

**ATTACHMENT 1**

**Resolution No. 18-07 A Resolution of the Board of Supervisors of the County of Humboldt  
Making Findings to Approve the Zone Reclassification**

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of February 13, 2018

RESOLUTION NO. 18-07

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT MAKING THE REQUIRED FINDINGS FOR APPROVING THE WEST RIVER LANE ZONE RECLASSIFICATION CASE NUMBER ZR-17-002 ASSESSOR PARCEL NUMBER: 077-331-032**

**WHEREAS**, West River Lane submitted an application and evidence in support of approving the Zone Reclassification (ZR); and

**WHEREAS**, on December 13, 2016, the Board of Supervisors County accepted a petition to allow submittal of a zone reclassification from CH - Highway Commercial to C-2 Community Commercial; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the project is exempt from environmental review per Section, 15305 - Minor Alterations in Land Use Limitations, Section 15302 Replacement or Reconstruction, and Section 15301 Existing Facilities - of the CEQA Guidelines; and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on December 14, 2017; and

**WHEREAS**, by approving Resolution 17-82, the Planning Commission made the necessary findings for Case Nos.: ZR 17-002 based on the submitted evidence and the information in the staff report; and recommended that the Board of Supervisors of the County of Humboldt:

- Hold a public hearing in the manner prescribed by law.
- Adopt the Planning Commission's findings.
- By ordinance, approve the Zone Reclassification from CH to C-2 on the subject parcels, and add a Q-Qualified Zone to apply the CH Zone development standards to the parcel.
- Direct the Planning Division to prepare and file a Notice of Exemption pursuant to CEQA for the project.
- Direct the Clerk of the Board to publish a post approval summary in a newspaper of general circulation, and give notice of the decision to interested parties.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Humboldt County Board of Supervisors, that the Board:

1. Makes the findings for approval of the Zoning Ordinance Amendment, based on the evidence as detailed in Exhibit A which is incorporated into this Resolution as if set forth fully herein; and
2. Approves the Zone Reclassification for Case Nos.: ZR 17-002.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

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RESOLUTION NO. 18-07

Dated: February 13, 2018

  
\_\_\_\_\_  
Ryan Sundberg, Chair  
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Bohn, Fennell, Sundberg, Bass, Wilson
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA    )  
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 an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

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

  
\_\_\_\_\_  
By Ryan Sharp  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Meeting on February 13, 2018

**Exhibit A - Required Findings**

**Required Findings:** To approve this project, the Hearing Officer shall determine that the applicants have submitted evidence in support of making **all** of the following required findings.

***A. Section 312-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps***

1. The proposed zoning change is consistent with the General Plan.
2. The proposed change is in the public interest

***B. Required Finding for Consistency With Housing Element Densities***

1. Government Code Section 65302.81 requires specific findings supported by substantial evidence where a general plan amendment or zone reclassification is adopted that reduces 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 mid point of the density range specified in the plan designation).
2. In addition, the same Government Code sections also requires any proposed development to maintain the residential density for any parcel at or above that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation), unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

***C. Required Finding for Consistency With the California Environmental Quality Act***

The California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

1.
  - a) The project either is categorically or statutorily exempt; or
  - b) There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
  - (c) An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

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**Finding A: Section 312-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps**

Section(s)	Applicable Requirements
§312-50 of the Zoning Ordinance	<b>Finding A1.</b> That the proposed zoning change is consistent with the General Plan.
<p><b>Evidence Supporting Finding A1</b></p> <p>Table 4-H of the General Plan shows the CS - Commercial Services Plan Designation that applies to the subject property is compatible with both the CH and C-2 zones, so the proposed C-2 zone is consistent with the General Plan.</p> <p>In addition, the Q - Qualified Zone limits the uses in the C-2 zone to those of the CS - Commercial Services Plan designation, further reinforcing the consistency between the plan and zoning.</p>	
§312-50 of the Zoning Ordinance	<b>Finding A2.</b> That the proposed zoning change is in the public interest
<p><b>Evidence Supporting Finding A2</b></p> <p>It is arguably in the public interest to modify the zoning to allow commercial cannabis activities on the subject property because it has frontage on existing paved roads that provide access to Highway 101 in both directions within two miles. The zoning change could provide additional commercial development potential in the Redway area with minimal impacts to county roads or other neighboring land uses because the access would lead directly from the property to the highway from Redwood Drive. As shown on the aerial map attached to the staff report, Redwood Drive provides direct access to Highway 101 in both directions within two miles.</p>	

**Finding B: Required for Consistency with Housing Element Densities**

Section(s)	Applicable Requirements
Government Code Section 65302.81	Specific findings supported by substantial evidence are required where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
<p><b>Evidence Supporting Finding B:</b> The project site is zoned Highway Service Commercial, and is not included in the residential land inventory of the Housing Element. Therefore, the project will be consistent with this requirement.</p>	

