

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings for the Meeting of January 7, 2025

RESOLUTION NO. 25 –

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ACCEPTING THE GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION PETITION FOR REVIEW AND PROCESSING; APN 515-172-010; CASE NUMBER PLN-2024-19111

WHEREAS, the owner of Assessor's Parcel Number 515-172-010 has submitted a petition request to allow for processing and review of an amendment to the General Plan and Zoning Regulations applicable to the property, requesting to change the land use designation and zoning of an approximately 10-acre property in the Trinidad area to support Multi-family residential development; and

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 312-50.6 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, 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 312-50.2 of Humboldt County Code grants the Humboldt County Board of Supervisors authority to make amendments to the Zoning Regulations, in accordance with State Law; and

WHEREAS, Section 312-50.3 of Humboldt County Code specifies that a petition for amendment of the Zoning Code may be accepted for processing and eventually approved upon the Board of Supervisors making all of the following findings:

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50.3.1 The amendment is in the public interest

50.3.2 The amendment is consistent with the County General Plan

50.3.3 The amendment is in conformity with the policies of Chapter 3 (commencing with Section 3200) of the Coastal Act, if applicable

50.3.4 The proposed amendment does 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; 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, the property owner has submitted an application requesting a plan amendment and zone reclassification for properties as identified in Project Case Number PLN-2024-19111; and

WHEREAS, Planning and Building Department, Planning Division, staff have received information and evidence from the applicant in support of the project and the required findings, and determined that the evidence received within the planning files is sufficient to support the findings required to amend the General Plan designation of the property and Zoning Regulations in order to allow for the possibility of permitting an Alternative Lodge Park on the property pursuant to the provisions for Emergency Housing Villages; 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, acceptance of the petition for amendments to the General Plan and Zoning Regulations for processing and review is not a project as defined in Section 21065 of the Public Resources Code and is not subject to CEQA.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Humboldt County Board of Supervisors that the following findings are hereby made:

**FINDINGS FOR ACCEPTING THE
GENERAL PLAN AMENDMENT & ZONE RECLASSIFICATION PETITION**

DESCRIPTION OF PETITION REQUEST

- 1. FINDING:** *Petition Description:* Charles Garth, owner of APN 515-172-010 is requesting to change the land use designation and zoning of an approximately 10-acre property in the Trinidad area. The property is host to numerous violations of county code tied to a mixture of unpermitted residential structures and RV's, trailers, and modified vehicles currently being used as living space by over twenty low-income residents.

The owner is seeking to change the property's land use designation to Residential Medium Density (RM) and the parcel's zoning to Residential Multiple Family (R-3). The changes are part of a comprehensive effort to bring the unpermitted land uses and structures into compliance with local planning & building codes and standards for public health and are intended to make it possible to permit operation of the site as an Alternative Lodge Park under the Emergency Housing Provisions of the Zoning Code. The petitioner is open to alternative approaches to the amendments if they would result in the property becoming eligible for land use permitting.

- EVIDENCE:** a) Application PLN-2024-19111 on file with the Planning and Building Department.

- EVIDENCE:** b) In their petition the property owner has acknowledged that they are open to alternate approaches to the requested amendments, so long as they ultimately provide for permitting of the development. Consistent with County Code and State Law, the Board has the authority to grant, deny, or modify petitions to amend the General Plan and Zoning Regulations.

The Board accepts the petition request with the following modifications:

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1. Modify the petition so that a designation of Residential Estates (RE) is applied to the property, instead of Residential Medium Density (RM)
2. Direct staff to bring back text amendments to the Emergency Housing Village provisions of the code (314-62.5) which:
 - a. allow for development of Emergency Housing on parcels with the Agriculture General (AG) zoning designation, where located within a Community Planning Area or Rural Community Center and planned or zoned for densities of 5 acres or less, subject to first securing a Conditional Use Permit.
 - b. allow permitting of Emergency Housing in areas not served by a Category 4 road if the road allows for safe and orderly travel to and from the site by residents and emergency vehicles

GENERAL PLAN AMENDMENT FINDINGS

2. FINDING:

The General Plan Amendment petition is consistent with one or more of the General Plan's required findings and criteria for amendments:

- 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.

Attachment 2 includes a letter submitted by the applicant in support of their petition to amend the General Plan. The following information supports the above findings.

EVIDENCE:

- a) C/D/E - The property owner wishes to bring into compliance an existing unauthorized residential land use offering housing to low-income individuals and families, occurring

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through leasing of a mixture of unpermitted stick-built permanent structures as well as mobile structures such as RV's, trailers, and modified vehicles currently serving as living space to over twenty residents. They have requested to change the land use designation and zoning of the property to better align with provisions for Emergency Housing Villages, Safe Parking Sites, and Safe Shelter Sites.

- b) C – The land use designation of the property is Timberland, first established over 40 years ago under the Northern Humboldt General Plan. The land use designation of adjoining properties was changed to Residential Estates (RE) during adoption of the 2017 General Plan, leaving the petitioner's parcel isolated from neighboring land uses on all sides. This results in the potential for a "spot-zoning"-type condition and is inconsistent with Forest Resources Policy FR-P19 which calls for lands adjacent to areas designated as Timberlands to be planned for uses compatible with timber management and harvest activities. For this reason, changing the land use designation of the property from Timberland (T) to Residential Estates (RE) will help correct an error in the plan and promote land use consistency with adjoining lands.
- c) E - The proposed amendment has the potential for public benefit by enabling permitting of an existing affordable housing development for long and short-term use as an Emergency Housing Village. This is consistent with the Guiding Principles of the Plan which include promoting and facilitating the creation of affordable housing opportunities meeting current and future demands for all income levels. It is also consistent with applicable goals of the plan which include providing sufficient and affordable housing opportunities for special populations and vulnerable populations.

