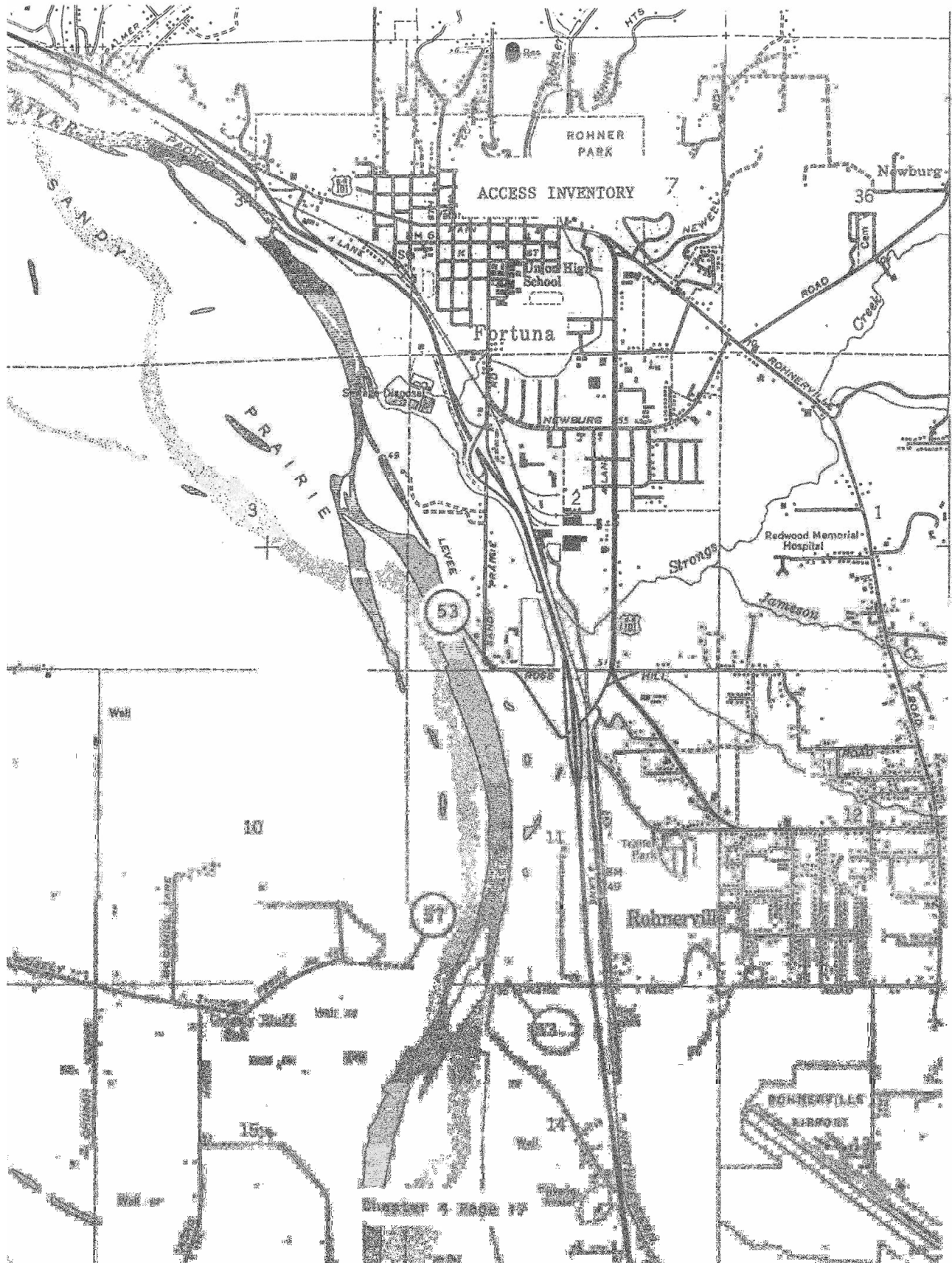
Coastal Trail

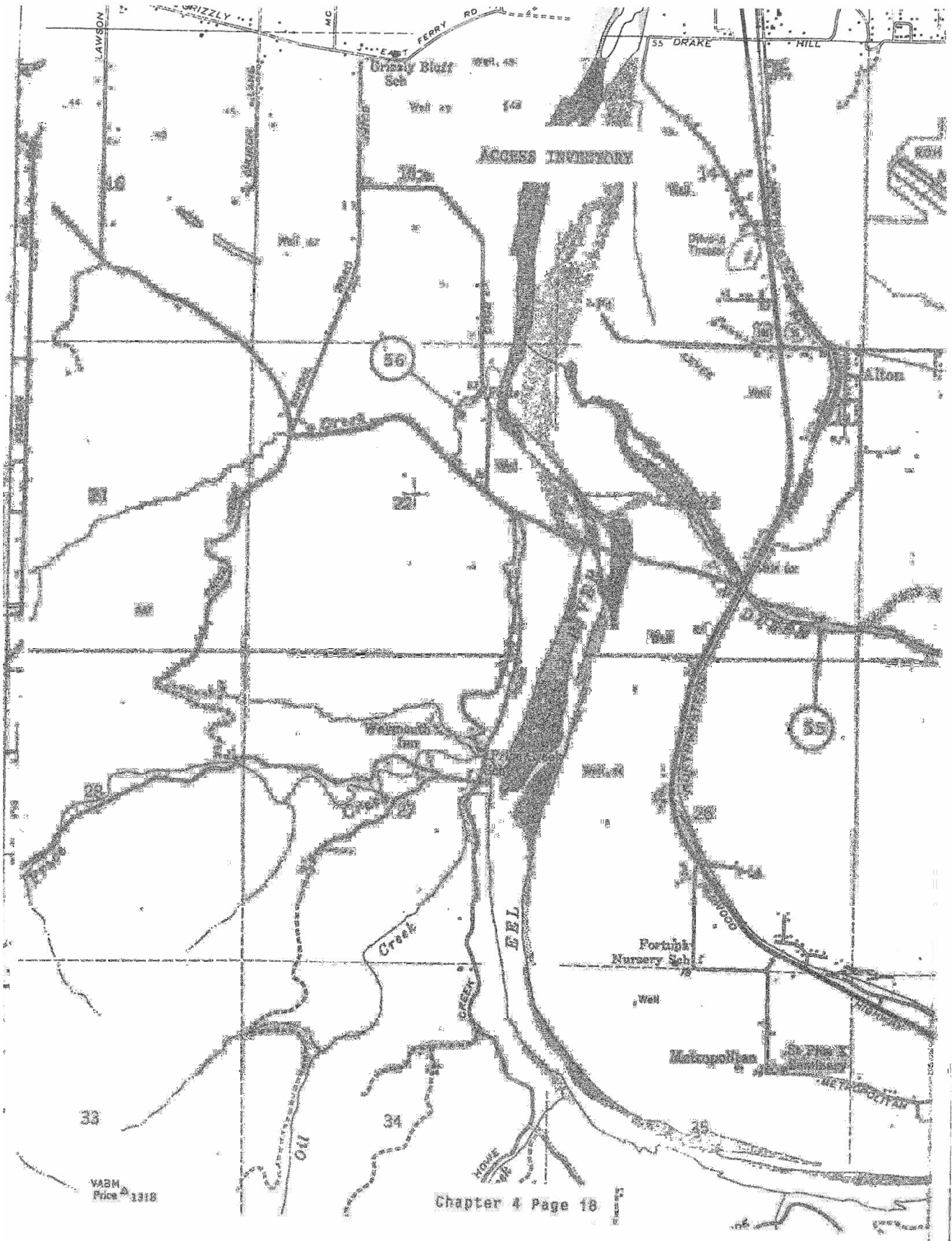
The Coastal Trail shall be designated along Eel River Drive to State Highway 256 at Fernbridge. The trail shall then follow Route 256 southwest to the City of Ferndale. It shall leave Ferndale along Wildcat Road and connect with the trail route recommended in the Southcoast Area Plan.

