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LCP AMENDMENT LCP-1-HUM-16-0040-1

(COUNTY OF HUMBOLDT INTERIM USES ON COASTAL-DEPENDENT INDUSTRIAL LANDS)

AUGUST 10, 2017

APPENDICES

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APPENDIX A
COUNTY ADOPTED AMENDMENTS TO THE LUP AND IP

As proposed, LCP-1-HUM-16-0040-1 would make certain changes to the certified Humboldt Bay Area Plan (LUP) and Coastal Zoning Regulations (IP). The existing certified LUP language is shown below *in italicized text*. The County’s proposed deletions to existing certified language are shown in ~~strikethrough~~ text. The County’s proposed additions to existing certified language are shown in underline text.

A. PROPOSED AMENDMENTS TO THE HUMBOLDT BAY AREA PLAN (LUP)

- 1. The County proposes to amend the “Coastal-Dependent Development” section of Chapter 3 of the Humboldt Bay Area Plan to add the following development policy to Section 3.13-B- 1:**

3.13 COASTAL-DEPENDENT DEVELOPMENT

...

B. DEVELOPMENT POLICIES

1. Industrial:

- a. within areas designated Coastal Dependent Industrial (MC), the principal uses shall be any coastal-dependent industrial use that requires access to a maintained navigable channel in order to function, including, but not limited to: public docks, water-borne carrier import and export operations, ship building and boat repair, commercial fishing facilities, including berthing and fish receiving, and fish processing when product is for human consumption (fish waste processing and fish processing of products for other than human consumption are considered coastal- related uses), marine oil terminals, OCS service or supply bases, ocean intake, outfall or discharge pipelines serving offshore facilities, and aquaculture and aquaculture support facilities.*
- b. as conditional uses within MC designations, visitor-serving recreational facilities that require channel access, including, but not limited to marinas serving other than solely commercial vessels, fishing piers, and boat- launching facilities; coastal-related industrial uses, including but not limited to fish-waste processing and fish processing of products for other than human consumption, gas and/or oil processing and treatment facilities, electrical generating facilities or other facilities which require an ocean intake, outfall, or pipeline. Such facilities shall not be sited on sites with channel access unless associated with a terminal. Alterations, improvements, and relocations of existing*

general industrial uses within the MC designation may also be permitted.

- c. as interim conditional uses within MC designations to allow greater use of underutilized MC lands, certain uses allowed in the MG: Industrial/General land use designation and in the ML: Light Industrial zone district (Section 313-3.2 of the Coastal Zoning Regulations) subject to interim use performance standards to avoid impacts to coastal-dependent industrial uses and other priority uses including visitor-serving recreational facilities that require channel access and coastal-related industrial uses.
 - ed. *within areas designated Resource Dependent (MR), the principal use shall be resource-dependent activities, including but not limited to, aquaculture, wetland restoration projects carried out under Coastal Act Section 30233(a)(7), nature study facilities, and minor alterations or repairs to existing structures. Conditionally permitted uses in the MR designation are as described in the Land Use Designation Chapter 4, page 4-4.*
 - de. *permitting of developments included in this subsection shall be according to the policies of 3.14 et seq., or 3.26 et seq., as applicable.*
2. *Recreational: any active or passive recreational activity requiring use of open water, the water- beach interface, or other natural features which in Humboldt County exist only or predominantly at near-shore areas.*
 3. *Commercial: visitor-serving facilities which accommodate or facilitate public use of the shoreline for coastal-dependent recreational purposes, when provision of such services is best provided at shoreline areas and does not interfere with access to the coast.*
 4. *Where coastal-dependent uses conflict among themselves, priority shall be given to industrial over recreational or commercial uses, and to recreational over commercial uses; except that industrial, recreational, and visitor serving use of private lands shall not displace existing agricultural use where the Area Plan or zoning protect the use.*
 5. *In reviewing projects requiring channel access, it is recognized that the channel adjacent to the Samoa Spit is naturally scoured and generally provides the best opportunity for deeper draft uses.*
 6. *U.S. Coast Guard facilities shall be considered a priority among coastal-dependent uses.*
 7. *Dredge spoils disposal sites identified on the Resource Protection Maps shall be protected for spoils disposal...*

2. The County proposes to amend Chapter 4 of the LUP Section 4.10-A “Urban Land Use Designations” related to “Industrial/Coastal-Dependent” as follows:

MC: *INDUSTRIAL/COASTAL-DEPENDENT*

PURPOSE: to protect and reserve parcels on or near the sea for industrial uses dependent on, or related to, the harbor.

PRINCIPAL USE: any coastal-dependent industrial use that requires access to a maintained navigable channel in order to function, including, but not limited to: public docks, water-borne carrier import and export operations, ship building and boat repair, commercial fishing facilities, including berthing and fish receiving, and fish processing when product is for human consumption (fish waste processing and fish processing of products for other than human consumption are considered coastal-related uses) marine oil terminals, OCS service or supply bases, ocean intake, outfall or discharge pipelines and pipelines serving offshore facilities, aquaculture and aquaculture support facilities.

CONDITIONAL USES: visitor-serving recreational facilities that require channel access, including, but not limited to marinas serving other than solely commercial vessels, fishing piers, and boat launching facilities; coastal-related industrial uses, including, but not limited to fish waste processing and fish processing and treatment facilities, electrical generating facilities or other facilities which require an ocean intake, outfall, or pipeline. Such facilities shall not be sited on sites with channel access unless associated with a terminal. Alterations, improvements, and relocations of existing general industrial uses within the MC designation. Interim uses that will allow for greater use of underutilized MC lands while at the same time avoiding impacts to their long term coastal-dependent industrial use and other priority uses conditionally permitted on MC designated lands, including for visitor-serving recreational facilities that require channel access and coastal-related industrial uses.

B. PROPOSED AMENDMENTS TO THE COASTAL ZONING REGULATIONS (IP)

- 1. The County proposes to amend the MC Use Type Table in IP Section 313-3.4 to expand the list of conditionally permitted use types allowed in the MC zone.**

313-3.4		MC: Industrial/Coastal-Dependent	
Use Type		Principal Permitted Use	
<i>Civic Use Types</i>		<i>Minor Utilities</i>	
<i>Industrial Use Types*</i>		<i>Coastal-Dependent; subject to the Coastal-Dependent Industrial Development Regulations</i>	
Use Type		Conditionally Permitted Use	
<i>Residential Use Types</i>		<i>Caretaker’s Residence</i>	
<i>Civic Use Types</i>		<i>Solid Waste Disposal; subject to Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</i>	
<i>Commercial Use Types</i>		<i>Coastal-Dependent Recreation</i>	

