

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on March 5, 2024.

Resolution No. 24-24

Resolution of the Board of Supervisors of the County of Humboldt MAKING THE REQUIRED FINDINGS TO ADOPT THE COASTAL SHORT-TERM RENTAL ORDINANCE. THE COASTAL SHORT-TERM RENTAL ORDINANCE IS STILL SUBJECT TO CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION BEFORE BECOMING AN EFFECTIVE AMENDMENT TO THE LOCAL COASTAL PROGRAM. RECORD NUMBER PLN-2022-18254.

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, on June 29, 2023, a public workshop was held to solicit public comments on the original draft Short-term Rental Ordinance with over 330 members of the public attending and participating remotely via Zoom; and

WHEREAS, in August of 2023, three more public meetings were held across unincorporated Humboldt County for Northern Humboldt in McKinleyville, Southern Humboldt in Garberville, and Humboldt Bay Area in Eureka, with 30-60 attendees at each of these in person meetings to discuss and address concerns of the draft ordinance; and

WHEREAS, the Humboldt County Planning Commission held a Public Workshop on September 21, 2023, deliberating and clarifying regulatory standards within the Short-term Rental Ordinance draft, and continuing the Public Workshop to October 5, 2023, for further deliberations; and

WHEREAS, the Humboldt County Planning Commission held a Public Workshop on October 5, 2023, recommending that Staff incorporate alternatives and revisions within the draft ordinance on the basis of deliberations of the Commission and public comment received; and

WHEREAS, on Thursday October 26, 2023, the Humboldt County Planning Commission held a public hearing to review and deliberate on the draft ordinance, make revisions, and accept changes from the previous draft discussed at the October 5, 2023, Workshop; and

WHEREAS, on October 26, 2023, the Humboldt County Planning Commission continued the item for further discussion, deliberation, and revisions to a hearing on Thursday November 2, 2023; and

WHEREAS, on Thursday November 2, 2023, the Humboldt County Planning Commission finished deliberation on the draft ordinance and directed staff to return with final revisions for a public hearing on November 16, 2023; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the modified Coastal Short-term Rental Ordinance on November 16, 2023, to receive a report and any supplements to the report on the draft amendments, as well as evidence and testimony; and

WHEREAS, the Humboldt County Planning Commission continued the public hearing for further deliberation on the modified Coastal Short-term Rental Ordinance to a public hearing on November 30, 2023; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the modified Coastal Short-term Rental Ordinance on November 30, 2023, and made a recommendation to the Board of Supervisors to adopt the proposed draft Coastal Short-term Rental Ordinance; and

WHEREAS, on Tuesday, January 16, 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 Short-term Rentals for the Board of Supervisors meeting of January 30th, 2024; and

WHEREAS, on January 30, 2024, the Humboldt County Board of Supervisors held a public hearing regarding the Short-Term Rental Ordinance, considered the Planning Commission recommendations, staff's presentation, the documents presented, and public testimony; and

WHEREAS, on January 30, 2024, the Humboldt County Board of Supervisors continued the public hearing for further deliberation and provided direction to staff to prepare alternatives for additional consideration to the meeting of March 5, 2024; and

WHEREAS, on March 5, 2024, the Humboldt County Board of Supervisors held a public hearing regarding the Short-Term Rental Ordinance, received staff's presentation of alternatives and documents presented; and

WHEREAS, pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been

certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA; and

WHEREAS, the proposed LCP Amendment was developed to achieve consistency with the requirements of the Coastal Act, to meet the needs of County residents as determined through workshops and comments, and to incorporate recommendations of the California Coastal Commission through the upcoming LCP Amendment application process.

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

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. FINDING: The proposed zoning amendment is exempt from environmental review under the California Environmental Quality Act (CEQA).

- EVIDENCE:**
- a) The ordinance is exempt from environmental review pursuant to §15301 (Existing Facilities) and §15308 (Actions by Regulatory Agencies) of the State CEQA Guidelines.
 - b) The ordinance will allow for the regulation of transient occupancy within existing permitted residential structures for the operation of Short-term Rentals. There is no construction, development, or ground disturbance associated with the approval of this regulatory pathway.
 - c) The ordinance establishes performance standards and procedures which enhance and protect the environment.
 - d) Public Resources Code Sections 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18254.

PUBLIC INTEREST.

1. 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. The proposed amendment is in the public interest.

- EVIDENCE:**
- a) The purpose and intent of this Short-term Rental Ordinance is to create a pathway for the legal operation of Short-term Rentals while protecting the public health, safety, and welfare of the residents of the unincorporated areas of Humboldt County.
 - b) The intent of the ordinance is to create regulation which protects permanent housing stock, neighborhood quality, and provides economic opportunity for residents; all of which is in the public's interest.
 - c) These amendments to the Zoning regulations (1) update terminology; (2) regulate Short-term Rentals as allowable uses within Humboldt County; and (3) maintain integrity of residential zoning districts while allowing a pathway forward for economic opportunity; therefore, this amendment is in the public interest.

CONSISTENCY WITH THE GENERAL PLAN AND STATE LAW.

2. 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 Coastal Short-term Rental Ordinance is consistent with the General Plan.

