

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
**Certified Copy of Portion of Proceedings for the Meeting of October 1, 2024**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 24-109**

**Record Number PLN-2023-18805**

**Adopting an Addendum to the General Plan Program Environmental Impact Report (PEIR) for the Coastal Zoning Updates Ordinance and Making Required Findings in support of Adopting the Ordinance to be included within Title III, Division I, Chapter 3 of Humboldt County Code**

**Recommending that the Board of Supervisors make the required findings to adopt the Coastal version of the Zoning Updates Ordinance. The Coastal Zoning Updates Ordinance is still subject to certification from the California Coastal Commission before becoming an effective amendment**

**WHEREAS**, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

**WHEREAS**, Humboldt County initiated the zoning ordinance changes herein to allow for fences seven feet (7') in height instead of six feet (6'), consistent with California State Building Code; and

**WHEREAS**, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to add a maximum fence height of three feet (3') for solid fences within the front yard setback for certain residential zones; and

**WHEREAS**, Humboldt County initiated the zoning ordinance changes herein to implement its General Plan Housing Element Implementation Measure H-IM63 by updating the definition of "family"; and

**WHEREAS**, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to define "mini-storage" and allow with a Use Permit in certain commercial and industrial zones; and

**WHEREAS**, on Wednesday, July 3, 2024, the Planning Division caused to be published in the Eureka Times-Standard, a newspaper of general circulation in Humboldt County, a Notice of Public Hearing on the proposed zoning

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amendments regarding Zoning Updates; and

**WHEREAS**, on July 18, 2024, the Humboldt County Planning Commission continued the public hearing on the proposed zoning amendments to August 15, 2024; and

**WHEREAS**, on August 15, 2024, the Humboldt County Planning Commission held a public hearing on the Zoning Updates Ordinance, and with a 6-0 vote recommended the Board of Supervisors adopt the proposed draft Coastal Zoning Updates Ordinance; and

**WHEREAS**, On Tuesday, September 17, 2024, a notice was published in the Eureka Times-Standard, a newspaper of general circulation in Humboldt County, for adoption of the Zoning Updates Ordinance by the Board of Supervisors at their meeting of October 1, 2024; and

**WHEREAS**, the Humboldt County Board of Supervisors held a public hearing on the Zoning Updates Ordinance on October 1, 2024; and

**WHEREAS**, The Humboldt County Board of Supervisors will consider the Program Environmental Impact Report (PEIR) prepared for Humboldt County General Plan, and a project specific Addendum to the previously adopted PEIR that has been prepared for consideration per section 15164 of the State CEQA Guidelines. The proposed ordinance affects all inland and coastal unincorporated areas of Humboldt County and;

**WHEREAS**, the proposed LCP Amendment was developed to achieve consistency with the requirements of Government Code Section 65852.2, to meet the needs of County residents as determined through workshops and comments, and to incorporate recommendations of the California Coastal Commission through the upcoming LCP Amendment application process; and

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

**Required Findings of Approval**

**CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

- 1. FINDING:** The requirements of the California Environmental Quality Act have been met. The Humboldt County Board of Supervisors has considered the Program Environmental Impact Report

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(PEIR) adopted for the General Plan on September 25, 2017, and adopted an Addendum to the PEIR that has been prepared for this ordinance.

- EVIDENCE:** a) The Humboldt County Board of Supervisors will consider the Program Environmental Impact Report (PEIR) prepared for Humboldt County General Plan, and a project specific Addendum to the previously adopted PEIR that has been prepared for consideration per section 15164 of the State CEQA Guidelines. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18805.

The proposed project does not present substantial changes that would require major revisions to the previous PEIR. No new information of substantial importance that was not known and could not be known at the time was presented as described in Section 15162(c) of the CEQA Guidelines.

- b) The ordinance will not change the density requirements within the General Plan or Local Coastal Plans. Updating the definition of "family" to implement H-IM63, will only change the definition section of the zoning code and will therefore have no possibility of causing significant effect on the environment. The permitting of mini-storage will be a discretionary process and will be required to meet all other existing provisions within the Humboldt County Code protecting local resources and will therefore have no possibility of causing a significant effect on the environment. The allowance of fences to be up to seven feet (7') in height and not be considered a structure will have no possibility of causing a significant effect on the environment as California Building Code does not require a building permit for fences up to seven feet (7') high. Setting a maximum height of solid fences to be three feet (3') within the front yard setback will have no possibility of causing a significant effect on the

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environment as it will discourage visibility obstructions.