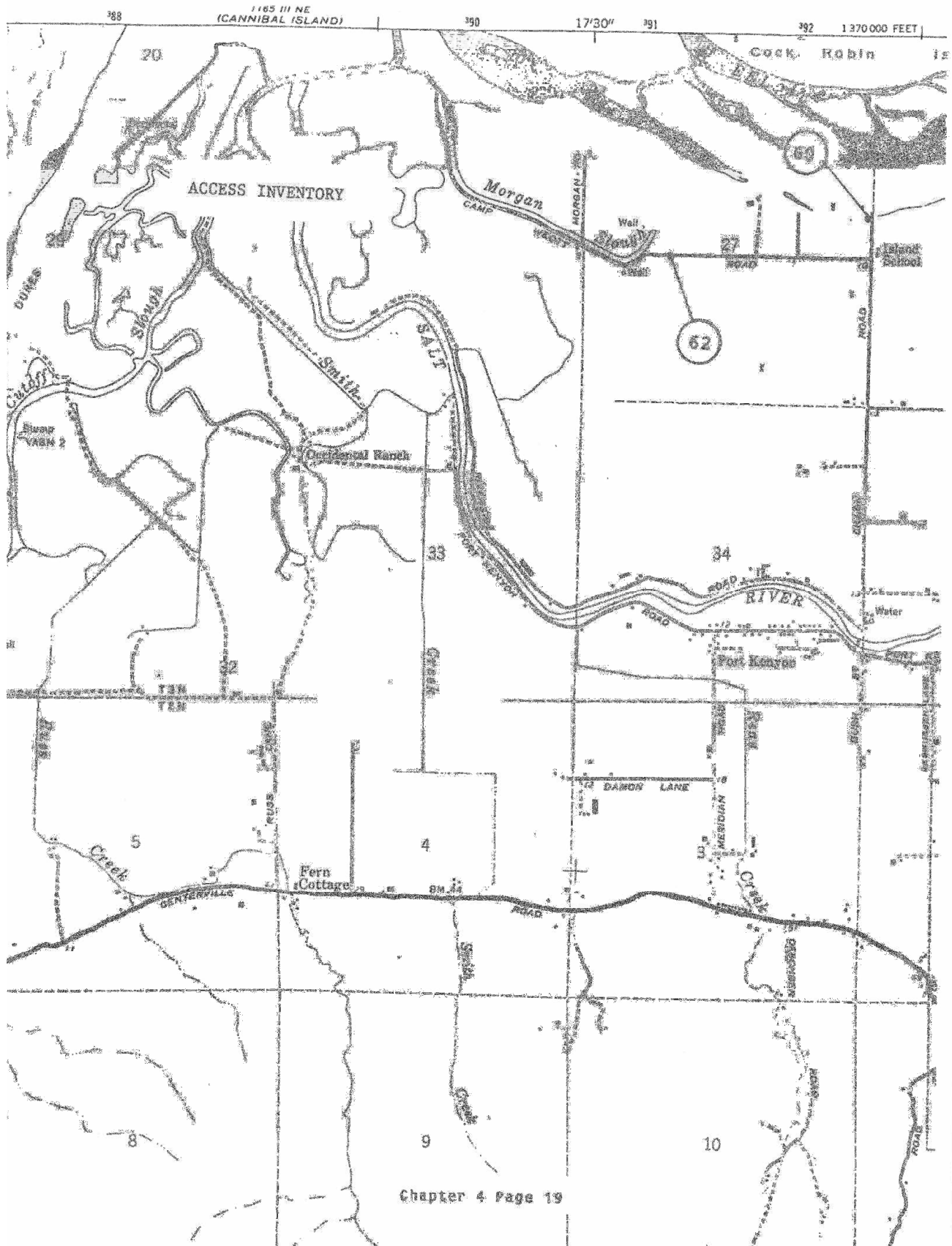












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ACCESS SUMMARY

Map Number and Title	RORV	CORV	Type*				BL	LO	SCI	Ownerships	Improvement** Recommendations
			EQ	PED							
42 North Spit Eel River	X	X	X	X					Dept. of Fish & Game	Parking and Restrooms	
43 South Spit Eel River	X	X	X	X					Public/Private	Fencing Private Property	
44 Indian Reservatio n Road				X	X				County Road Private Property	None	
45 Seven Mile Slough				X	X				County Road Private Property	Deletion from Inventory	
46 Pedrazzini				X	X				County Lease	Parking, Boat Ramp, Picnic Tables	
47 Cock Robin Island				X	X				Private	Parking	
48 Crab Park				X	X				County Owned	Boat Ramp, Hazard Signs, Parking Barriers	
49 Singley Hole				X					County Road	More Parking Eliminate Vehicle Use	
50 Fernbridge	X	X	X	X					County Owned	None	
50. Substation 1											

	Road	X	X	X	X				County Owned	Roadway
53	Sandy Prairie Road				X				Prescriptive	Parking
53.1	Drake Hill Rd.				X				Prescriptive	Parking
55	Van Duzen River	X	X	X	X				Prescriptive	Traffic Control

Map Number and Title	RORV	CORV	Type*				BL	LO	SCI	Ownerships	Improvement** Recommendations
			EQ	PED							
56 Barber Creek				X					Private	Acquisition and Development, Parking, Fencing	
57 East Ferry Rd.	X	X	X	X					County Road Prescriptive	None	
58 Sage Road/ Singley Hole (South)	X	X	X	X					County Parks Access	Cattle Guard and Gate	
59 Tappendor f Road	X	X	X	X					County Road	Annual Maintenance	
60 Dillon Road			X	X					County Parks Access	Parking	
63 Camp Weott Road			X	X					County Parks Access	Parking Facilities	

65 Centerville
to Singley
Creek

X

Private

*RORV = Recreational Off-Road Vehicle
CORV = Commercial Off-Road Vehicle
EQ = Equestrian
PED = Pedestrian
BL = Boat Launch
LO = Lookout
SCI = Scientific

** All access ways recommended for inclusion in the access inventory shall have adequate signing and be listed in Humboldt County Access Atlas.






4.90 AREA PLAN MAPS

The maps included herein are for illustrative purposes only. The official maps at full scale (1"=600' and 7.5' USGS quads) are available for review at the Humboldt County Planning Department at the Clark Complex, 3015 H Street, Eureka, California. Requests for additional copies of the official maps should be directed to the same address.

EEL RIVER AREA PLAN LAND USE DESIGNATIONS

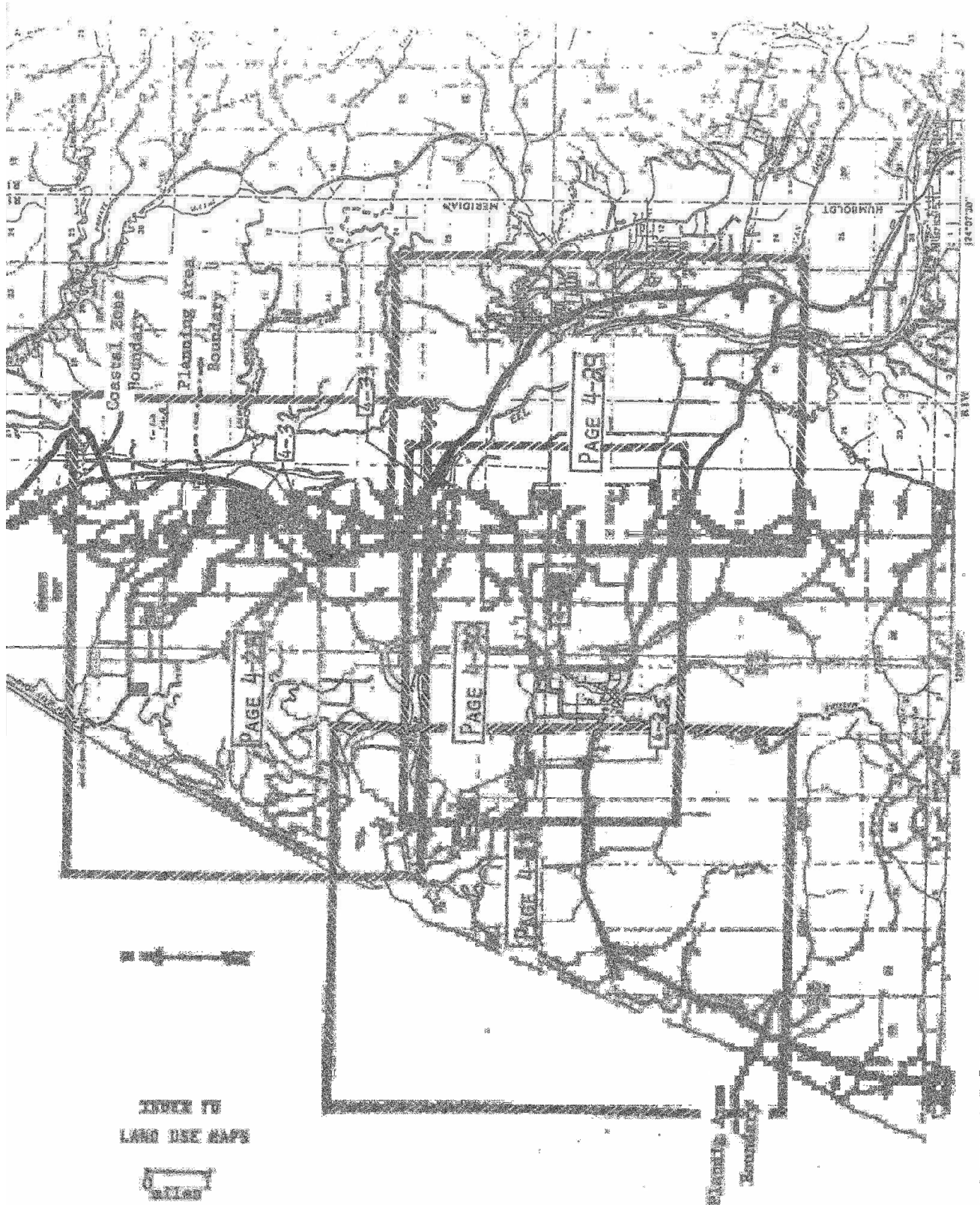
LEGEND

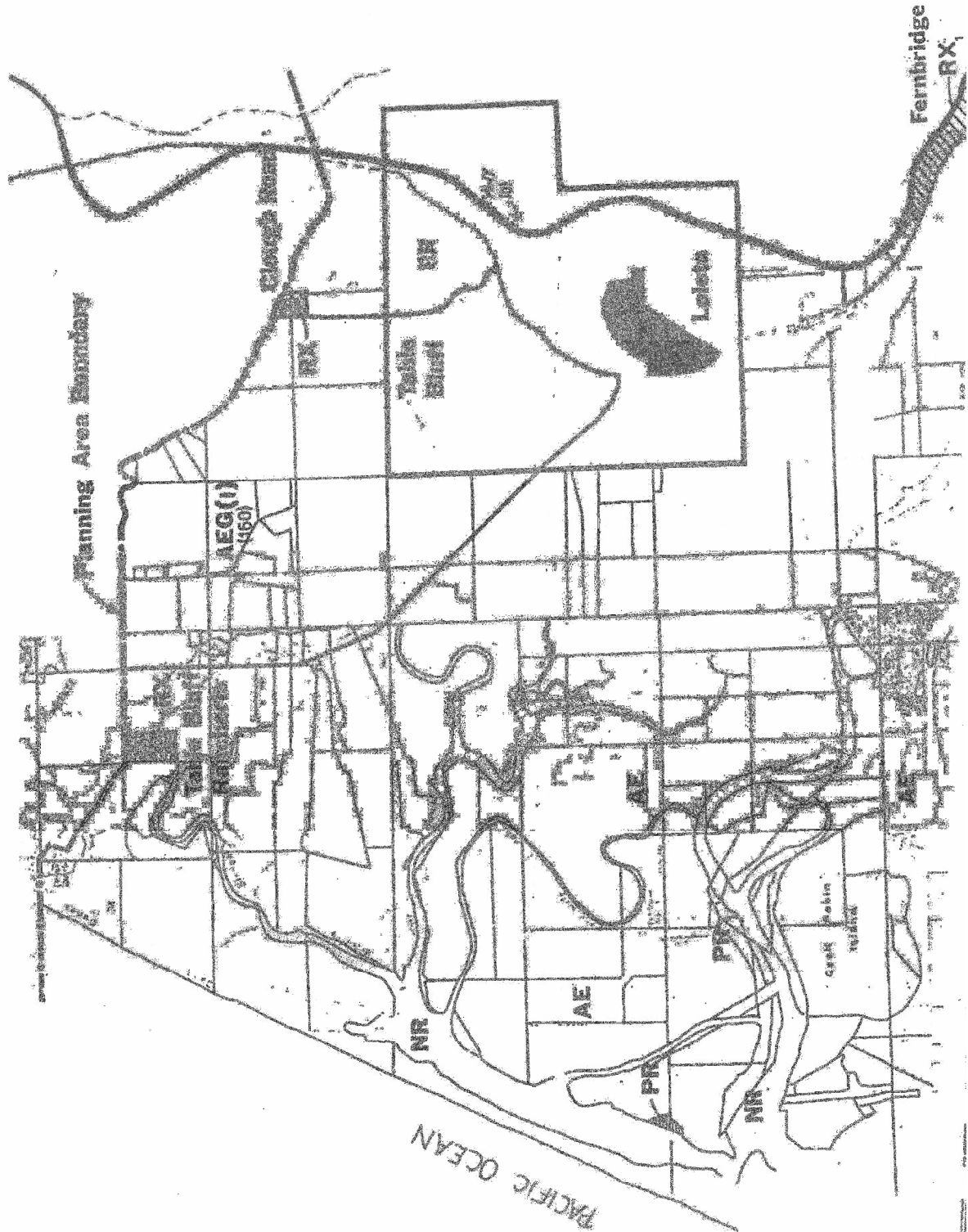
BOUNDARIES

-  - Urban Service
-  - Urban Limit
-  - Urban Service
-  - Urban Reserve (RV)
-  - Rural Service

