

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 24-108

Record Number PLN-2023-18805

Adopting an Addendum to the General Plan Program Environmental Impact Report (PEIR) for the Inland Zoning Updates Ordinance and Making Required Findings in support of Adopting the Ordinance to be included within Title III, Division I, Chapter 4 of Humboldt County Code

Recommending that the Board of Supervisors make the required findings to adopt the Inland version of the Zoning Updates Ordinance.

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 in 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, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to principally permit residential uses subordinate to commercial uses in Housing Opportunity Zones in the Business Park (MB) zone and continue to require a Special Permit outside of Housing Opportunity Zones; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to remove the requirement to have four or fewer units per building from the Inland Residential Multiple Family (R-3) zone to allow for more housing flexibility

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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 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 Inland 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

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 (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) A project specific Addendum to the previously adopted Program Environmental Impact Report (PEIR) that has been prepared for consideration per section 15164 of the State CEQA Guidelines.

The proposed project does not present substantial changes that would require major revisions to the previous PEIR. No

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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. 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 a significant effect on the environment. Allowing residential uses subordinate to commercial uses in Housing Opportunity Zones to be principally permitted in the Business Park (MB) zone and continue to require a Special Permit for outside of a Housing Opportunity Zone and will not significantly impact the environment by promoting infill and still requiring a discretionary process outside of Housing Opportunity Zones. Removal of the requirement to have four or fewer units per building from the Inland Residential Multiple Family (R-3) will not change the density requirements. 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 environment because 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.

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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.

EVIDENCE:

- a) The ordinance will update the definition of “family” to be more inclusive and not use restrictive language and is therefore in the public interest.

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 the public interest as it will discourage visibility obstructions.

The ordinance will define “mini-storage” 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 to ensure compatibility of the use with the neighborhood.

The ordinance will allow residential uses subordinate to commercial uses in Housing Opportunity Zones to be principally permitted in the Business Park (MB) zone and continue to require a Special Permit for outside of a Housing Opportunity Zone and will be in the public interest by promoting residential infill within MB zoning within Housing Opportunity Zones.

The ordinance will allow for more flexibility in housing types in R-3 zoning by removing the requirement to have four or fewer units

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per building and will be in the public interest by allowing more housing types in that zoning.

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 Inland Zoning Updates Ordinance is consistent with the General Plan.

EVIDENCE: a) 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.

b) The ordinance will allow for more flexibility in housing types in R-3 zoning by removing the requirement to have four or fewer units per building and promote infill by allowing residential uses subordinate to commercial uses in Housing Opportunity Zones to be principally permitted in the Business Park (MB) zone and continue to require a Special Permit for outside of a Housing Opportunity Zone. This ordinance will not change the density requirements of the General Plan but will encourage more housing which is consistent with the Housing Element.

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 zones and is consistent with the General Plan as it will discourage visibility obstructions.

The ordinance will define "mini-storage" and require a Use Permit in certain commercial and industrial zones and will ensure

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compatibility with the General Plan by requiring discretionary review of proposed mini-storage projects.

CONSISTENCY WITH STATE PLANNING LAW.

4. 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 in the front yard setback, 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 redefine a commercial use type within certain commercial and industrial zones.

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 residential uses subordinate to commercial uses in MB zones to be principally permitted within Housing Opportunity Zones and still require a Special Permit outside of Housing Opportunity Zones does promote infill but will not reduce the residential density. Removing the requirement to have four or fewer units per building in the R-3 zone will allow for more housing types but not reduce the residential density.

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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



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