<i>Industrial Use Type</i>	<i>Coastal-Related; subject to the Coastal-Dependent Industrial Regulations Heavy Industrial, limited to alteration, improvement, and relocation of existing facilities</i>
<i>Extractive Use Type</i>	<i>Surface Mining – 1; subject to Surface Mining Regulations Surface Mining – 2; subject to Surface Mining Regulations Oil and Gas Drilling Processing; subject to Oil and Gas Drilling and Processing Regulations</i>
<i>Natural Resource Use Type</i>	<i>Coastal Access Facilities</i>
<u>Use Type</u>	<u>Interim Conditionally Permitted Use</u>
	<u>Certain uses Principally and Conditionally permitted in Section 313-3.2 ML Light Industrial and Section 313-3.3 MG: Industrial General not listed above; subject to the Interim Uses in the Coastal-Dependent Industrial Zone Performance Standards contained in Section 313-104.1. Pursuant to Section 313-104.1 certain uses included in the following use types would not be allowed due to their inability to be removed or relocated in a feasible manner.</u>
<u>Civic Use Types</u>	<u>Extensive Impact Civic Uses Minor Generation and Distribution Facilities</u>
<u>Commercial Use Types</u>	<u>Heavy Commercial Retail Sales Retail Service Warehousing, Storage and Distribution</u>
<u>Industrial Use Types</u>	<u>Heavy Industrial Research/Light Industrial Timber Product Processing</u>
<u>Agricultural Use Type</u>	<u>General Agriculture</u>
<i>Use Types Not Listed in This Table**</i>	<i>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MC zone. <u>The determination of uses similar to Interim Conditionally Permitted Uses shall be made by the Planning Director in consultation with Coastal Commission staff.</u></i>

*See *Industrial Performance Standards, Section 313-103.1.*

**See “*Classifying Uses Not Specifically Mentioned in Use Type Descriptions,*” *Section 313-165.*

2. The County proposes to add performance standards (new IP Section 313-104.1) for permitting interim conditional uses in the MC zone as shown below.

313-104.1 INTERIM USES IN THE COASTAL-DEPENDENT INDUSTRIAL ZONE PERFORMANCE STANDARDS

104.1.1 Purpose. There is a substantial inventory of vacant and underutilized land zoned MC: Coastal-Dependent Industrial around Humboldt Bay. Until such time as there is a higher demand for the use of MC zoned land for its designated purpose of supporting

coastal-dependent industrial uses, defined as uses which require a maintained navigable channel to function, it is desirable and beneficial to generate revenues that can be used to maintain and improve infrastructure for future coastal-dependent industrial use. This is accomplished by increasing the variety of conditionally permitted uses in the MC zone district by allowing noncoastal-dependent interim uses, thereby increasing the potential for the use of vacant and underutilized MC zoned land.

The purpose of these regulations is to establish minimum standards for interim noncoastal-dependent development in the MC zone district while simultaneously protecting the current and long term use of MC zoned land for coastal-dependent industrial use as defined in 104.1.3.1 below, and other priority uses conditionally permitted in the MC zone district including coastal-dependent recreation, coastal-related, and coastal access facilities as defined in Section D: Use Types. Part 2: Glossary of Use Types, of the Coastal Zoning Regulations (hereinafter "other priority use" or "other priority uses"). To allow greater use of underutilized MC zoned lands, certain uses allowed in the ML-Light Industrial and MG-Industrial General zone districts not otherwise allowed in the MC zone district may be allowed in the MC district as conditionally permitted interim uses ("interim uses") subject to the following performance standards which avoid detrimental impacts to the long term coastal-dependent industrial use, or other priority use, of MC zoned lands.

104.1.2 Applicability. The provisions of this section shall apply to all qualified interim uses in the MC zone district. Certain uses included under the various Interim Conditionally Permitted Use Types in Section 313-3.4 of the Coastal Zoning Regulations would not qualify as allowable interim uses at the outset due to their inability to be removed or relocated in a feasible manner. Uses that could not plausibly qualify as interim uses include, but are not limited to, most of the Extensive Impact Civic Uses with the possible exception (where structures that may be needed are either existing or removable) of helistops, publicly operated parking garages, bus depots, and sites for storage, repair and processing of materials and equipment and vehicles operated by governmental entities; and automobile gas or filling stations under Retail Service Uses.

104.1.3 Performance Standards.

104.1.3.1 In order to avoid detrimental impacts to coastal-dependent industrial uses, including public docks; water-borne carrier import and export operations; ship building and boat repair; commercial fishing facilities, including storage and work areas, berthing and fish receiving, and fish processing for human consumption; marine oil terminals; Outer Continental Shelf service or supply bases; ocean intake, outfall or discharge pipelines and pipelines serving offshore facilities; and aquaculture and aquaculture support facilities; and in order to avoid detrimental impacts to other priority uses, interim uses shall:

104.1.3.1.1 be compatible with, and not interfere with, the operation of existing onsite and offsite coastal-dependent industrial uses or other priority uses;

104.1.3.1.2 allow the site where they are located to be converted back to a coastal-dependent industrial use or other priority use when the site is needed for such use;

104.1.3.1.3 use existing improvements where feasible;

104.1.3.1.4 be located in the areas least likely to be required by a future coastal-dependent industrial use or other priority use on a particular site to the extent feasible;

104.1.3.1.5 provide improvements that are nonpermanent and removable or relocatable in a feasible manner, or improvements that would preserve or enhance the utility of the project site for future coastal-dependent industrial use or other priority use, if new improvements are required; and

104.1.3.1.6 not inhibit the eventual use of MC zoned land for coastal-dependent industrial use or other priority use.

104.1.3.2 Compliance with Section 104.1.3.1 shall be determined considering at a minimum all of the following factors:

104.1.3.2.1 the amount of area required for an interim use;

104.1.3.2.2 the type, intensity and location of the interim use;

104.1.3.2.3 maintenance of priority access to roads, bay frontage and infrastructure for existing coastal-dependent industrial uses or other priority uses;

104.1.3.2.4 the priority rating of the site pursuant to section 3.14.B.3.a of the Humboldt Bay Area Plan;

104.1.3.2.5 the current and projected level of demand for coastal-dependent industrial uses, and the land and infrastructure available to accommodate the demand, as determined in consultation with appropriate public and private agencies or organizations, and appropriate publications;

104.1.3.2.6 the cost and amortization period of investments associated with the proposed use; and

104.1.3.2.7 the lead time necessary to return the site to coastal-dependent industrial use or other priority use.

104.1.3.3 Interim uses do not have the priority status of coastal-dependent industrial uses or other priority uses, shall be located in upland areas, shall not be allowed to fill wetlands or coastal waters, shall be located at least 100 feet from environmentally

sensitive habitat areas, and shall not be located on any dock or within 100 feet of a dock as measured from the center of the dock at the point where the dock joins the shore.

104.1.3.4 Interim uses shall require both a use permit and coastal development permit, the terms of which shall coincide, and shall be subject to the following standards:

104.1.3.4.1 If interim uses occupy seventy-five (75) percent or more of the total land area zoned MC within the Humboldt Bay Area Plan planning area that either currently supports or has supported coastal-dependent industrial development as determined by the Planning Director, no additional permits for interim uses shall be issued.

