



COUNTY OF HUMBOLDT

For the meeting of: 11/29/2022

File #: 22-1572

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Amendment to Humboldt County Code Section 312-1.3 to Modify the Term of Planning Commissioners Appointed by District Supervisors and At Large Planning Commissioners and to Create Provisions for Removal of Planning Commissioners appointed by a District Supervisor Subject to a Four-Fifths Vote of the Board of Supervisors

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the resolution (Resolution 22-__) (Attachment 1) making findings to support adoption of the amendment to the Humboldt County Code (Zoning Ordinance).
2. Adopt the ordinance amending Section 312-1.3 of Chapter 2 of Division 1 of Title III of the Humboldt County Code to modify the term of planning commissioners appointed by district supervisors and at-large planning commissioners and to create provisions for removal of planning commissioners appointed by a district supervisor subject to a four-fifths vote of the Board of Supervisors (Attachment 2).
3. Direct the Clerk of the Board to publish a Summary of the ordinance (Attachment 4) within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against the ordinance and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance.
4. Find the adoption of the ordinance exempt from environmental review under Sections 15060(c) (2) and 15061(b)(3) of the California Environmental Quality Act and direct planning staff to prepare and file a notice of exemption.

SOURCE OF FUNDING:

Preparation of this Board report is funded from the General Fund contribution to the Current Planning Division (budget unit 1100277-9360)

DISCUSSION:

This action finalizes direction from the Board of Supervisors given at the Oct. 25, 2022, meeting to reduce the term of the planning commissioner appointed at large from 4 years to 2 years, to have the term of district supervisor-appointed commissioners run with the term of the supervisor and to create provisions for the removal of a planning commissioner appointed by a member of the Board of Supervisors by a four-fifths vote.

The direction from the Board of Supervisors came as part of their consideration of the Planning Commissioner Rules and Procedures and an analysis of how other counties configure their planning commissions. Most of the counties in Northern California have five planning commissioners. The Board opted not to reduce the number of planning commissioners but chose to reduce the term of at-large planning commissioners from 4 years to 2 years in alternating years beginning in 2023. The term of planning commissioners appointed by district will run with the term of the appointing supervisor. The appointing supervisor can remove an appointment at any time.

Currently and going forward, at-large planning commissioners can be removed with a majority vote of the Board of Supervisors. This will not change. Planning commissioners appointed by district supervisors can currently only be removed by the district supervisor. The Board gave direction that the ordinance be modified to allow removal of a planning commissioner appointed by a district supervisor with a four-fifths vote of the Board of Supervisors. The requirement for a four-fifths vote is a higher threshold than a simple majority but allows consideration of removal for cause.

Section 312-1.3 of the Humboldt County Code addresses Planning Commission formation and composition.

Planning Commission Recommendation

Since this is a modification to the Zoning Ordinance it required a recommendation from the Planning Commission prior to Board of Supervisor adoption. The Planning Commission considered the amendment to the ordinance on Nov. 17, 2022 and with a 5-0 vote recommend approval of the amendment with a slight wording change to section 1.3.3.2 to exchange “set to expire” for the word “expiring.” This change is reflected in the language presented to the Board of Supervisors.

FINANCIAL IMPACT:

Staff costs to prepare and present this report to the Board of Supervisors is borne by the General Fund contribution to the Current Planning budget unit (1100277-9360). The Planning Commissioners receive an honorarium for attending the Planning Commission meetings. The honorarium is charged to the applicants as projects are heard by the Planning Commission. There will be no additional General Fund allocation request from the Planning and Building Department to support this action.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by providing community-appropriate levels of service.

OTHER AGENCY INVOLVEMENT:

N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to modify the method by which Planning Commissioners are appointed or the terms of their appointment. This is not recommended because the recommendations of this Board report align with previous Board direction.

ATTACHMENTS:

- Attachment 1: Draft Resolution
- Attachment 2: Ordinance Amending Section 312-1.3
- Attachment 3: Ordinance Amendment Language, No Strikethrough or Underline
- Attachment 4: Post-Adoption Summary

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A
Meeting of: 10/25/2022
File No.: 22-1446