THE CITY OF EUREKA
DEVELOPMENT SERVICES

PLANNING COMMISSION
STAFF REPORT
May 14, 2025

Project Title:	Gulch Greenway Overlay Zone and Associated Municipal Code Updates
Location:	Citywide
Applicant:	City of Eureka
Property Owner:	Various
Purpose/Use:	1. Amend the Inland Zoning Map to establish the boundaries of a new Gulch Greenway Overlay Zone. 2. Add a new Gulch Greenway Overlay Zone to Eureka Municipal Code Chapter 155 (Inland Zoning Code) establishing additional standards for parcels within the new overlay zone and additional permitting processes for development within a smaller subset of the overlay zone defined as the Gulch Greenway Management Area. 3. Amend the Inland Zoning Code's tree removal and landscaping regulations (§155.304.140 and §155.328) and introductory, procedural, and glossary sections (§155.116, §155.404, §155.412, and §155.508) and the grading (i.e., "Construction Site Erosion Control") regulations in the Building Code (§150.200 et seq.) to make updates consistent with the new Gulch Greenway Overlay Zone regulations.
California Environmental Quality Act (CEQA):	Exempt under CEQA Guidelines §15307 (Actions by Regulatory Agencies for Protection of Natural Resources), §15308 (Actions by Regulatory Agencies for Protection of the Environment), and §15061 (Common Sense Exemption)
Staff Contact:	Cristin Kenyon, AICP, Development Services Director
Recommendation:	1. Hold a public hearing; 2. Consider the proposed amendments and CEQA exemptions; and 3. Adopt a resolution recommending City Council adopt the proposed amendments.
Motion:	*"I move the Planning Commission adopt a resolution recommending City Council adopt the Gulch Greenway Overlay Zone Mapping and Ordinance and Associated Municipal Code Updates."*

Acronym	Full Term
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
ECP	Erosion Control Permit
EIR	Environmental Impact Report
EMC	Eureka Municipal Code
GGMA	Gulch Greenway Management Area
GG Overlay Zone	Gulch Greenway Overlay Zone
MWELO	California Model Water Efficient Landscape Ordinance
OSPR	Open Space, Parks & Recreation Commission
RPF	Registered Professional Forester

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PROJECT DESCRIPTION AND BACKGROUND

The City proposes amending the Inland Zoning Map and Code to establish a new Gulch Greenway (GG) Overlay Zone (Attachment 2), and to update related Zoning and Building Code regulations – including those governing erosion control, tree removal, and landscaping – for consistency with the new Overlay Zone (Attachments 3 and 4). The proposed amendments are summarized below.

1. GG Overlay Zone Map and Ordinance

A GG Overlay Zone is proposed to help preserve the City's gulches and greenways as unique and valuable community assets. These areas serve as wildlife migration corridors and habitat, support stormwater management and flood control, and offer access to nature in an urban environment, among other benefits.

Under the proposal, the City's Inland Zoning Map would be amended to define the boundaries of a new GG Overlay Zone, which includes Assessor's Parcel Numbers (APNs) within City limits and inland of the Coastal Zone within and adjacent to gulches and greenways (Figure 1). A mapping specialist used the City's LiDAR data (3D mapping of the Earth's surface) to identify slopes of 20% or greater, and establish a break in slope boundary line. Parcels that intersect with these steep slopes were included in the overlay, as well as parcels below the steep slopes (within the gulches and greenways) and parcels that intersect with a 100-ft buffer upslope of the break in slope line (Figure 2).

Key statistics about mapped land:

- The GG Overlay Zone is comprised of 1,697 APNs – 16.9% of the 10,060 total APNs within the City.[1] These affected APNs total 1,353 acres, but approximately 850 of these acres are further than 100 feet upslope of the break in slope.
- 93% of the affected APNs are zoned for residential development, with the vast majority (90%) of these residentially-zoned APNs classified as low-density residential (R1). These residential APNs comprise approximately 60% of the land mapped as being located on 20% slopes, downslope, or within 100-feet of the break in slope.
- Only 110 (6.4%) of the affected APNs are publicly owned (e.g., APNs identified by the Assessor's Office as public land, schools, or tax-exempt properties). However, there is also significant City right-of-way implicated which doesn't have an assigned APN (mostly undeveloped paper streets). In total, 38% of the land mapped as being located on 20% slopes, downslope, or within 100-feet of the break in slope is under public ownership (APNs + rights of way).
- In addition to the APNs with residential or public zoning, there are 19 implicated APNs zoned Hospital Medical, and nine zoned Neighborhood Commercial, comprising approximately 2% of the land mapped as being on 20% slopes, downslope, or within 100-feet of the break in slope.

[1] APNs are created for tax assessment purposes and are not necessarily legal parcels; a single APN may contain multiple legal parcels, or multiple APNs may make up just one legal parcel.

Figure 1. GG Overlay Zone Mapping [parcels outside of City limits (black dotted line) and within the Coastal Zone (blue dotted line) are not mapped]