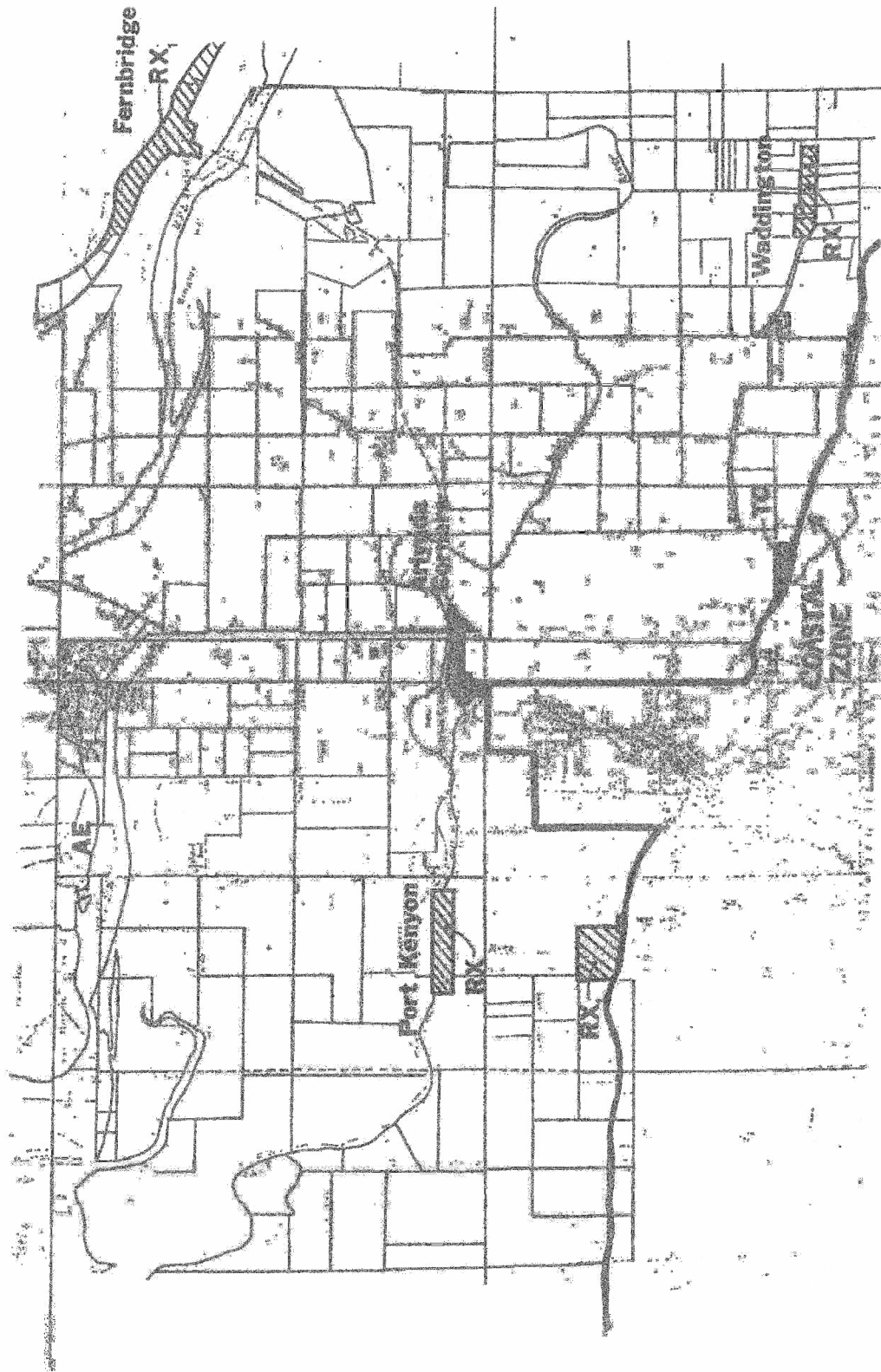
DESIGNATIONS

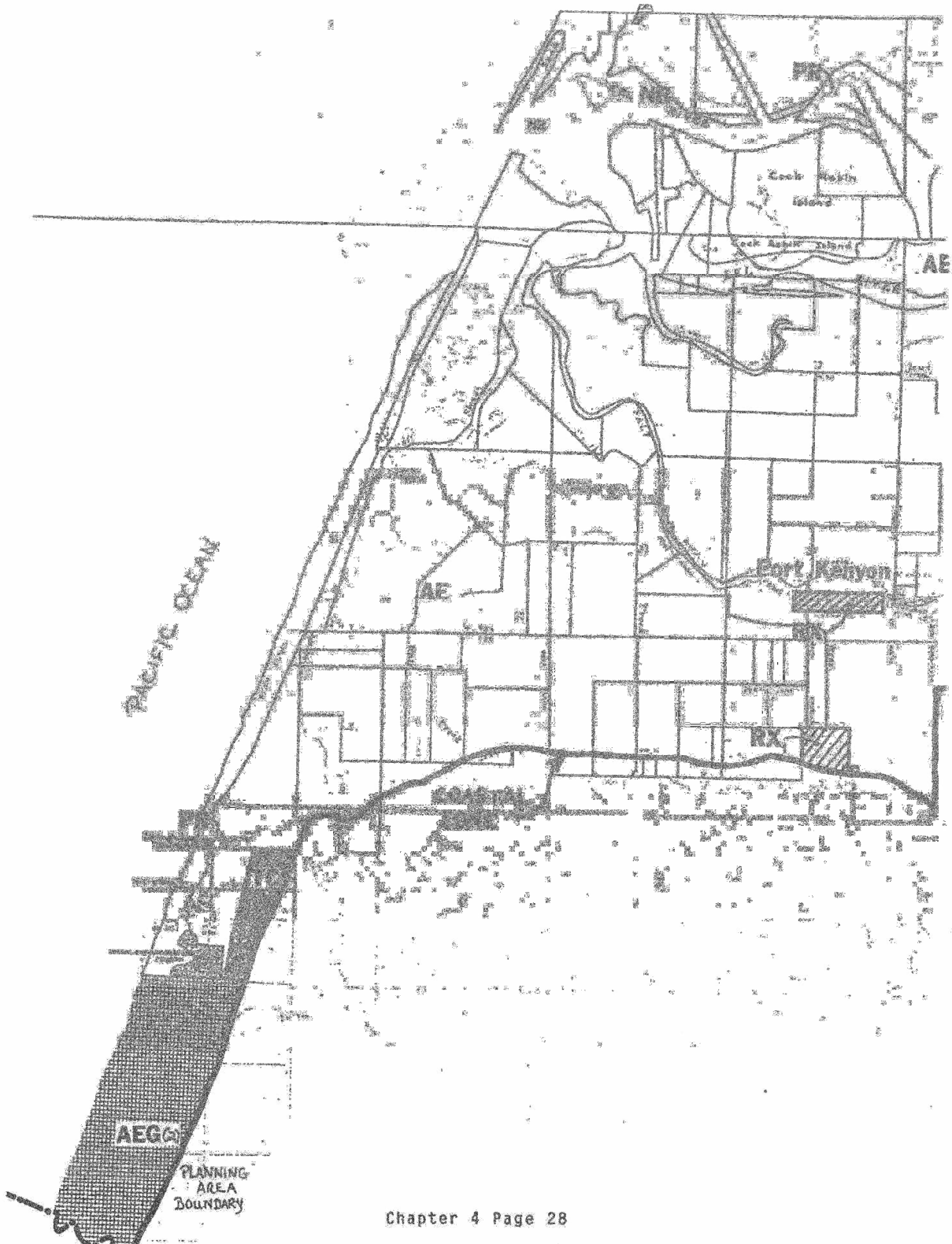
- AE - Agriculture Exclusive Prime (60-20 Acres)
- AE(1) - Agriculture Exclusive Grazing (160)
- AE(2) - Agriculture Exclusive Grazing (300)
- AG - Agricultural General
- TC - Coastal Commercial Timberland (160-40 Acres)
- RR - Rural Residential
- RL - Low Density Residential
- RM - Medium Density Residential (8-30 units per acre)
- MG - Industrial General
- CG - Commercial General
- RX - Rural Exurban
- CR - Commercial Recreation
- PF - Public Facility
- PR - Public Recreation
- NR - Natural Resource