104.1.3.4.2 The Hearing Officer shall set the term for the permits, which shall normally be between one (1) and seven (7) years. The permit term shall be set in consideration of the factors listed in section 104.1.3.2 so as to provide a viable time frame for an interim use while avoiding impacts to long term coastal-dependent industrial uses.

104.1.3.4.3 If interim uses occupy fifty (50) percent or more of the total land area zoned MC within the Humboldt Bay Area Plan planning area that either currently supports or has supported coastal-dependent industrial development as determined by the Planning, the permit term for any subsequent interim use shall be limited to no more than two (2) years.

104.1.3.4.4 A term of between one (1) and three (3) additional years above the maximum seven (7) years (for a total term not to exceed ten (10) years') may be considered under limited circumstances, but shall not be considered for interim uses subject to the permit term established by 104.1.3.4.3. In addition to the factors provided in section 104.1.3.2 the longer term may be considered for:

104.1.3.4.4.1 interim uses that can coexist with existing or future coastal-dependent industrial uses.

104.1.3.4.4.2 interim uses that provide structural repair, maintenance or upgrades of existing infrastructure, or install new infrastructure, that supports coastal-dependent industrial uses.

104.1.3.4.5 The existence of a use permit and coastal development permit for an interim use shall not prevent the application for and approval of any required land use permits for a non-interim principally or conditionally permitted use in the MC zone district for the same parcel, even if for the same location on the parcel, subject to the condition that the permits for any non-interim use that would conflict with an interim use shall not become effective until the expiration of the interim use permit term set by the Hearing Officer, the abandonment of the interim use during the permit

term of the interim use, or the rescission of the lease for the interim use and the removal or relocation of the interim use in accordance with Section 104.1.3.10.

104.1.3.5 An interim use permit and coastal development permit shall not confer any land use entitlement or property right to the holder of the permits beyond the permit expiration date set forth in the use permit and coastal development permit. Interim permits shall expire at the end of the term set by the Hearing Officer, at which time they become null and void. Interim uses shall cease operation and all permitted development not authorized to remain by permit shall be removed by the permit expiration date. Approval of a new use permit and coastal development permit prior to the expiration date of the existing use permit and coastal development permit authorizing the interim use shall be required in order to continue an interim use uninterrupted beyond the expiration date of the existing permit.

104.1.3.6 An interim use must commence within one (1) year after all applicable appeal periods have lapsed. Extensions of the initial permit vesting period (the period by which the interim use must begin) may be approved in accordance with Section 312-11.3 of the Zoning Ordinance ("Extension of a Permit or Variance").

104.1.3.7 Interim uses shall utilize existing improvements where feasible. If new improvements are required, they shall be nonpermanent and removable or relocatable in a feasible manner, or shall be improvements that would preserve or enhance the utility of the project site for future coastal-dependent industrial use or other priority use. A project site shall be restored to pre-project condition, or to a condition that would preserve or enhance the project site for future coastal-dependent industrial use or other priority use, on or before the expiration date of a use permit and coastal development permit for an interim use. An application for a use permit and coastal development permit for interim uses shall include a plan detailing how and when the project site will be restored. A bond in the amount necessary to complete the required restoration may be required at the discretion of the Hearing Officer.

104.1.3.8 Prior to any development occurring that is authorized by an interim use permit and coastal development permit, a Development Plan shall be submitted for review and approval by the Planning Director, and a Notice of Development Plan shall be recorded on all properties where the interim use permit will be located. The Development Plan shall identify the term and all other applicable development restrictions that apply to the interim use, including the plan for restoring the project site to pre-project condition, or to a condition that would preserve or enhance the project site for future coastal-dependent industrial use or other priority use.

104.1.3.9 Coastal-dependent industrial uses and other priority uses are considered priority uses pursuant to the County's Local Coastal Program and California

Coastal Act and as such, shall be given priority over interim uses in evaluating potential land use conflicts between the two uses. Operation of coastal-dependent industrial uses or other priority uses in conformance with all applicable laws and regulations shall not constitute a nuisance pursuant to the Humboldt County Code of Regulations.

104.1.3.10 Any lease for an interim use shall include a provision for rescission of the lease and mandatory relocation or removal of the interim use within six months in the event a coastal-dependent industrial use or other priority use is identified by the property owner for the space occupied by an interim use on terms acceptable to the property owner. A copy of the lease showing compliance with this provision shall be provided to the Planning Division prior to permit issuance. A property owner shall prioritize coastal-dependent industrial uses and other priority uses over interim uses and may exercise the lease rescission provision if a coastal-dependent industrial use or other priority use attempting to occupy the site would be prohibited from doing so due to the existence of one or more interim uses.

104.1.3.11 The Coastal-Dependent Industrial Development regulations contained in Section 313-45.1 of the Coastal Zoning Regulations shall continue to apply to coastal-dependent industrial development in the MC zone district, but shall not apply to noncoastal-dependent industrial interim uses.

104.1.3.12 The Industrial Performance Standards as provided in Section 313-103.1 of the Coastal Zoning Regulations shall apply to all Interim Conditionally Permitted Uses.

104.1.4 Findings. In addition to the required findings for all permits and variances pursuant to Chapter 2 Section 312-17 of the Humboldt County Zoning Regulations, the Hearing Officer may approve or conditionally approve an application for an interim use permit and coastal development permit only if a finding can be made that the interim use does not have a detrimental impact on existing coastal-dependent industrial uses or other priority uses, nor on the future long term use of MC zoned land for coastal-dependent industrial uses or other priority uses.

104.1.5 Tribal Cultural Resources. Ground disturbing activities will require review by local Native American tribes and may require a record search, a site visit, and/or an archaeological survey for Tribal cultural resources during the permitting process. If a likelihood of significant resources is identified, project redesign, mitigation, and/or monitoring during ground disturbing activities may be required for areas considered sensitive.

104.1.6 Future Applicability. If the County undertakes a reduction of MC zoned land, the continued applicability of these standards shall be reviewed and may potentially be modified as may be appropriate.

APPENDIX B
COMMISSION SUGGESTED MODIFICATIONS

The Commission imposes the following Suggested Modifications to the LUP Amendment and the Implementation Plan (IP) Amendment. The existing certified language is shown below *in italicized text*. The County’s proposed additions to existing certified language are shown in underline format. The Commission’s Suggested Modifications are shown in ~~**bold double strikethrough**~~ (suggested deletions) and **bold double underlined** (suggested additions).