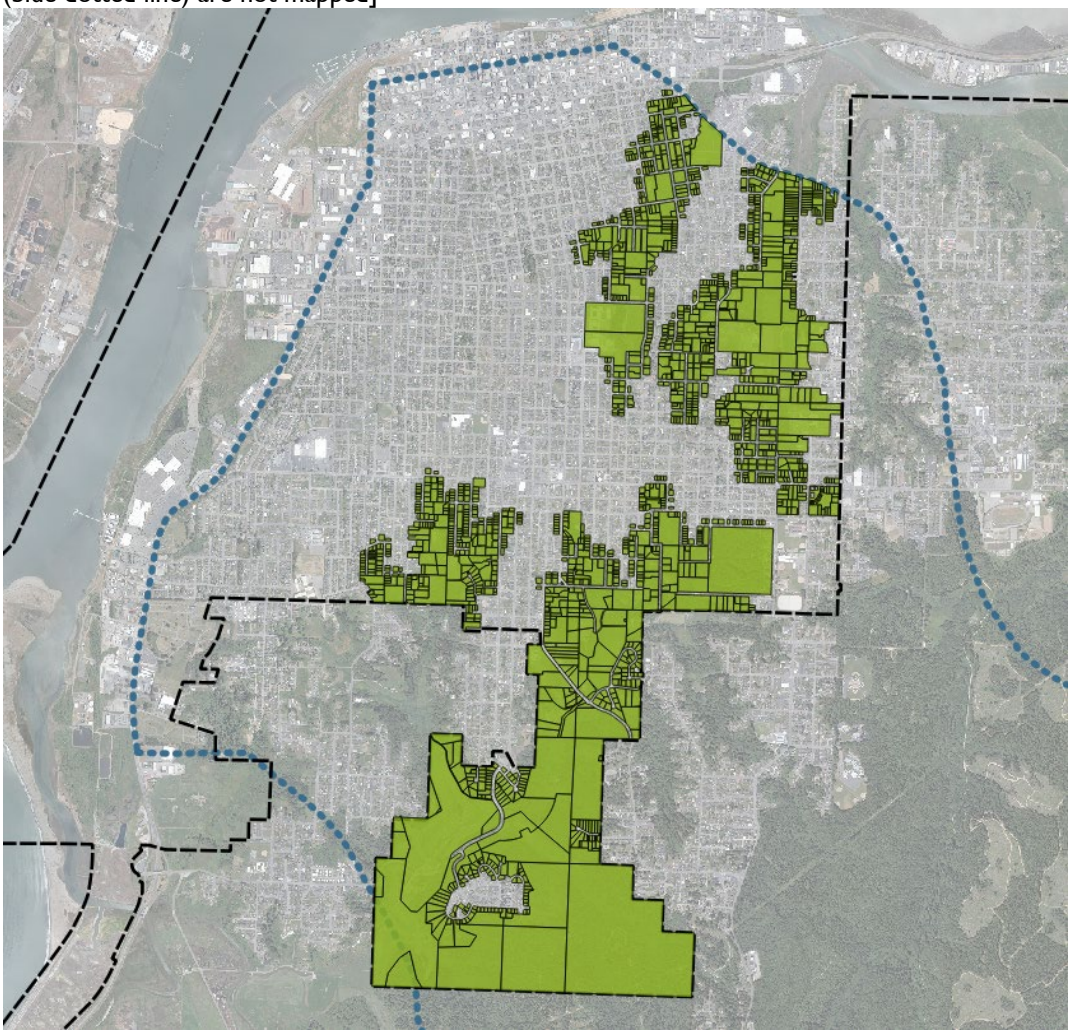
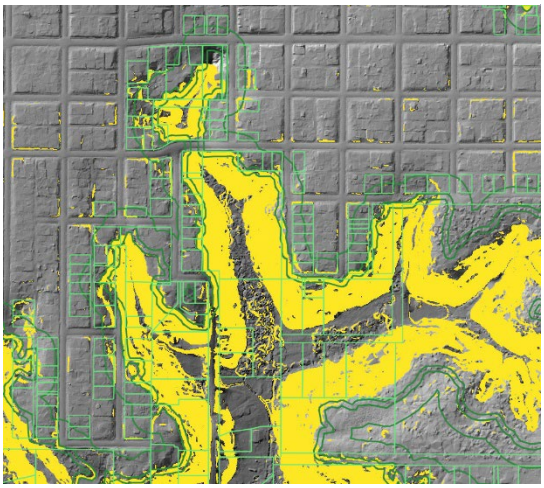


Figure 2. Example of how 20% and greater slopes (yellow) and a 100-foot buffer from the break in slope (dark green line) were used to map the overlay zone APNs (outlined in light green).



- Of the 1,597 privately-owned APNs that are implicated, 249 APNs are vacant, and 65 of these vacant APNs are specifically identified in the City's Housing Element as having the potential for new residential development.
- There are approximately 340 existing structures located at least partially below the mapped break in slope.

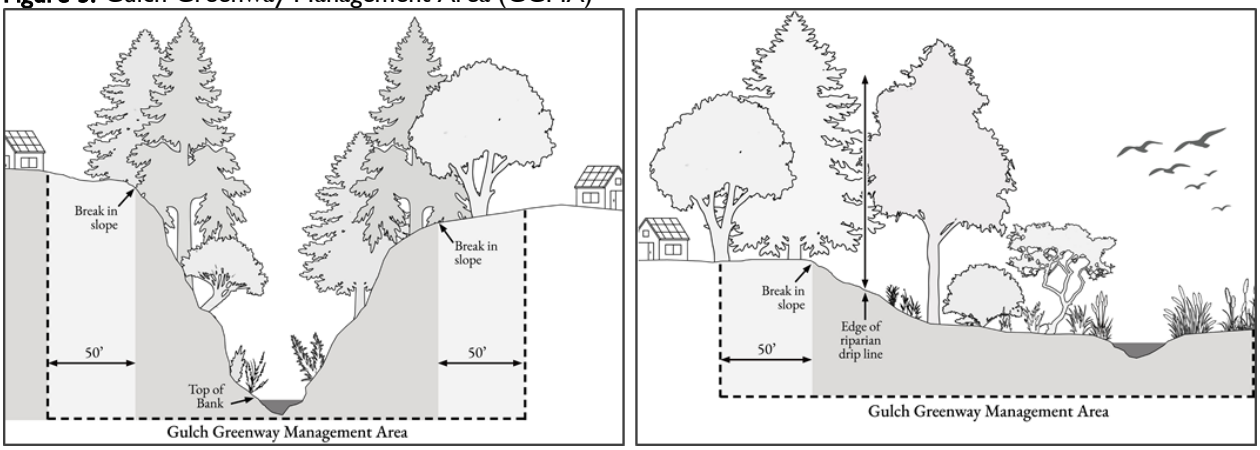
The draft GG Overlay Zone ordinance is proposed to be added to the overlay zones section of the Inland Zoning Code [Eureka Municipal Code (EMC) §155.224]. The draft ordinance includes development standards applicable throughout the GG Overlay Zone. The development standards rely heavily on cross-references to existing City codes – such as

erosion control, stormwater management, lighting, tree removal, and invasive species regulations – ensuring consistency across ordinances. There are also some added protections for gulch-specific environmental conditions, such as standards for work in seasonal wetlands and additional criteria of approval for subdivisions.

The draft ordinance also includes additional permitting requirements for development within a subset of the overlay zone defined as the Gulch Greenway Management Area (GGMA). GGMA is not mapped and will be determined on a site-specific basis at the time of application for development. Not all parcels in the GG Overlay Zone include GGMA. The draft ordinance defines GGMA to include:

- areas with steep slopes (20% or greater);
- stream channels, banks, and floodplain, extending beyond the top of bank to the adjacent break in slope;
- wetlands and a 100-foot buffer from wetlands;
- riparian habitat extending to the outermost edge of the riparian dripline; and
- a buffer area 50 feet beyond the break in slope adjacent to a stream or edge of the riparian dripline, whichever is greater (Figure 3).

Figure 3. Gulch Greenway Management Area (GGMA)



The draft ordinance excludes from the definition of GGMA the footprint of legally established structures and improved outdoor areas. An improved outdoor area is defined as "an area that has experienced significant alteration from its natural condition as a result of legally authorized clearing, grading, paving, construction, landscaping, or other activities, as determined by the Director" (i.e., as determined by City staff). This "includes yards, gardens, landscaping, and perimeter fencing associated with a legally-established use."