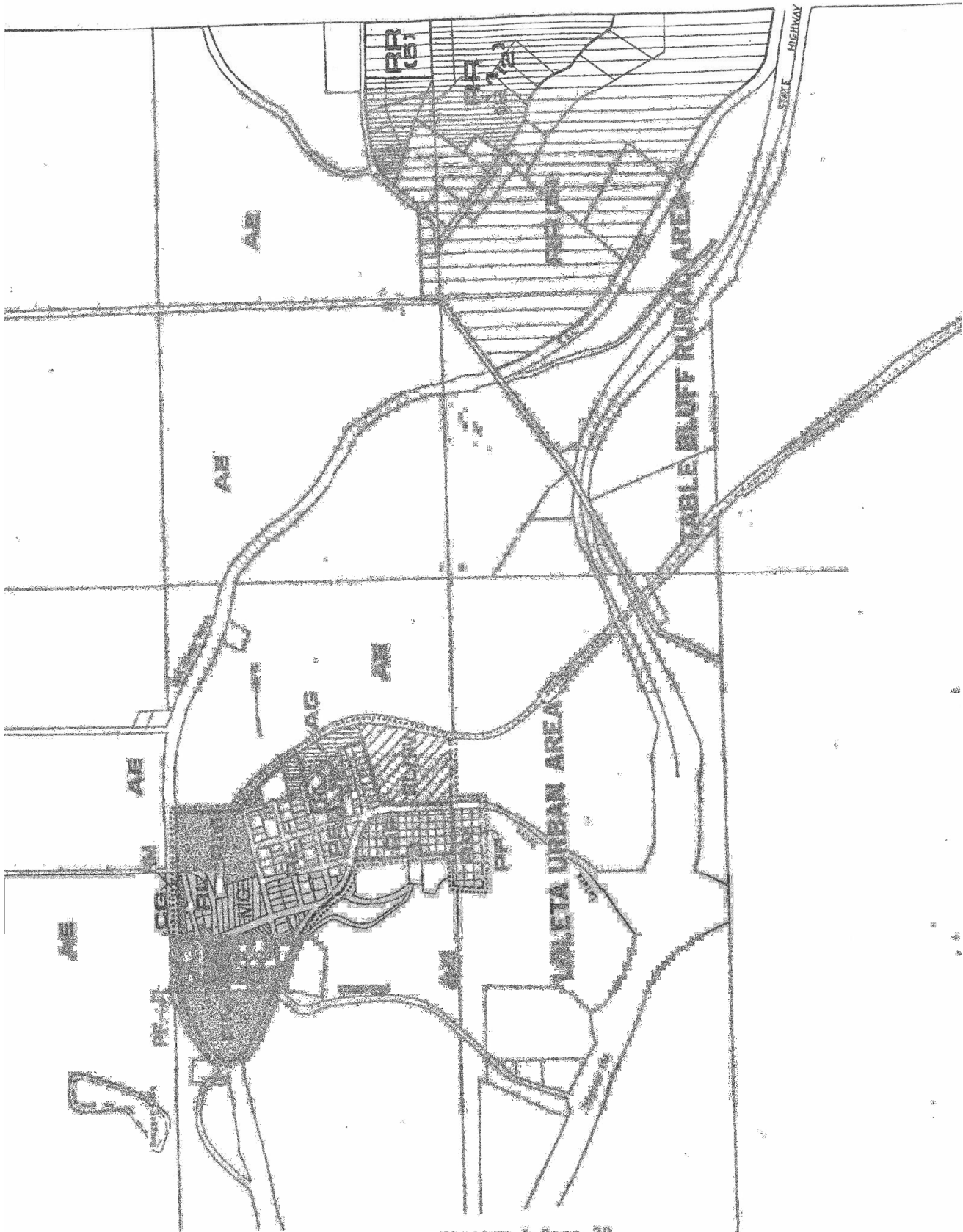


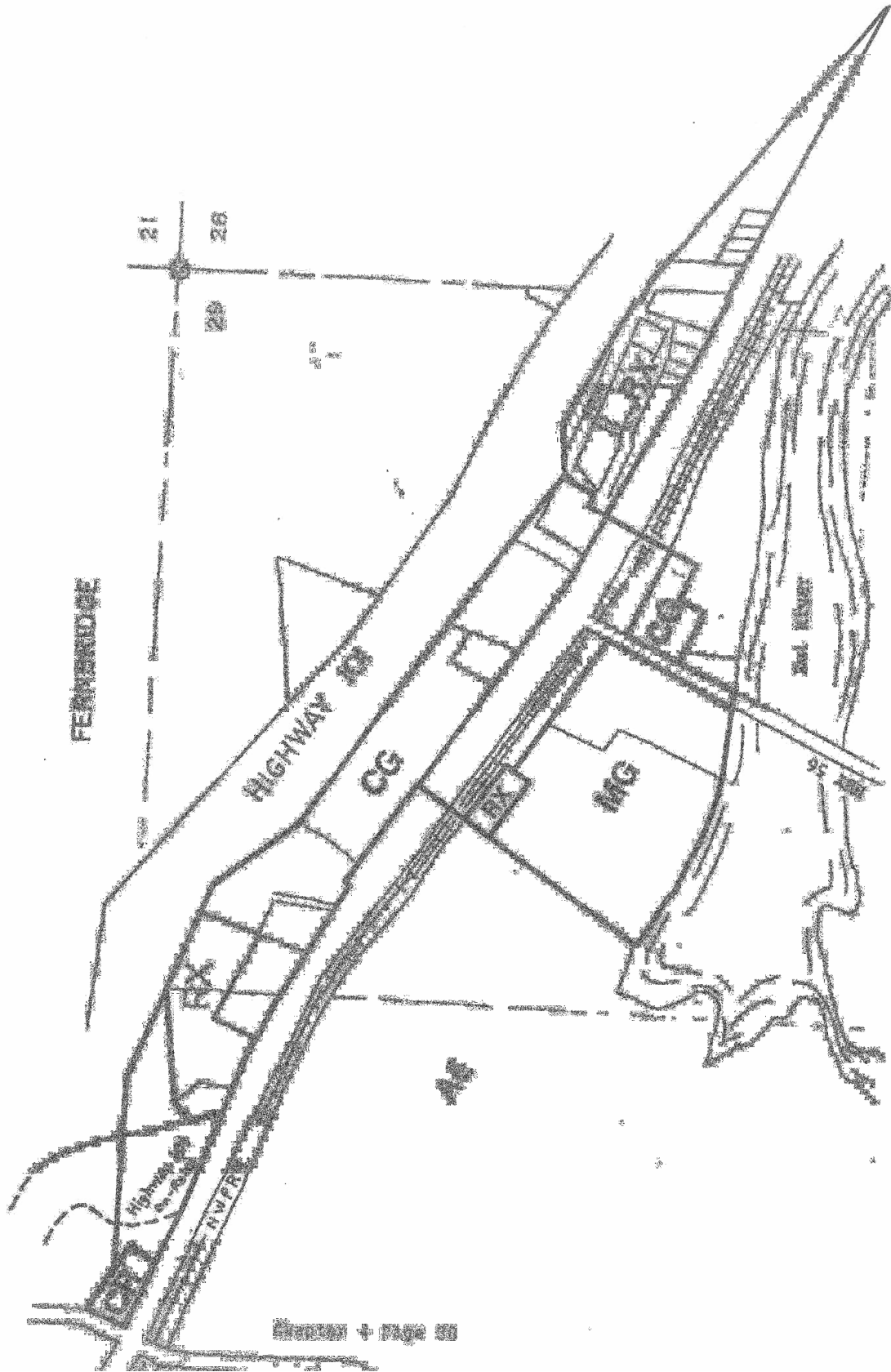


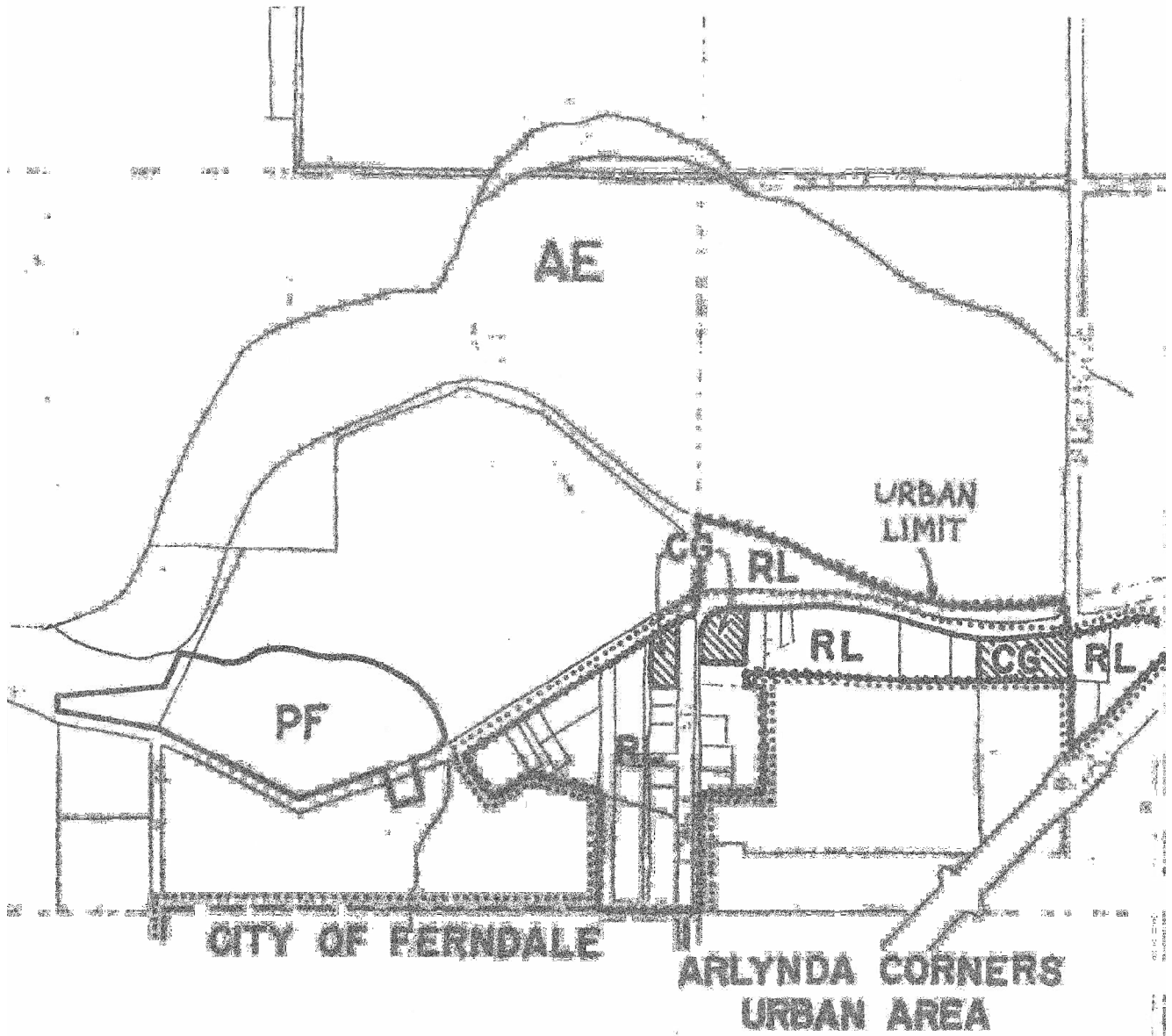


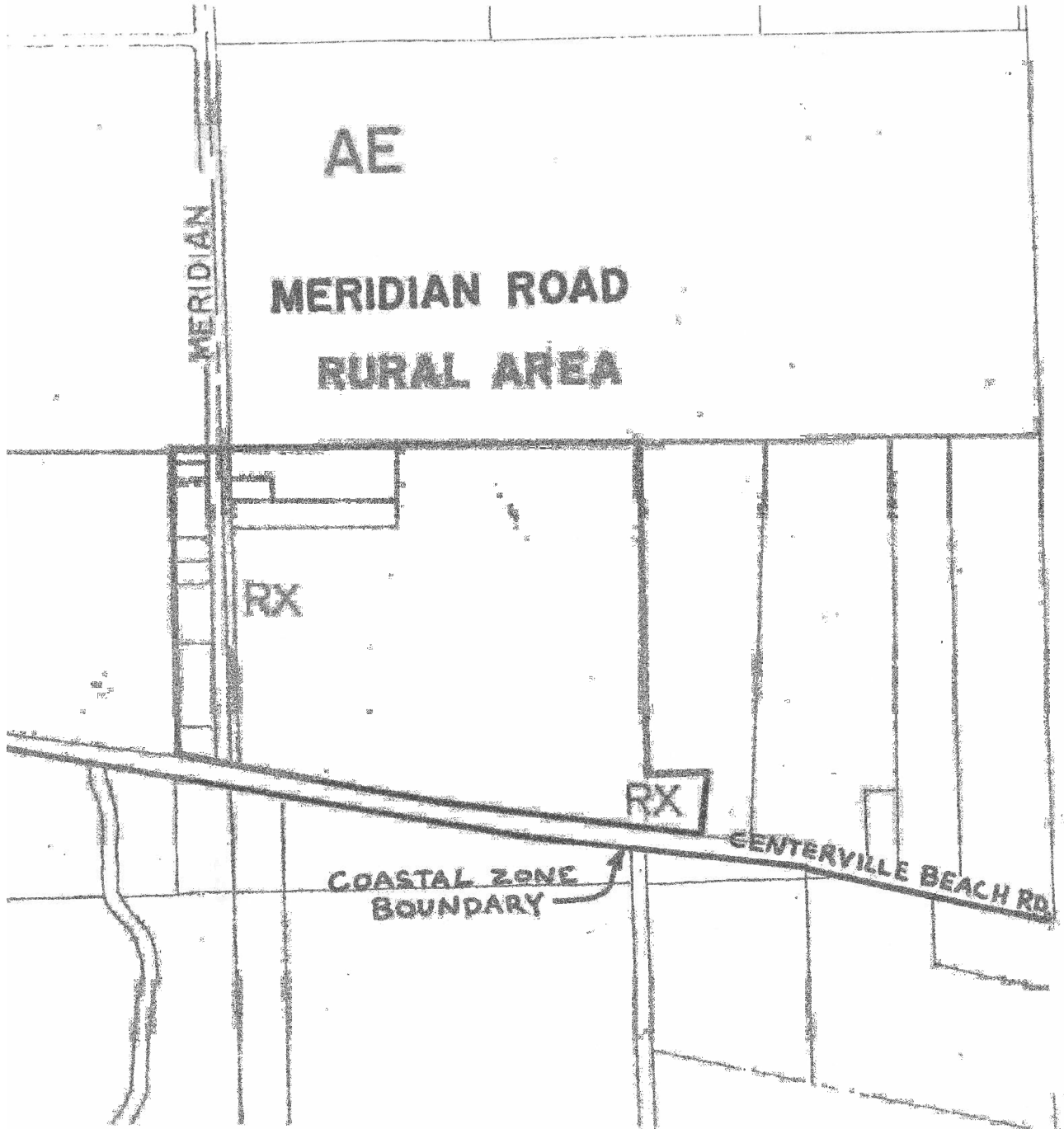


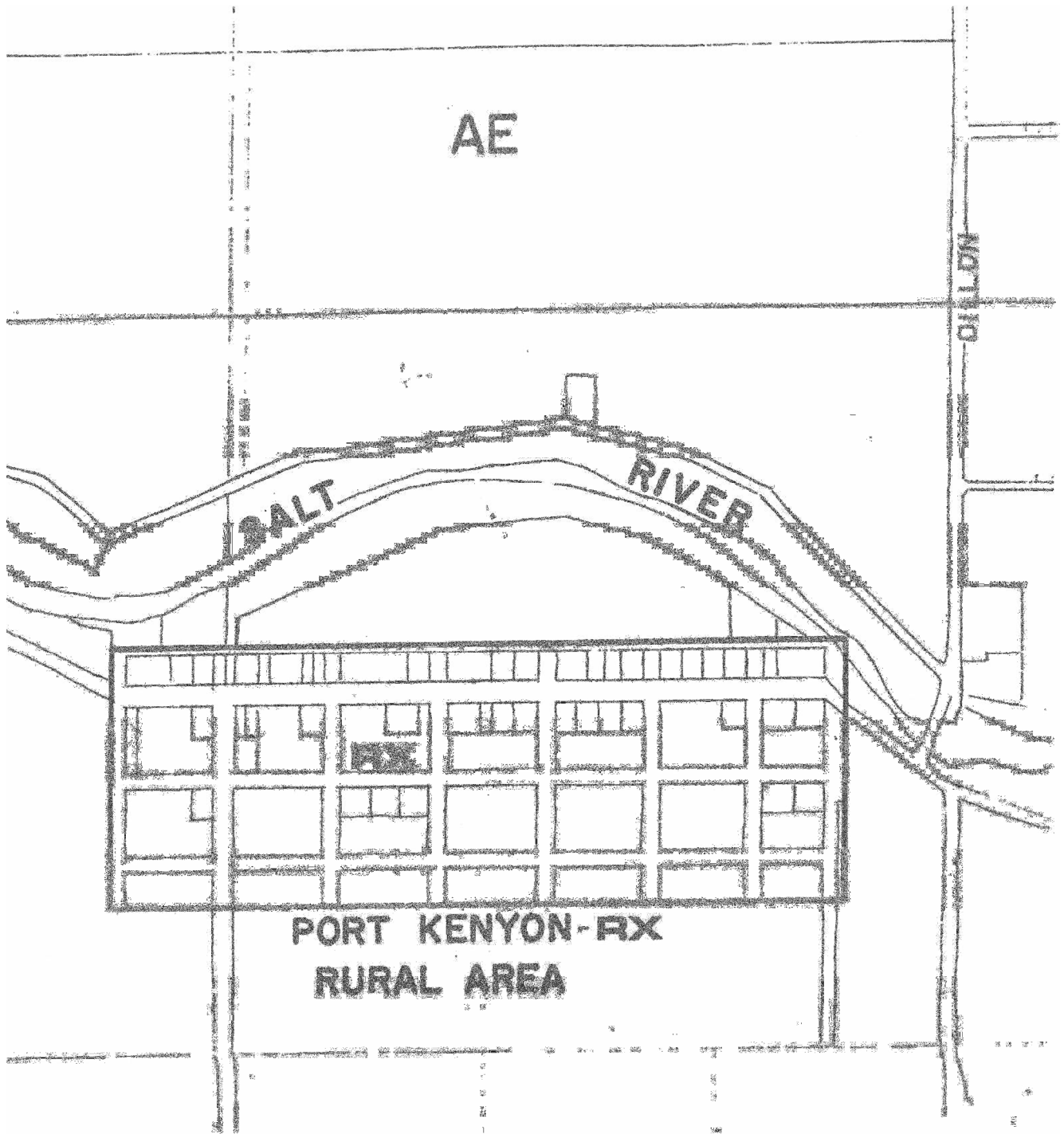













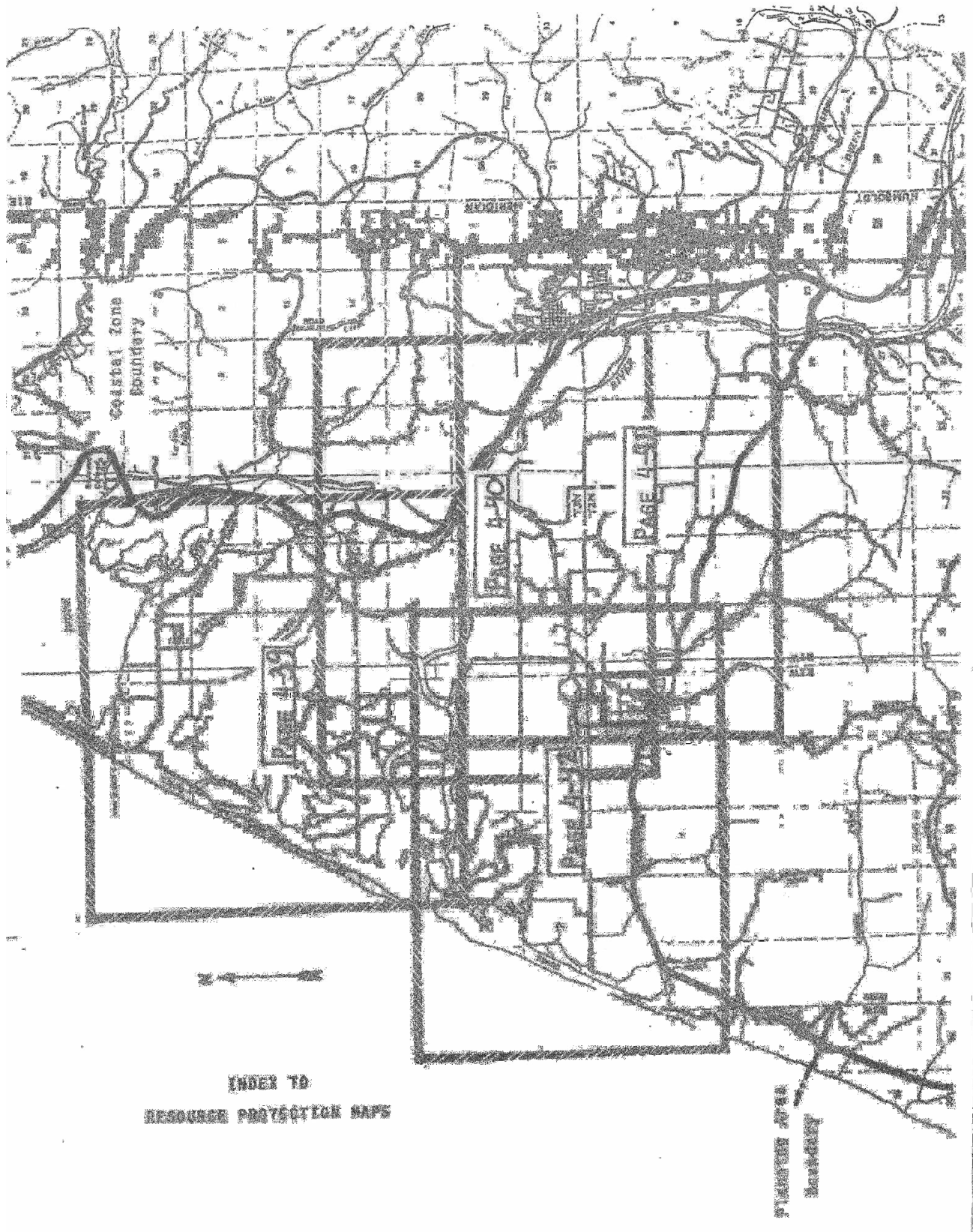


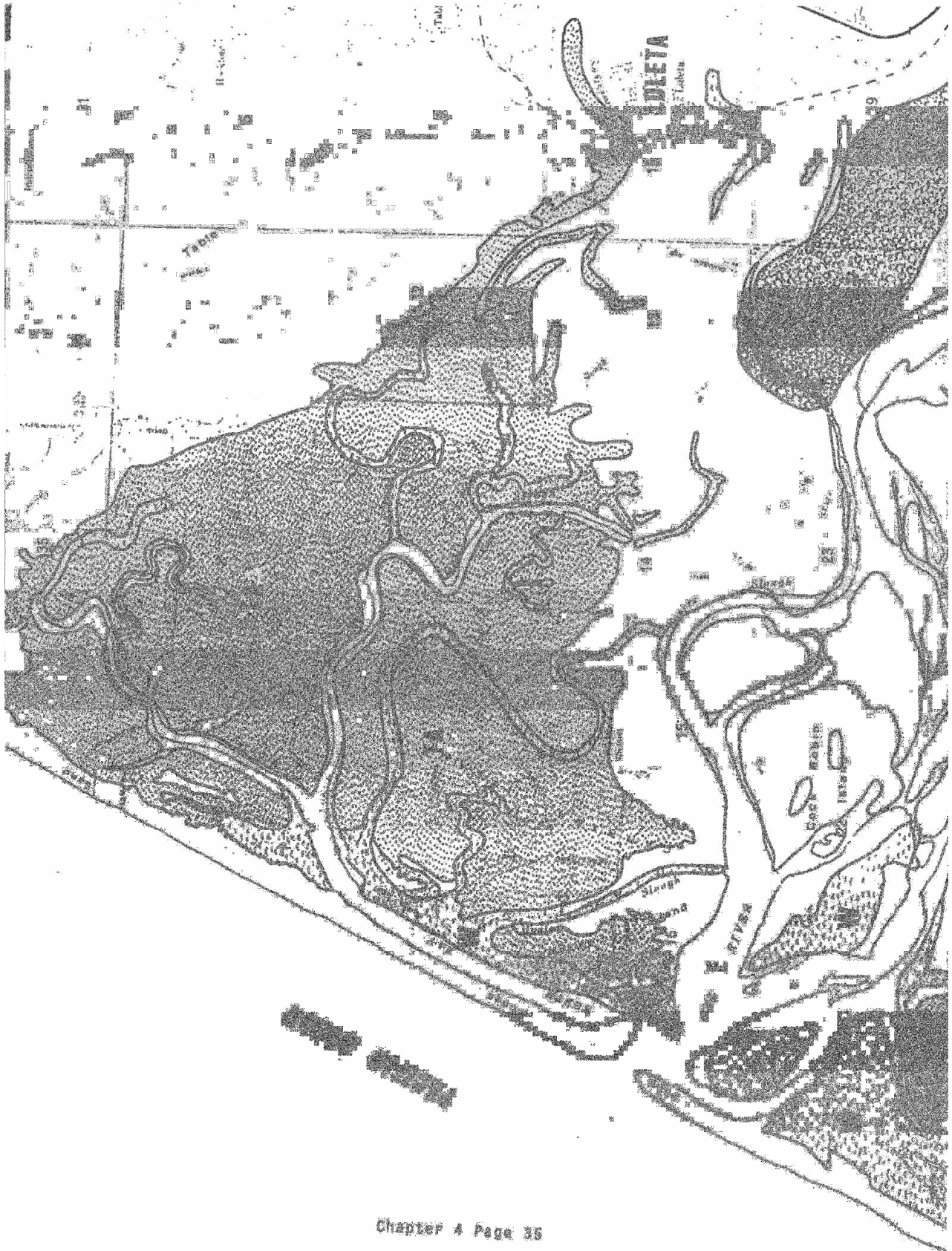


EEL RIVER AREA PLAN RESOURCE PROTECTION

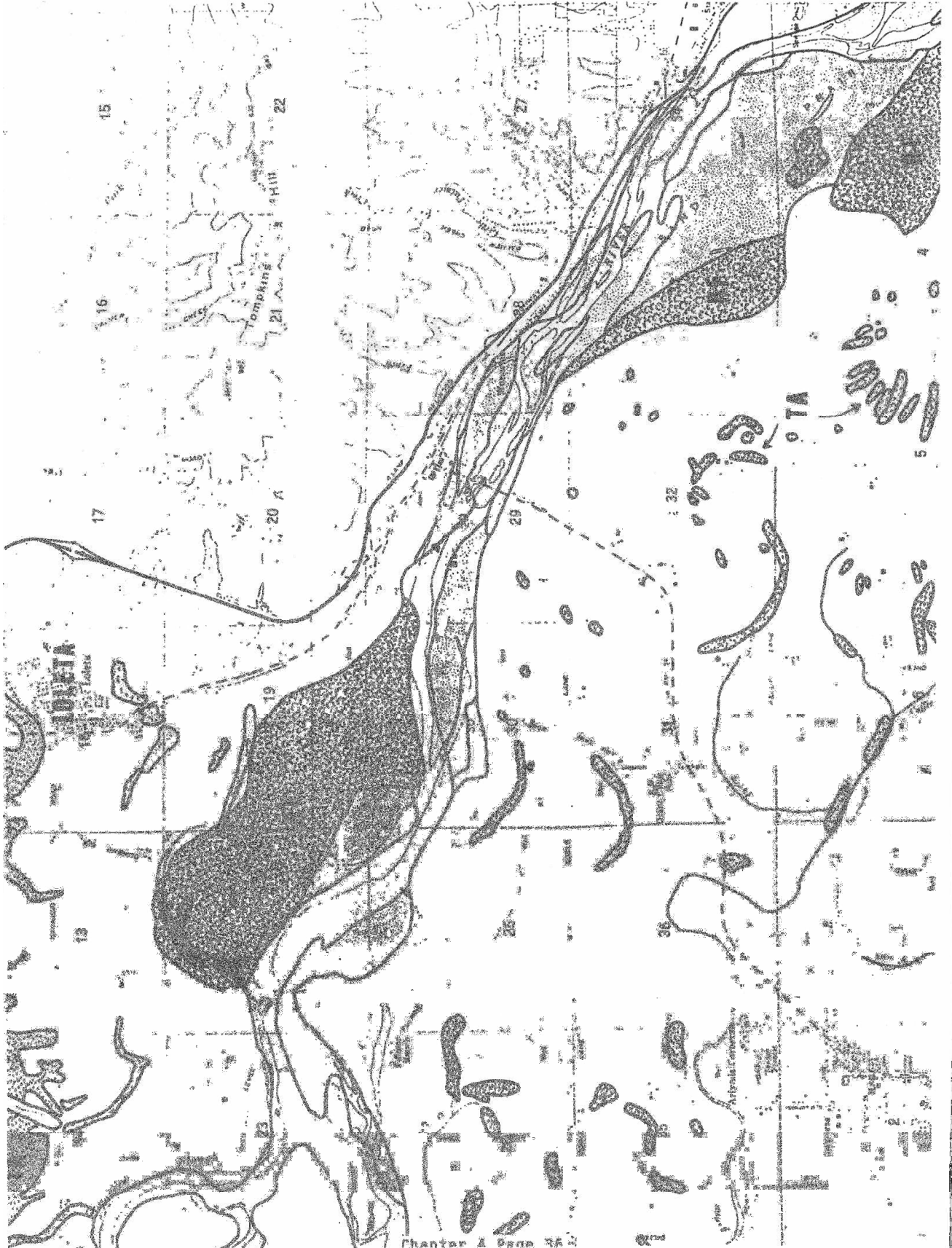
-  - Transitional Agricultural Lands
-  - Wetlands
-  - Estuaries
-  - Riparian Forest
-  - Sand Horizontal Bar

Humboldt County Planning Department
LOCAL COASTAL PROGRAM





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CHAPTER 5

STANDARDS FOR PLAN DESIGNATIONS

5.10 INTRODUCTION

The Area Plan maps indicate the planned principal use for all areas in the Coastal Zone. These planned uses are the basis on which zoning and subsequent development decisions are made; their intent is to guide the development of each area within the framework of community goals and objectives (Chapter 3 of the Area Plan) and the requirements of Public Resource Code Section 30000 et seq. (The California Coastal Act.)

