

RESOLUTION NO. 3-2019

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BLUE LAKE RECOMMENDING AMENDMENT OF TITLE 17 (ZONING) OF THE BLUE LAKE MUNICIPAL CODE BY ADDING A NEW SECTION 17.16.111, OPPORTUNITY (O) ZONE, AND AMENDING THE ZONING MAP TO APPLY THE OPPORTUNITY ZONE TO PROPERTIES IN THE POWERS CREEK DISTRICT (FORMERLY BLUE LAKE BUSINESS PARK)

WHEREAS, the Blue Lake Planning Commission has before it for consideration the project defined as amendment of Title 17 (Zoning) of the Blue Lake Municipal Code:

- A. Addition of a new Section 17.16.111, Opportunity (O) zone, as set forth in Exhibit "A", attached hereto and made a part hereof;
- B. Amendment of the Blue Lake Zoning Map, Section 17.12.050 (Zoning Map) of the Blue Lake Municipal Code, as set forth in Exhibit "B", attached hereto and made a part hereof; and

WHEREAS, after due notice of hearing, public hearings were held at regular and special meetings of the Blue Lake Planning Commission on July 17, 2017, August 14, 2017, September 18, 2017, October 18, 2017, December 17, 2018, February 18, 2019, March 18, 2019, and April 15, 2019, to consider said project;

NOW, THEREFORE, be it resolved by the Planning Commission of the City of Blue Lake as follows:

1. The Planning Commission finds as follows:
 - A. The change in uses proposed are consistent and compatible with those uses currently existing or allowed and/or are further limited by development standards and performance standards in the proposed Opportunity zone.
 - B. Since it is not known at this time, and too speculative to assess, what development will be proposed and occur within the areas zoned Opportunity, any analysis of environmental impacts from future development is premature at this time.
 - C. For all uses that are principally permitted in the Opportunity zone, Site Plan Approval will be required, which is a discretionary permit. Therefore, for all uses that are principally and conditionally permitted, a California Environmental Quality Act analysis of future development will occur when complete application materials are submitted for future projects.
2. The Planning Commission further finds that the proposed amendments to Title 17 (Zoning) of the Blue Lake Municipal Code are consistent with the existing applicable general and specific plans.

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3. Pursuant to Government Code Section 65855 the Planning Commission hereby recommends to the City Council the amendment of Title 17 (Zoning) of the Blue Lake Municipal Code as follows:

- A. Addition of a new Section 17.16.111, Opportunity (O) zone, as set forth in Exhibit "A", attached hereto and made a part hereof;
- B. Amendment of the Blue Lake Zoning Map, Section 17.12.050 (Zoning Map) of the Blue Lake Municipal Code, as set forth in Exhibit "B", attached hereto and made a part hereof; and

4. The reasons for this recommendation are set forth in the minutes of July 17, 2017, August 14, 2017, September 18, 2017, October 18, 2017, December 17, 2018, February 18, 2019, March 18, 2019, and April 15, 2019 (Public Hearings), copies of which shall be transmitted to the Blue Lake City Council.

5. The Secretary of the Planning Commission is authorized and directed to transmit this resolution to the City Council of the City of Blue Lake.

INTRODUCED, PASSED, AND ADOPTED this 15th day of April 2019, by the following vote:

AYES: Chapman, Eddy, Platz, Schang

NAYS: none

ABSENT: none

ABSTAIN: Pryor (Disqualified)


Chairman, Planning Commission,
City of Blue Lake

ATTEST:



Secretary, Planning Commission
City Clerk, City of Blue Lake

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17.16.111. Opportunity (O) Zone.

A. Purpose

1. The Opportunity Zone or O Zone is intended to allow for the compatible and beneficial mixture of commercial, manufacturing, and residential uses in a single structure or on a single or multiple sites in a manner consistent with the City's General Plan Goals and Policies.
2. This zone is primarily intended for commercial and manufacturing uses with residential dwellings as a secondary use to promote a live-work type environment. As a secondary use, residential dwellings shall be located above or behind the primary commercial or manufacturing uses.
3. This zone encourages craft-type manufacturing businesses with retail commercial spaces on the ground floor and multi-family residential development on the upper floors.
4. This zone is designed to achieve a convenient business and residential environment in areas where multiple activities and an increased degree of pedestrian orientation and open space are considered to be desirable.
5. New structures and additions to existing structures shall be required to meet specific design standards.
6. Land uses in this zone shall be required to meet specific performance standards.

