

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-94**

**RECOMMEND ADOPTION BY THE BOARD OF SUPERVISORS OF THE PLANNING COMMISSION'S
RECOMMENDED 2019 AMENDMENTS TO THE HOUSING ELEMENT.**

WHEREAS, Government Code Section 65588(e)(3)(b) requires the Humboldt County Board of Supervisors adopt amendments to its Housing Element that comply with Housing Element law, that is Article 10.6, commencing at Government Code Section 65580, by August 31, 2019; and

WHEREAS, the Housing Element Appendix describes the public participation and outreach effort for the 2019 Housing Element amendments; and

WHEREAS, the Housing Element Appendix demonstrates that the County provided considerable opportunities for meaningful public input on the policies and implementation measures in the Housing Element, including workshops, and public hearings commencing in February 2019; and

WHEREAS the Humboldt County Planning Commission held public hearings and accepted comments on the proposed 2019 amendments to the Housing Element in a series of meetings between May 2019, July 2019; and

WHEREAS, the 2019 amendments to the Housing Element are a project pursuant to California Environmental Quality Act (CEQA), and are subject to environmental review pursuant thereto; and

WHEREAS, pursuant to CEQA Guidelines Sections 15162(a) and 15164, the County Planning and Building Department, the lead agency, prepared an Addendum to the certified Programmatic Environmental Impact Report ("PEIR"), State Clearinghouse No. 2007012089, adopted for the County General Plan by the County Board of Supervisors October 23, 2017, attached as Attachment 2 and hereby incorporated by reference; and

WHEREAS, pursuant to CEQA Guidelines Sections 15162(a) and 15164, there is no substantial evidence that substantial changes are proposed by the 2019 amendments to the Housing Element that require major revisions of the PEIR, no substantial changes to the circumstances under which the 2019 amendments to the Housing Element are being undertaken that require major revisions in the PEIR, or no new information has become available which was not known at the time the PEIR were certified as complete. Furthermore, the preparation of a subsequent PEIR is not required pursuant to CEQA Guidelines Section 15162(a), as there is no substantial evidence that project changes, changed circumstances or new information would result in new significant environmental effects, substantially more severe significant environmental effects of previously identified significant effects, or newly feasible or different mitigation measures which would substantially reduce one or more significant environmental effects; and

WHEREAS, the PEIR was prepared for the County General Plan, circulated for public review; and certified as required by state law; and

WHEREAS, the Addendum to the PEIR has been prepared in accordance with the requirements of state law; and

WHEREAS, the PEIR for the 2017 General Plan Update is linked here as Exhibit B and the Addendum to the PEIR in Attachment 2, are both incorporated into this Resolution as if they were included in

their entirety herein; and

WHEREAS, the Planning Commission reviewed and considered the both the Addendum and the PEIR; and

NOW, THEREFORE be it resolved by the Planning Commission that this Commission has reviewed and considered the proposed 2019 amendments to the Housing Element in Attachments 3 and 4 of this staff report and are incorporated into this Resolution as if included in its entirety herein, and

BE IT FURTHER RESOLVED, ordered and determined that the Planning Commission has reviewed and considered comments, responses and revisions at the public hearings, and that all the following findings are hereby made:

1. The Planning Commission has considered the Addendum with the PEIR and finds there is no substantial evidence that substantial changes are proposed by the 2019 Housing Element amendments which require major revisions of the PEIR, there are no substantial changes to the circumstances under which the 2019 Housing Element amendments are being undertaken that require major revisions in the PEIR, and that no new information has become available which was not known at the time the PEIR were certified as complete which concludes that the proposed 2019 Housing Element amendments will not have any significant effect on the environment beyond those considered in the certified PEIR (SCH #2007012089); and
2. The Planning Commission has found that the proposed 2019 Housing Element amendments are in the public interest because the 2019 Housing Element amendments will further social, economic, housing and other goals adopted by the Board of Supervisors and the State Legislature; and
3. The proposed 2019 Housing Element amendments will help the County achieve the following social, economic, housing and other goals:
 - A. Promote and implement regulatory policies, practices and financial incentives that promote the creation of affordable housing, protect the public health, safety and welfare, promote clear development requirements, advance equity, minimize the environmental impacts of housing development and reflect the goals and priorities of this Plan; and
 - B. Provide an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas; and
 - C. Provide an adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools; and
 - D. Provide an inventory of land, suitable for development within the eight-year period for this Housing Element Update cycle that provides adequate capacity to meet projected regional housing needs for all income levels; and
 - E. Provide sufficient and affordable housing opportunities for seniors, disabled persons, homeless, nomadic, single-parent households, farmworkers, and large families; and
 - F. Address the housing and access needs of vulnerable populations and provide sufficient opportunities and capacity to meet local needs for emergency shelters, navigation centers, day centers, supportive housing and transitional housing, including alternative and shared housing; and
 - G. Further fair housing by implementing regular meaningful actions to affirmatively further fair housing, improve access to opportunity, and prohibit discrimination.