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**Finding C: *Required Finding for Consistency with the California Environmental Quality Act***

Section(s)	Applicable Requirements
Consistency with the California Environmental Quality Act	The project is required to be consistent with the California Environmental Quality Act
<p><b>Evidence Supporting Finding C:</b> The project has been determined to be exempt from CEQA as described in the paragraphs below.</p> <p>CEQA Exemption Section 15305-Minor Alterations in Land Use Limitations applies because the Q - Qualified Zone limits in exactly the same way the uses allowed by the existing CH Zone and the proposed C-2 zone.</p> <p>CEQA Exemption Section 15302-Replacement or Reconstruction applies because some of the existing structures on the property may be replaced or reconstructed as part of the compliance agreement required by conditions of approval.</p> <p>CEQA Exemption Section 15301 Existing Facilities applies because the proposed cannabis activities are within an existing structure. Section 15301 exempts from environmental review the operation, repair maintenance, permitting, licensing, or minor alteration of existing private structures or facilities where involving negligible or no expansion of use. The proposed development will occupy one existing structure of approximately 4,300 sq. ft. No use of volatile compounds for manufacturing marijuana concentrate is proposed. The project site is developed with existing commercial and residential structures.</p>	

**ATTACHMENT 2**

**Ordinance Approving the  
Zone Reclassification of the Subject Property**

Ordinance No. ~~251a~~ Amending Section 311-7 of the Humboldt County Code by Rezoning  
Property in the Redway Area

Exhibit A: Map

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

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**ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE  
BY REZONING PROPERTY IN THE REDWAY AREA [ZR-17-002 (WEST RIVER LANE LLC)]**

**ORDINANCE NO. 2592**

The Board of Supervisors of the County of Humboldt do ordain as follows:

**SECTION 1. ZONE AMENDMENT.** Section 311 -7 of the Humboldt County Code is hereby amended by reclassifying 11,000 square feet in the Redway area from Highway Service Commercial (CH) to Qualified Community Commercial (C-2-Q).

The area described is shown on the Zoning Map for the Garberville/Redway/Benbow/Alderpoint Community Plan and on the map attached as Exhibit A.

**SECTION 2. ZONE QUALIFICATION.** The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from Highway Service Commercial (CH) to Qualified Community Commercial (C-2-Q) in accordance with Humboldt County Code Section 314-32, which authorizes restriction of the C-2 zone regulations by application of the "Q" (Qualified Combining Zone).

**SECTION 3. PURPOSE OF QUALIFICATIONS.** The purpose of the special restrictions and regulations herein imposed on the properties described in Section 1 are:

- (a) To ensure development is consistent with the Commercial Services designation of the Community Plan;
- (b) To maintain the CH Zone development standards on the parcels.

**SECTION 4. SPECIAL RESTRICTIONS.** Principal permitted uses and conditionally permitted uses otherwise allowed under the C-2 zone regulations of Humboldt County Code Section 314-2.2 are limited to apply the following development standards of the CH Zone:

**Development Standards**

<b>Minimum Lot Area</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Minimum Yard Setbacks*</b>	
Front	Fifteen feet (15').
Rear	None, except that where a rear yard abuts on a Residential Zone (RS, R-1, R-2, R-3, R-4) such rear yard shall not be less than twenty feet (20').
Side	None, except that, where a side yard abuts on a Residential Zone (RS, R-1, R-2, R-3, R-4), such side yard shall not be less than fifteen feet (15') provided further that such side yard, of a motel shall not be less than six feet (6').
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Building Height</b>	Forty-five feet (45').



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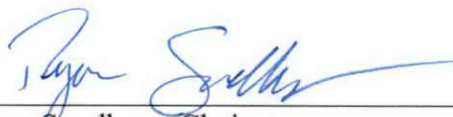
**EFFECTIVE DATE.** This ordinance shall become effective thirty (30) days after the date of its passage.