On the maps, the planned principal uses--or planning designations--are indicated by symbols; the key on the map indicates which symbol stands for which planning designation. In this chapter, the standards for permitted use are identified for each planning designation. While in some cases these standards are very specific, they are for the most part of a more general nature than the zoning standards that apply in the area (these are found in the Coastal Zoning Ordinance). This is for a definite reason: the plan designations for an area indicate the overall pattern of eventual development for several years ahead, while the zoning now in force limits present development to what can now be supported in the area. Ordinarily only one zone will be compatible with a single plan designation, and any zoning adopted must conform with and be adequate to carry out the land use plan.

For each Urban and Rural land use designation listed below, the purposes, principal use, conditional use, and (for residential designations) the gross density are identified. Chapter 5 also indicates additional standards for each land use designation that assure conformance of new development with the community objectives and requirements of the Coastal Act.

5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded by up to 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase in the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than 35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions. (Added by Res. 114c 2/9/98, Amended by Res. 06-73a, 7/25/06, Amended by Res. 07-17. 2/27/07)

5.20 URBAN PLAN DESIGNATIONS

(The standards below apply only within Urban Limits as shown in the Area Plan.)

RM: RESIDENTIAL/MEDIUM DENSITY

Purpose: to make effective use of limited urban land and provide areas for residential use of mobile homes in urban areas, consistent with availability of public services.

Principal Use: duplex, multiple unit and mobile home residential development for occupancy by individuals or families.