The ordinance applies a tiered permitting system based on proposed type and method of development and location within or outside GGMA. Development in GGMA typically requires Gulch Greenway Permits – either Minor (Director approval) or Conditional (Planning Commission approval). To approve a Gulch Greenway Permit, the City must find the project complies with the GG Overlay Zone ordinance; minimizes and mitigates impacts to fish and wildlife habitat and movement corridor values to the extent feasible; minimizes risk of damage to development – both on and outside the subject property – from erosion, flooding and fire hazards; and protects the water quality and hydrology of Humboldt Bay and its tributaries. The City must make these findings in writing, with conditions of approval as necessary. Gulch

Greenway Permits require notice to property owners within 300 feet of the implicated property of the upcoming Planning Commission hearing (for Conditional Gulch Greenway Permits), or of the Director's pending decision (for Minor Gulch Greenway Permits – with a 15-day period during which any person may submit a written request for a public hearing on the application before the Planning Commission). Gulch Greenway Permits require discretion by the City and therefore also trigger review under the California Environmental Quality Act (CEQA).

Within the GG Overlay Zone but outside GGMA, most development activities require a Zoning Clearance – a ministerial process by which City staff verifies the proposed development complies with the objective standards of the GG Overlay Zone ordinance and other applicable zoning provisions. Zoning Clearances are performed as part of the building permit process if a building permit is required. Zoning Clearances do not trigger CEQA review. The proposed GG Overlay Zone ordinance requires the City to refer all Zoning Clearances and Gulch Greenway Permits to the California Department of Fish and Wildlife (CDFW) for review and comment.

2. Amendments to Construction Site Erosion Control Ordinance

The City's existing construction site erosion control ordinance (EMC §150.200 et seq.) requires construction projects to obtain an Erosion Control Permit (ECP) and implement best management practices to prevent sediment and pollutant runoff, thereby protecting local water quality. The ordinance is administered by the Building Official and codified within the City's Building Code (EMC Chapter 155). City staff is proposing updates to this ordinance to address existing shortcomings and to align with the newly proposed GG Overlay Zone ordinance.

Currently, an ECP is required for clearing, grading, excavation, or fill activities. However, the ordinance lacks clear guidance on what constitutes a complete permit application, and includes an overly broad exemption. The exemption is also based on area of disturbance (less than 2,500 square feet), rather than the volume of earth moved – a more appropriate metric for evaluating grading impacts. The proposed modifications would clarify when an ECP is required and the information necessary for a complete submittal, and revise exemption criteria congruent with other municipal codes. Specifically, work involving less than 50 cubic yards of material stored, disposed of, or used as fill would be exempt from permitting if certain conditions are met, including that the site is outside both GGMA and the Coastal Zone.

3. Amendments to Tree Removal Ordinance

The City's existing tree removal ordinance (EMC §155.328) defines "protected trees" by species and size (minimum 24-inch diameter); establishes when a Tree Permit or Conditional Use Permit is required to remove, top, or significantly alter protected trees; outlines findings and conditions for permit approval; and provides permitting exemptions. Staff proposes amendments to:

- Remove the list of specific tree species and instead define "protected tree" as any native tree with a minimum diameter of 24 inches outside GGMA and 12 inches within GGMA.
- Modify protected tree removal permitting outside GGMA. Under the proposed ordinance, removal of five or fewer protected trees outside GGMA would require a Zoning Clearance (a Tree Permit is required by the current ordinance), and removal of more than five protected trees in ten years would require a Tree Permit (a Conditional Use Permit is required by the current ordinance), with new required findings of permit approval unique to tree removal.

- Establish separate permitting requirements for protected tree removal inside GGMA with reduced thresholds for discretionary review. Protected tree removal inside GGMA would require a discretionary Minor or Conditional Gulch Greenway Permit with limited exceptions. Just like outside GGMA, hazardous protected tree removal within GGMA would be allowed with a Zoning Clearance, with a report from an arborist or Registered Professional Forester (RPF) demonstrating the removal is necessary. However, while outside GGMA protected trees that hinder direct sunlight for a solar energy system may be removed with a Zoning Clearance, inside GGMA, a Minor Gulch Greenway Permit would be required (unless the property owner provides evidence of a solar access easement pre-dating the new regulations). And while outside GGMA any number of protected trees may be removed by right if the trees are shown on the site plan of an approved building permit as being within 15 feet of the footprint of a proposed new structure or within the boundary of the associated access road, inside GGMA, a Gulch Greenway Permit would still be required regardless of whether the tree removal is proposed in conjunction with new development.

4. Amendments to Landscaping Ordinance

The City's existing landscaping ordinance (EMC §155.328) establishes where and when landscaping is required; sets standards for plant types, ground coverage, installation timing, and maintenance; identifies when landscape plans are required and what they must include; and specifies thresholds for compliance with the California Model Water Efficient Landscape Ordinance (MWELO). Staff proposes amendments to:

- Broaden the applicability of certain standards – including compliance with vision clearance requirements, limitations on landscaping that interferes with public safety or infrastructure, and prohibitions on invasive plant species – so that these standards apply to all landscaping within the City, not only areas where landscaping is required by the code;
- Expand the definition of invasive plants to include not only species with a "High" rating in the California Invasive Plant Council's inventory, but also species listed as invasive weeds by the Humboldt County Weed Management Area; and
- Update MWELO compliance thresholds to align with current State law.

5. Other Amendments to Inland Zoning Code

To support adoption of the GG Overlay Zone ordinance as a new subsection of the Inland Zoning Code, staff recommends several minor edits to other sections of the code to ensure internal consistency. These include:

- Adding the GG Overlay Zone to the list of overlay zones in EMC §155.116 (Zoning Districts and Maps);
- Updating EMC §155.404 (Administrative Responsibilities) and §155.412 (Specific Permits and Approvals) to add reference to Conditional and Minor Gulch Greenway Permits, and to revise Tree Permit references; and
- Adding a definition for GGMA to the glossary in EMC §155.508 (Defined Terms).

6. Impetus for the Proposed Map and Text Amendments

Currently the Inland Zoning Code affords no special protections to steep slopes, wetlands, streams, or riparian habitat. Most development proposed within and adjacent to gulches and greenways consists of homes and associated accessory structures and grading approved with a building permit without discretionary review or associated evaluation of potential environmental impacts.

The City's General Plan has called for the adoption of gulch greenway preservation/management guidelines since the late 1990s to protect the vegetation, habitat, and hydrologic capacity of gulches and greenways.[2] There was a previous planning effort from approximately 2003–2009 to develop a gulch greenway ordinance, which included significant public outreach. Ultimately, no ordinance was brought before the City Council for adoption.

In 2021, the City resumed efforts to prepare a gulch greenway ordinance. The City held a virtual public workshop in March 2022 and conducted a public survey in April 2022 that received 554 responses (a video of the workshop is available here and a summary of the survey results is available here). Notices of the survey and workshop were included in a postcard sent to all property owners within the gulches and greenways as mapped by the General Plan.

In April 2022, the City published a draft gulch greenway ordinance and mapping methodology, which was reviewed by the Open Space, Parks & Recreation Commission (OSPR) on April 28, and May 26, 2022, and by the Planning Commission during a special study session on May 31, 2022. A referral was also sent to local Tribes and other potentially interested government agencies on April 26, 2022, and multiple emails were sent to the 300+ community members on the gulch greenway mailing list in April and May 2022. The City then paused work because of concerns the draft ordinance may conflict with evolving state housing laws, which emphasize increasing residential capacity and reducing regulatory barriers to housing production.

