

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on April 12, 2022

RESOLUTION NO. 22-49

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT DENYING THE GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION PETITION APPLICATION; FILE NUMBER APN 220-311-049; CASE NUMBER PLN-2021-17186

WHEREAS, Section 65358 of the State Government Code allows the Board of Supervisors to amend the General Plan up to four times in any calendar year;

WHEREAS, Section 3.4 of Humboldt County General Plan specifies that a petition for amendment of this Plan may be accepted for processing upon the Board of Supervisors making one or more of the following findings:

- A. Base information or physical conditions have changed; or
- B. Community values and assumptions have changed; or
- C. There is an error in the plan; or
- D. To maintain established uses otherwise consistent with a comprehensive view of the plan; or
- E. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan

WHEREAS, Section 312-50.4 Humboldt County Code allows a property owner to petition the Board of Supervisors to initiate a zone reclassification; and

WHEREAS, Section 312-50.6 of Humboldt County Code specifies that petitions for amendment of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan Amendment; and

WHEREAS, the property owner has submitted an application requesting a plan amendment and zone reclassification for property as identified in Project File Number PLN-2021-17186; and

WHEREAS, Section 312-50.2 of the Humboldt County Code allows the Board of Supervisors to initiate, grant, deny, or modify proposed amendments to Zoning Regulations; and

WHEREAS, Section 312-50.5.2 Humboldt County Code requires that the petition demonstrate that the change will be in the public interest and consistent with the General Plan; and

WHEREAS, Planning and Building Department, Planning Division, staff does not have sufficient evidence within planning files in support of finding that amending the General Plan designation of the property to resolve the subdivision violation has public benefits or to support granting the amendment on any of the other enumerated grounds; and

WHEREAS, the petition to accept an application for zone reclassification and general plan amendment is not a project as defined in Section 21065 of the Public Resources Code and is not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED by the Humboldt County Board of Supervisors that the following findings are hereby made:

FINDINGS FOR GENERAL PLAN AND ZONE RECLASSIFICATION PETITION

1. FINDING There is insufficient evidence that the petition for general plan amendment and zone reclassification has potential public benefit.

EVIDENCE Information provided by the applicant discusses site suitability and neighborhood compatibility but does not establish a public benefit.

2. FINDING The revision is not appropriate for the next scheduled update.

EVIDENCE While the revision is associated with a pending cannabis project that is currently seeking entitlements, any larger density amendment is more appropriately suited for an annual update or amendment in association with the County's Housing Element.

3. FINDING The petition is not in the public interest or consistent with the General Plan.

EVIDENCE a) Examples provided by the applicant of nearby properties less than 40 acres are either part of larger legal configurations or also violations of subdivision regulations. Long-term planning for this area has consistently been for 40 acre parcels.

b) Section 4.8.1 Land Use Designations Purpose. RA-5-20 and RA20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. RA40, RA60 and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to

ensure compatibility with adjacent resource production and open space uses.

The property is located in a high fire hazard severity zone, in an area of moderate to high geologic instability. The larger surrounding area is all consistently planned for a minimum of 40-acre parcel sizes. The only areas in this portion of the county that are planned for less than 40 acre parcel sizes are located directly on Briceland-Thorne Road, which is a principal arterial roadway.

- c) Policy BR-P1 Compatible Land Uses. Areas containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat.

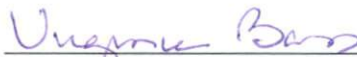
The property is located in a heavily forested that includes the headwaters to a tributary of Seely Creek. The surrounding area contains Spotted Owl nesting and foraging habitat with a mapped NSO activity center less than 1 mile to the west. The petition to reduce the allowable density in this area is not consistent with General Plan policies supporting resource protection.

BE IT FURTHER RESOLVED that based on the above findings, the findings in the staff report, evidence in the file for the project, and public testimony received on the project, the Board of Supervisors denies the Humboldt Ranch Inc., General Plan Amendment and Zone Reclassification petition as recommended by the Planning and Building Department, Case No.PLN-2021-17186.

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to provide notice of this decision to all interested parties.

Adopted on motion by Supervisor Wilson, second by Supervisor Madrone and the following vote:

AYES: Supervisors: Bohn, Bass, Bushnell, Wilson, Madrone
NAYS: Supervisors:
ABSENT: Supervisors:
ABSTAIN: Supervisors:




Virginia Bass, Chair
County of Humboldt Board of 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
County of Humboldt
State of California

By  _____
Nikki Turner, Deputy Clerk