Conditional Uses: Hotels, motels, boarding houses, mobile home development, single family residences, guest houses, office and professional private institutions, and neighborhood commercial (Amended by the Board of Supervisors, Resolution 85-65; effective certification 11/25/85).

1. New neighborhood commercial development, which is conditionally permitted in urban residential land use designations, shall be restricted to locating along minor collectors or a higher order road classifications (e.g. major collectors or arterials (Amended by Res. No. 85-55, 5/7/85).
2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures (Amended by Res. No. 85-55, 5/7/85).

Gross density: 8-30 units per acre.

RL: RESIDENTIAL/LOW DENSITY

Purpose: to allow the development of homeowner residential uses making conservative use of urban land where adequate services are available.

Principal Use: detached single family residences.

Conditional Use: private institutions, private recreation facilities (as provided in Section 3.25 B of this document), and neighborhood commercial (Amended by Res. No. 85-65; effective certification 11/25/85).

1. New neighborhood commercial development, which is conditionally permitted in urban residential land use designations, shall be restricted to locating along minor collectors or a higher order road classifications (e.g. major collectors or arterials (Amended by Res. No. 85-55, 5/7/85).
2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures (Amended by Res. No. 85-55, 5/7/85).

Gross Density: 3-7 units per acre.

RV: URBAN RESERVE

Purpose: to protect from premature subdivision and development urban lands not now developed to urban densities or adequately provided with urban services but expected to develop to urban uses and densities when services are available.

Principal Use: open space uses including agriculture and timber production while services are unavailable or if specifically planned for urban uses, when services become available, those uses permitted under that respective designation if the development can satisfy on-site water and waste-water requirements.

Conditional Use: same as those associated with the designated principal permitted use.

Gross Density: 0-1 unit per acre/or if specifically planned the density indicated under that specific urban plan designation.

CG: COMMERCIAL GENERAL

Purpose: to allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community.

Principal Use: retail sales, retail services, office and professional uses.

Conditional Uses: Hotels, motels.

CR: COMMERCIAL RECREATIONAL

Purpose: to protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.

Principal Use: commercial recreational, including recreational vehicle parks, hotels and motels for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns for example, subject to the requirements of Section 3.25.

Conditional Uses: single family house on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

MG: INDUSTRIAL/GENERAL

Purpose: to protect sites suitable for the development of general industrial uses.

Principal Use: light and general manufacturing, warehousing and wholesaling, research and development.

Conditional Uses: heavy manufacturing, drilling and processing of oil and gas, agricultural-general uses, heavy commercial uses, sand and gravel extraction, electrical generating and distribution facilities, animal and fish reduction plants.

PF: PUBLIC FACILITY

Purpose: to protect sites appropriate for the development of public and private sector civic service facilities.

Principal Use: essential services including fire and police stations, hospitals and schools; public and private facilities including offices, libraries, cemeteries and clinics, but not including sites or facilities for the storage or processing of materials or equipment.

PR: PUBLIC RECREATION

Purpose: to protect publicly owned lands suitable for recreational development or resource protection.

Principal Use: public recreation and open space (per Section 3.25A2).

Conditional Uses: caretaker dwellings, maintenance buildings.

AG: AGRICULTURE/GENERAL

Purpose: to protect agricultural lands within Urban Limits for continued agricultural use where such lands are economically viable, compatible with the development of urban uses and most reasonably included within Urban Limits.

Principal Use: production of agricultural crops with a residence incidental to this use.

Conditional Uses: hog production, watershed management, management for fish and wildlife habitat, recreation (exclusive of those requiring non-agricultural development), utility transmission lines, farm labor housing and timber harvesting.

Gross Density: 0-2 units per acre (within Loleta Urban Limit Line).

5.30 RURAL PLAN DESIGNATIONS

(The standards below apply outside Urban Limits as shown in the Area Plan.)

RX: RESIDENTIAL/EXURBAN

Purpose: to allow development of rural community neighborhoods not depending on urban levels of service.

Principal Use: residential single-family with neighborhood commercial services as allowed by Section 3.37B of this document.

Gross Density: See Section 3.31B 3 for a gross density for each specific geographical area.

RR: RURAL RESIDENTIAL

Purpose: to allow residential use of rural lands not permanently designated for resource protection and not suitable for rural community neighborhood development.

Principal Use: residential.

Conditional Uses: production of food, fiber or plants.

Gross Density: See Section 3.31 B3 for a gross density for each specific geographical area.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

Purpose: to protect prime and non-prime agricultural lands for long-term productive agricultural use.

Principal Use: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, and principal uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures.

Conditional Uses: hog production, watershed management, management for fish and wildlife habitat, recreation (such as hunting camps and stables except those requiring non-agricultural development), utility transmission lines, farm labor housing, greenhouses, feed lots and similar confined livestock operations.

Gross Density: 60 acre minimum parcel size, except that divisions to 20 acres may be permitted where the parcel is subject to an Agricultural Preserve contract and rezoning (See Section 3.34A and as provided in Section 3.34E).

AEG(1): AGRICULTURE EXCLUSIVE/GRAZING LANDS (1)

Purpose: to protect coastal grazing lands for long-term productive grazing use.

Permitted Use: production of food, fiber, or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, and principal permitted uses under TC.

Conditional Uses: same as AE.

Gross Density: 160 acre minimum parcel size, as permitted by Section 3.34C and E.

AEG(2): AGRICULTURE EXCLUSIVE/GRAZING LANDS (2)

Purpose: to protect coastal grazing lands for long-term productive grazing use.

Permitted Use: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator, and the other by the parent or child of the owner/operator, and principal permitted uses under TC.

Conditional Uses: same as AE.

Gross Density: 600 acre minimum parcel size, except by Section 3.34D.

TC: COASTAL COMMERCIAL TIMBERLAND

Purpose: to protect productive timberlands for long-term production of merchantable timber.

Principal Uses: timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.35 of this document, and principal uses permitted under AEP, except second dwelling.

Conditional Uses: management of watershed, management for fish and wildlife, utility and transmission lines, second dwellings, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

Gross Density: 160 acre minimum, except that with a joint timber management plan parcels to 40 acres may be created.

NR: NATURAL RESOURCES

Purpose: to protect and enhance valuable fish and wildlife habitats, and provide for public and private use of their resources, including hunting, fishing and other forms of recreation.

Principal Use: management for fish and wildlife habitat.

Conditional Uses: wetland restoration, development of hunting blinds and similar minor facilities, improvement of boating facilities in estuaries consistent with Section 3.41 B of the Plan, accessway development and improvement and removal of trees for firewood, disease control and public safety purposes.

CG: COMMERCIAL GENERAL

Purpose: to allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community.

Principal Use: retail sales, retail services, office and professional uses.

Conditional Uses: hotels, motels.

CR: COMMERCIAL RECREATIONAL

Purpose: to protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.

Principal Use: commercial recreational, including recreational vehicle parks, hotels and motels for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns for example, subject to the requirements of Section 3.36.

Conditional Uses: single family house on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

PR: PUBLIC RECREATION

Purpose: to protect publicly owned lands suitable for recreational development or resource protection.

Principal Use: public recreation and open space (per Section 3.36C).

Compatible Uses: caretaker dwellings, maintenance buildings.

MG: INDUSTRIAL/GENERAL

Purpose: to protect sites suitable for the development of general industrial uses.

Principal Use: light and general manufacturing, warehousing and wholesaling, research and development.

Conditional Uses: heavy manufacturing, drilling and processing of oil and gas, agricultural-general uses, heavy commercial uses, sand and gravel extraction, electrical generating and distribution facilities, animal and fish reduction plants.

PF: PUBLIC FACILITIES

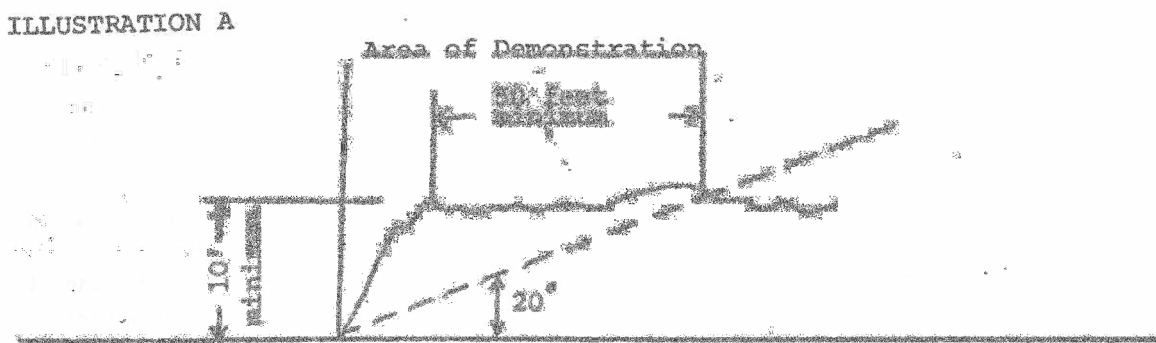
Purpose: to protect appropriate sites for essential public services most appropriately located in rural areas.

Principal Use: utility substations, schools, and other essential public services most appropriately located in rural areas.

CHAPTER 6

DEFINITIONS

"Area of Demonstration of Stability" -- As a general rule, the area of demonstration of stability (Illustration A) includes the base, face and tops of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane included at a 20° angle from horizontal passing through the toe of the bluff or cliff, or fifty feet inland from the edge of the cliff or bluff whichever is greater. However, the County may designate a lesser area of demonstration in specific areas of known geologic stability (as determined by adequate geologic evaluation and historic evidence) or where adequate protective works already exist. The County may designate a greater area of demonstration or exclude development entirely in areas of known high instability.



"Bluff or Cliff Areas" -- A bluff or cliff is a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass. The cliff or bluff may be simple planar or curved surface or it may be steplike in section. For the purposes of this guideline, "cliff" or "bluff" is limited to those features having vertical relief of ten feet or more, and "seacliff" is a cliff whose toe is or may be subject to marine erosion.

"Bluff edge" or "cliff edge" -- is the upper termination of a bluff, cliff or seacliff. When the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

"Boundary of a Transitional Agricultural Land" -- Either:

- (1) the boundary of the area which would be below tidal elevations (+5 feet above mean sea level) if tide gates, dikes, or other drainage works were not in place;
- (2) the boundary of a clearly defined slough which is periodically covered with standing water; or
- (3) the boundary of the wetland prior to its alteration for agricultural use, as indicated by soils maps, elevation, or historic information, including maps and photographs.