B. Principal Permitted Uses.

1. **Light Manufacturing and Processing.** This use type includes craft and art manufacturing businesses which manufacture items from wood, ceramics, fabric, metals or glass; food and beverage processing and bottling; and light to moderate manufacturing of products such as household goods, clothing, recreational goods, electrical products, furniture, architectural products, and automotive goods. This use type can include other light manufacturing and processing uses which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the district.
2. **Distribution and Associated Warehousing.** This use type includes nurseries and greenhouses (non cannabis), distribution warehouses for consumer products, and indoor and outdoor storage facilities. This use type can include other distribution and associated warehousing uses which

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in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the district.

3. **Commercial Services.** This use type includes a variety of commercial services of both a light and heavy commercial character. Light commercial uses include stores, agencies, and services such as food markets, bakery shops, restaurants, bars, art galleries, book stores, clothing stores, pharmacies, beauty and barber shops, hardware and appliance stores, laundry facilities (excluding dry cleaning), florists, tailor shops, enclosed theaters, and music venues. Heavy commercial uses include equipment rental, repair of engines or appliances, furniture repair shops, contractor shops and yards (including carpentry, electrical, plumbing, painting, printing, publishing, lithograph shops and other artistic endeavors). This use type can include other commercial services which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the district.
4. **Professional Offices and Services.** This use type includes administrative and research activities; radio and television broadcasting stations and offices; medical, dental and related services; and professional consulting, real estate and financial services. It also includes personal service shops, such as banks, grooming services, visitor service facilities or businesses of a similar nature. This use type can include other professional offices and services which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the district.
5. **Recreation and Education.** This use type includes trails and outdoor recreational uses (e.g. sports fields, sports complex, outdoor performance venues, etc.), public and commercial recreational facilities and schools and training programs in the areas of arts, crafts and light manufacturing. It can include RV/camping facilities, performance or art studios, theaters, or other venues for public assembly. This use type can include other recreation and education uses which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the district.
6. **Public Works Facilities.** This use includes a City corporation yard and includes but is not limited to public works improvements, storage of materials, temporary holding of animals, and maintenance and repair of City equipment and vehicles.

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7. Four or Fewer Residential Dwellings Units. This use type allows up to four residential units at a maximum density of 1 unit per 2,500 square feet of lot area. Such residential units can include, but are not limited to, studios, condominiums, townhouses, and apartments. For the purposes of the Opportunity (O) Zone, a residential dwelling unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area, or a total of 8 one-bedroom units as a principally permitted use. To be principally permitted, the residential units shall not be located on the ground floor of a structure and shall not exceed 35 percent of the floor area of a structure.

C. Uses Permitted with a Use Permit.

1. Five or More Residential Dwelling Units. This use type allows five or more residential units at a maximum density of 1 unit per 2,500 square feet of lot area. Such dwellings can include, but are not limited to, studios, condominiums, townhouses, and apartments. For the purposes of the Opportunity (O) Zone, a residential unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area. This use type allows nine or more one-bedroom units. With a use permit, the residential units shall not exceed 65 percent of the floor area of a structure. With a use permit, the residential units may also be located on the ground floor of a structure, but shall not front directly on the street or other non-vehicular access corridor (e.g. pedestrian/bicycle trails) and shall not exceed 50% of the floor area of the ground floor.
2. Other Uses. Listed uses that are not specifically principally permitted in the O Zone or not determined by the City Planner to be consistent with other principally permitted uses in the O Zone. This includes any other use which, in the opinion of the Planning Commission, is consistent with the intent of the zone, and will not constitute a nuisance or be detrimental to the district or surrounding land uses.
3. Exception to Development Standards. Projects that do not meet all the requirements in subsection D (Other Regulations), but due to specific project design and amenities conform to the purpose and intent of this section.

D. Other Regulations.

Specific site development guidelines have been prepared based on the design intent for the Opportunity (O) Zone. The objective of the guidelines is to help integrate buildings and other improvements with the topography and landscape to

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create a unified environment which is harmonious with the adjacent visual panorama.

1. Minimum lot area: 15,000 square feet.
2. Building coverage shall not exceed 70% of lot area.
3. Building height limit:
 - a. North of Taylor Way: Not exceeding two-stories and 25 feet vertical within 50 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek. Not exceeding two-stories and 35 feet vertical beyond 50 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - b. South of Taylor Way: Not exceeding three-stories and 45 feet vertical.
4. Shadow Analysis:
 - a. North of Taylor Way: A shadow analysis shall be required for structures over one-story and within 50 feet horizontal of the closest edge of the Powers Creek District trail system. Excessive shading may affect landscaping, result in higher energy costs, and lessen the enjoyability of yards, public parks, open space areas, trails, and the Powers Creek riparian corridor. For these reasons, the extent, direction, and duration of project-generated shadows are considered in the project review.
 - b. South of Taylor Way: A shadow analysis shall be required for structures exceeding 35 feet vertical.
 - c. Shadow studies submitted for review must be professionally prepared, either by an architect, engineer, or design professional. The shadow analysis shall be reviewed by the Planning Commission through the Site Plan Approval process as specified in Section 17.24.250.
5. Setbacks:
 - a. No building or parking or storage area shall be constructed within 50 feet horizontal of the centerline of the main branch of Powers Creek or its tributaries (e.g., South Fork Powers Creek). The zone thus created, 50 feet horizontal from the centerline of Powers Creek outward, shall be preserved primarily as an area of riparian

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vegetation. Trails, art installations, interpretive signs, lighting, benches, picnic areas, and habitat enhancement projects are allowable within this setback area.

