

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on March 12, 2024.

Resolution No. 24-\_\_\_ Resolution of the Board of Supervisors of the County of Humboldt MAKING THE REQUIRED FINDINGS TO REJECT THE PRIVATE SHELTER PROGRAM ZONING AMENDMENT PETITION AND FIND IT INCONSISTENT WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, COUNTY CODE, AND THE GENERAL PLAN. RECORD NUMBER LRP-2024-18872.

**WHEREAS**, Section 312-50.2 of Humboldt County Code allows the Board of Supervisors to initiate, grant, deny, or modify proposed amendments to Zoning Regulations; and

**WHEREAS**, Section 312-50.3 of Humboldt County Code requires that the required findings be made to approve the petition demonstrate that the change will be in the public interest and be consistent with the General Plan; and

**WHEREAS**, Section 312-50.4 of Humboldt County Code allows zoning code amendments to be initiated by a majority vote of the Board of Supervisors; and

**WHEREAS**, on March 12, 2024, the Humboldt County Board of Supervisors held a public hearing regarding the Draft Private Shelter Program Zoning Amendment Petition, considered staff's presentation, the documents presented, and received public testimony.

**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 amendments are not consistent with the California Environmental Quality Act (CEQA).

- EVIDENCE:**
- a) The proposed amendments disregard regulatory requirements of public trust agencies in place to protect the environment.
  - b) The ordinance does not establish performance standards 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 petition for amendment to the Zoning Code is not in the public interest.

- EVIDENCE:**
- a) The petition for zoning amendments is not in the public interest because it allows the occupancy of individuals within substandard shelter conditions as defined in local and state codes, intended to maintain public safety for all.
  - b) The petition for zoning amendments is not in the public interest because it puts significant undue risk of liability on public agencies by removing performance standards and regulatory thresholds intended to preserve public health, safety, and welfare.
  - c) The petition for zoning amendments is not in the public interest because it places a significant burden on the taxpayers of Humboldt County for the preparation and implementation of said uses without ensuring success of said programs.
  - d) The petition for zoning amendments is not in the public interest because it will impact neighborhood integrity by allowing said uses across all zoning districts where residences exist.

#### **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 petition for amendments to the Zoning Code is inconsistent with the General Plan.

- EVIDENCE:**
- a) The petition for zoning amendments is not consistent with General Plan designations, changes development standards, density, and design standards to cater to the proposed use regardless of planning designation, making the ordinance inconsistent with the General Plan.
  - b) The proposed zoning amendments have the potential to impact natural resources and sensitive communities because there are no performance standards or regulatory requirements associated with allowing the desired use and is therefore inconsistent with the policies of the General Plan.

- 3. FINDING:** Humboldt County Code Section 312-50.3.4 requires any proposed amendments 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 amendments have the potential to limit the number of housing units which may be constructed on an annual basis.

- EVIDENCE:**
- a) The petition for zoning amendment has potential to reduce residential density for any parcel utilized by the Department of Housing and Community Development in determining compliance with housing element law if occupancy rights are established by tenants, because it could preclude development on certain sites where occupants refuse to vacate. The accumulation of solid waste and lack of sewage disposal requirements within the zoning amendment petition could also contribute to contamination associated with the proposed use(s) which could make sites unbuildable.
  - b) The allowance of this use could alter residential density of parcels within Humboldt County, especially if said use or allowance is allowed on properties identified for Multifamily Housing.

**CONSISTENCY WITH THE COASTAL ACT.**

**4. FINDING:** The uses proposed within the zoning amendment petition would not be allowed within the Coastal Zone.

- EVIDENCE:**
- a) Local Coastal Plan Amendment, Section 312-50.3.3 requires that the amendments are in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. These findings cannot be made relative to the petition.
  - b) The proposed zoning amendments have the potential to impact coastal resources. There are no provisions or performance standards within the petition which would enhance or protect coastal resources.

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

1. Consider the proposed amendments as part of the departmental agenda.
2. Adopt the findings prepared by Planning Staff, above.
3. Find the petition is inconsistent with the California Environmental Quality Act.
4. Reject the Private Shelter Program Zoning Amendment Petition.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 12, 2024, by the following vote:

Adopted on motion by Supervisor  
and the following vote:

, seconded by Supervisor

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

\_\_\_\_\_, Chair  
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt