

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-146

Record Number PLN-2021-17037

Assessor's Parcel Numbers: 033-041-039 and 033-160-002

Resolution by the Board of Supervisors of the County of Humboldt Certifying Compliance with the California Environmental Quality Act and Approving Benbow Properties Zone Reclassification

WHEREAS, Benbow Properties, Inc., submitted an application and evidence in support of approval of a Zone Reclassification (ZR) to reclassify approximately 5.7 acres from Neighborhood Commercial, Design Control Combining Designation (C-1-D) to Community Commercial with Design Control (C-2-D); and

WHEREAS, the application was reviewed by referral agencies and County departments; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on July 20, 2023 and recommended that the Board of Supervisors approve the Zone Reclassification; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing on November 28, 2023 and considered the application and all public testimony;

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

- 1. FINDING:** **Project Description.** Zone Reclassification to rezone approximately 5.7 acres from Neighborhood Commercial, Design Control Combining Designation (C-1-D) to Community Commercial, with Design Control and Qualified combining zones (C-2-D-Q) on two parcels in the Benbow Area, APNs 033-041-039 and 033-160-002.

EVIDENCE: a) Project File: PLN-2021-17037

- 2. FINDING:** **CEQA.** The project is exempt from environmental review under CEQA.

EVIDENCE: a) Further environmental review is not necessary pursuant to CEQA Guidelines Section 15183, as the project is consistent with general plan policies for which an EIR was certified.

15183 notes that subsequent environmental review is only necessary where the Lead Agency determines any of the following applies:

project-specific environmental effects:

- are peculiar to the project or the parcel on which it is located
- are significant and were not analyzed as such in a prior EIR
- are off-site and/or cumulative and were not discussed in the prior EIR

were identified in a prior EIR as significant but due to substantial new information (not known at the time the EIR was certified) are determined to have a more severe adverse impact than what was disclosed.

- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. The parcel is proposed to be changed from one commercial zone to another, with similar allowable uses.
- c) There are no potentially significant on or off-site impacts and cumulative impacts which were not discussed in the above referenced EIR (SCH #2007012089). The proposed reclassification is consistent with the policies and standards found in the recently adopted General Plan.
- d) The proposed zone reclassification is consistent with the land use designation that was utilized for analysis conducted during development of the Environmental Impact Report (EIR) prepared for the current Humboldt County General Plan, which includes all of the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan (SCH #2007012089) was certified during adoption of the plan in 2017.
- e) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment, as proposed.

FINDINGS FOR ZONE RECLASSIFICATION

3. FINDING

The proposed Zone Reclassification is in the public interest.

EVIDENCE

- a) The Zone Reclassification will facilitate the productive use of property planned for commercial uses that are more appropriate for the site. Specifically, the property is located in close proximity to Highway 101 and is therefore more appropriate for commercial uses that support the larger community as opposed to neighborhood commercial uses.

4. FINDING

The reclassification is consistent with the County General Plan.

EVIDENCE

- a) C-2-D-Q zoning is consistent with Commercial Recreation land use designation, per Table 4-H, Zoning Consistency Matrix, of the County General Plan. Specifically, the C-2 Zone is an implementing zone of the CR designation per the General Plan.
- b) The Commercial Recreation designation is intended for “*commercial recreation facilities and accommodations and recreation/tourist oriented sales and services geared towards local and visitor needs*” and the C-2 zone district is a more appropriate zone district for this property which is located immediately off of the major highway in Humboldt County and one of the first commercially designated areas that tourists and visitors will encounter when entering the county from the south. The existing Neighborhood Commercial district is less oriented towards visitors and tourists.
- c) The Qualified zone ensures that the scenic character of the Benbow area will be protected from incompatible development, consistent with the scenic resource policies of the Humboldt County General Plan.

5. FINDING

The reclassification 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) The property is not included in the residential land inventory of the Housing Element.

DECISION

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

1. Adopt the findings set forth in this resolution; and
2. Approve the rezoning of approximately 5.7 acres from Neighborhood Commercial, Design Control Combining Designation (C-1-D) to Community Commercial with a Design Control and Qualified Combining Zone Designation (C-2-D-Q) on two parcels in the Benbow Area, APNs 033-041-039 and 033-160-002.

Adopted after review and consideration of all the evidence on November 28, 2023



Steve Madrone
Chair, Board of Supervisors

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

AYES: Supervisors—Arroyo, Bushnell, Bohn, Madrone, Wilson
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 _____