- b. North of Taylor Way: For properties west of Monda Way and for parcel 025-201-018, no building or parking or storage area shall be constructed within 25 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek. This area is intended to be reserved for open space and other amenities such as landscaping, art, and benches.

For properties east of Monda Way, excluding parcel 025-201-018, no building or parking or storage area shall be constructed within 10 feet horizontal of the property line that runs parallel to Powers Creek or its tributaries.

- c. South of Taylor Way: Buildings that exceed 25 feet vertical shall be required to be located a minimum of 25 feet horizontal from any public right-of-way.
- d. No building or parking or storage area shall be constructed within 50 feet horizontal of the boundary of the Blue Lake Rancheria. The zone thus created, 50 feet horizontal from the boundary of the Blue Lake Rancheria, shall be preserved as an undeveloped area of open space or riparian vegetation.

- 6. Manufacturing uses in this zone are required to be located on the ground floor of a structure.
- 7. Residential uses in this zone are required to be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
- 8. Parking and loading areas:
 - a. Sufficient onsite parking, as prescribed in Sections 17.24.100 and 17.24.230, shall be provided for employees, visitors and company vehicles.
 - b. The City Planner may waive off-street parking otherwise required if sufficient parking is proposed to be provided at a common off-site parking area. This shall not apply to accessible off-street parking spaces required by the American with Disabilities Act (ADA) or California Building Code.
 - c. Off-street loading as prescribed in Section 17.24.110.

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9. Utilities:
 - a. All site improvements shall be designed to accommodate underground utilities and shall be required to convert to such as they become available. Utilities shall include, but are not limited to, drainage systems, sanitary sewers, gas, water, power, cable and telephone.
 - b. Within each site, utility lines may be located above ground if they are incorporated and concealed within buildings, trellises, or special architectural features.
 - c. Temporary overhead power and telephone lines will be permitted during construction, but are to be removed upon completion of construction.
10. Landscaping: A landscaping plan will be required for each site showing the locations, names, and initial sizes of plant materials, irrigation plan and groundcover materials. Ongoing maintenance and replacement (when needed) is a requirement of all uses within the O zone. The City Planner will review each landscaping plan for approval. Landscape requirements are defined in Section 17.24.240. Where possible, required landscaping areas may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer.
11. Open Space: Common usable open space shall be required for all residential development. There shall be one hundred (100) square feet of common usable open space required for each bedroom. Usable open space may consist of outdoor area on the ground, in required setbacks or on any balcony, deck, porch, or rooftop which is designed and accessible for outdoor living, recreation, and pedestrian access complying with the following provisions:
 - a. Required parking areas and their driveways and required minimum landscaping areas shall not be included in computing usable open space.
 - b. Areas included in computing common usable open space shall be accessible to all units in common and no such required space shall be less than three hundred (300) square feet in area and shall have no dimension less than fifteen (15) feet. Rooftops gardens and rooftop landscaping may be used to satisfy this requirement. No more than 50% of the required usable open space area shall be hardscape (e.g. concrete, asphalt, etc.), except in the case of private

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open space provided on the upper floors of a structure as allowed under subsection g.

- c. Each element of usable open space shall be completely open on at least one (1) side and shall have a clear vertical height of not less than seven (7) feet, and not less than fifty (50) percent of the total required usable open space shall be unobstructed to the sky.
 - d. Usable open space shall be improved to support passive or active use by residents. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as art, planters, benches, fountains, and landscaping.
 - e. Usable open space shall be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
 - f. Where possible, pervious areas set aside as usable open space may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer.
 - g. Private usable open space may be substituted for common usable open space at a ratio three (3) square feet of private open space for every two (2) square feet of common open space required, provided such element of open space either has an area of at least one hundred fifty (150) square feet, with no dimension less than ten (10) feet, if located at ground level, or an area of at least fifty (50) square feet, with no dimension less than six (6) feet, if located above ground level.
 - h. The City Planner may waive the requirement to provide usable open space on-site if sufficient usable open space is proposed to be provided at a common off-site area.
12. Site Plan Approval, as prescribed in Section 17.24.250, is required for new development, exterior additions to existing development, and the permanent or temporary placement and use of large stationary equipment outdoors. The Planning Commission may develop additional guidelines in written form that provides direction for meeting criteria listed in Section 17.24.250.