The City Council reaffirmed its commitment to the ordinance as a two-year goal in its 2023-2024 Strategic Vision Plan. A renewed effort began with a City Council special study session on October 1, 2024, during which City staff requested feedback from Council on a number of policy issues to inform ordinance and mapping updates (the study session is viewable here). Based on Council's direction, City staff, with assistance from City Planning Consultant Ben Noble, GIS Consultant Rick Kos, and CDFW staff, developed an updated draft GG Overlay Zone ordinance and associated mapping.

The updated draft ordinance and mapping were published on the City's website the week of March 10, 2025, and a postcard notice was mailed to implicated property owners and an email was sent to the gulch greenway mailing list the week of March 17, 2025. The draft regulations were reviewed by the OSPR Commission at their regular meeting on March 27, 2025 (the meeting can be watched here). A number of community members voiced questions and concerns about the ordinance at the OSPR Commission meeting, and a Frequently Asked Questions section was added to the gulch greenway ordinance website, and a number of minor updates

[2] Policy NR-2.2 in the current 2040 General Plan, adopted in 2018; and Policy 6.C.5 in the previous City general plan, adopted in 1997. The 1997 general plan set a goal of adopting the guidelines by Fiscal Year 1997-1998 (Implementation Program 6.5).

were made to the draft ordinance in response. Most notably, a minimum diameter has been added to the definition of protected trees in GGMA (aligned with Humboldt County's Streamside Management regulations).

7. Summary of Vegetation Management Provisions

Under the proposed GG Overlay Zone ordinance, invasive species may be removed without City oversight, including associated trimming of native plants – provided no wheeled mechanized equipment enters GGMA. The draft ordinance originally required a Minor or Conditional Gulch Greenway Permit for all herbicide use within GGMA. However, following a site visit to a property actively managed for native plant diversity, the ordinance was amended to allow targeted, spot application of herbicide – if in compliance with product labeling – for invasive species removal, subject to a Zoning Clearance.

Subject to the equipment and herbicide limitations noted above, the draft ordinance requires no regulatory oversight for removal of less than 1,000 square feet of native vegetation within GGMA, provided no native trees over 12 inches in diameter are removed or altered. Altering a tree means relocating it, reducing its crown by more than 20 percent, or taking any action that kills or destroys the tree. In contrast, removing 1,000 square feet or more of native vegetation, and/or removing or altering native trees over 12 inches in diameter within GGMA requires a Gulch Greenway Permit, with limited exceptions described in subsection 3 (Amendments to Tree Removal Ordinance) above. Property owners may limb trees within GGMA without City review, as long as the limbing does not "alter" any native trees over 12 inches in diameter.

As outlined in subsection 3 (Amendments to Tree Removal Ordinance), vegetation removal outside GGMA but within the GG Overlay Zone requires discretionary review only if it involves removal of more than five native trees over 24 inches in diameter within a ten-year period, subject to several exceptions. Otherwise, a Zoning Clearance or nothing is required, depending on the type of vegetation removal.

Throughout the GG Overlay Zone, the proposed ordinance discourages vegetation removal during the bird nesting season (except lawn mowing and weeding), and requires active bird nests be checked for before any trimming or removal, to avoid harm to migratory birds in compliance with the Migratory Bird Treaty Act. Additional limitations may be imposed as conditions of approval for Gulch Greenway Permits. Additionally, the amended tree removal ordinance requires that any tree removed or altered during bird nesting season be surveyed by a qualified biologist to determine the presence or absence of nesting birds. If the biologist encounters an active nest, no work may begin until the biologist, in consultation with CDFW, prepares species-specific measures to avoid nest abandonment or other harm, and the measures are approved by City staff and implemented.

ANALYSIS

Pursuant to EMC §155.432.070 (Findings for Approval), to recommend Council adopt a zoning code text amendment, the Planning Commission must make all of the following findings:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan or area plan.
2. The proposed amendment is internally consistent with other provisions of the Zoning Code.

3. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare.

To recommend Council adopt a zoning code map amendment, the Planning Commission must also find:

4. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to accommodate development that complies with the Zoning Code and General Plan and contributes to the health, safety, and welfare of the property, surrounding properties, and the community at large.

1. General Plan Consistency

The 2040 General Plan is the City's state-mandated, overarching long-term policy document that guides future growth and development and resource preservation and management within the City. All City zoning must be consistent with the goals and policies of the 2040 General Plan.

Natural resource policies cited as mitigation for General Plan impacts

An Environmental Impact Report (EIR) was prepared and adopted along with the 2040 General Plan on October 15, 2018 as required by CEQA.[3] The EIR analyzed the impacts of constructing up to 1.6 million square feet of new non-residential uses and creating 1,886 additional housing units in the City by 2040 under "buildout" of the General Plan. The EIR found "no significant impact" of this growth on biological resources, with the implementation of a number of General Plan policies meant to minimize and mitigate impacts on biological resources (General Plan Policies NR-1.3, NR-2.1, NR-2.2, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-3.2). The proposed GG Overlay Zone and associated municipal code updates are not only consistent with these policies, but necessary to implement them, to ensure the City's development through 2040 does not significantly impact biological resources.

> ***Policy NR-1.3 Natural Open Space Areas.*** *Preserve undeveloped natural open space areas that provide important groundwater recharge, stormwater management, and water quality benefits, such as undeveloped open spaces, gulches, natural habitat, riparian corridors, wetlands, and other drainage areas.*
>
> ***Policy NR-2.1 Development in Gulches and Greenways.*** *Allow limited development within Eureka's gulches and greenways and permit private property owners adjacent to gulch and greenway areas to develop, provided sensitive species habitat, fish and wildlife corridors, and the hydrologic capacity of the resource are protected, and vegetation removal does not occur below the high water mark or in areas subject to flooding, consistent with local, State, and federal regulations.*
>
> ***Policy NR-2.4 Wetlands Preservation.*** *Require appropriate public and private preservation and restoration of wetlands, and/or rehabilitation through compensatory mitigation in the development process for impacts to wetlands, consistent with State and federal permitting requirements.*
>
> ***Policy NR-2.5 Sensitive Species Habitat.*** *Require development in or adjacent to sensitive species habitats that may contain special-status species to be compatible with the long-*

3 The General Plan EIR's State Clearinghouse number is 2016102025 and the EIR is available on the City's website: https://www.eurekaca.gov/806/2040-General-Plan-Update-Preparation

term sustainability of the habitat, and (in discretionary projects) be conditioned to prevent significant habitat degradation or harm to rare, threatened, or endangered species.