A. SUGGESTED MODIFICATIONS TO HUMBOLDT BAY AREA PLAN CHAPTER 2

Modify Chapter 2 Section 2.30 as follows:

2.30 POST CERTIFICATION ADMINISTRATION OF THE HUMBOLDT BAY PLAN

A. *Local administration of the plan ~~hinges upon a substantial number of unresolved issues. This critical section of the plan will be developed~~ **may be further implemented** jointly by the Coastal Commission and Humboldt County and added to this plan at a later date. ~~Unresolved issues~~ **Further implementation measures** include, but are not limited to:*

1. *Where the State Coastal Commission retains primary permit authority **consistent with Coastal Section 30519 and 14 CCR 13576-13577**;*
2. *What areas in which the State Commission will hear appeals **consistent with Coastal Act section 30603 and 14 CCR 13576-13577**;*
3. *Procedures for local notice and approval **consistent with 14 CCR 13560-13574**;*
and
4. *Procedures for how coastal zone boundary determinations will be made **consistent with 14 CCR 13255-13259**.*

B. In those areas where the California Coastal Commission retains coastal development permit authority on submerged lands, tidelands, and public trust lands (Public Resources Code Section 30519), the standard of review for proposed development is the Chapter 3 policies of the California Coastal Act. The provisions of this plan do not govern the review and approval of coastal development permits within the Commission’s retained jurisdiction. The Local Coastal Plan may be used as guidance.

B. SUGGESTED MODIFICATIONS TO IP SECTION 313-3.4 (MC USE TYPE TABLE)

313-3.4	<i>MC: Industrial/Coastal-Dependent</i>
<i>Use Type</i>	<i>Principal Permitted Use</i>
<i>Civic Use Types</i>	<i>Minor Utilities</i>
<i>Industrial Use Types*</i>	<i>Coastal-Dependent; subject to the Coastal-Dependent Industrial Development Regulations</i>

LCP-1-HUM-16-0040-1 (Interim Uses on CDI Lands)

<i>Use Type</i>	<i>Conditionally Permitted Use</i>
<i>Residential Use Types</i>	<i>Caretaker's Residence</i>
<i>Civic Use Types</i>	<i>Solid Waste Disposal; subject to Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</i>
<i>Commercial Use Types</i>	<i>Coastal-Dependent Recreation</i>
<i>Industrial Use Type</i>	<i>Coastal-Related; subject to the Coastal-Dependent Industrial Regulations Heavy Industrial, limited to alteration, improvement, and relocation of existing facilities</i>
<i>Extractive Use Type</i>	<i>Surface Mining – 1; subject to Surface Mining Regulations Surface Mining – 2; subject to Surface Mining Regulations Oil and Gas Drilling Processing; subject to Oil and Gas Drilling and Processing Regulations</i>
<i>Natural Resource Use Type</i>	<i>Coastal Access Facilities</i>
<u>Use Type</u>	<u>Interim Conditionally Permitted Use</u>
	<u>Certain uses Principally and Conditionally permitted in Section 313-3.2 ML Light Industrial and Section 313-3.3 MG: Industrial General not listed above; subject to the Interim Uses in the Coastal-Dependent Industrial Zone Performance Standards contained in Section 313-104.1. Pursuant to Section 313-104.1 certain uses included in the following use types would not be allowed due to their inability to be removed or relocated in a feasible manner.</u>
<u>Civic Use Types</u>	<u>Extensive Impact Civic Uses Minor Generation and Distribution Facilities</u>
<u>Commercial Use Types</u>	<u>Heavy Commercial Retail Sales Retail Service Warehousing, Storage and Distribution</u>
<u>Industrial Use Types</u>	<u>Heavy Industrial Research/Light Industrial Timber Product Processing</u>
<u>Agricultural Use Type</u>	<u>General Agriculture</u>
<i>Use Types Not Listed in This Table**</i>	<i>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses, excepting Interim Conditionally Permitted Uses, permitted in the MC zone. The determination of uses similar to Interim Conditionally Permitted Uses shall be made by the Planning Director in consultation with Coastal Commission staff.</i>

*See Industrial Performance Standards, Section 313-103.1.

**See "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

C. SUGGESTED MODIFICATIONS TO IP SECTION 313-104.1

313-104.1 INTERIM USES IN THE COASTAL-DEPENDENT INDUSTRIAL ZONE PERFORMANCE STANDARDS

104.1.1 Purpose. There is a substantial inventory of vacant and underutilized land zoned MC: Coastal-Dependent Industrial around Humboldt Bay. Until such time as there is a higher demand for the use of MC zoned land for its designated purpose of supporting coastal-dependent industrial uses, defined as uses which require a maintained navigable channel to function, it is desirable and beneficial to generate revenues that can be used to maintain and improve infrastructure for future coastal-dependent industrial use. This is accomplished by increasing the variety of conditionally permitted uses in the MC zone district by allowing noncoastal-dependent interim uses, thereby increasing the potential for the use of vacant and underutilized MC zoned land.

The purpose of these regulations is to establish minimum standards for interim noncoastal-dependent development in the MC zone district while simultaneously protecting the current and long term use of MC zoned land for coastal-dependent industrial use as defined in 104.1.3.1 below, and other priority uses conditionally permitted in the MC zone district including coastal-dependent recreation, coastal-related, and coastal access facilities as defined in Section D: Use Types. Part 2: Glossary of Use Types, of the Coastal Zoning Regulations (hereinafter "other priority use" or "other priority uses"). To allow greater use of underutilized MC zoned lands, certain uses allowed in the ML-Light Industrial and MG-Industrial General zone districts not otherwise allowed in the MC zone district may be allowed in the MC district as conditionally permitted interim uses ("interim uses") subject to the following performance standards which avoid detrimental impacts to the long term coastal-dependent industrial use, or other priority use, of MC zoned lands.

104.1.2 Applicability. The provisions of this section shall apply to all qualified interim uses in the MC zone district. Certain uses included under the various Interim Conditionally Permitted Use Types in Section 313-3.4 of the Coastal Zoning Regulations would not qualify as allowable interim uses at the outset due to their inability to be removed or relocated in a feasible manner. Uses that ~~could~~ **would** not plausibly qualify as interim uses include, but are not limited to, most of the Extensive Impact Civic Uses with the possible exception (where structures that may be needed are either existing or removable) of helistops, publicly operated parking garages, bus depots, and sites for storage, repair and processing of materials and equipment and vehicles operated by governmental entities; and automobile gas or filling stations under Retail Service Uses.

