

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

Resolution No. 24-26

Resolution of the Board of Supervisors of the County of Humboldt MAKING THE REQUIRED FINDINGS TO ADOPT AMENDMENTS TO HUMBOLDT COUNTY CODE TITLE III, DIVISION I, CHAPTER 2, ADMINISTRATION, PROCEDURES, AMENDMENTS AND ENFORCEMENT, 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 Short-Term Rental Ordinances and the original draft of Chapter 2 Amendments, with over 330 members of the public attending and participating remotely via Zoom; and

WHEREAS, the Humboldt County Planning Commission held a Public Workshop on September 21, 2023, deliberating and clarifying regulatory standards within the draft Chapter 2 Amendments, 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 make recommendation to the Board of Supervisors at a Planning Commission hearing on October 26, 2023; 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 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 ordinance to a public hearing on November 30, 2023; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the draft ordinance on November 30, 2023, and made a recommendation to the Board of Supervisors to adopt the proposed Chapter 2 Amendments; 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 Chapter 2 amendments for the Board of Supervisors meeting of January 30th, 2024; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the modified ordinance on November 30, 2023, and made a recommendation to the Board of Supervisors to adopt the proposed draft Chapter 2 Amendments; 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 amendments are exempt from environmental review.

- EVIDENCE:**
- a) The ordinance is exempt from environmental review under §15308 (Actions by Regulatory Agencies) of the State CEQA Guidelines.
 - b) The zoning amendment will allow for the Planning Director to suspend development permits if the permit was issued in error or to stop any activity that violates any requirement of the permit, Zoning Ordinance, or Humboldt County Code.
 - c) The creation of an administrative permit which can be applied to certain minor development permits exempt from CEQA. This permit type can also be applicable for housing applications that are ministerially permissible through state law allowances otherwise exempt from CEQA.
 - d) The ordinance establishes performance standards and procedures which enhance and protect the environment. There is no construction, development, or ground disturbance associated with the approval of this zoning code amendment.

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 amendments are in the public interest because they allow for the issuance of administrative permits for ministerially allowed uses, and development consistent with state law, streamlining the permitting process.
 - b) Creating an allowance for the Planning Director to suspend development permits is in the public interest because suspension can only occur if a permit has been issued in error, or to stop activities that violate any requirements of a permit, the Zoning Ordinance, or Humboldt County Code; codes used to safeguard public health, safety, and welfare. The ability of the Planning Director to suspend development permits will allow the County to better safeguard the public health, safety, and welfare.
 - c) Creating regulations which apply cost recovery provisions for revocation proceedings is in the public interest because it places the cost of work to be performed by a public trust agency on the individual or interest directly responsible. This will protect taxpayer dollars and allow the Planning and Building

Department to enforce Humboldt County Code at the expense of the violator and not the public.

- d) Amendments to Chapter 2 of Humboldt County Zoning Code, Administration, Procedures, amendments, and enforcement, allowing for the suspension of development permits by the Planning Director is in the public interest because it allows for immediate regulatory action to take place in the case of a violation of the Zoning Ordinance or Humboldt County Code; regulations in place with the intent of preserving public health, safety, and welfare.

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 Zoning Code Amendments are consistent with the General Plan.

EVIDENCE: a) The ordinance allows for issuance of administrative permits, suspension of development permits, and cost recovery provisions for revocations, violations and inspections, and other proceedings, all which do not change development standards, density, or design standards within any planning designation, making the ordinance consistent with the General Plan.

- b) The proposed amendments do not impact natural resources or sensitive communities because issuance of administrative permits, suspensions of development permits, and cost recovery provisions for revocation and other proceedings, are actions taken to approve something ministerially allowed by right, have been reviewed subsequently and have been found to have no impact or be exempt from environmental review, or are actions and enforcements which allow a public trust agency to take action if public code is violated, permit conditions are breached, or impacts to the environment are identified. For these reasons, the zoning code amendments are 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

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.



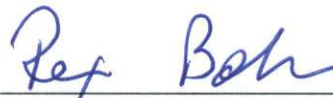
By: Nikki Turner, Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California

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 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 allowances of these amendments will not alter residential density of parcels within Humboldt County.
- c) The creation of an Administrative Permit strengthens the public's ability to pursue and develop by-right housing developments, ministerially approvable through state law allowances, contributing to higher housing potential within unincorporated 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 section 15308, and direct Planning Staff to file a Notice of Exemption
4. Adopt the ordinance amending Chapter 2 of Division 1 of Title III of the Humboldt County Code.



Rex Bohn, Chair,
Humboldt County Board of Supervisors