

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on December 15, 2020 RESOLUTION NO. _____

RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVE THE ZONE RECLASSIFICATION BY REZONING PROPERTY IN THE MCKINLEYVILLE AREA THROUGH A TEN-YEAR NON RENEWAL FROM TIMBERLAND PRODUCTION ZONE (TPZ) TO AGRICULTURE GENERAL WITH A FIVE-ACRE MINIMUM PARCEL SIZE (AG-B-5(5)); CASE NUMBER ZR-17-008 (HOOVEN); ASSESSOR PARCEL NUMBER 511-501-022.

WHEREAS, the applicant submitted an application and evidence in support of approving the Zone Reclassification application; and

WHEREAS, the proposed Zone Reclassification; that is, to rezone lands through a ten-year non-renewal from Timberland Production Zone (TPZ) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)), may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; and (3) The 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; and

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

WHEREAS, the Planning Division, as lead agency, prepared an Addendum to the Programmatic EIR (PEIR) for the adoption of the County General Plan (SCH# 2007012089) adopted by the County Board of Supervisors on October 23, 2017, where the Board of Supervisors certified the Final PEIR as complete and adequate in that it addresses all environmental effects of the proposed project and fully complies with all of the requirements of CEQA. The project site was included in discussions of the PEIR, as required by Section 15168 of the CEQA Guidelines;

WHEREAS, the Planning Commission reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on May 7, 2020; and

WHEREAS, at its May 7, 2020 meeting, the Planning Commission recommended the Board make the necessary findings and approve the zone reclassification. 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:** The application is a Zone Reclassification to change the zoning from Timberland Production Zone (TPZ) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)). The change in zoning from TPZ is through a 10-year non-renewal, and the lands will remain TPZ until the completion of the slide-out. The current general plan designation is Residential Agriculture with a density of one unit per five to twenty acres (RA5-20) which was changed as part of the General Plan Update in 2017. The parcel is approximately 20 acres in size and is currently developed with a single-family residence, a second dwelling unit, and accessory structures.

EVIDENCE: a) Project File: ZR-17-008

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Board of Supervisors has considered the Addendum to the Environmental Impact Report (EIR) prepared for the Humboldt County General Plan adopted by the Humboldt County Board of Supervisors on October 23, 2017.

EVIDENCE: a) As lead agency, the Planning and Building Department prepared and Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017. The property subject to the Zone Reclassification was evaluated as part of the change in land use designation to Residential Agriculture (RA) and the proposed rezoning implements this General Plan change. This Addendum is included as Attachment 5 to the staff report. The Board of Supervisors has considered the Addendum to the EIR for the Humboldt County General Plan and, based on its independent judgment, finds that the project meets the criteria for use of an Addendum pursuant to CEQA Guidelines section 15164, and determined the proposed project will not have a potential adverse effect either individually or cumulatively, on the environment.

3. FINDING The proposed project is in the public interest.

EVIDENCE a) This project is in the public interest because it facilitates uses allowed under the General Plan designation and corrects an inconsistency in the zoning.

The purpose of the Zone Reclassification is to rezone a parcel that was planned Agriculture Rural under the McKinleyville Community Plan in 2002, and subsequently planned Residential Agriculture in the 2017 General Plan Update. The parcel has remained under the Timberland Production Zone (TPZ) status the entire time.

The Zone Reclassification proposes to reclassify approximately 20 acres of TPZ lands to be consistent with the underlying General Plan designation (RA5-20). The Agriculture General (AG) zone will provide the applicant the

ability to apply for a subdivision once the 10-year non-renewal is complete. This will require separate environmental review at the time of application.

The existing TPZ zone is inconsistent with the current RA plan designation and the zone change will make the zoning consistent with the land use designation.

4. FINDING The proposed development is in conformance with other applicable policies and standards of the Humboldt County General Plan.

EVIDENCE a) The property is planned Residential Agriculture (RA). The project proposes to rezone the approximately 20-acre parcel into Agriculture General with a five-acre minimum parcel size (AG-B-5(5)). The Zoning Consistency Matrix, Table 4H of the Humboldt County General Plan specifies that the zoning into AG is consistent with the underlying RA plan designation.

5. FINDING The 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.

EVIDENCE a) Resource lands such as these were not utilized by the Department of Housing and Community Development in determining appropriate residential density, therefore, these lands are in compliance with this requirement.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Board of Supervisors:

1. Has considered the Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017 pursuant to the California Environmental Quality Act, finds that the Addendum reflects the independent judgment of the County of Humboldt, and finds that the project meets the criteria for use of an Addendum pursuant to CEQA Guidelines sections 15164 and 15162, and finds based on the record there is no substantial evidence that the proposed zone reclassification will have a significant effect on the environment; and
2. Makes the findings for the zone reclassification as detailed in this Resolution based on Planning and Building Department – Planning Division staff reports, supplemental reports, testimony presented at the public hearing, and having considered the recommendation of the Planning Commission; and
3. Approves the requested Zone Reclassification as recommended by the Planning Commission at their May 7, 2020 meeting for Case No.: ZR-17-008; and
4. Adopts the Ordinance amending Section 311-7 of the Humboldt County Code to rezone property through a ten-year non-renewal from Timberland Production Zone (TPZ) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)) in conformance

with the mapping prepared for ZR-17-008 (Hooven).

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. The Zone District for the subject property be amended through a ten-year non-renewal from Timberland Production Zone (TPZ) to Agriculture General with a five-acre minimum parcel size (AG-B-5(5)); and
2. Current Planning Division Staff is hereby directed to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
3. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor’s Office and any other interested party; and
4. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

_____ Chair, Board of Supervisors

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

AYES: Supervisors--
 NOES: Supervisors--
 ABSENT: Supervisors--
 ABSTAIN: 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 of
the County of Humboldt, State of
California

By _____