**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup> day of February, 2018 on the following vote, to wit:

AYES: Supervisors Fennell, Bohn, Sundberg, Bass, Wilson

NOES: Supervisors --

ABSENT: Supervisors --



\_\_\_\_\_  
Ryan Sundberg, Chair  
Board of Supervisors of the County of Humboldt,  
State of California

(SEAL)

ATTEST:

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

By: \_\_\_\_\_

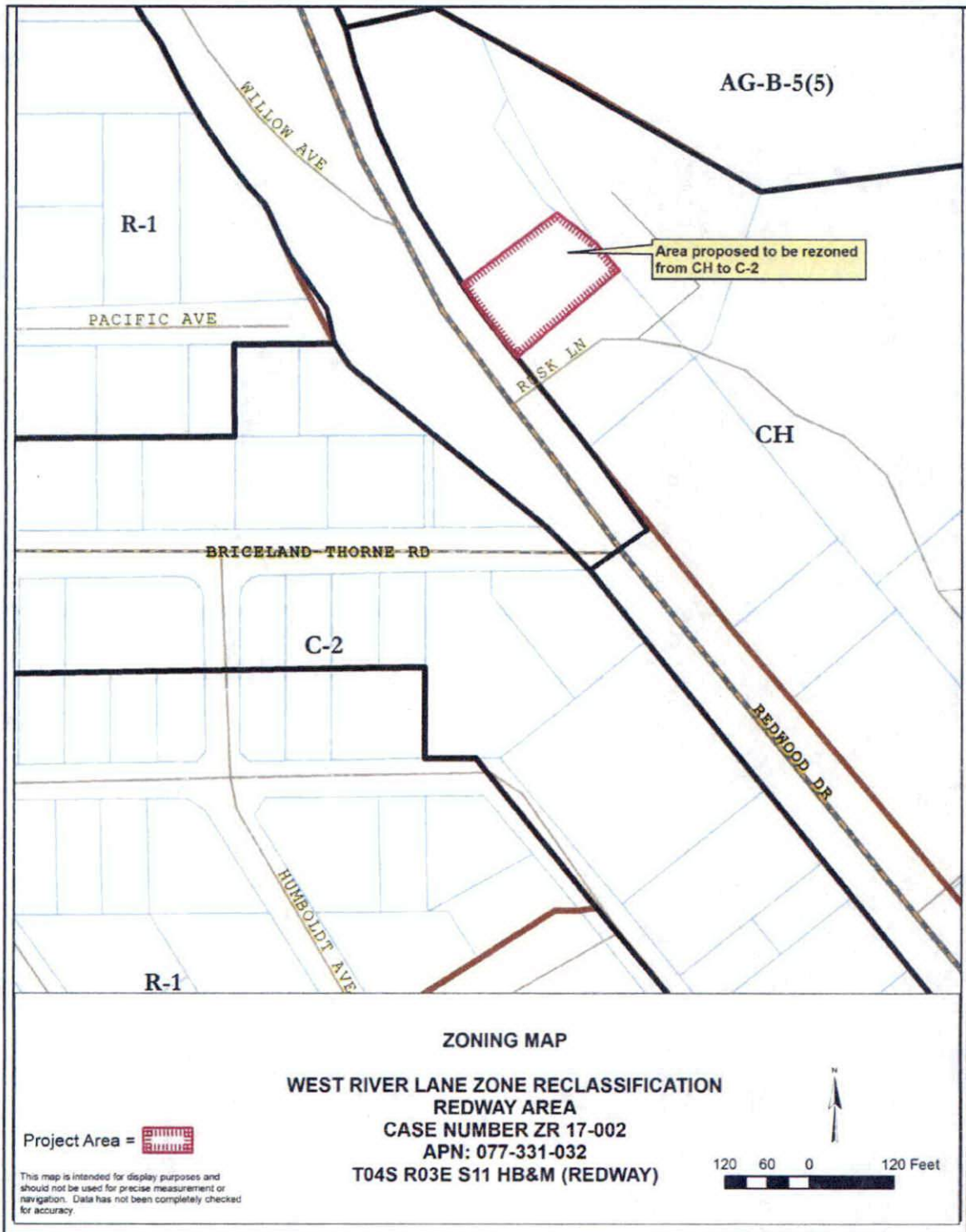
Ryan Sharp, Deputy



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
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**ATTACHMENT 2, EXHIBIT A**  
**Map of Zoning Changes**

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
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**ATTACHMENT 3**

**Post-Adoption Summary of Ordinance**

## SUMMARY OF ORDINANCE

(To be published within fifteen days after adoption of this ordinance.)

On February 13, 2018, during its regularly scheduled Board meeting, the Humboldt County Board of Supervisors adopted Ordinance No. \_\_\_\_\_, which amended Section 311-7 of the Humboldt County Code by reclassifying lands in the Redway area within Assessor Parcel Number (APN) 077-331-032 currently zoned Highway Service Commercial (CH) to Qualified Community Commercial (C-2-Q). The Q-Qualified Zone includes provisions to ensure compatibility with the CS - Commercial Recreation General Plan Land Use designation that applies to the site, and to retain the development standards of the CH Zone as recommended by the Planning Commission. The area described is also shown on the Zoning Map for the Garberville/Redway/Benbow/Alderpoint Community Plan. The new zone will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

ABSTAIN: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.