4. The proposed 2019 Housing Element amendments also help the County achieve housing goals of the State as stated in Section 65580 of the California Government Code:
 - A. The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order; and
 - B. The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels. The provision of housing affordable to low and moderate-income households requires the cooperation of all levels of government; and
 - C. Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community; and
 - D. Each local government also has the responsibility to consider economic, environmental and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs; and
6. The adoption of the 2019 Housing Element is in the public interest, and is consistent with State law based on the analysis of Exhibit A of this Resolution, which is incorporated into this Resolution as if set forth in its entirety herein; and
7. Neither the proposed 2019 Housing Element, nor any part thereof, will operate to limit the number of housing units which may be constructed on an annual basis in areas to which the project applies based on the analysis of Exhibit A of this Resolution; and
8. The adoption of the proposed 2019 Housing Element as revised to add implementation measures H-IM76 and H-IM77, is consistent with a comprehensive view of the General Plan based on the analysis of Exhibit A of this Resolution.

BE IT FURTHER RESOLVED that changes to the Residential Land Inventory in Table 8-6 of the Housing Element, and Exhibit I of the Housing Element Appendix and the associated text, that conform to the standards in Exhibit A of this Resolution shall not be considered substantial changes requiring further review by the Planning Commission.

BE IT FURTHER RESOLVED that minor changes that 1) do not substantially affect the goals, policies, standards or implementation measures in the proposed 2019 Housing Element amendments; 2) are reasonably based on credible information that is readily accessible to the public, 3) are necessary to respond to findings on the approved Housing Element by the state Department of Housing and Community Development (HCD), shall not be considered substantial changes requiring further review by the Planning Commission.

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

1. Hold public hearings in the manner prescribed by law; and

2. Find there is no substantial evidence that substantial changes are proposed in the 2019 Housing Element amendments which require major revisions of the previously certified PEIR, no substantial changes to the circumstances under which the 2019 Housing Element amendments are being undertaken that require major revisions in the PEIR, and no new information has become available which was not known at the time the PEIR were certified as complete; and
3. Find the preparation of a subsequent PEIR is not required pursuant to CEQA Guidelines Section 15162(a) as there is no substantial evidence that project changes, changed circumstances or new information involve new significant environmental effects, substantially more severe significant environmental effects, or newly feasible or different mitigation measure which would substantially reduce one or more significant environmental effects; and
4. Consider the findings of the Department of Housing and Community Development (HCD) pursuant to Government Code Section 65585(e); and
5. Adopt the Planning Commission's findings; and
6. Adopt the Planning Commission recommended 2019 Housing Element amendments; and
7. Direct Planning Staff to prepare and file a Notice of Determination with the County Clerk and the State Office of Planning and Research; and
8. Direct Planning Staff to promptly file the adopted 2019 Housing Element amendments with HCD pursuant to Government Code Section 65585(g).
9. Direct Planning Staff to promptly distribute the adopted amendments to the Housing Element to all public agencies and private entities that provide water or sewer services within Humboldt County with an written acknowledgment that public agencies and private entities providing water or sewer services shall grant a priority to developments that include housing units affordable to lower income households pursuant to Government Code Section 65589.7(a).

Adopted after review and consideration of all the evidence on July 11, 2019.

The motion was made by Commissioner Mitchell and seconded by Commissioner O'Neill.

AYES: Commissioners Mitchell, Newman, Morris, McCavour and O'Neill

NOES: Commissioner Bongio

ABSENT: Commissioner Levy

DECISION: Motion carries 5/1.

I, John 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 Ford
Director, Planning and Building Department

EXHIBIT A

EVIDENCE SUPPORTING THE REQUIRED FINDINGS FOR THE PROPOSED GENERAL PLAN 2019 AMENDMENTS TO THE HOUSING ELEMENT

A. Required Findings General Plan Amendments.

1. General Plan Policy GP-8 specifies that amendment of the General Plan is appropriate when the one or more of the following findings can be made:
 - Base information or physical conditions have changed; or
 - Community values and assumptions have changed; or
 - There is an error in the plan; or
 - To maintain established uses otherwise consistent with a comprehensive view of the plan; or
 - The proposed amendment has the potential for public benefit and is consistent with the guiding Principles and applicable goals of the Plan.
2. A finding must be made that the proposed revision is in the public interest.
3. A finding must be made that the proposed revision is consistent with the guiding principles applicable goals of the General Plan.

