

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____, 2023

Resolution No. 23-___ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS DETERMINING THAT THERE IS AN ERROR IN THE GENERAL PLAN LAND USE MAPPING APPLIED TO PROPERTY IN THE ALTON AREA ASSOCIATED WITH RECORD NO. PLN-2023-18078.

WHEREAS, October 17, 2017 the Board of Supervisors accepted a petition to amend the Zoning Map for Q-zoned properties located in the Alton area; and

WHEREAS, Russ Renner submitted an application and evidence in support of a General Plan Amendment, Zoning Map Amendment, and Conditional Use Permit to allow for the operation of a business engaged in the storage, repair, servicing, and customization of recreational vehicles as well as sales of RV parts; and

WHEREAS, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on **April 20, 2023** the Humboldt County Planning Commission held a duly noticed public hearing during which the Planning Commission reviewed, considered, and discussed the application for the Zone Reclassification, and General Plan Amendment and reviewed and considered all evidence and testimony presented at the hearing; and

WHEREAS, on **April 20, 2023**, after considering the application, the Planning Commission adopted a Resolution recommending that the Humboldt County Board of Supervisors do the following:

1. Adopt the findings set forth in this resolution; and
2. Approve the Zone Reclassification; and
3. Approve the associated General Plan Amendment to correct an error in the plan; and

WHEREAS, the Board of Supervisors held a public hearing, de-novo, on June 6, 2023 and reviewed, considered, and discussed the application for a Zone Reclassification and the Amendment to correct an error in the General Plan; and reviewed and considered all public testimony and evidence presented at the hearing, including the Addendum to the Mitigated Negative Declaration as well as the Previously Adopted Mitigated Negative Declaration; and

WHEREAS, in order to approve the Zone Reclassification, the amendment must be shown to be consistent with the County General Plan. Where there is an error in the plan that would prevent a land use decision otherwise consistent with the Plan, for the Board to act on the matter prior to correcting the error, the following findings must be made:

1. There is an obvious error in the plan.
2. The error would prevent a land use decision otherwise consistent with the Plan.
3. The Board of Supervisors may act on the matter based on a comprehensive view of the plan.
4. The Board must note the error in the decision and refer correction of the error to the next available set of amendments.

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

- 1. FINDING:** **Project Description:** A Zone Reclassification to change the zoning of two neighboring parcels from Limited Industrial (ML) to Industrial Commercial (C-3) and Industrial Commercial with the Streamside Management Areas and Wetlands Combining Zone (C-3/WR). The entirety of both parcels was mistakenly designated “Open Space” in 2017 during the Countywide General Plan Update. A General Plan Amendment is included to fix this mapping error and return the Industrial General land use designation to eastern portions of the site.

EVIDENCE a) Project File: PLN-2023-18078

FINDINGS FOR DETERMINING AN ERROR IN THE GENERAL PLAN

- 2. FINDING:** There is an obvious error in the plan.

EVIDENCE: a) The entirety of both parcels was mistakenly designated “Open Space” in 2017 during the Countywide General Plan Update. The Open Space (OS) plan designation provides primarily for land which is essentially unimproved and devoted to conservation of natural resources and habitat values and compatible outdoor recreational uses. Eastern portions of the parcels have historically been host to commercial development, including a railroad tourist attraction and at present, a fencing business. The project file includes correspondence with

department staff involved in the General Plan Update confirming that classifying the entirety of the parcels as open space was done in error. Application of the “OS” designation to eastern portions of the site was an obvious error given the historical development pattern and current occupancy and zoning of this area.

3. FINDING: The error would prevent a land use decision otherwise consistent with the Plan.

EVIDENCE a) The Open Space Land Use Designation is intended to be applied to lands which are essentially unimproved and devoted to conservation of natural resources and habitat values and compatible outdoor recreational uses. Prior to this change, the entirety of the property was planned Industrial, General (IG). Returning the Industrial General (IG) land use designation to eastern portions of the site is appropriate. The IG land use designation provides for general industrial and manufacturing uses, where convenient access to transportation systems and a full range of urban services is typically available. The Zoning Consistency Matrix shows that the Heavy Commercial (C-3) zoning is consistent with the Industrial General (IG) land use designation. The application of the erroneous OS designation would prevent the zone reclassification which is otherwise consistent with the General Plan.

4. FINDING: The Board of Supervisors may act on the matter prior to correcting the error based on a comprehensive view of the plan.

EVIDENCE a) A comprehensive view of the plan shows that the 2017 change to the land use designation was mistakenly applied to eastern portions of the site, which have both currently and historically hosted commercial and industrial uses. It is also inconsistent with the request made by the landowner during the General Plan Update.

EVIDENCE b) During approval of the Use Permit by the Planning Commission, a condition of approval was included requiring that the applicant prepare and submit a Development Plan which clearly identifies the wetland area and labels it "unbuildable," as well as recordation of a Notice of Development Plan to provide constructive notice to future property owners and tenants.

5. FINDING: The Board must note the error in the decision and refer correction of the error to the next available set of amendments.

EVIDENCE a) Section 65358 of the Government Code limits cities and counties from amending certain elements of the General Plan more than 4 times per year. Two General Plan amendments have already been approved by the Board during this calendar year (2023). The Board is choosing to defer action on correcting this error in the plan to preserve the remaining 2023 quarterly amendments for more pressing concerns.

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

- a. Adopt the findings set forth in this Resolution; and
- b. Find that the boundary of the Open Space land use designation applied to the Renner parcels in 2017 was incorrectly mapped, resulting in an obvious error in the Plan; and
- c. Find that the obvious error would prevent a land use decision otherwise consistent with the Plan; and
- d. Refer correction of the error in the Plan to be addressed with the next available set of quarterly amendments to the plan.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on June 6, 2023, by the following vote:

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

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

_____, Chair
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, _____, 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: KATHY HAYES

Date: _____, 2023

By _____ Deputy