

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on March 5, 2024

Resolution No. 24-25

Resolution of the Board of Supervisors of the County of Humboldt MAKING THE REQUIRED FINDINGS TO ADOPT THE INLAND SHORT-TERM RENTAL ORDINANCE CONSISTENT WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. RECORD NUMBER PLN-2022-17963.

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, on June 29, 2023, a public workshop was held to solicit public comments on the original draft Short-term Rental Ordinance with over 330 members of the public attending and participating remotely via Zoom; and

WHEREAS, in August of 2023, three more public meetings were held across unincorporated Humboldt County for Northern Humboldt in McKinleyville, Southern Humboldt in Garberville, and Humboldt Bay Area in Eureka, with 30-60 attendees at each of these in person meetings to discuss and address concerns of the draft ordinance; and

WHEREAS, the Humboldt County Planning Commission held a Public Workshop on September 21, 2023, deliberating and clarifying regulatory standards within the Short-term Rental Ordinance draft, and continuing the Public Workshop to October 5, 2023, for further deliberations; and

WHEREAS, the Humboldt County Planning Commission held a Public Workshop on October 5, 2023, recommending that Staff incorporate alternatives and revisions within the draft ordinance on a basis of deliberations of the Commission and public comment received; and

WHEREAS, on Thursday, October 26, 2023, the Humboldt County Planning Commission held a public hearing to review and deliberate on the draft ordinance, make revisions, and accept changes from the previous draft discussed at the October 5, 2023, Workshop; and

WHEREAS, on October 26, 2023, the Humboldt County Planning Commission continued the item for further discussion, deliberation, and revisions to a hearing on Thursday, November 2, 2023; and

WHEREAS, on Thursday November 2, 2023, the Humboldt County Planning Commission

finished deliberation on the draft ordinance and directed staff to return with final revisions for a public hearing on November 16, 2023; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the modified Inland Short-term Rental Ordinance on November 16, 2023, 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 continued the public hearing for further deliberation on the modified Inland Short-term Rental Ordinance to a public hearing on November 30, 2023; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the modified Inland Short-term Rental Ordinance on November 30, 2023, and made a recommendation to the Board of Supervisors to adopt the proposed draft Inland Short-term Rental Ordinance; and

WHEREAS, on Tuesday, January 16, 2024, 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 for the Board of Supervisors meeting of January 30th, 2024; and

WHEREAS, on January 30, 2024, the Humboldt County Board of Supervisors held a public hearing regarding the Short-Term Rental Ordinance, considered the Planning Commission recommendations, staff's presentation, the documents presented, and public testimony; and

WHEREAS, on January 30, 2024, the Humboldt County Board of Supervisors continued the public hearing for further deliberation and provided direction to staff to prepare alternatives for additional consideration to the meeting of March 5, 2024; and

WHEREAS, on March 5, 2024, the Humboldt County Board of Supervisors held a public hearing regarding the Short-Term Rental Ordinance, received staff's presentation of alternatives and documents presented.

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. FINDING: The proposed zoning amendment is exempt from environmental review under the California Environmental Quality Act (CEQA).

- EVIDENCE:**
- a) The ordinance is exempt from environmental review pursuant to §15301 (Existing Facilities) and §15308 (Actions by Regulatory Agencies) of the State CEQA Guidelines.
 - b) The ordinance will allow for the regulation of transient occupancy within existing permitted residential structures for the operation of Short-term Rentals. There is no construction, development, or ground disturbance associated with the approval of this regulatory pathway.
 - c) The ordinance establishes performance standards and procedures which enhance and protect the environment.

PUBLIC INTEREST.

1. FINDING: Humboldt County Code Section 312-50.3.1, the Humboldt County General Plan, and state General Plan Law stipulate that amendments to the zoning code must be in the public interest. The proposed amendment is in the public interest.

- EVIDENCE:**
- a) The purpose and intent of this Short-term Rental Ordinance is to create a pathway for the legal operation of Short-term Rentals while protecting the public health, safety, and welfare of the residents of the unincorporated areas of Humboldt County.
 - b) The intent of the ordinance is to create regulation which protects permanent housing stock, neighborhood quality, and provides economic opportunity for residents; all of which is in the public's interest.
 - c) These amendments to the Zoning regulations (1) update terminology; (2) regulate Short-term Rentals as allowable uses within Humboldt County; and (3) maintain integrity of residential zoning districts while allowing a pathway forward for economic opportunity; therefore, this amendment is in the public interest.

CONSISTENCY WITH THE GENERAL PLAN AND STATE LAW.

2. FINDING: Humboldt County Code Section 312-50.3.2 states that amendments to the Zoning Code must be consistent with the General Plan. The proposed Inland Short-term Rental Ordinance is consistent with the General Plan.

EVIDENCE: a) The Short-term Rental Ordinance allows for transient occupancy within residential General Plan designations 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.

b) The proposed amendments do not impact natural resources or sensitive communities because there is no development associated with allowing the use of existing residential structures and is therefore consistent with the policies of the General Plan.

3. 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.

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

NOW, THEREFORE, the Humboldt County Board of Supervisors does hereby:

1. Hold a public hearing in the manner prescribed by state law.
2. Adopt the findings prepared by Planning Staff, above.
3. Find the project exempt from CEQA pursuant to CEQA Guidelines sections 15301 and 15308, and direct Planning Staff to file a Notice of Exemption.

4. Adopt the Inland Short-term Rental Ordinance.



Rex Bohn, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Bushnell, seconded by Supervisor Wilson and the following vote:

AYES: Supervisors: Bushnell, Wilson, Madrone, Bohn, Arroyo
NOES: Supervisors:
ABSENT: Supervisors:

STATE OF CALIFORNIA)

County of Humboldt)

I, Kathy Hayes, Deputy Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By: Nikki Turner, Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California