ZONE RECLASSIFICATION FINDINGS

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3. There is sufficient evidence to accept the petition to amend the zoning regulations for review and processing based on the required findings and criteria for amendments:
- A. The amendment is in the public interest
 - B. The amendment is consistent with the County General Plan
 - C. The amendment is in conformity with the policies of Chapter 3 (commencing with Section 3200) of the Coastal Act, if applicable
 - D. The proposed amendment does 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

Attachment 2 includes a letter submitted by the applicant in support of their petition to amend the Zoning Regulations. The following information supports the above findings.

Public Interest Finding

4. **FINDING:** There is factual evidence that the petition for general plan amendment and zone reclassification is in the public interest.
- EVIDENCE:** a) Amending the General Plan and Zoning Regulations will allow the possibility of permitting an existing unauthorized residential land use currently offering housing to low-income individuals and families. It is in the public interest to provide a pathway for permitting an Alternative Lodge Park on the property as it would provide a means of resolving longstanding land use and building code violations and addressing public health concerns while at the same time preserving existing affordable housing stock and accommodations for unhoused individuals and families.

General Plan Consistency

5. **FINDING:** The petition for an amendment of the County's zoning ordinance is consistent with the General Plan.
- EVIDENCE:** a) The petition to change the text of the zoning regulations is consistent with a number of goals in the General Plan

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Housing Element (2019), including addressing the housing for special populations such as homeless, nomadic, and single-parent households. Goals also focus on serving the vulnerable populations, through developing sufficient capacity to meet local needs for emergency shelters, supportive and transitional housing, including alternative and shared housing.

- b) The petition to change the text of the zoning regulations is consistent with a number of policies in the General Plan Housing Element (2019) encouraging flexible application of development standards for lower income affordability categories and special needs populations, rehabilitation of substandard housing, supporting innovative construction and design methods, and encouraging new and experimental construction techniques.
- c) The petition to change the text of the zoning regulations is consistent with a number of implementation measures in the General Plan Housing Element (2019), including developing allowances for tiny house villages, safe parking, as well as Alternative Lodge Parks with a range of allowable dwelling types including manufactured and mobile homes, recreational vehicles, travel trailers, tiny houses, moveable tiny houses and temporary camping facilities.
- d) Although provisions for Safe Parking Sites, Safe Shelter Sites, and Alternative Lodge Parks were recently added to the zoning code in 2024, in their current form they do not make a great fit for the development characteristics and planned zoning and land use of the petitioner's property. It is appropriate to consider amending the zoning code to better address proposals of this sort.

Coastal Resources Planning & Management Policies - Coastal Act §30200

6. FINDING: The petition for an amendment is in conformity with the policies of Chapter 3 of the Coastal Act;

EVIDENCE: a) The petition for the zoning amendment does not propose to modify the Coastal Zoning Regulations or zoning of lands within the Coastal Zone. It is therefore not subject to conformity with the policies of Chapter 3 of the Coastal Act.

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Consistency with the Housing Element

- 7. FINDING:** The amendment does not reduce the residential development potential below the density targeted under the current Housing Element.
- EVIDENCE:**
- a) The property is not one of the sites identified for future residential development under the current Housing Element inventory.
 - b) The requested zoning code revisions would make it possible to potentially resolve longstanding zoning and building code violations and bring into compliance an existing unauthorized residential land use offering housing to low-income individuals and families, occurring through leasing of a mixture of unpermitted stick-built permanent structures as well as mobile structures such as RV's, trailers, and modified vehicles currently serving as living space to over twenty residents. If permitting is successful, it would add a substantial number of units to the county's affordable housing inventory, and would not reduce the density of development below that targeted for the site under the current Housing Element.
- 8. FINDING:** The amendments are not appropriate for the next scheduled update of the General Plan.
- EVIDENCE:**
- a) The petitioner's property is the subject of a decades long code enforcement case and is currently scheduled for abatement on July 1, 2025. It is therefore appropriate to approve the current petition request at this time and not delay further action on the matter.
- 9. FINDING:** The Zone Reclassification petition is consistent with CEQA.
- EVIDENCE:**
- a) Acceptance of the General Plan Amendment and Zone Reclassification petition for processing and review is not a project as defined in Section 21065 of the Public Resources Code and is not subject to CEQA.

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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 accepts the General Plan Amendment and Zoning Text Amendment petition submitted by Charles Garth, as modified by the Planning and Building Department, for processing and review, as recommended by the Planning and Building Department, Project Case No. PLN-2024-19111.

IT IS FURTHER PROCLAIMED AND ORDERED that the Clerk of the Board is directed to provide notice of this decision to all interested parties.

Dated: _____

Supervisor Michelle Bushnell, Chair
Humboldt County Board of Supervisors

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

AYES: Supervisors: --

NAYES: Supervisors: --

ABSENT: Supervisors: --

ABSTAIN: Supervisors: --

STATE OF CALIFORNIA

County of Humboldt

I, Tracy Damico, 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.

NIKKI TURNER

Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California