

Resolution of the Planning Commission of the County of Humboldt
Making Findings Pursuant to CEQA and Recommending that the
Draft Short-term Rental Ordinance Amendments(s) for both Inland and Coastal Jurisdictions
be Adopted by the Humboldt County Board of Supervisors

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 25-_____

Record Number PLN-2023-18254

Recommending that the Board of Supervisors make the required findings to adopt the Inland and Coastal amendments to the Short-term Rental Ordinance. The Coastal Short-term Rental Ordinance is still subject to certification from the California Coastal Commission before becoming an effective amendment.

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, the Humboldt County Board of Supervisors Adopted the Inland and Coastal Versions of the Short term rental ordinance on March 5, 2024 and the Inland Short term rental ordinance has been effective since April 4, 2024. The Coastal Version of the ordinance has yet to be certified by the California Coastal Commission, and

WHEREAS, the processing of applications by the Humboldt County Planning and Building Department has revealed there are some clean up clarifications to the ordinance which would benefit the public and the County process, and

WHEREAS, on Thursday January 23, 2025, 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; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the amended Inland and Coastal Short-term Rental Ordinance on February 6, 2025 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 held a public hearing on the modified Coastal Short-term Rental Ordinance on October 26, 2023, and made a recommendation to the Board of Supervisors to adopt the proposed draft Coastal Short-term Rental Ordinance; and

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

REQUIRED FINDINGS OF APPROVAL

I. Required Findings of Approval:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. FINDING: The proposed zoning ordinance amendments for both the Inland and Coastal Ordinances are exempt from environmental review under the commonsense exemption (15061(b)(3) of the State CEQA Guidelines) where it can be seen with certainty that a project will not have an adverse effect on the environment and the exemption for LCP Amendments that will be certified by the Coastal Commission.

EVIDENCE:

- a) The proposed ordinance will not allow any new development but will only slightly modify the standards under which existing residences can be used as short-term rentals. There will be no change in the environment so it can be seen with certainty there will be no environmental impact.
- b) Short-term rentals operate very similarly to a residence with the exception that they are not occupied 7 days per week as a normal residence would be.
- c) The amendments to the ordinance to clarify the reference to a Category 3 road, to establish appropriate and useable concentrations of short-term Rentals and to allow smaller lots in AG zoned land to be used as short-term rentals to not create the potential for environmental impacts different than the baseline of the use of the existing residences.
- d) Public Resources Code Section 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.

2. FINDING: The amendments are in the public interest. Providing clarity about the requirement for a Category 3 road, having good standards for

separation between short-term rentals, and addressing smaller AG Zoned parcels is consistent with the purpose of the Adopted Ordinances. This provides clarity to the public and county staff for clarity of application and expectation.

- EVIDENCE:**
- a) Currently there is confusion about the reference to a Category 3 road. Making it clear that it is not about the technical engineering standards of road construction but rather about the capacity of the road is an important clarification. Clarity is in the public interest.
 - b) The requirement to have a separation of 10 lots as the crow flies can result in a separation of thousands of feet, which can go beyond the boundaries of a neighborhood. The objective of the standard is to protect the neighborhood character. A more targeted standard that protects neighborhood character without going beyond the boundaries of the neighborhood is in the public interest.
 - c) It is important to protect the resource related uses in the resource zones and the requirement for farm stays accomplishes that. The county has allowed subdivision of property in the AG into smaller lots that does not support agricultural uses and function more as residential areas than as resource production areas. It is appropriate in these areas to carve out exemptions from the farm stay requirement to allow short term rentals on land that is not engaged in resource production.

CONSISTENCY WITH THE GENERAL PLAN.

- 3. FINDING:** The proposed Inland and Coastal Short-term Rental Ordinance amendments are consistent with the General Plan and local coastal program.

- EVIDENCE:**
- a) The Inland and Coastal Short-term Rental Ordinance allows for transient occupancy within existing residences 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. The amendment modifies performance criteria to more correctly achieve the intent of the General Plan and Local Coastal Program.
 - b) The General Plan and Local Coastal Program identify where residences are allowed. These ordinances would not change that.
 - c) The Ordinance Amendment would not grant any additional development entitlements which do not already exist.

CONSISTENCY WITH THE COASTAL ACT.

4. FINDING: The proposed Coastal Ordinance will not adversely affect Coastal Access, Recreation, Marine, Land Resources, cause new development that may affect scenic resources, public works facilities, safety, and priority of coastal dependent developments or interfere with or allow industrial development. Further these amendments conform to Chapter 3 of the Coastal Act, and the proposed Zoning Regulations will be carried out in accordance with the Coastal Act

EVIDENCE: a) The short-term rental ordinance itself does not allow new development which would conflict with any of these standards. The ordinance amendments also to not provide for any new development but address the circumstances under which a residence may be used as a Short-term rental.

CONSISTENCY WITH STATE PLANNING LAW.

5. 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.

The allowance of this use will not alter residential density of parcels within Humboldt County.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the required findings above.
3. Adopt the Planning Commission recommended Inland and Coastal amendments to

the Short-term Rental Regulations.

4. Find that the proposed amendments to the Coastal Zoning Regulations conform to the policies contained.

The foregoing Resolution is hereby passed and adopted after review and consideration of all the evidence on February 06, 2025.

The motion was made by _____ and seconded by _____ and the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department