104.1.3 Performance Standards.

104.1.3.1 In order to avoid detrimental impacts to coastal-dependent industrial uses, including public docks; water-borne carrier import and export operations; ship building and boat repair; commercial fishing facilities, including storage and work areas, berthing and fish receiving, and fish processing for human consumption;

marine oil terminals; Outer Continental Shelf service or supply bases; ocean intake, outfall or discharge pipelines and pipelines serving offshore facilities; and aquaculture and aquaculture support facilities; and in order to avoid detrimental impacts to other priority uses, interim uses shall **do all of the following**:

104.1.3.1.1 be compatible with, and not interfere with, the operation of existing onsite and offsite coastal-dependent industrial uses or other priority uses;

104.1.3.1.2 allow the site where they are located to be converted back to a coastal-dependent industrial use ~~or other priority use~~ when the site is needed for such use;

104.1.3.1.3 use existing improvements where feasible;

104.1.3.1.4 **in addition to complying with subsection 104.1.3.3**, be located in the areas least likely to be required by a future coastal-dependent industrial use or other priority use on a particular site to the extent feasible;

104.1.3.1.5 **only** provide **those site** improvements that are nonpermanent and removable or relocatable in a feasible manner, or **such** improvements that would preserve or enhance the utility of the project site for future coastal-dependent industrial uses ~~or other priority use~~, if new improvements are required; and

104.1.3.1.6 not inhibit the eventual use of MC zoned land for coastal-dependent industrial use or other priority use.

104.1.3.2 Compliance with Section 104.1.3.1 shall be determined considering at a minimum all of the following factors:

104.1.3.2.1 the amount of area required for an interim use;

104.1.3.2.2 the type, intensity and location of the interim use;

104.1.3.2.3 maintenance of priority access to roads, bay frontage and infrastructure for existing coastal-dependent industrial uses or other priority uses;

104.1.3.2.4 the priority rating of the site **for coastal dependent industrial development** pursuant to section 3.14.B.3.a of the Humboldt Bay Area Plan;

104.1.3.2.5 the current and projected level of demand for coastal-dependent industrial uses, and the land and infrastructure available to accommodate

the demand, as determined in consultation with appropriate public and private agencies or organizations, and appropriate publications;

104.1.3.2.6 the cost and amortization period of investments associated with the proposed use; and

104.1.3.2.7 the lead time necessary to return the site to coastal-dependent industrial use ~~or other priority use.~~

104.1.3.3 Interim uses do not have the priority status of coastal-dependent industrial uses or other priority uses, shall be located in upland areas, shall not be allowed to fill wetlands or coastal waters, shall be located at least 100 feet from environmentally sensitive habitat areas, and shall not be located on any dock or within 100 feet of a dock as measured from the center of the dock at the point where the dock joins the shore.

104.1.3.4 Interim uses shall require both a use permit and coastal development permit, the terms of which shall coincide, and shall be subject to the following standards:

~~104.1.3.4.1 If interim uses occupy seventy five (75) percent or more of the total land area zoned MC that either currently supports or has supported coastal-dependent industrial development as determined by the Planning Director, no additional permits for interim uses shall be issued.~~

104.1.3.4.21 The Hearing Officer shall set the term for the permits, which shall normally be between one (1) and seven (7) years. The permit term shall be set in consideration of the factors listed in section 104.1.3.2 so as to provide a viable time frame for an interim use while avoiding impacts to long term coastal-dependent industrial uses and other priority uses.

~~104.1.3.4.32 If interim uses occupy fifty (50) percent or more of the total land area zoned MC, the permit term for any subsequent interim use shall be limited to no more than two (2) years. The permit term for interim uses shall be limited to two (2) years if any of the following occur: (a) if 340 acres of MC-zoned land is occupied by interim uses authorized by County-issued coastal development permits, the permit term for any subsequent interim use authorized by a County-issued coastal development permit on such lands shall be no more than two years; or (b) if 170 acres of MC-zoned land that either currently supports or has supported coastal-dependent industrial development is occupied by interim uses authorized by County-issued coastal development permits, the permit term for any subsequent interim use authorized by a County-issued coastal development permit on such lands shall be no more than two years.~~

104.1.3.4.43 A term of between one (1) and three (3) additional years above the maximum seven (7) years (for a total term not to exceed ten (10) years) may be considered under limited circumstances, but shall not be considered for interim uses subject to the permit term established by 104.1.3.4.32. In addition to the factors provided in section 104.1.3.2 the longer term may be considered for:

104.1.3.4.43.1 interim uses that can coexist with existing or future coastal-dependent industrial uses **and other priority uses**.

104.1.3.4.43.2 interim uses that provide structural repair, maintenance or upgrades of existing infrastructure, or install new infrastructure, that supports coastal-dependent industrial uses.

104.1.3.4.5 The existence of a use permit and coastal development permit for an interim use shall not prevent the application for and approval of any required land use permits for a non-interim principally or conditionally permitted use in the MC zone district for the same parcel, even if for the same location on the parcel, subject to the condition that the permits for any non-interim use that would conflict with an interim use shall not become effective until the expiration of the interim use permit term set by the Hearing Officer, the abandonment of the interim use during the permit term of the interim use, or the rescission of the lease for the interim use and the removal or relocation of the interim use in accordance with Section 104.1.3.10.

104.1.3.5 An interim use permit and coastal development permit shall not confer any land use entitlement or property right to the holder of the permits beyond the permit expiration date set forth in the use permit and coastal development permit. Interim permits shall expire at the end of the term set by the Hearing Officer, at which time they become null and void. Interim uses shall cease operation and all permitted development not authorized to remain by permit shall be removed by the permit expiration date. **Approval Issuance** of a new use permit and coastal development permit prior to the expiration date of the existing use permit and coastal development permit authorizing the interim use shall be required in order to continue an interim use uninterrupted beyond the expiration date of the existing permit.

104.1.3.6 An interim use must commence within one (1) year after all applicable appeal periods have lapsed. Extensions of the initial permit vesting period (the period by which the interim use must begin) may be approved in accordance with Section 312-11.3 of the Zoning Ordinance ("Extension of a Permit or Variance").

104.1.3.7 Interim uses shall utilize existing improvements where feasible. If new improvements are required, they shall be nonpermanent and removable or relocatable in a feasible manner, or shall be improvements that would preserve or

enhance the utility of the project site for future coastal-dependent industrial use ~~or other priority use~~. A project site shall be restored to pre-project condition, or to a condition that would preserve or enhance the project site for future coastal-dependent industrial use ~~or other priority use~~, on or before the expiration date of a use permit and coastal development permit for an interim use. An application for a use permit and coastal development permit for interim uses shall include a plan detailing how and when the project site will be restored. A bond in the amount necessary to complete the required restoration may be required at the discretion of the Hearing Officer.

104.1.3.8 Prior to any development occurring that is authorized by an interim use permit and coastal development permit, a Development Plan shall be submitted for review and approval by the Planning Director, and a Notice of Development Plan shall be recorded on all properties where the interim use permit will be located. The Development Plan shall identify the term and all other applicable development restrictions that apply to the interim use, including the plan for restoring the project site to pre-project condition, or to a condition that would preserve or enhance the project site for future coastal-dependent industrial use ~~or other priority use~~.

104.1.3.9 Coastal-dependent industrial uses and other priority uses are considered priority uses pursuant to the County's Local Coastal Program and California Coastal Act and as such, shall be given priority over interim uses in evaluating potential land use conflicts between the two uses. Operation of coastal-dependent industrial uses or other priority uses in conformance with all applicable laws and regulations shall not constitute a nuisance pursuant to the Humboldt County Code of Regulations.

