

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on March 12, 2024

RESOLUTION NO. ____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT APPROVING THE GENERAL PLAN AND AMENDMENT AND ZONE RECLASSIFICATION PETITION APPLICATION; APN 404-101-046-000 AND APN 404-101-013-000; CASE NUMBER PLN-2023-18863

WHEREAS, Section 65358 of the State Government Code allows the Board of Supervisors to amend the General Plan up to four times in any calendar year;

WHEREAS, Section 3.4 of Humboldt County General Plan specifies that a petition for amendment of this Plan may be accepted for processing upon the Board of Supervisors making one or more of the following findings:

- A. Base information or physical conditions have changed; or
- B. Community values and assumptions have changed; or
- C. There is an error in the plan; or
- D. To maintain established uses otherwise consistent with a comprehensive view of the plan; or
- E. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan.

WHEREAS, Planning and Building Department, Planning Division, staff has evidence within planning files in support of finding that amending the General Plan designation of the property to maximize the residential multifamily density and development of the sites for future apartments, duplexes, public transit access, shopping areas, and ancillary features; and

WHEREAS, Section 312-50.6 of Humboldt County Code specifies that petitions for amendment of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan Amendment; and

WHEREAS, the property owner has submitted an application requesting a plan amendment and zone reclassification for properties as identified in Project Case Number PLN-2023-18863; and

WHEREAS, Section 312-50.2 of the Humboldt County Code allows the Board of Supervisors to initiate, grant, deny, or modify proposed amendments to Zoning Regulations; and

WHEREAS, Section 312-50.4 Humboldt County Code allows a property owner to petition the Board of Supervisors to initiate a zone reclassification; and

WHEREAS, Section 312-50.5.2 Humboldt County Code requires that the petition demonstrate that the change will be in the public interest and consistent with the General Plan; and

WHEREAS, the petition to accept an application for zone reclassification and general plan amendment is not a project as defined in Section 21065 of the Public Resources Code and is not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED by the Humboldt County Board of Supervisors that the following findings are hereby made:

**FINDINGS FOR GENERAL PLAN AND ZONE RECLASSIFICATION
PETITION**

1. FINDING There is factual evidence that the petition for general plan amendment and zone reclassification is in the public interest.

EVIDENCE a) The plan amendment and zone reclassification are requested because development accessory to the existing residence on APN 404-101-046-000 (the Belknap property) was unwittingly built on the adjacent property, APN 404-101-013-000 (the Barnum Property). The first record of the accessory development was recorded by the Assessor's Office in 1991, but the primary residence was constructed in 1954. No estimate of the accessory structure's age was made.

The applicant's property is designated RA5-20 and zoned Residential Single Family, and the adjacent property is designated T and zoned TPZ. The development's current configuration does not reflect the prescribed General Plan and Zoning District designations. The County Planning and Building Department supports the applicant's argument that the General Plan Amendment and the Zoning Reclassification are in the public interest because the change will maintain established uses otherwise consistent with a comprehensive view of the plan, and the amendment will correct a discrepancy between actual land use and the land use called for by the General Plan.

Additionally, both landowners are amenable to the proposed changes.

2. FINDING

The petition is consistent with the General Plan's required findings and criteria for amendments. A petition for amendment of this Plan may be accepted for processing upon the Board of Supervisors making one or more of the following findings:

- A. Base information or physical conditions have changed; or
- B. Community values and assumptions have changed; or
- C. There is an error in the plan; or
- D. To maintain established uses otherwise consistent with a comprehensive view of the plan; or
- E. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan.

EVIDENCE a) The Applicant submitted a letter (Attachment #) with the following arguments supporting the findings above:

A - Base information or physical conditions have changed – At the time of the General Plan update, the land use information on the Barnum property was not fully known. A portion of the Barnum parcel was developed and occupied with residential accessory uses established by Belknap.

D - The amendment will maintain established uses otherwise consistent with a comprehensive view of the plan – Based on the established land use, the portion of the Barnum property occupied by the residential uses should not have been designated as T. The land use information was not known at the time of the General Plan update.

E - The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan – It is in the public interest to correct discrepancies between actual land use and the land use called for by the General Plan.

3. FINDING

The revision is not appropriate for the next scheduled update.

EVIDENCE a) The revision is proposed as part of a Lot Line Adjustment that is currently seeking entitlements.

4. FINDING

Rezoning From Timberland Production to a Different Zone.
Rezoning of the land from Timberland Production Zone (TPZ) to

another zoning district shall be in conformance with the requirements of the Forest Taxation Reform Act of 1976, in addition to the requirements of these zoning regulations.

EVIDENCE Precedent exists where the redesignation of less than three acres of TPZ can be supported without going through the required 10-year period of review otherwise required to rezone TPZ to other designations.

5. FINDING A petition for an amendment of the County's zoning maps is consistent with the General Plan.

- EVIDENCE**
- a) If supported, the redesignation of the parcel from T to RA5-20 will cause to be consistent the rezoning of the parcel from TPZ to Residential Single Family.
 - b) The current Timberland designation is consistent with the policies of the General Plan. According to section 2312 of the Jacoby Creek Community Plan, lands designated as Timberlands on the Land Use Map shall be retained in large parcels to protect the timber resource. Smaller parcels classified as Timber Sites I, II or III, and located adjacent to or surrounded by lands designated as Timberlands on the Land Use Map should be maintained as Timberlands.

6. FINDING The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:

- a. The reduction is consistent with the adopted general plan, including the housing element, and
- b. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and
- c. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

EVIDENCE a) The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development.

BE IT FURTHER RESOLVED that based on the above findings, the findings in the staff report, evidence in the file for the project, and public testimony received on the project, the Board of Supervisors accepts the Belknap General Plan Amendment and Zone Reclassification petition as recommended by the Planning and Building Department, Project Case No.PLN-2023-18863.

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to provide notice of this decision to all interested parties.

Adopted on motion by Supervisor _____ , second by Supervisor _____ and the following vote:

AYES: Supervisors:
NAYS: Supervisors:
ABSENT: Supervisors:
ABSTAIN: Supervisors:

Rex Bohn, Chair
County of Humboldt Board of Supervisors

STATE OF CALIFORNIA)
)ss
County of Humboldt)

I, Kathy Hayes, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

Kathy Hayes
Clerk of the Board of Supervisors
County of Humboldt
State of California

By _____
, Deputy Clerk