

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution No. 22-

APPOINTMENT TERM AND REMOVAL OF PLANNING COMMISSIONERS

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, Humboldt County Code, Section 312-5-2 allows the Board of Supervisors to initiate or modify proposed amendments to the Zoning Regulations; and

WHEREAS, On October 25, 2022, the Board of Supervisors directed that the Humboldt County Code be amended to provide modified term duration for Planning Commissioners, and provisions for removal of Supervisor appointed Planning Commissioners; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Zoning Ordinance Amendment to consider changes to Planning Commission term and removal requirements on November 17, 2022 during which the Planning Commission considered the staff recommendation and public comments; and

WHEREAS, the Planning Commission makes the following findings;

- 1. FINDING** **Project Description:** Amendment to the Section 312.1.3 of the Zoning Ordinance to modify the term of Planning Commissioners and to create provisions for removal of Planning Commissioners by the Board of Supervisors.

EVIDENCE a) Draft ordinance modifying Section 312.1.3 of the Zoning Ordinance.

 b) File LRP -2022-17995
- 2. FINDING** **CEQA** Adoption of an Ordinance specifying the term and removal provisions of Planning Commissioners is exempt from environmental review under in Sections 15060(c)(2) and 15061(b)(3) of the California Environmental Quality Act which provides the CEQA only applies to projects which have the potential to have an adverse effect on the environment and this procedural change does not have that potential.

EVIDENCE a) The amendment to the Zoning Ordinance is strictly procedural and will not result in permitting any new or modified development.

 b) The procedural change will not result in any physical change to the environment.
- 3. FINDING** It is in the public interest to have clear procedures for removal of Planning Commissioners when the situation demands and to have clearly defined terms

for Commissioners which allow accountability to the whole Board of Supervisors.

- EVIDENCE**
- a) Current provisions to not allow the entire Board to consider removal of a Planning commissioner even if circumstances warrant removal.
 - b) Allowing removal of a Planning Commissioner with a 4/5s majority of the Board of Supervisors allows Commissioner conduct to be considered while establishing a high bar for actual removal.
 - c) At Large appointments add diversity and insight to the Planning Commission and these appointments should be accountable to the whole of the Board of Supervisors.
 - d) Establishing alternating terms of two years for the two at large appointments allows the Board to consider the record of At Large Appointments.

4. FINDING The proposed Amendments provide better public accountability and thus are consistent with the General Plan

- EVIDENCE**
- a) General Plan Goal G-G3 calls for an open, inclusive, and responsive process for public participation in County land use decision making.
 - b) Clear procedures for removal of Planning Commissioners provides a process responsive to the needs of the County.
 - c) Two year terms for At Large Planning Commissioners allows greater public participation in the composition of the Planning Commission.

DECISION

NOW, THEREFORE, the Humboldt County Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Find the Ordinance Exempt from CEQA Review; and
3. Adopt findings that the amendment is consistent with the General Plan, and in the public interest; and
4. Adopt the Amendment to the Section 312.1.3 of the Zoning Ordinance to modify the term of Planning Commissioners and to create provisions for removal of Planning Commissioners by the Board of Supervisors.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on _____, 2022.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries/fails

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 H. Ford, Director
Planning and Building Department