104.1.3.10 Any lease for an interim use shall include a provision for rescission of the lease and mandatory relocation or removal of the interim use within six months in the event a coastal-dependent industrial use or other priority use is identified by the property owner for the space occupied by an interim use on terms acceptable to the property owner. A copy of the lease showing compliance with this provision shall be provided to the Planning Division prior to permit issuance. A property owner ~~shall prioritize coastal-dependent industrial uses and other priority uses over interim uses and~~ may exercise the lease rescission provision if a coastal-dependent industrial use or other priority use attempting to occupy the site would be prohibited from doing so due to the existence of one or more interim uses.

104.1.3.11 The Coastal-Dependent Industrial Development regulations contained in Section 313-45.1 of the Coastal Zoning Regulations shall continue to apply to coastal-dependent industrial development in the MC zone district, but shall not apply to noncoastal-dependent industrial interim uses.

104.1.3.12 The Industrial Performance Standards as provided in Section 313-103.1 of the Coastal Zoning Regulations shall apply to all Interim Conditionally Permitted Uses.

104.1.3.13 An interim use must demonstrate the ability to comply with all applicable policies of the Humboldt Bay Area Plan, including, but not limited to, development policies related to adequacy of services and adequacy of facilities for the treatment and disposal of wastewater discharges for both domestic and non-domestic wastewater (Section 3.14-B-1 of the Humboldt Bay Area Plan).

104.1.4 Findings. In addition to the required findings for all permits and variances pursuant to Chapter 2 Section 312-17 of the Humboldt County Zoning Regulations, the Hearing Officer may approve or conditionally approve an application for an interim use permit and coastal development permit only if a finding can be made that the interim use does not have a detrimental impact on existing coastal-dependent industrial uses or other priority uses, nor on the future long term use of MC zoned land for coastal-dependent industrial uses or other priority uses.

104.1.5 Tribal Cultural Resources. Ground disturbing activities will require review by local Native American tribes and may require a record search, a site visit, and/or an archaeological survey for Tribal cultural resources during the permitting process. If a likelihood of significant resources is identified, project redesign, mitigation, and/or monitoring during ground disturbing activities may be required for areas considered sensitive.

104.1.6 Future Applicability. If the County undertakes a reduction of MC zoned land, the continued applicability of these standards shall be reviewed **in conjunction with that LCP amendment and may potentially be modified as may be appropriate.**

APPENDIX C
SUMMARY OF EXISTING AND PROPOSED USE TYPES

Table 2. The proposed use types listed in Section 313-3.4 of the Coastal Zoning Regulations (IP) that would be conditionally permitted as interim uses on coastal-dependent industrial (MC) lands (subject to the performance standards in proposed Section 313-104.1 of the IP) each are described in the Glossary of Use Types, Section 313-170 et seq. of the existing certified IP, compiled in summary below. Existing principally permitted and conditionally permitted uses currently allowed on MC lands also are shown below for context. As explained in the staff report, some of the uses allowed under these various use types would not qualify as allowable interim uses at the outset due to their outright inability to be removed or relocated in a feasible manner or because of their permanency (e.g., cemeteries, mausoleums, and airports).

List of Use Types Allowed or Proposed in the MC Zone (listed in Sec. 313-3.4)	Status (Currently Allowed or Proposed)	Definition of Use Type (cited sections of the existing certified IP are shown after the certified language, which is copied below in <i>italicized text</i>)
PRINCIPALLY PERMITTED USE TYPES		
Minor Utilities	Currently Allowed as a Principal Use	<i>The Minor Utilities Use Type includes the erection, construction, alteration or maintenance of private wells and on-site sewage disposal system, gas, electric and water. (Section 313-171.12)</i>
Coastal-Dependent; subject to the Coastal-Dependent Industrial Development Regs.	Currently Allowed as a Principal Use	<i>The Coastal-Dependent Use Type includes any coastal dependent industrial use which requires a maintained navigable channel to function, including, for example: public docks, water-borne carrier import and export operations, ship building and boat repair, commercial fishing facilities, including berthing and fish receiving, and fish processing when product is for human consumption (fish waste processing and fish processing of products for other than human consumption are permitted under the Coastal-Related Use Type), marine oil terminals, Outer Continental Shelf (OCS) service or supply bases, ocean intake, outfall or discharge pipelines and pipelines serving offshore facilities, aquaculture and aquaculture support facilities. (Section 313-171.7.2)</i>

List of Use Types Allowed or Proposed in the MC Zone (listed in Sec. 313-3.4)	Status (Currently Allowed or Proposed)	Definition of Use Type (cited sections of the existing certified IP are shown after the certified language, which is copied below in <i>italicized text</i>)
CONDITIONALLY PERMITTED USE TYPES		
RESIDENTIAL USES		
Caretaker's Residence	Currently Allowed as a Conditional Use	<i>...refers to living quarters which are incidental to and under the same ownership as the principal use. (Section 313-177.1)</i>
CIVIC USES		
Solid Waste Disposal; subject to the Solid Waste Disposal Regs.	Currently Allowed as a Conditional Use	<i>...includes: The disposal of all putrescible and non-putrescible solid and semisolid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes; and Liquid wastes disposed of in conjunction with solid wastes at solid waste transfer stations, processing facilities or disposal sites. (Section 313-171.11.1)</i> <i>...excludes: Sewage collected and treated in a sewerage system; or Materials or substances having commercial value that have been salvaged for reuse, recycling or resale. (Section 313-171.11.2)</i>
Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regs.	Currently Allowed as a Conditional Use	<i>...includes any gas pipeline, carrying 60 PSI pressure or above, distribution line, above or below ground, used to transport, convey, or distribute oil, petroleum, petroleum products, natural gas, or other flammable or hazardous substances. ...does not include the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this ordinance. (Sections 313-171.9.1 and 9.2)</i>
Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regs.	Currently Allowed as a Conditional Use	<i>...includes electrical utility wires, 60 kilovolt or larger, either above ground or underground, including supporting towers, poles and appurtenances, which are used for distributing, conveying or transmitting electrical energy. ...does not include the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved</i>