c) The proposed ordinance will not cause a substantial increase in the severity of the identified countywide cumulative impacts. No physical changes to the environment will occur with adoption of the proposed ordinance, beyond those that were previously considered. Therefore, the adoption of the proposed ordinance will not have new significant environmental effects or substantially increase the severity of previously identified significant effects.

d) No new information of substantial importance has been introduced that would lead to new or different impacts compared with those discussed in the GP PEIR. Project components continue to build on, clarify, and modify policies, standards and implementation measures in the current General Plan and Zoning Code. The types of development and resulting impacts would be the same as those evaluated in the GP PEIR. Therefore, there is no evidence that the proposed ordinances will result in one or more significant new effects not discussed in the GP PEIR.

**PUBLIC INTEREST**

**2. FINDING:** Humboldt County Code Section 312-50.3.1, the Humboldt County General Plan, and state General Plan Law stipulate that amendments to the zoning code must be in the public interest. The proposed amendment is in the public interest.

**EVIDENCE:** a) The ordinance will allow fences to be seven feet (7') in height instead of six feet (6') without requiring a permit and is therefore in the public interest as it will be consistent with the California Building Code.

The ordinance will set a maximum height of solid fences to be three feet (3') within the front yard setback in certain zones and is in the public interest as it will discourage visibility obstructions.

The ordinance advances the implementation measures, goals, policies, and standards identified in

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the Humboldt County General Plan Housing Element and is therefore in the public interest.

The ordinance will update the definition of "family" to remove restrictive language and is therefore in the public interest.

The ordinance will define "mini-storage", set development and performance standards, and require a Use Permit in certain commercial and industrial zones and will be in the public interest by requiring discretionary review of proposed mini-storage projects.

**CONSISTENCY WITH THE GENERAL PLAN**

**3. FINDING:** Humboldt County Code Section 312-50.3.2 states that amendments to the Zoning Code must be consistent with the General Plan. The proposed Coastal Zoning Updates Ordinance is consistent with the General Plan.

**EVIDENCE:** a) The Coastal Zoning Updates Ordinance implements the Housing Element. The ordinance incorporates the Humboldt County General Plan's goals, policies, and standards as directed in Implementation Measure H-IM63. Implementation Measure H-IM63 directs the County to amend the Zoning Regulations to remove the definition of "Family" and references thereto except where "family" is defined by statute. The intent of the H-IM63 is to remove language that restricts how "family" is defined. The ordinance will amend the definition of "family" to remove any restrictive language.

The ordinance will allow for fences to be seven feet (7') in height instead of six feet (6') without requiring a permit to be consistent with the California Building Code and therefore consistent with the General Plan.

The ordinance will set a maximum height of solid fences to be three feet (3') within the front yard setback in certain residential zones and is consistent with the General Plan as it will discourage visibility

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obstructions.

The ordinance defines and provides a permitting pathway for mini-storage. This ordinance will not change the density requirements of the General Plan.

**CONSISTENCY WITH THE COASTAL ACT**

**4. FINDING:**

If the proposed changes to the Zoning Ordinance include a Local Coastal Plan Amendment, Section 312-50.3.3 requires that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:

- a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).
- b) Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, and priority of development purposes).
- c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling, and dredging, fishing, revetments and breakwaters, and water supply and flood control).
- d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources).
- e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments).
- f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

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- EVIDENCE:** a) **Access:** Mini-storage will not be permitted in areas where coastal access is impacted as reviewed through the Coastal Development Permit process, and therefore the ordinance will not impact coastal access. The implementation of H-IM63 will not impact coastal access because it amends the zoning code to update the definition of "family". Amending the zoning code to allow fences up to seven feet (7') in height located on the property line will not impact coastal access because the only change is to allow fences to be seven feet (7'), instead of six feet (6') high without a planning permit as is currently allowed in the California Building Code without a building permit. Adding a maximum height of solid fences to be three feet (3') within the front yard setback in certain zones to the zoning code will not impact access as fences six feet (6') in height are currently allowed.
- b) **Recreation:** This amendment and its allowances will not negatively impact coastal recreation because it will not impact water-oriented activities, ocean-front land protected for recreational uses, aquacultural uses, or priority of development. Mini-storage will be reviewed within the Conditional Use Permit and Coastal Development Permit process in accordance with an associated Local Coastal Plan for consistency with the California Coastal Act. This review would ensure that the proposed work has been assessed and is not expected to cause any significant impacts to coastal recreation. The implementation of H-IM63 will not impact coastal recreation because it amends the zoning code to update the definition of "family". Amending the zoning code to allow fences up to seven feet (7') in height located on the property line will not impact coastal recreation because the only change is to allow fences to be seven feet (7'), instead of six feet (6') high without a planning permit as is currently allowed in the California Building Code without a building permit. Adding a maximum height of solid fences to be three feet (3') within the front yard

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setback in certain zones to the zoning code will not impact coastal recreation as fences six feet (6') in height are currently allowed.