- EVIDENCE:**
- a) The Short-term Rental Ordinance allows for transient occupancy within residential General Plan designations and does not change development standards, density, or design standards within any of the designations where use is allowed, making the ordinance consistent with the General Plan.
 - b) The proposed amendments do not impact natural resources or sensitive communities because there is no development associated with allowing the use of existing residential structures and is therefore consistent with the policies of the General Plan.

3. 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 Short-term Rental 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.
 - b) The allowance of this use will not alter residential density of parcels within Humboldt County.

CONSISTENCY WITH THE COASTAL ACT.

4. FINDING: If the proposed changes to the Zoning Ordinance include a Local Coastal Plan Amendment, Section 312-50.3.3 requires that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:

- a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)
- b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes)
- c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)
- d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)
- e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)

- f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants)

The proposed changes to the zoning code conform to the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act.

- EVIDENCE:** a) **Access** (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).

The amendment allows transient occupancy within permitted residences located within the Coastal Zone. There is no development associated with the allowance of this use and will likely further encourage use of and exploration of our local coastline because there will be more options for people to lodge within our local coastal jurisdiction. The proposed amendment will not impact coastal access.

- b) **Recreation** (including protection of water-oriented activities, ocean-front land protection for recreational uses, aqua-cultural uses, and priority of development purposes)

The amendment allows for the use of existing permitted residential structures and will protect existing lower cost visitor-serving facilities by providing alternate housing for visitors or seasonal workers in the coastal zone. Short-term Rentals prevent conversion of potential recreational properties to housing because the amendment does not promote development for this use and enforces a cap limit for the number of Short-term Rentals permissible within Humboldt County. The current unregulated market of Short-term Rentals accounts for roughly 1.66% of the current housing market in Humboldt County. The cap will discourage new construction of residences for Short-term Rentals because the cap is set at 2%, meaning that the existing market will likely saturate Short-term Rental approvals, if adopted.

Diversifying transient occupancy will likely encourage further coastal recreation by promoting additional lodging options for those passing through, working, and visiting the Humboldt Bay area. This amendment and its allowances will not impact water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, or priority of development. The proposed amendment will not negatively impact coastal recreation.

- c) **Marine Resources** (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)

The amendment allows transient occupancy within permitted residences located in residential zoning districts within the Coastal Zone. There is no development associated with the allowance of this use, therefore there will be no impacts to Marine Resources; including biological productivity, hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control. The proposed amendment will not negatively impact marine resources.

- d) **Land Resources** (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)

The amendment protects agricultural land and timberland because it does not encourage additional residential development and requires that Short-term Rental within resource lands such as Agriculture Exclusive (AE), Commercial Timberland (TC) and Timberland Production Zone (TPZ), where agriculture is either principally allowed or conditionally allowed, be permitted as Farm Stays.

Farm Stays are a form of Short-term Rental that provide activities and experiences that educate guests about local agriculture and are located on parcels where primary use of land is agriculture.

Impacts to cultural and tribal cultural resources and impacts to environmentally sensitive habitat areas are not anticipated and are protected because the permitting of a use within existing residential structures does not constitute development or ground disturbance. The proposed amendment will not negatively impact coastal land resources.

- e) **Development** (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)

The amendment is consistent with the development policies of the Coastal Act and does not encourage development. The use of Short-term Rentals would only be permissible within existing permitted structures on residentially zoned property unless permitted through a Farm Stay. Permitted residential structures have already been reviewed for structural integrity by the

Planning and Building Department. As a part of this process, water and wastewater are analyzed and permitted through the Department of Environmental Health. Water and wastewater requirements are required ancillary to a residence for a building permit to be issued from the Planning and Building Department.

There are no impacts associated with public works facilities. Short-term Rental are only permitted on roadways meeting a minimum of Category 3 standard (sixteen feet in width) as recommended by the Planning Commission. Traffic as a result of the use of Short-term Rentals is not anticipated to be any more than that which public and private roadways already support and have a capacity to serve.

Short-term Rentals are not permissible within coastal dependent zones and therefore will not impact coastal dependent development.

The proposed amendment will not negatively impact coastal development.

- f) **Industrial Development** (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.

Short-term Rentals are not permissible within industrial coastal dependent zones. By definition, this precludes areas with industrial development including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants. Therefore, the proposed amendment will not negatively impact coastal industrial development.

NOW, THEREFORE, the Humboldt County Board of Supervisors does hereby:

1. Hold a public hearing in the manner prescribed by state law.
2. Adopt the findings prepared by Planning Staff, above.
3. Find the project exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15308, 15250, 15251(f), and 15265, and Public Resources Code sections 21080.5 and 21080.9, and direct Planning Staff to file a Notice of Exemption.

4. Adopt the Coastal Short-term Rental Ordinance.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 5, 2024, by the following vote:



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, Wilson, Madrone, Bohn, Arroyo

NOES: Supervisors:

ABSENT: Supervisors:

STATE OF CALIFORNIA)

County of Humboldt)

I, Kathy Hayes, Deputy 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: Nikki Turner, Deputy Clerk of the
Board of Supervisors of the County of
Humboldt, State of California