

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings for the Meeting of May 21, 2024**

RESOLUTION NO. 24 –

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ACCEPTING
THE GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION PETITION; APN 500-071-011
AND APN 500-081-002; CASE NUMBER PLN-2024-18909**

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 density and development of the sites for future 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-2024-18909; 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

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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, IT IS HEREBY PROCLAIMED by the Humboldt County Board of Supervisors that the following findings are hereby made; and

**FINDINGS FOR ACCEPTING THE
GENERAL PLAN & 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 500-071-012 (the Stander property) was unwittingly built on the adjacent property, APN 500-081-002 (the Green Diamond property). The first record of the residential development was recorded by the Assessor's Office in 1962. The applicant's property is designated RE2.5-5 and zoned Agriculture General, and the adjacent property is designated T and zoned TPZ and AE. Part of the current development pattern does not conform to the prescribed General Plan and Zoning District designations. Amending the General Plan and Zoning of a small portion of the parcel will allow both parcels to conform with the goals and requirements of the land use plan and zoning regulations. This action is 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.

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Additionally, both landowners are amenable to the proposed changes.

2. FINDING:

The General Plan Amendment petition is consistent with one or more of the General Plan's required findings and criteria for amendments:

- 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.

The Applicant submitted a letter (Attachment 3) requesting a General Plan Amendment and Zone Reclassification. The following information supports the findings above.

EVIDENCE:

- a) C/D - According to Humboldt County Assessor records, residential development first appeared on the Stander property in 1962. At the time of the last General Plan update in 2017, the land use pattern in this area was not fully understood as a portion of the Green Diamond property was already occupied with accessory residential development unwittingly extended onto the property from the Stander parcel. Given the established land use pattern, this portion of the Green Diamond property should not have been designated as Timberland. 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 Green Diamond 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.

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

3. FINDING: The amendments are not appropriate for the next scheduled update of the General Plan.

EVIDENCE: a) The uses established on the parcel are current and it is more appropriate for the general plan amendment to be processed as soon as possible to resolve the discrepancy rather than wait for the next scheduled update, which is slated to occur in 2027.

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: a) 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. Examples include the following projects previously approved by the Board: PLN-2022-17598 (Alto, Suchanek/Green Diamond), PLN-2020-16327 (Martin/Humboldt Redwood Company), PLN-2019-15634 (Lucchesi) and PLN-14387-LLA (Carolan). In this case, the applicant plans to rezone 0.2 acres of the property from TPZ to AG.

b) Approximately 37.02 acres of the property is zoned TPZ, and an approximately 2.98-acre area is zoned AE. The proposed zone reclassification would result in an area of 37 acres of TPZ zoned property, and 2.98 acres of AE zoned property. The Green Diamond Property is connected to an additional 232 acres of Green Diamond-owned TPZ to the south. The

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zone reclassification would not disconnect the Green Diamond Property from the contiguous TPZ area.

5. FINDING: The 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 RE2.5-5 will cause to be consistent the rezoning of the parcel from TPZ to AG. Table 4-H of the General Plan (Land Use Element) shows the proposed RE2.5-5 (Residential Estates) land use designation would be compatible with the proposed AG (Agriculture General) zone. Adjoining lands to the North, South, and West of the subject property are also planned RE2.5-5 and zoned AG.

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 Stander-Green Diamond General Plan Amendment and Zone Reclassification petition as recommended by the Planning and Building Department, Project Case No. PLN-2024-18909.

IT IS FURTHER PROCLAIMED AND ORDERED that the Clerk of the Board is directed to provide notice of this decision to all interested parties.

Dated: _____

Supervisor Rex Bohn, Chair
Humboldt County Board of Supervisors

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

AYES: Supervisors: --

NAYES: Supervisors: --

ABSENT: Supervisors: --

ABSTAIN: Supervisors: --

STATE OF CALIFORNIA

County of Humboldt

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I, Tracy Damico, 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.

NIKKI TURNER
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California