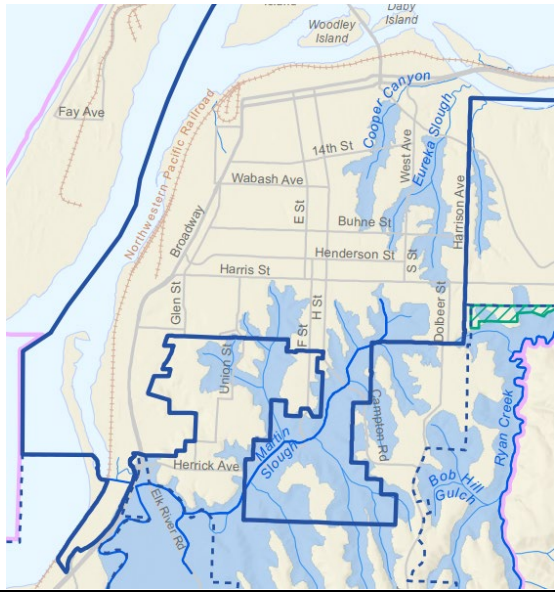
Policy NR-3.2 Wildlife Movement. *Preserve, enhance, and create interconnected open space and natural areas along sloughs, rivers, creeks, gulches and greenways, and other naturalized areas to provide for wildlife movement and protect biodiversity.*

Consistent. The above-listed suite of policies calls for the preservation of undeveloped and natural open space areas. The policies do not prohibit development in and adjacent to natural resource areas, but rather require development to be sited and designed in a manner that is protective of sensitive species habitat, wetlands, fish and wildlife corridors, stormwater management, water quality, hydrologic capacity, and groundwater recharge. Consistent with these policies, the proposed map and text amendments do not outright prohibit development within gulches and greenways, but instead establish development standards and permitting processes to avoid, minimize, and mitigate impacts. The proposed GG Overlay Zone ordinance focuses protections on wetlands, streams, riparian habitat and their values and functions, through the definition of GGMA, which is a subset of the overlay zone where proposed development must obtain a discretionary Gulch Greenway Permit (with limited exceptions), and through the listed considerations for evaluating a Gulch Greenway Permit and required findings of approval. While the permitting process may allow impacts, compensatory mitigation would be required to offset those impacts in alignment with the aforementioned General Plan policies.

Policy NR-2.2 Gulch Greenway Preservation and Management Guidelines. *Prepare and adopt Gulch Greenway Preservation / Management Guidelines that identify and protect sensitive species habitat and the hydrologic capacity of Eureka's gulches and greenways. Include provisions in these guidelines for defining the boundaries of gulches and greenways, as generally indicated in Figure NR-1, identifying the boundaries of all affected parcels lying wholly or partly within the gulches and greenways, ensuring new development is compatible with the environmental and public safety values of the gulches and greenways, and restoring gulch vegetation, wetlands, and sensitive species habitat as appropriate.*

Consistent. The proposed map and text amendments directly implement Policy NR-2.2 by mapping all parcels lying within or along the gulches and greenways, defining the portion of the affected parcels considered to be GGMA, and establishing development standards and permitting procedures to protect sensitive species habitat and the hydrologic capacity of the gulches and greenways.

Figure 4. 2040 General Plan Figure NR-1 with gulches and greenways highlighted in blue.



The proposed Gulch Greenway Overlay Zone ordinance requires written findings for permit approval that directly address the protection of sensitive species habitat, hydrologic capacity, and compatibility with the environmental and public safety values of

the gulches and greenways. To support these findings, the ordinance authorizes conditions of approval, including deed restrictions where appropriate, to ensure long-term implementation. Restoration of gulch vegetation, wetlands, and sensitive species habitat may also be required as mitigation, consistent with the goals of Policy NR-2.2.

Policy NR-2.6 Buffers. *Require the provision and maintenance of reasonably-sized buffers between sensitive habitat and adjacent urban uses to minimize disturbance of the resources, as appropriate. Buffers need not be larger than is recommended by a qualified professional ecologist (such as an ecologist, biologist, or wetland scientist).*

Consistent. Consistent with Policy NR-2.6, the proposed GG Overlay Zone ordinance does not set a minimum buffer distance between sensitive habitat and adjacent urban uses, but instead sets up a permitting process whereby open space buffers, if necessary, will be determined on a case-by-case basis at the time of application for development in consultation with CDFW. Buffer distances are mentioned in the draft ordinance, but only as a means of defining the boundaries of GGMA – the area that will be subject to additional permitting requirements and environmental review.[4]

Policy NR-2.7 Tree and Native Vegetation Preservation and Use. *Encourage preservation of existing healthy trees and native vegetation through site planning and maintenance, promote the use of low-maintenance, low water-use native plants and trees, prohibit the use of highly invasive plants, and discourage the use of invasive species in landscaping.*

Consistent. The proposed map and text amendments strengthen implementation of Policy NR-2.7 by protecting native vegetation (beyond trees), reducing the diameter threshold for protected trees in GGMA, narrowing permit exemptions for tree removal in GGMA, and prohibiting invasive plantings in all landscaping (rather than just landscaping required by the municipal code).

Other General Plan policies that protect natural resources

In addition to the General Plan policies identified in the previous section as mitigating impacts of General Plan buildout on biological resources, the following policies also support natural resource protection:

Policy NR-1.1 Surface Water. *Preserve, protect, and restore all surface water resources (including bays, rivers, streams, wetlands, and sloughs) to their natural state, to the maximum extent feasible.*

Policy NR-1.8 Biological Productivity. *Maintain and, where feasible, restore the biological productivity and quality of rivers, streams, and wetlands to maintain optimum populations of aquatic organisms and protect human health.*

Policy NR-1.9 Alterations to Rivers and Streams. *Require channelization or other substantial alterations that could significantly disrupt the habitat or hydrologic values of rivers and streams to incorporate all feasible Best Management Practices. Limit such*

[4] The buffer distances used in the definition of GGMA were developed in consultation with local staff from CDFW. CDFW's Northern Region developed a technical memorandum (published May 21, 2014) titled "Development, land use, and climate change impacts on wetland and riparian habitats – a summary of scientifically supported conservation strategies, mitigation measures, and best management practices." This memo provides a summary of CDFW's scientifically-backed guidance on buffer distances.

activities to trails, bridges, flood control projects, and fish and wildlife habitat restoration projects.

Policy HS-2.2 Flood Protection Structures. *Maintain and enlarge existing flood protection structures to protect development and sensitive habitat or species from flood hazards.*

Policy HS-2.3 Floodplain Capacity. *Continue to preserve stream and river corridors to maintain existing floodplain capacity.*

Consistent. The GG Overlay Zone ordinance establishes a discretionary review process for most development within or near rivers, streams, and wetlands, ensuring impacts are avoided, minimized, and mitigated, while still allowing for trails, bridges, flood control projects, and fish and wildlife habitat restoration projects. The amended construction site erosion control ordinance also supports these objectives by requiring permits for most ground-disturbing activities, mandating best management practices, and updating permit thresholds to reflect more accurate grading impact metrics. Together, these ordinances strengthen the City's regulatory framework for protecting the quality, biological productivity, and natural hydrology of surface waters.