- c) **Marine Resources:** This amendment and its allowances will not negatively impact marine resources because any development proposed within resource areas would require a Coastal Development Permit. Mini-storage will be reviewed within the Coastal Development Permit process in accordance with an associated Local Coastal Plan for consistency with the California Coastal Act. This review would ensure that the proposed work has been assessed and is not expected to cause any significant impacts to marine resources. The implementation of H-IM63 will not impact marine resources because it amends the zoning code to update the definition of "family". Amending the zoning code to allow fences up to seven feet (7') in height located on the property line will not impact coastal access because the only change is to allow fences to be seven feet (7'), instead of six feet (6') high without a planning permit as is currently allowed in the California Building Code without a building permit. Adding a maximum height of solid fences to be three feet (3') within the front yard setback in certain residential zones to the zoning code will not impact marine resources as fences six feet (6') in height are currently allowed.
- d) **Land Resources:** This amendment protects agricultural land and timberland because it does not encourage additional development within natural resource lands such as Agriculture Exclusive (AE), Commercial Timberland (TC), and Timberland Production Zone (TPZ). Mini-storage will not be permitted in areas where environmentally sensitive habitats or tribal cultural resources will be impacted as reviewed through the Coastal Development Permit process. The implementation of H-IM63 will not impact marine resources because it amends the zoning code to update the definition of "family". Allowing fences to be



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seven feet (7') instead of six feet (6') shall not have any impact on land resources as the zoning code will be amended to allow fences to only be a foot higher than currently allowed. Adding a maximum height of solid fences to be three feet (3') within the front yard setback will not be applicable in Agriculture or Timberland zones.

- e) **Development:** No impact to coastal lands is anticipated because mini-storage will require a Conditional Use Permit and Coastal Development Permit and site-specific analysis. Mini-storage is not permissible within coastal dependent zones and therefore will not impact coastal dependent development. The implementation of H-IM63 will not impact development because it amends the zoning code to update the definition of "family". The zoning code will be amended to allow fences to only be a foot higher than currently allowed and therefore shall not have an impact on development. Adding a maximum height of solid fences to be three feet (3') within the front yard setback in certain residential zones to the zoning code will not impact development as fences are still allowed.
- f) **Industrial Development:** Mini-storage is not permissible within industrial coastal dependent zones. This precludes areas with industrial development including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants. The implementation of H-IM63 will not impact marine resources because it amends the zoning code to update the definition of "family". The zoning code will be amended to allow fences to only be a foot higher than currently allowed and therefore shall not have an impact on coastal industrial development. Adding a maximum height of solid fences to be three feet (3') within the front yard setback will not be applicable in Industrial zones.

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**CONSISTENCY WITH STATE PLANNING LAW**

**5. FINDING:** Humboldt County Code Section 312-50.3.4 requires any proposed amendment must 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 unless specific findings are made. The proposed amendment does not limit the number of housing units which may be constructed on an annual basis.

**EVIDENCE:** a) The Zoning Updates Ordinance does not reduce residential density for any parcel utilized by the Department of Housing and Community Development in determining compliance with housing element law.

The ordinance will not alter residential density of parcels within Humboldt County and therefore will not negatively impact the residential density of Humboldt County. Allowing fences being seven feet (7') in height, setting a maximum height for solid fences within certain residential zones, implementation of H-IM63, and definition of and requiring a Use Permit for mini-storage do not impact residential density as these amendments only amend the definition section of the zoning code and allow a commercial use type within certain commercial and industrial zones.

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The foregoing Resolution is hereby passed and adopted after review and consideration of all the evidence on **October 1, 2024**.

Dated: October 1, 2024



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Supervisor Rex Bohn, Chair  
Humboldt County Board of  
Supervisors

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

AYES: Supervisors: -- Bushnell, Bohn, Wilson, Madrone

NAYES: Supervisors: --

ABSENT: Supervisors: -- Arroyo

ABSTAIN: Supervisors: --

STATE OF CALIFORNIA  
County of Humboldt

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