List of Use Types Allowed or Proposed in the MC Zone (listed in Sec. 313-3.4)	Status (Currently Allowed or Proposed)	Definition of Use Type (cited sections of the existing certified IP are shown after the certified language, which is copied below in <i>italicized text</i>)
		<i>pursuant to this ordinance.</i> (Sections 313-171.4.1 and 4.2)
<p>Extensive Impact Civic Uses</p> <p><u>Note:</u> As stated in proposed Section 313-104.1, certain uses “would not qualify as allowable interim uses at the outset due to their inability to be removed or relocated in a feasible manner...” such as “...most of the Extensive Impact Civic Uses with the possible exception (where structures that may be needed are either existing or removable) of helistops, publicly operated parking garages, bus depots, and sites for storage, repair and processing of materials and equipment and vehicles operated by governmental entities...”</p>	<p><u>Proposed</u> as an INTERIM Conditional Use</p>	<p><i>...includes the uses typically performed by, or the maintenance and operation of, the following institutions and installations</i> (Section 313-171.6):</p> <ul style="list-style-type: none"> • <i>Airports, heliports, and helistops;</i> • <i>Railroad stations;</i> • <i>Bus Depots;</i> • <i>Publicly operated parking garages;</i> • <i>Water and wastewater treatment plants;</i> • <i>Cemeteries, mausoleums, crematoriums and columbariums;</i> • <i>Sites for storage, repair and processing of materials and equipment and vehicles operated by governmental entities;</i> • <i>Military installations;</i> • <i>Electrical power plants operated by a government entity or public utility;</i> • <i>Gas and oil storage facilities for power plants operated by a government entity or public utility</i> <p>(Sections 313-171.6.1 through 313-171.6.10)</p>
<p>Minor Generation and Distribution Facilities</p>	<p><u>Proposed</u> as an INTERIM Conditional Use</p>	<p><i>...includes wind generators and accessory structures; small hydroelectric generators (less than 5 megawatt) and accessory structures and utility lines; and communication transmission facilities, including radio and television transmission antennae, communication equipment installations and exchanges, and substations.</i> (Section 313-171.7.1).</p> <p><i>...does not include broadcasting and offices or sites for the storage or processing of materials or equipment.</i> (Section 313-171.7.2)</p>

List of Use Types Allowed or Proposed in the MC Zone (listed in Sec. 313-3.4)	Status (Currently Allowed or Proposed)	Definition of Use Type (cited sections of the existing certified IP are shown after the certified language, which is copied below in <i>italicized text</i>)
COMMERCIAL USES		
Coastal-Dependent Recreation	Currently Allowed as a Conditional Use	<i>...includes visitor serving recreational facilities which require channel access, such as marinas serving other than solely commercial vessels, fishing piers, boat launching facilities, bait shops, and marine hardware. (Section 313-172.3)</i>
Heavy Commercial	<u>Proposed</u> as an INTERIM Conditional Use	<i>...includes activities such as transfer, storage or processing of used, scrap or waste materials, including automobile wrecking, the sales, storage of building materials, construction and agricultural equipment, kennels, and animal hospitals. (Section 313-172.5)</i>
Retail Sales	<u>Proposed</u> as an INTERIM Conditional Use	<i>...includes the rental or sale, from the premises, of various consumer goods including food, household goods, business supplies, small equipment, agricultural supplies, and parts and accessories, and incidental storage activities. (Section 313-172.12)</i>
Retail Service Note: As stated in proposed Section 313-104.1, certain uses “would not qualify as allowable interim uses at the outset due to their inability to be removed or relocated in a feasible manner...” such as automobile gas or filling stations.	<u>Proposed</u> as an INTERIM Conditional Use	<i>...includes the provision of services other than those classified as Civic Uses, including personal service, business service, eating and drinking establishments, automobile gas or filling station, minor automotive repair, group assembly for entertainment or athletic events, animal care and treatment, and undertaking services. (Section 313-172.13)</i>
Warehousing, Storage and Distribution	<u>Proposed</u> as an INTERIM Conditional Use	<i>... establishments or places of business primarily engaged in enclosed or open-air wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. (Section 313-172.19)</i>
INDUSTRIAL USES		
Coastal-Related; subject to the Coastal-Dependent Industrial Regs.	Currently Allowed as a Conditional Use	<i>... coastal-related industrial uses, including but not limited to fish waste processing and fish processing of products for other than human consumption, gas or oil processing and treatment facilities, electrical generating facilities or other facilities which require an ocean intake, outfall, or pipeline. Within the MC Zone, this use type includes alterations, improvements,</i>

List of Use Types Allowed or Proposed in the MC Zone (listed in Sec. 313-3.4)	Status (Currently Allowed or Proposed)	Definition of Use Type (cited sections of the existing certified IP are shown after the certified language, which is copied below in <i>italicized text</i>)
		<i>and relocations of existing general industrial uses.</i> (Section 313-175.3)
Heavy Industrial , limited to alteration, improvement, and relocation of existing facilities	Currently Allowed as a Conditional Use, but LIMITED to alteration, improvement, and relocation of <u>existing</u> facilities	<i>...industrial plants engaged in manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products, wrecking and salvage yards, petroleum refining, animal and fish products processing, electrical generation and distribution, and pulp mills, but excludes activities included within the Hazardous Industrial Use Type.</i> (Section 313-175.6)
Heavy Industrial	<u>Proposed</u> as an INTERIM Conditional Use	Same as above
Research/Light Industrial	<u>Proposed</u> as an INTERIM Conditional Use	<i>...includes non-nuisance, industrial, low-impact manufacturing, and development activities which do not create objectionable levels of noise, vibration, air pollution, odor, humidity, heat, cold or glare on nearby residential or commercial uses, such as the manufacture of electrical and electronic equipment, industrial and scientific research, medical testing and analysis and product testing, carpentry and cabinetmaking shops, clothing manufacture, contractor's yards, dry cleaning and laundry plants, lumber yards, metal-working shops, wholesale outlet stores, painter's and decorators' yards, plumbing shops, printing and lithographing, and associated administrative offices.</i> (Section 313-175.7)
Timber Product Processing	<u>Proposed</u> as an INTERIM Conditional Use	<i>...refers to the commercial processing of raw wood and wood products, including saw mills, lumber mills and plywood mills, but not including pulp mills.</i> (Section 313-175.8)
EXTRACTIVE USES		
Surface Mining – 1; subject to Surface Mining Regs.	Currently Allowed as a Conditional Use	<i>...refers to surface extraction of nonmetallic minerals, such as sand, gravel and rock, and including fixed on-site processing facilities such as stationary crushers, separators, kilns, and transfer stations; or similar fixed facilities subject to the Surface Mining and Reclamation Regulations in this Chapter (see Section 313-61.2).</i> (Section 313-174.3)
Surface Mining – 2; subject to Surface Mining Regs.	Currently Allowed as a Conditional Use	<i>...refers to surface extraction of nonmetallic minerals such as sand and gravel, but not including stationary on-site processing facilities of any type, subject to the Surface Mining and Reclamation Regulations in this Chapter (see Section 313-61.2).</i> (Section 313-174.4)