E. Performance Standards.

Projects must be designed and operated to comply with the following performance standards to minimize potential impacts during long-term operation.

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Special studies (e.g. noise studies, lighting plans, etc.), as determined by the City Planner, may be required to be submitted during processing of planning or building permit applications to provide evidence that compliance can be achieved prior to consideration of the project by the Planning Commission or issuance of building permits.

1. Toxic Substances. Any use which involves processes that will result in toxic substances or pollutants escaping (by air or water) from the site shall comply with all applicable Local, State and Federal regulations and shall require a use permit from the Planning Commission. Medical wastes are to be disposed of according to all applicable regulations. All processes shall comply with the applicable Local, State and Federal laws regarding airborne and waterborne emissions.
2. Signs. Any signs that will be used on-site, as well as signs on buildings, must be approved by the City Planner before they are posted. Free-standing signs shall be limited to 50 square feet in size and the top thereof shall not be higher than 10 feet above the ground. Signs shall be consistent with the general sign motif established for the Opportunity (O) Zone.
3. Lighting/Glare. The type and usage of all outdoor lighting shall be the minimum lumens required, shall be directed downward, and shall be shielded or recessed so as to minimize light shining on adjacent properties or natural areas. Stand-alone light fixtures shall be limited to a maximum height of 30 feet vertical. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. No lighting shall produce an illumination level greater than one-foot candle beyond the property boundary of the site of the light source. Building materials or other site improvements that cause glare to nearby properties are prohibited. Outdoor lighting shall be approved by the Planning Commission through the Site Plan Approval process as specified in Section 17.24.250.
4. Noise.
 - a. Any use that produces a sound level of 55 dBA-Ldn or more at the property line of a property containing a residential use is required to mitigate the sound to a level of less than 55 dBA-Ldn at that property line. No sound level greater than 70 dBA is allowed beyond the property line of a property containing a noise-generating use, except that no noise over 55 dbA is allowed between the hours of 10 p.m. and 7 a.m. Point sources of noise (e.g., compressors, generators, etc.) shall be located within an enclosure or attenuated with another equally effective method.

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Restrictions on operating hours and activities for businesses may be required to ensure compliance with these standards.

- b. Vehicles and equipment used outdoors on a consistent basis shall not utilize back-up alarms which are audible at any residential property, unless required by CalOSHA or other governmental regulatory agency for the safety of employees or the public. This does not apply to delivery trucks, service vehicles, or equipment that are operated in City limits on an intermittent basis. If required by CalOSHA or other governmental regulatory agency, the required back-up alarm device or approved safety method shall be selected which has the least noise impact on surrounding residential properties and still allows for the reasonable operation of the business. Any business required by CalOSHA to use back-up alarms shall provide documentation to the City of this determination.
 - c. Residential development shall be required to conduct exterior and interior noise analysis to ensure noise levels do not exceed 65 dBA at the outdoor activity areas and 45 dBA in the interior living spaces. Due to the mixed-use nature of the O Zone, it is recommended that structures be designed to provide a noise level of 35 dBA in the interior living spaces.
5. Dust. Any use that results in dust escaping from the site is required to mitigate to reduce the dust. Refer to North Coast Unified Air Quality Management District regulations for current limitations and requirements.
6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps, etc.) for those uses that are determined by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.
7. Odors. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the zoning district.
8. Storage, Service and Loading Areas.
 - a. Storage, service and loading areas shall be recessed or screened with fences, walls, berms, or plantings to reduce their visibility from adjacent streets or properties.

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- b. Materials, equipment, supplies, trash containers, inoperable vehicles, etc. shall be stored within an enclosed building or behind visual barriers such as fences, walls, berms, or plantings.
- 9. No use shall be permitted which does not comply with State and Federal laws. (Amended by Ord. 490).

EXPLANATION

- ZONING
- M - INDUSTRIAL
 - ML - LIGHT INDUSTRY
 - AE - AGRICULTURAL EXCLUSIVE



1" = 300' ±
0 300
FEET

PHOTO SOURCE:
USGS NAIP, 2016

Exhibit "B"
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City of Blue Lake
Zoning Ordinance
Blue Lake, California

Zoning - (Existing)



March 2019
Fig3_ZoningExisting

SHN 016107.008

Figure 3

EXPLANATION

ZONING

-  M - INDUSTRIAL
-  O - OPPORTUNITY
-  X - OPEN SPACE / RECREATION



0 1" = 300' ± 300
FEET

PHOTO SOURCE:
USGS NAIP, 2016

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City of Blue Lake
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Blue Lake, California

Zoning - (Proposed)

SHN 016107.008

March 2019

Fig4_ZoningProposed

Figure 4