In addition, the following sections of the California Environmental Quality Act (CEQA) apply:

4. CEQA Guidelines Section 15164(a) specifies that an Addendum to a previously certified EIR is appropriate if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

CEQA Guidelines Section 15168(c) states that subsequent activities in a program must be examined in the light of the Program Environmental Impact Report (PEIR) to determine whether an additional environmental document must be prepared. If an agency finds that pursuant to Section 15162 of CEQA, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

1. **General Plan Amendment Policy:** An amendment of the Plan may be accepted upon finding that base information or physical conditions have changed. State law requires that the Housing Element be updated by August 31, 2019 to incorporate the most current population, growth, and housing information, which constitutes base information for the Plan.
2. **Public Interest:** The following table identifies the evidence which supports finding that the proposed Housing Element Update is in the public interest.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Public Interest Government Code Section 65356 and §312-50.3.1 of Humboldt County Code	The General Plan Amendment must be in the public interest.	<p>The project applies countywide. The proposed 2019 Housing Element amendments facilitate residential development, particularly development affordable to lower income households. Assisting lower income households with renting or purchasing a home is in the public interest.</p> <p>The proposed 2019 Housing Element amendments facilitate development of transitional housing, supportive housing, housing for special populations, and emergency shelter. Supporting access to housing where traditional development is not feasible for economic reasons is in the public interest.</p> <p>The proposed Housing Element amendments are necessary to comply with new requirements of state law. Such updates are in the public interest.</p> <p>The proposed Housing Element amendments are in the public interest because they achieve the required update to the County's Housing Element before August 31, 2019.</p>

3. General Plan Consistency

The following table identifies the evidence that supports the finding that the proposed Housing Element Update is in conformance with other applicable policies and standards of the Humboldt County General Plan.

Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Consistency of §312-50 Humboldt County Code</p> <p>Government Code Section § 65588</p> <p>Chapter 8 Housing Element</p>	<p>The elements of the General Plan must be Consistent.</p> <p>All the goals, policies and standards must be consistent.</p> <p>The Housing Element must be updated every eight years with the most current population projections and data.</p> <p>The Housing Element must be certified by the State Department of Housing and Community Development (HCD).</p> <p>The Housing Element must be consistent with the zoning and land use regulations.</p> <p>The General Plan seeks to provide housing for residents of all incomes, in all areas of the County.</p> <p>The General Plan seeks to provide housing and shelter opportunities for those experiencing homelessness and for those with extremely low income.</p>	<p>The Housing Element is part of the General Plan, and carries out its directives through the proposed goals, policies, standards and implementation measures. The proposed goals, policies, standards and implementation measures have been reviewed for consistency, and are consistent both internally and with the other Elements of the General Plan.</p> <p>The Element updates technical background information, provides a detailed analysis of housing issues, and updates the residential land inventory for the period from 2019 to 2027. The development potential in the residential land inventory is based on the land use classifications of the Plan and the zoning ordinance.</p> <p>The proposed changes to the Zoning Regulations for accessory dwelling units (H-IM41), farm employee housing (H-IM47), emergency shelters (H-P12), supportive housing (H-IM51), transitional housing (H-IM52), and density bonuses (H-IM37) bring County code current with HCD and state law requirements.</p> <p>Implementation measures that require amendments to other portions of the Plan and Zoning Ordinance will involve simultaneous revisions to maintain consistency. For example, proposed changes related to safe parking (H-IM56, H-P39), and new types and configurations of housing (H-IM38, H-IM39, H-IM40, H-IM56, and H-IM61) require separate enabling ordinances.</p> <p>The proposed programs and measures facilitate housing, including ownership, for homeless and very low income people, and for special populations, consistent with General Plan goals and policies, as well as state law.</p> <p>The Element proposes programs to reduce homelessness and provide emergency shelter, consistent with General Plan goals and policies, as well as state law.</p>

4. Environmental Review.

The Addendum to the PEIR for the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, certified by the Board of Supervisors on October 23, 2017 (Attachment 2 of this staff report), identifies that the EIR is sufficient for adoption of the Housing Element Update in Attachments 3 and 4 of this staff report, in accordance with Sections 15168 (c)(2), 15164(a), and 15162 of the State CEQA. The proposed changes to the Housing Element were evaluated in light of the PEIR, as required by Section 15168(c) of the CEQA Guidelines, and there is no substantial evidence that the proposed project will have a significant effect on the environment and no additional mitigation measures are necessary for the proposed zoning ordinance amendments.