List of Use Types Allowed or Proposed in the MC Zone (listed in Sec. 313-3.4)	Status (Currently Allowed or Proposed)	Definition of Use Type (cited sections of the existing certified IP are shown after the certified language, which is copied below in <i>italicized text</i>)
Oil and Gas Drilling Processing; subject to Oil and Gas Drilling and Processing Regs.	Currently Allowed as a Conditional Use	<i>...refers to the operation and maintenance of oil and gas drilling including essential on-site processing, subject to the Oil and Gas Drilling and Processing Regulations in this Chapter (see Section 313-57.1). (Section 313-174.2)</i>
NATURAL RESOURCE USES		
Coastal Access Facilities	Currently Allowed as a Conditional Use	<i>...includes the development of coastal access facilities consistent with the Coastal Access Development Requirements. (Section 313-176.3)</i>
AGRICULTURAL USES		
General Agriculture	<u>Proposed</u> as an INTERIM Conditional Use	<i>...includes cultivation of food and fiber such as field and tree crops, dairying, pasturage, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including feed lots, stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter. (Section 313-170.3)</i>

APPENDIX D
DOCUMENTATION OF HISTORIC UNDERUTILIZATION OF CDI LANDS

Documentation of the underutilization of coastal-dependent industrial (CDI) lands around Humboldt Bay (coded “MC” on land use and zoning maps) has been ongoing for several decades. In 1981 (prior to certification of the Humboldt Bay Area Plan), an Industrial Siting Study report prepared for the County noted the dilapidated nature of the majority of dry cargo docks around the bay and stated in part “...all of the operating docks are underutilized...” and found “...little potential that the current cargo-mix will substantially expand in the future” and “few positive indications that a new product-mix that will increase the use of Humboldt’s terminal facilities will occur in the foreseeable future.” In 2003, the Port of Humboldt Bay Harbor Revitalization Plan described vacancy and inactivity at three of the six “key” cargo terminal properties within the HBAP planning area (totaling approximately 279 acres, which equates to half of the historically active MC lands within the planning area).¹ In 2015, LACO Associates² reviewed all the key sites identified in the 2003 Revitalization Plan to assess the present level of demand for CDI sites around the bay. The study found that “Based on interviews with individuals knowledgeable about past and current development on the Bay, comparison of 2004 and 2012 property conditions...and visits to all 16 key sites [10 of which are in the City of Eureka], it appears that there has not been a substantive increase in demand for coastal-dependent industrial sites or facilities since the completion of the 2003 Port of Humboldt Bay Harbor Revitalization Plan.” The report documents the removal or deterioration of over 2,500 linear feet of dock facilities and the change from active to inactive status of several key sites. The report posits that the inactivity is “directly related to the significant decline of forest products-related industries” and the highly competitive global log market, which contributed to a decline in local overseas shipping of whole logs.

The City of Eureka, in an economic development policy paper completed for its General Plan (including LCP) update, which is currently in process, also notes the “decades of decline in the timber and fishing industries” which have “greatly reduced the volume of activity taking place at the Port of Humboldt Bay.” The report describes related port challenges:³

With continued declines in port activity, some question whether the traffic will be sufficient in the future to justify the expense of dredging the channel and employing pilots to guide ships into harbor. With the loss of many of its major users (e.g., the pulp mills), the Humboldt Bay Harbor, Recreation, and Conservation District (HBHRCD) is already experiencing financial hardship, making the continued maintenance of port infrastructure and the dredging of the deep water channel topics of utmost concern to many area residents and policy makers.

¹ February 2003. Final Report. Prepared for Humboldt Bay Harbor, Recreation, and Conservation District. Prepared by PB Ports & Marine, Inc. in association with Winzler & Kelly BST Associates.

² LACO Associates. March 26, 2015. Technical Memorandum: Coastal Dependent Industrial Site Inventory Review Assessor’s Parcel Numbers 401-301-05, 401-301-09, 401-311-01. Prepared for Sequoia Investments X, LLC

³ ESA Associates. June 2015.

The City also documented a significant decline in overall Eureka-area cargo activity between 1995-2013, such that total cargo volume in 2013 was only 5% of the 1995 volume (with lumber/logs and wood chips as the only remaining cargo type since 2011). According to the City, 2010 was the last year in which the port handled general cargo, 2009 was the last year that the port handled containers, and 2007 was the last year that the port handled bulk cargo. This decline contrasts with Northern California (including San Francisco Bay Area) ports assessed as a group, where ship cargo activity increased substantially (over 50% in assessable tonnage) since 1995.⁴ The shipping activity level discrepancy between Humboldt Bay and other Northern California ports is attributed to the fact that Humboldt has primarily been an export-oriented port with an emphasis on forest products, which has been a declining industry over the decades, whereas other Northern California ports, with larger populations and markets and better access to major inland transportation systems, have experienced growth in maritime shipping activity due to increased trade with Pacific Rim countries, including imports of goods. Humboldt has a relatively small local market area and very limited (not to mention unreliable) transportation access to other markets elsewhere on the West Coast and beyond. For example, since the late 1990s, the out-of-county railroad connectivity has been out of commission and has virtually no chance of revitalization in the foreseeable future. These factors, among others, limit Humboldt Bay's ability to compete with other locations as a port of entry for imports.⁵

Finally, a recent study conducted for the City of Eureka's General Plan update process found that the projected demand for CDI lands in the foreseeable future also is low.⁶ Citing the decline in the timber and fishing industries combined with "landside transportation constraints, which limit the potential for attraction of other industrial activities which might also use the Port [of Humboldt Bay] for importing raw materials or shipping finished goods..." the report concludes:

...there is limited potential for increased Coastal Dependent industrial activity within the City of Eureka and the greater Humboldt Bay area. Limited exceptions to the above conclusion include possible growth in demand for facilities related to growth in the Port of Humboldt Bay aquaculture industry and the potential need for a new cold storage facility, which would potentially serve the local fishing fleet and aquaculture producers, as well as other non-Coastal Dependent businesses that need to store perishable goods.

⁴ Ibid.

⁵ Ibid.

⁶ BAE Urban Economics. April 2015.

APPENDIX E
SUBSTANTIVE FILE DOCUMENTS

Application File for LCP Amendment Application No. LCP-1-HUM-16-0040-1 (Interim Uses on CDI lands)

Application File for LCP Amendment Application No. LCP-1-HUM-16-0075-2 (Medical Marijuana Land Use Ordinance)

BAE Urban Economics. April 2015. Memo to Dan Dameron and Harriet Ross, ESA from Matt Kowta and Aaron Nousaine regarding CDI Land Supply and Demand.

Port of Humboldt Bay Harbor Revitalization Plan. February 2003. Final Report. Prepared for Humboldt Bay Harbor, Recreation, and Conservation District. Prepared by PB Ports & Marine, Inc. in association with Winzler & Kelly BST Associates.

LACO Associates. March 26, 2015. Technical Memorandum: Coastal Dependent Industrial Site Inventory Review Assessor's Parcel Numbers 401-301-05, 401-301-09, 401-311-01. Prepared for Sequoia Investments X, LLC.

ESA Associates. June 2015. City of Eureka, Community Background Report (Chapter 1) and Economic Development Policy Paper (Chapter 4). Prepared for City of Eureka, General Plan Update.

Humboldt County certified Local Coastal Program (Humboldt Bay Area Plan and Coastal Zoning Regulations)