Policy NR-3.1 Preserve Open Space. *Preserve unique and valuable areas within and around the city that provide visual and physical relief to the cityscape, as well as critical habitat, natural drainage, farming opportunities, timber extraction, passive recreation or outdoor education in their natural state to define and enhance the city's distinct character and heritage.*

Policy NR-3.3 Separate Incompatible Land Uses with Open Space. *Retain open-space needed to separate potentially conflicting land uses and to act as a noise barrier between noise-sensitive and excessive noise-generating uses.*

Policy LU-5.6 New Residential Neighborhoods. *Encourage, support, and look for ways to incentivize new residential neighborhoods that incorporate the following…Preservation of significant topography, drainages, gulches, biological, visual and other resources as appropriate…*

Policy U-3.4 Natural Drainage. *Encourage and maintain the use of natural stormwater drainage systems in a manner that preserves and enhances natural features such as the sloughs, greenways and gulches, and along the rivers and creeks, while also allowing for maximum water reclamation and reuse.*

Consistent. The GG Overlay Zone ordinance defines GGMA, within which ecological values are prioritized and all unavoidable impacts to habitat must be minimized and mitigated. The ordinance also codifies a requirement to consult with CDFW on development within and near gulches and greenways to ensure review by experts. The updated tree removal ordinance also advances habitat objectives by establishing context-sensitive thresholds for tree removal, requiring nesting bird protections during removal, and requiring arborist reports to mitigate impacts on remaining habitat. Natural drainage features are protected through limitations on disturbance and stormwater regulations that require compliance with the City's MS4 permit and Low Impact Development manual. Proposed amendments to the construction site erosion control ordinance further reinforce these objectives by mandating permits, best practices, and seasonal limitations on grading and clearing activities.

Policy NR-3.8 Community Gardens. *Allow the development of community gardens and edible landscapes in open spaces.*

Consistent. While community gardens are not explicitly addressed, the proposed map and text amendments do not preclude community gardens, provided environmental standards are met. City review may or may not be triggered depending on the proposed location of the garden, and the amount, type, and method of grading and vegetation removal required to create space for the garden.

Policy AG-1.12 Timber Management in Residential Zones. *Allow management of timberlands and hazardous trees, including removal of trees on residentially zoned properties, balanced with protection of timber as a resource.*

Consistent. The updated tree removal ordinance achieves a balance between allowing necessary tree removal for safety and development and preserving trees as a resource. The ordinance as amended creates a tiered system whereby protected trees are defined more broadly and subject to stricter permitting requirements within GGMA, where trees provide slope stability, shade surface waters, help slow down and filter stormwater, buffer noise and light impacts, and otherwise improve habitat quality and complexity. Within GGMA, protected trees may continue to be removed to accommodate residential development, but the amended regulations now require discretionary review with fewer exceptions. Protected trees may be removed without discretionary review if hazardous, but only with a Zoning Clearance and a report from an arborist or RPF verifying the necessity of removal.

Policy CS-2.90 Urban/Wildland Interface. *Design and construct new development proposed within or adjacent to fire hazard zones, such as the gulches and greenways, to minimize exposure to fire hazards and facilitate fire suppression efforts in the event of a wildfire.*

Consistent. The GG Overlay Zone ordinance helps minimize fire risk in the urban/wildland interface by requiring discretionary review for projects in sensitive areas, with a required finding of approval that projects minimize risk of damage from fire hazards. The amended landscaping and tree removal ordinances further support defensible space while ensuring habitat and visual quality are preserved.

Policy M-2.13 New Roads in Gulches. *Require that streets developed in steep gulch areas result in as little disruption of the natural topography as feasible. Do not allow new roads to be constructed in such areas unless there is no feasible, less environmentally damaging alternative and the impacts can be adequately mitigated.*

Consistent. Under the proposed GG Overlay Zone ordinance, new roads in the GGMA would be permitted only to serve on-site uses and only with a Conditional Gulch Greenway Permit, contingent upon findings that impacts are minimized and mitigated.

Trail-related policies

The following policies support expanding public access to gulches and greenways through a connected pedestrian and bicycle trail network that enhances recreational opportunities and visual access while protecting sensitive habitats:

Policy NR-2.3 Trails in Gulches and Greenways. *Work with private landowners and Humboldt County to establish a publicly-accessible trail network in and along Eureka's gulches and greenways that would not adversely impact sensitive species habitats.*

Policy NR-3.7 Trails in Gulches and Greenways. *Encourage and stimulate the development of public trails within Eureka's gulches and greenways.*

Policy NR-3.5 Recreational Use and Nature Study. *Within open space areas, develop compatible recreational uses and opportunities for nature study, such as trails, canopy walks, interpretive centers, viewing platforms, and other compatible uses, especially when such uses provide enhanced opportunities for acquisition, management, and enhancement of the City's public recreation and nature-study opportunities.*

Policy LU-1.16 Public Access. *Maintain and improve physical linkages from the community to the coastline, gulches, forests and Eureka's other distinct recreational resources where feasible by creating/preserving view corridors, enhancing trail and roadway connections, and providing signage and other wayfinding cues.*

Policy PR-1.13 Resource Areas. *Where possible, improve public lands and work with private landowners to provide additional accessibility and views within the gulches and greenways system, forests, coastline and Eureka's other distinct visual and natural resource areas.*

Policy M-3.3 Continuous Networks. *Provide continuous pedestrian and bicycle systems that link neighborhoods, parks, schools, commercial centers, major employers, and other frequently-visited destinations and expand access to the gulches and greenways consistent with the City's Bicycle Plan and street design guidelines.*

Consistent. The proposed GG Overlay Zone ordinance explicitly permits public trails and associated recreational amenities throughout the GG Overlay Zone, to signify alignment with the aforementioned General Plan policies. City projects are not subject to the Inland Zoning Code and therefore would not be subject to the proposed GG Overlay Zone regulations.[5] However, publicly-accessible trails developed by other agencies and organizations would be subject to the regulations, which would allow trail development while ensuring trails do not adversely impact sensitive species habitats.

Policies related to regulatory flexibility and housing

The following policies promote regulatory flexibility to support the City's land use, economic, and housing goals:

Policy LU-6.1: Development Regulations and Standards.*…Provide adequate flexibility in the City's development regulations to accommodate unique circumstances and innovative development ideas.*

Policy LU-1.21: Remove Obstacles. *Monitor Eureka's development regulations (e.g., zoning and subdivision ordinance) to ensure that these regulations support the goals of*

[5] While City trail projects are not regulated by the Inland Zoning Code, they are subject to CEQA, because the decision to construct a trail is a discretionary City action. City trails within gulches and greenways are also subject to authorization from state agencies, such as Coastal Development Permits from the California Coastal Commission, 401 Water Quality Certifications from the Regional Water Quality Control Board, and 1600 Lake and Streambed Alteration Agreements from CDFW.

the General Plan and do not create barriers to the implementation of the City's development objectives.

