

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on November 29, 2022

Resolution No. 22-157

Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS FOR ORDINANCE AMENDMENTS REGARDING APPOINTMENT TERM AND REMOVAL OF PLANNING COMMISSIONERS, RECORD NO. LRP-2022-17995.

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 Code, Section 312-5-2 allows the Board of Supervisors to initiate or modify proposed amendments to the Zoning Regulations; and

WHEREAS, on October 25, 2022, the Board of Supervisors directed that the Humboldt County Code be amended to provide modified term duration for Planning Commissioners, and provisions for removal of Supervisor appointed Planning Commissioners; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Zoning Ordinance Amendment to consider changes to Planning Commission term and removal requirements on November 17, 2022 during which the Planning Commission considered the staff recommendation and public comments; and

WHEREAS, on November 17, 2022, the Planning Commission considered the proposed ordinance amendments, and adopted a Resolution which did the following:

1. Considered the CEQA Findings and found the project exempt from further environmental review pursuant to Section 15061(b (3)) of the State CEQA Guidelines; and
2. Find, based on the submitted substantial evidence, that the proposed project complies with the General Plan and Zoning Ordinance and made all findings for adoption of the ordinance; and
3. Recommended that the Board of Supervisors adopt the Ordinance under Record No. LRP-2022-17995.

WHEREAS, the Board of Supervisors held a public hearing, on November 29, 2022, and

reviewed, considered, and discussed the application and CEQA Exemption, and reviewed and considered all public testimony and evidence presented at the hearing.

Now, **THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

- 1. FINDING:** **Project Description:** Amendment to the Section 312.1.3 of the Zoning Ordinance to modify the term of Planning Commissioners and to create provisions for removal of Planning Commissioners by the Board of Supervisors.

EVIDENCE: a) Draft ordinance modifying Section 312-1.3 of the Zoning Ordinance.
- 2. FINDING:** **CEQA.** Adoption of an Ordinance specifying the term and removal provisions of Planning Commissioners is exempt from environmental review under Sections 15060(c)(2) and 15061(b)(3) of the California Environmental Quality Act which provides the CEQA only applies to projects which have the potential to have an adverse effect on the environment and this procedural change does not have that potential.

EVIDENCE: a) The amendment to the Zoning Ordinance is strictly procedural and will not result in permitting any new or modified development.

b) The procedural change will not result in any physical change to the environment.
- 3. FINDING** It is in the public interest to have clear procedures for removal of Planning Commissioners when the situation demands and to have clearly defined terms for Commissioners which allow accountability to the whole of the Board of Supervisors.

EVIDENCE a) Current provisions to not allow the entire Board to consider removal of a Planning commissioner even if circumstances warrant removal.

b) Allowing removal of a Planning Commissioner with a four-fifths majority of the Board of Supervisors allows Commissioner conduct to be considered while establishing a high bar for actual removal.

c) At Large appointments add diversity and insight to the Planning Commission and these appointments should be accountable to the whole of the Board of Supervisors.

d) Establishing alternating terms of two years for the two at large appointments allows the Board to consider the record of At Large Appointments.
- 4. FINDING** The proposed Amendments provide better public accountability and

thus are consistent with the General Plan.

- EVIDENCE**
- a) General Plan Goal G-G3 calls for an open, inclusive, and responsive process for public participation in County land use decision making.
 - b) Clear procedures for removal of Planning Commissioners provides a process responsive to the needs of the County.
 - c) Two-year terms for At Large Planning Commissioners allow greater public participation in the composition of the Planning Commission.

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- a. Adopt the Amendment to the Section 312-1.3 of the Zoning Ordinance to modify the term of Planning Commissioners and to create provisions for removal of Planning Commissioners by the Board of Supervisors.
- b. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

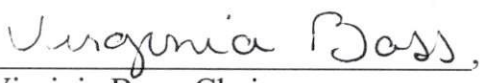
The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on November 29, 2022, by the following vote:

Adopted on motion by Supervisor Bushnell, seconded by Supervisor Bohn and the following vote:

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

NOES: Supervisors:

ABSENT: Supervisors:


Virginia Bass, Chair
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, KATHY HAYES, Clerk of the Board of Supervisors of the 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-titled 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 of the County of Humboldt, State of California

By: NIKKI TURNER

Date: November 29, 2022

By  Deputy