

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

Record Number PLN-2021-17209

Assessor's Parcel Numbers: 033-101-011, 033-041-038, 033-091-025, 033-091-026, 033-091-027, 033-091-033, 033-091-034, 033-091-035, 033-101-001, 033-101-002, 033-101-003, 033-101-004, 033-101-005, 033-101-006, 033-101-007, 033-101-008, 033-101-010, 033-101-015, 033-101-021, 033-101-022, 033-101-028, 033-101-029, 033-101-031, 033-101-032, and 033-101-035

Resolution by the Board of Supervisors of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Rock and Sky, LLC General Plan Amendment and Zone Reclassification.

WHEREAS, Rock and Sky LLC, submitted an application and evidence in support of approving a General Plan Amendment (GPA) and Zoning Reclassification (ZR) of 25 parcels totaling 33.46 acres. The GPA is from Residential Low Density (RL) and Residential Estates (RE) to Residential Agriculture (RA). The Zone Reclassification is from Residential Single Family (R-1), Residential Multi-Family (R-3) and Residential Suburban (RS) to Agriculture General (AG) with a Qualified combining zone.

WHEREAS, the application was reviewed by referral agencies and County departments; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on July 20, 2023 and recommended that the Board of Supervisors approve the General Plan Amendment and Zone Reclassification; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing on November 28, 2023 to consider the application and all public testimony;

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

- 1. FINDING:** General Plan Amendment (GPA) and Zoning Reclassification (ZR) of 25 parcels totaling 33.46 acres. The GPA is from Residential Low Density (RL) and Residential Estates (RE) to Residential Agriculture (RA). The Zone Reclassification is from Residential Single Family (R-1), Residential Multi-Family (R-3) and Residential Suburban (RS) to Agriculture General (AG) with a Qualified combining zone, in the Benbow Area.

EVIDENCE: a) Project File: PLN-2021-17209

2. FINDING: **CEQA.** The project is exempt from environmental review under CEQA.

- EVIDENCE:**
- a) The project can be found exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), it can be seen with certainty that the project does not have the potential to cause significant impacts because it is a downzoning to a reduced residential density, fewer urban features, and less disturbance to the environment.
 - b) The subject properties are generally over 15% slope, have limited area for on-site septic suitability and are generally not suitable for residential development purposes. Amending the General Plan and reclassifying the property to support agriculture and more open space uses will remove the potential adverse impacts of residential development on unsuitable properties.
 - c) Technical studies have been prepared which document that there are no sensitive or protected environmental resources on the properties in question that could be adversely impacted. Technical studies include a Cultural Resources Survey prepared by William Rich and Associates, a biological assessment prepared by Brit O'Brien, and a botanical study prepared by Kyle Wear.

FINDINGS FOR GENERAL PLAN AMENDMENT

3. FINDING The Base information or physical conditions have changed.

- EVIDENCE**
- a) The condition of County owned roads in the project area is significantly deteriorating due to slope instability, and the reduction in planned housing density will decrease potential future residents and traffic.
 - b) More site-specific information regarding topography and soil instability has been obtained which indicates the difficulty of safe housing being developed at this location, and the change will facilitate the ability of the site to support historic agricultural use.

4. FINDING The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the General Plan

- EVIDENCE**
- a) The amendment is timely as there is an interest to utilize the property for Agricultural use now, and the General Plan is not scheduled for update in the near term.
 - b) The project offers the potential for economic development and to retain and create living-wage job opportunities by utilizing the land to produce agricultural commodities.

- c) The project will encourage, incentivize, and support agriculture and compatible uses on resource lands.

FINDINGS FOR ZONE RECLASSIFICATION

5. FINDING The proposed General Plan Amendment and Zone Reclassification is in the public interest.

EVIDENCE a) The General Plan Amendment and Zone Reclassification will reducing the residential density and potential future build-out of an area of steep topography and unstable slopes, thereby reducing adverse impacts to the environment and public welfare. The Qualified combining zone will add protections for the community by ensuring that development of the parcels follows natural topography and that any commercial cannabis applications require discretionary approval.

6. FINDING The reclassification 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.

EVIDENCE a) The property is not included in the residential land inventory of the Housing Element.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

1. Adopt the findings set forth in this resolution; and
2. Approve the General Plan Amendment (GPA) and Zoning Reclassification (ZR) of 25 parcels totaling 33.46 acres to specifically amend the General Plan designation from Residential Low Density (RL) and Residential Estates (RE) to Residential Agriculture (RA) and to reclassify the zoning from Residential Single Family (R-1), Residential Multi-Family (R-3) and Residential Suburban (RS) to Agriculture General with a Qualified combining zone (AG-Q).

Adopted after review and consideration of all the evidence on November 28, 2023

Steve Madrone
Chair, Board of Supervisors

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

- AYES: Supervisors--
- NOES: Supervisors--
- ABSENT: Supervisors--
- ABSTAIN: Supervisors—

STATE OF CALIFORNIA)

) ss.

County of Humboldt)

I, KATHY HAYES, 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

KATHY HAYES

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

By _____