Policy E-1.1: Business Friendly Environment. *Work to remove both real and perceived barriers to development and continually reinforce a business-friendly reputation by ensuring…(c) Flexibility to adjust to unique circumstances…(g) Continuous evaluation and modernization of City regulations and procedures…*

Consistent. The proposed amendments establish a tiered permitting system for development within the GG Overlay Zone and for tree removal throughout the inland portion of the City, with graduated levels of review based on project type, location, and potential impact. This framework allows the City to tailor oversight to the circumstances of each development proposal, ensuring flexibility for low-impact activities while maintaining appropriate review for more complex or environmentally sensitive projects. Additionally, the proposed GG Overlay Zone ordinance acknowledges that technical reports may be needed, but does not require them in all cases. This allows the City to minimize costs where the GGMA boundary and potential impacts can be adequately addressed through lower-cost methods, such as site visits in consultation with CDFW. The proposed GG Overlay Zone ordinance attempts to avoid imposing additional regulatory barriers to work within gulches and greenways that aligns with General Plan goals, with no City authorization required for removal of invasive plant species and trash, development of public trails and associated recreational amenities, and resource management programs and habitat restoration projects approved by a state or federal governmental agency. Together, the proposed map and text amendments reflect a commitment to modernizing City regulations, supporting innovative and site-responsive development, and reducing administrative burden where feasible, in direct alignment with General Plan goals for regulatory flexibility and a business-friendly approach.

Policy H-1.1: Flexible and Accommodating Regulations. *Regularly evaluate and modify City development-related regulations, standards, and residential density maximums to allow for a diverse range of housing options. Actively strive to eliminate unnecessary and burdensome government regulations that restrain or impede the development of housing.*

Policy H-2.4: Maximum Density Infill. *Promote and encourage the development of the last remaining vacant lots in the City with housing units at the highest density allowed in each respective zone district.*

Consistent. Many of the City's remaining vacant residential parcels are located in or adjacent to gulches and greenways. Accordingly, the proposed ordinance does not prohibit housing but instead adds development standards and environmental review requirements. The ordinance continues to allow accessory dwelling units without discretionary review to comply with State law, allowing their construction in GGMA by right where physically necessary. Additionally, the ordinance permits flexibility in subdivision design, including the use of conservation subdivisions and clustered development patterns, which can help maximize density while preserving sensitive resources. By allowing site-specific solutions that balance housing development with environmental stewardship, the ordinance aligns with Policy H-2.4's focus on utilizing vacant land efficiently and to its full potential.

2. Zoning Code Internal Consistency

The proposed GG Overlay Zone provisions prompted a review of the Inland Zoning Code, which identified additional sections requiring amendment for internal consistency. With updates to the tree removal, landscaping, introductory, procedural, and glossary sections, the proposed amendments maintain internal consistency throughout the Inland Zoning Code.

3. Public Interest, Health, Safety, Convenience, and Welfare

The new regulations require additional environmental review, discretionary permitting, and specific development standards for projects on steep slopes and within or near streams, wetlands, and riparian habitats. These areas face heightened risk of erosion, slope failure, flooding, and fire which can endanger public safety and property. By requiring site-specific evaluation and mitigation, the regulations proactively reduce these risks, thereby protecting the health and safety of residents and the broader community.

The gulches and greenways within the City also serve as important natural infrastructure, supporting stormwater management, flood control, air and water quality, habitat connectivity, and climate resilience. Strengthened standards and review processes for sensitive environmental areas help preserve and enhance these critical ecosystem services, providing long-term public benefits. By advancing environmental stewardship, the regulations are protective of long-term public interest and welfare.

Additionally, preserving and enhancing natural features within the City – such as gulches, streams, and greenways – improves the quality of life for residents by maintaining scenic open spaces, recreational opportunities, and urban biodiversity. These amenities contribute to the City's attractiveness, vitality, and residents' physical and mental well-being, serving the broader public convenience and welfare.

Whenever the City has considered adopting a gulch greenway ordinance, property owners have expressed concerns about potential impacts on property values. In response, City staff reviewed a number of research articles addressing this topic:

- Jaeger, W. K. (2006). The effects of land-use regulations on property values. *Environmental Law, 36*(1), 105–128. https://www.researchgate.net/publication/265240602
- Jaeger, W. K., Plantinga, A. J., & Grout, C. (2012). How has Oregon's land use planning system affected property values? *Land Use Policy, 29*(1), 62–72. https://doi.org/10.1016/j.landusepol.2011.05.005
- Michael, J. A., & Palmquist, R. B. (2010). Environmental land use restriction and property values. *Vermont Journal of Environmental Law, 11*(3), 437–464. https://www.jstor.org/stable/10.2307/vermjenvilaw.11.3.437
- Netusil, N. R. (2005). The effect of environmental zoning and amenities on property values: Portland, Oregon. *Land Economics, 81*(2), 227–246. https://www.jstor.org/stable/4129666

- Quigley, J. M., & Rosenthal, L. A. (2005). The effects of land use regulation on the price of housing: What do we know? What can we learn? *Cityscape, 8*(1), 69–137. https://www.jstor.org/stable/20868572

Empirical studies consistently show the relationship between environmental and land use regulations and property values is complex and not uniform. While restrictions can reduce the development potential of individual parcels, they can also enhance environmental amenities, increasing the desirability of property, and create scarcity effects that stabilize or increase surrounding property values. Overall, the research indicates environmental regulations do not systematically depress property values and, in many cases, support or enhance them. The net effect depends heavily on context, enforcement, and the balance between development constraints and amenity benefits. Therefore, protective regulations can serve the broader public interest without being detrimental to property values or community welfare.

Another common concern regarding environmental regulations is their potential impact on housing supply and cost. However, the ordinance was specifically crafted to preserve residential development capacity, consistent with the State Housing Crisis Act (California Government Code §66300). The ordinance does not outright prohibit residential development or associated improvements within the City's gulches and greenways; rather, it establishes additional permitting processes to ensure projects potentially affecting sensitive resources are adequately evaluated and environmental impacts are minimized and mitigated. To limit regulatory costs, the ordinance provides less burdensome permitting pathways (e.g., exemptions, Zoning Clearances and Minor Gulch Greenway Permits) for development types and locations less likely to cause significant environmental harm. Additionally, the ordinance does not necessarily require costly technical studies (e.g., hydrological, biological, or geotechnical reports) when the boundaries of GGMA can be sufficiently identified, and potential impacts addressed, through lower-cost methods – such as a site visit with CDFW staff. By balancing environmental protection with housing feasibility and cost-conscious regulation, the ordinance can be found to support the public interest and welfare.

Another concern raised is that regulating vegetation removal could discourage property owners from engaging in responsible vegetation management. To address this, the ordinance applies different levels of regulatory oversight depending on the type of vegetation and location and methods of vegetation removal, with some activities requiring no City oversight at all, as detailed in the project description and background section above. This tiered approach is intended to provide the City with sufficient regulatory oversight to prevent adverse environmental impacts from vegetation removal, without deterring vegetation management activities undertaken in furtherance of environmental stewardship. City staff plans to actively monitor implementation of the regulations, and propose updates as necessary to ensure optimization of public benefit.

For all the reasons described above, the proposed map and text amendments will not be detrimental to the public interest, health, safety, convenience, or welfare.

4. Zoning Map Amendment Site Suitability

Accurately mapping GGMA boundaries at the citywide scale is not feasible. Identifying streams and wetlands requires site-specific field investigations which are cost prohibitive given the large number of property owners implicated. And the extent of open space buffer required to adequately protect these natural resources is context-specific, affected by the value/functions of the habitat; the sensitivity of species to disturbance; the type and intensity of potential

disturbances, including light, noise, human and pet encroachment, erosion, runoff, and fuel modification for fire safety; and proposed measures to reduce or shield project impacts or improve the quality of GGMA. For this reason, City staff proposes a parcel-based GG Overlay Zone, with the extent of GGMA determined on a site-by-site basis at the time of application for development on parcels within the GG Overlay Zone.

The GG Overlay Zone parcels would be shown on the City's official Inland Zoning Map, and would be used as an initial screening tool for City staff. The overlay zone would alert property owners that resource protection standards and additional permitting may apply, depending on the location and type of development, as outlined in the GG Overlay Zone ordinance. Sometimes, it is obvious from the City's aerial imagery and slope data that there is no GGMA on a property in the GG Overlay Zone (i.e., parcels completely upslope of 20% slopes that are fully developed with improved yards), while in other cases a site visit will be necessary to make that determination. In still other cases, a site-specific wetland delineation and/or other additional analysis will be required to establish the GGMA boundary.

This regulatory scheme with parcel-based mapping of an overlay in conjunction with a textual definition of GGMA will ensure the affected sites are physically suitable to accommodate development in compliance with the Zoning Code and General Plan.

CONCLUSION

Based on the analysis above, the required findings can be made to recommend adoption of the proposed map and text amendments.

ENVIRONMENTAL ASSESSMENT

The City Council's pending decision to adopt the proposed map and text amendments (a decision for which the Planning Commission is providing a recommendation) is a discretionary action and therefore constitutes a "project" subject to environmental review under CEQA. However, the City, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of CEQA under CEQA Guidelines §15307 (Class 7) and §15308 (Class 8). Class 7 applies to actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Similarly, Class 8 applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities are not covered by either exemption, and the Class 8 exemption explicitly excludes relaxation of standards allowing environmental degradation.

The project qualifies for the aforementioned exemptions because it consists of actions taken by the City, a regulatory agency, to codify and amend development standards and permitting processes to establish new and strengthened natural resource and environmental protections. The project does not relax development standards, but instead increases the level of protection of the environment. Furthermore, no construction activities are proposed or authorized by this project, and the proposed GG Overlay Zone ordinance and amended tree removal ordinance specifically require future projects with the potential to significantly impact the environment to undergo a discretionary permit process, with separate project-specific CEQA analysis, where appropriate.

CEQA Guidelines §15300.2 identifies circumstances when a categorical exemption cannot be used. This project has been reviewed to determine if any of the conditions listed in this section might invalidate findings that the project is exempt under CEQA. None of the following exceptions to the categorical exemptions are applicable to the project; therefore, the project qualifies for Class 7 and Class 8 exemptions under CEQA Guidelines §15061(b)(2).

- **CEQA Guidelines §15300.2(a): Location.** This exception only applies to categorical exemptions 3, 4, 5, 6, and 11 and is therefore not applicable.
- **CEQA Guidelines §15300.2(b): Cumulative Impact.** The project will not have any adverse impact on the environment either individually or cumulatively since the new and amended regulations will be more environmentally protective than the current standards in the EMC, encouraging development to avoid natural resource lands and requiring minimization and mitigation of impacts when development has the potential to adversely impact the City's remaining open space corridors, native trees, and the water quality and hydrology of the City's sub-watersheds.
- **CEQA Guidelines §15300.2(c) - Significant Effect Due to Unusual Circumstances.** Unusual circumstances may exist where a project has some characteristic or feature that distinguishes it from others in the exempt class, such as its size or location. In determining whether unusual circumstances exist, an "apples-to-apples" comparison should be used to consider whether the project is distinguishable from other similar projects subject to the exemption. There is nothing unusual about the proposed project compared to other existing California city and county environmental regulations which have received Class 7 and 8 exemptions. And given the purpose of the regulations are to preserve trees and protect fish and wildlife habitat and movement corridor values, protect water quality and hydrology, and minimize risks of damage from erosion, flooding, and fire hazards, there is no reasonable possibility of a significant effect on the environment.
- **CEQA Guidelines §15300.2(d) - Scenic Highways.** The project is intended in part to protect the scenic quality of the City, and according to the California Scenic Highway Mapping System, there are no state-designated scenic highways in Eureka (Caltrans, 2024). Thus, the project will not result in damage to scenic resources within a highway officially designated as a state scenic highway.
- **CEQA Guidelines §15300.2(e) - Hazardous Waste Sites.** This project does not propose standards pertaining to Hazardous Waste Sites and will not have any adverse impact on existing sites located within the planning area.
- **CEQA Guidelines §15300.2(f) - Historical Resources.** The project will not have any adverse impact on historic resources since all development standards will be more restrictive and protective of existing resources than the current standards in the EMC.

The proposed map and text amendments, which add and strengthen environmental regulations, also qualify for a CEQA Common Sense Exemption under §15061(b)(3) because it can be seen with certainty that there is no possibility the project may have a significant effect on the environment. Rather than facilitating or intensifying development, the proposed changes impose additional regulatory protections for environmentally sensitive areas, such as requiring enhanced review, establishing development standards to avoid or mitigate impacts, and clarifying permit requirements for activities like vegetation removal and grading. The amendments are also aligned

with and necessary to implement the City's 2040 General Plan. Because the amendments constrain environmental harm rather than enable it, they do not pose the potential for significant adverse environmental impacts.

PUBLIC HEARING NOTICE

Notice of the public hearing before the Planning Commission consisted of publication in the Times Standard on Tuesday, April 22, 2025. Notice was also mailed to property owners within the GG Overlay Zone on April 22, 2025 (1,331 postcards mailed), and an email was sent to approximately 347 email addresses on the gulch greenway mailing list on April 21, 2025. The notice was also posted on the City's website and bulletin boards on April 22, 2025.

DOCUMENTS ATTACHED

Attachment 1: Draft Resolution
Attachment 2: Proposed Gulch Greenway Overlay Zone Ordinance
Attachment 3: Other Proposed Amendments to EMC Chapters 150 and 155 in Track Changes
Attachment 4: Proposed Ordinance for Other Amendments