Areas with drained or filled hydric soils which are no longer capable of supporting hydrophytes are not considered wetlands.

"Boundary of a Wetland" -- Either:

- (1) the boundary between land with predominately hydrophytic cover and land with predominately mesophytic or xerophytic cover;
- (2) the boundary between soil that is predominately hydric and soil that is predominately nonhydric; or in the case of wetlands without vegetation or soils;
- (3) the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not; or
- (4) the boundary between wetland and riparian habitats.

Areas with drained or filled hydric soils which are no longer capable of supporting hydrophytes are not considered wetlands.

"Coastal Commercial Timberland" -- Means:

- a. Within a Timberland Preserve Zone (TPZ), privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.
- b. Outside of TPZ, land, other than land owned by the federal government or land designated by the Board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce timber and other forest products including Christmas trees (Public Resources Code Section 4526).

"Coastal-dependent development or use" -- means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

"Commercial-Recreational Facilities" -- means facilities serving recreational needs but operated for private profit, (e.g., riding stable, chartered fishing boats, tourist attractions and amusement or marine parks.)

"Coastal-related development" -- means any use that is dependent on a coastal-dependent development or use.

"Developed" -- Developed with a structure that is a principal or conditional use permitted under a parcel's land use designation in the applicable area plan.

"Development" -- means, on land, in or under water, the placement or creation of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with section 66-410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the

removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (Commencing with Section 4511).

"Dikes" -- A bank constructed to control or confine tidal waters.

"Environmentally Sensitive Areas" -- means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Coastal Act Section 30107.5), including: areas of special biological significance as identified by the State Water Resources Control Board; rare and endangered species habitat identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife and education and research reserves; nearshore reefs; tidepools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; and wilderness and primitive areas.

"Existing Developed Areas" -- that may be appropriate for infilling and redevelopment include: lands upon which urban development presently exists; lands generally developed to a density of two or more units per acre; and lands within rural communities that constitute distinct, identifiable towns or villages because they are substantially more developed than surrounding lands and contain a variety of services common to rural centers which serve large surrounding areas (such as a post office, stores, restaurants, bars, and service stations).

Other areas that may be appropriate for carefully-phased expansion from such developed areas include lands adjacent or closely proximate to developed areas where development would provide a logical, resource-conserving extension of the present developed area because (1) coastal resources within the expansion area would be permanently protected; (2) the lands are relatively near employment centers; (3) adequate necessary services (i.e. roads, water, sewage disposal) are either available or can be provided without significant damage to coastal resources or to access to the coast by the general public; (4) alternative sites for urban development would involve greater damage to natural resources, coastal or inland; and (5) development proposed for the area is consistent with other Coastal Act requirements.

"Feed Lot" -- A large yard with pens or stables, other than those part of a typical livestock ranch, where cattle, sheep, etc., are kept for finishing shipment or slaughter.

"Fill" -- means earth or other substance or material, including piling placed for the purpose of erecting structures thereon, placed in a submerged area.

"Fire Hazard Areas" -- no acceptable definition in common use. Local planners should use the Fire Hazard Severity Classification System developed by the State Division of Forestry.

"Flood Hazard Areas" -- those areas subject to inundation by a 100-year flood.

"Geologic Hazards" --include the following:

- (1) seismic hazard areas delineated on fault maps as subject to potential surface rupture, on soil maps indicating materials particularly prone to shaking or liquefaction and in local and regional seismic safety plans;
- (2) tsunami runup areas identified on U.S. Army Corps of Engineers 100-year recurrence maps, by other scientific or historic studies and other known areas of tsunami risk;
- (3) landslide hazard areas delineated on slope stability maps and in local and regional geologic or safety plans;

- (4) beach areas subject to erosion; and
- (5) other geologic hazards such as expansive soils and subsidence areas.

"Highly Scenic Areas" -- generally include:

- (1) landscape preservation projects designated by the State Department of Parks and Recreation in the California Coastline Preservation and Recreation Plan;
- (2) open areas of particular value in preserving natural landforms and significant vegetation, or in providing attractive transitions between natural and urbanized areas; and
- (3) other scenic areas and historical district designated by cities and counties.

"Incidental Public Service Purposes" -- projects, such as burying cables and pipes, inspection of piers, etc., which temporarily impact the resources of a habitat area.

"Lateral Access" -- a recorded dedication or easement granting to the public the right to pass and repass over dedicator's real property generally parallel to, and up to 25 feet inland from, the mean high tide land, but in no case allowing the public the right to pass nearer than five feet to any living unit on the property.

"Levee" -- a bank constructed to control or confine flood waters.

"Low Income" -- includes both "very low" and "low" income, meaning households whose income does not exceed 50% and 80%, respectively of the median household income of the Standard Metropolitan Statistical Area (SMSA) the jurisdiction is located in, or the county where there is no SMSA, in accordance with Chapter 13339 of the California Health and Safety Code.

"Mode" -- in any group of numbers, that number which is found most frequently is the mode.

"Neighborhood Commercial" -- retail services which provide convenient sales facilities to residential areas, such as coin operated laundries, food markets and variety stores.

"Non-Prime Agricultural Land" -- means other coastal agricultural lands that are now in use for crops or grazing, or that are suitable for agriculture.

"Non-Tidal Slough" -- any portion of a slough which is not inundated with sea water by the daily ebb and flow of the tides.

"Planned Unit Development" -- a development which, on an individual parcel, permits variable parcel sizes but an overall density consistent with the gross densities permitted in the Area Plan in order to provide development compatible with environmental, geologic or topographic features of a parcel.

"Prime Agricultural Land" -- (per California Government Code Section 51201(c)) means:

- (1) all land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.

- (2) land which qualifies for rating 80 through 100 in the Storie Index Rating. (3) land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S.D.A.
- (4) land planted with fruit or nut bearing trees, vines, bushes or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
- (5) land which has returned from the production of unprocessed agricultural plant products on an annual gross value of not less than \$200 per acre for three of the five previous years.

"Private Institutions" -- the rooming or boarding of any aged or convalescent person whether ambulatory or nonambulatory, for which a license is required by a county, state or federal agency. Private institution shall include sanitarium, rest home and convalescent home.

"Public Works" -- means:

- (a) all production, storage, transmission and recovery facilities for water, sewage, telephone and other similar utilities owned or operated by any public agency or by an utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- (b) all public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, mass transit facilities and stations, bridges, trolley wires and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.
- (c) all publicly financed recreational facilities and any development by a special district.
- (d) all community college facilities, (Public Resources Code, Section 30114).

"Recreation, Private, and Noncommercial" -- clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization and their guests.

"Riparian Vegetation" -- refers to vegetation commonly occurring adjacent to stream banks and includes such plants as willows, alders, cottonwood, wax myrtle, big leaf maple, California laurel, red elderberry, etc.

"Road Standards" (Appended by Res. No. 85-55, 5/7/85):

1. The "Rural Principal Arterial" system consists of a connected rural network of continuous routes which have trip length and travel density characteristics indicative of substantial statewide or interstate travel.
2. The "Rural Minor Arterial" road system, in conjunction with the rural principal arterial system, links cities and towns above 5,00 in population and other major traffic generators, and forms an integrated network providing interstate and intercounty service.
3. "Rural Connectors" provide connections between the higher order system and have low- volume/long trip length characteristics.
4. The "Rural Collector" routes generally serve travel or primarily regional importance rather than statewide importance and constitute those routes on which (regardless of traffic volume predominant

travel distances are shorter than on arterial routes. The collector road system is subclassified into two categories:

- a. "Major Collectors" are spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road.
 - b. "Minor Collectors" are spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road.
5. The "Rural Local Road" system serves primarily to provide access to adjacent land and accommodate travel over relatively short distances as compared to higher systems. (Not shown individually on circulation map.)
 6. "Urban Principal Arterials" in conjunction with Rural Principal Arterials, provide the highest level of conventional street service to virtually all area traffic generators.

"Sea" -- means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

"Self Help Housing Sponsor" -- an existing entity that is willing and able to assist in applying for and carrying out a grant under the Self Help Housing Program of the Farmers House Administration as provided in Section 1933.403(k), Title 7, Code of Federal Regulations (Department of Agriculture).

"Special Communities and Neighborhoods" -- include the following:

- (1) areas characterized by a particular cultural, historical or architectural heritage that is distinctive in the Coastal Zone;
- (2) areas presently recognized as important visitor destination centers on the coastline;
- (3) areas with limited automobile traffic that provide opportunities for pedestrian and bicycle access for visitors to the coast;
- (4) areas that add to the visual attractiveness of the coast.

"Special District" -- means any public agency other than a local government...formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special District" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area. (Public Resources Code Section 30118.)

"Spillways" -- an alteration of a dike or levee above the level of mean higher high water for the purpose of drainage of flood waters.

"Stream Transition Line" -- that line closest to a stream where riparian vegetation is permanently established.

"Structure" -- includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Public Resources Code Section 30101).

"Timber Products Processing" -- commercial processing of raw wood and wood products, including sawmills, lumber mills and plywood mills, but not including pulpmills.

"Transitional Agricultural Land" -- A wetland which has been altered for production of crops, including pasture, hay, or other forage, but where hydrophytes typical of non-farmed wetlands will predominate if farming is discontinued. In Humboldt County, these areas are typically diked former tidelands or clearly defined non-tidal sloughs used for hay or pasture.

"Usable Parcel" -- a parcel that can be developed for the principal use permitted under its land use designation and other policies of the applicable Area Plan.

"Visitor-Serving Facilities" -- means public and private developments that provide accommodations, food and services, including hotels, motels, campgrounds, restaurants, and commercial-recreation developments such as shopping, eating and amusement areas for tourists.

"Wetlands" -- lands which may be covered periodically or permanently with shallow waters, including salt marshes, freshwater marshes, swamps mudflats, fens and transitional agricultural lands. The County will use the U.S. Fish and Wildlife Service's Classification of Wetland and Deepwater Habitats of the United States as a guide to wetland identification. In general, lands which meet the clasifications definition of subtidal estuarine aquatic beds, estuarine intertidal flats and emergent habitats, and palustrine emergent and non- riparian palustrine shrub-scrub and forested habitats will be considered wetlands.

APPENDIX A

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California Coastal Commission, Local Coastal Program Manual, San Francisco, California, July 22, 1977.

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Access

Agriculture

Commercial Fishery and Beach Use

Habitat Sensitivity

Housing

Recreational Demand

Timber

Urban Services

Visual

Water Quality

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