ATTACHMENT 1

Resolutions of the Planning Commission of the County of Humboldt Making Findings Pursuant to CEQA and Recommending that the Draft Commercial Residential Ordinance(s) for both Inland and Coastal Jurisdictions be Adopted by the Humboldt County Board of Supervisors

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 24-_____

Record Number PLN-2023-18805

RECOMMENDING THAT THE BOARD OF SUPERVISORS MAKE THE REQUIRED FINDINGS TO ADOPT THE INLAND VERSION OF THE COMMERCIAL RESIDENTIAL ORDINANCE.

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 initiated the zoning ordinance changes herein to allow residential dwellings or the combination of residential dwellings and commercial uses, referred to as Commercial Residential, on certain commercial and industrial zoned parcels in response to Senate Bill 6 (SB 6); and

WHEREAS, the Humboldt County Planning Commission held a Public Workshop on the Commercial Residential Ordinance on April 18, 2024, recommending that Staff incorporate revisions to the draft ordinance on a basis of deliberations of the Commission and public comment received; and

WHEREAS, on Wednesday, July 3, 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 Commercial Residential; and

WHEREAS, on July 18, 2024, the Humboldt County Planning Commission continued the public hearing on the Commercial Residential Ordinance to August 15, 2024; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Commercial Residential Ordinance on August 15, 2024.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission 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 §15061(b)(3), activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

EVIDENCE: a) The ordinance allows residential dwellings in zones that already allow for residential dwellings through California Senate Bill 6 (SB 6). All commercial residential projects are required to meet all other existing provisions within the Humboldt County Code protecting local resources and would therefore have no possibility of causing a significant effect on the environment.

PUBLIC INTEREST.

2. 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 proposed ordinance would set development and performance standards for commercial residential. The proposed ordinance will add provisions to the Zoning Code to be consistent with California State Law including SB 6 and allow for more flexibility for housing and is therefore in the public interest.

b) The intent of the ordinance is to increase housing diversity and encourage the development of underutilized commercial and industrial zoned parcels with housing and is therefore in the public interest.

CONSISTENCY WITH THE GENERAL PLAN.

3. 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 Commercial Residential Ordinance is consistent with the General Plan.

EVIDENCE: a) The Commercial Residential Ordinance is consistent with the Housing Element. The proposed ordinance incorporates the Humboldt County General Plan's goals to continue to provide an adequate supply of land for housing. The proposed ordinance will allow for housing to be available in more zones and, thus, more land will be available for housing.

CONSISTENCY WITH STATE PLANNING LAW.

4. 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 Commercial Residential 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.

The allowance of this use will not reduce residential density of parcels within Humboldt County and therefore will not negatively impact the residential density of Humboldt County.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law;

2. Adopt the required findings prepared by Planning Staff;

3. Adopt the Commercial Residential Ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 2 of this staff report;

The foregoing Resolution is hereby passed and adopted after review and consideration of all the evidence on **August 15, 2024**.

The motion was made by _____and seconded by _____and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

DECISION:

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

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 24-_____

Record Number PLN-2023-18805

Recommending that the Board of Supervisors make the required findings to adopt the Coastal version of the Commercial Residential Ordinance. The Coastal Commercial Residential Ordinance is still subject to certification from the California Coastal Commission before becoming an effective amendment.

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 initiated the zoning ordinance changes herein to allow residential dwellings or the combination of residential dwellings and commercial uses, referred to as Commercial Residential, on certain commercial and industrial zoned parcels in response to Senate Bill 6 (SB 6); and

WHEREAS, the Humboldt County Planning Commission held a Public Workshop on the Coastal Commercial Residential Ordinance on April 18, 2024, recommending that Staff incorporate revisions to the draft ordinance on the basis of deliberations of the Commission and public comment received; and

WHEREAS, on Wednesday, July 3, 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 the Coastal Commercial Residential Ordinance; and

WHEREAS, on July 18, 2024, the Humboldt County Planning Commission continued the public hearing on the Coastal Commercial Residential Ordinance to August 15, 2024; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Coastal Commercial Residential Ordinance on August 15, 2024.

WHEREAS, pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA; and

WHEREAS, the proposed LCP Amendment was developed to achieve consistency with the

requirements of Government Code Section 65852.2, to meet the needs of County residents as determined through workshops and comments, and to incorporate recommendations of the California Coastal Commission through the upcoming LCP Amendment application process; and

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. FINDING: The proposed zoning amendment is exempt from environmental review.

EVIDENCE: a) Public Resources Code Section 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18805.

b) The ordinance will not change the density requirements within the General Plan or Local Coastal Plan and will allow residential dwellings in zones that already allow for residential dwellings. All commercial residential projects are required to meet all other existing provisions within the Humboldt County Code protecting local resources and would therefore have no possibility of causing a significant effect on the environment.

PUBLIC INTEREST

2. 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 proposed ordinance would set development and performance standards for commercial residential in the coastal zone. The proposed ordinance will expand on the existing SB 6 requirements to be consistent with California State Law and allow for more flexibility for housing and is therefore in the public interest.

b) The intent of the ordinance is to increase housing diversity and encourage the development of underutilized commercial and industrial zoned parcels with housing and is therefore in the public interest.

CONSISTENCY WITH THE GENERAL PLAN

3. 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 Commercial Residential Ordinance is consistent with the General Plan.

EVIDENCE: a) The Coastal Commercial Residential Ordinance is consistent with the Housing Element. The proposed ordinance incorporates the Humboldt County General Plan's goals as it will continue to provide an adequate supply of land for housing. The proposed ordinance will allow for housing to be available in more zones and, thus, more land will be available for housing.

CONSISTENCY WITH THE COASTAL ACT

4. FINDING: If the proposed changes to the Zoning Ordinance include a Local Coastal Plan Amendment, Section 312-50.3.3 requires that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:

a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).

b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes).

c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control).

d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources).

e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments).

f) Industrial Development (including location and expansion, use o

transport (both onshore and off), and power plants).

EVIDENCE:

a) **Access:** The proposed ordinance allows commercial residential to be located within the Coastal Zone and will likely encourage the use of and exploration of our local coastline because there will be more options for people to lodge within our local coastal jurisdiction. No impact to coastal access is anticipated because projects will be located within existing commercial areas and will require review and site-specific analysis.

b) **Recreation:** Proposed commercial residential will be allowed within certain commercial and industrial zones that allow for commercial use types, or within other zones that allow for similar use types, and sites must meet the requirements of the current zoning district and the land use designation. This amendment and its allowances will not impact water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, or priority of development. The proposed amendment will not negatively impact coastal recreation.

c) **Marine Resources:** Proposed commercial residential will be reviewed and may require a Coastal Development Permit in accordance with an associated Local Coastal Plan for consistency with the California Coastal Act. This review would ensure that the proposed work has been assessed and is not expected to cause any significant impacts to marine resources.

d) **Land Resources:** The amendment protects agricultural land and timberland because it does not encourage additional residential development within natural resource lands such as Agriculture Exclusive (AE), Commercial Timberland (TC), and Timberland Production Zone (TPZ).

Impacts to cultural and tribal cultural resources and impacts to environmentally sensitive habitat areas are not anticipated and remain protected.

e) **Development:** The Commercial Residential Ordinance will encourage more development in coastal lands since more housing would be anticipated with the allowance of this use. No impact to coastal lands is anticipated because projects will still require a Coastal Development Permit and site-specific analysis.

Commercial Residential is not permissible within coastal dependent zones and therefore will not impact coastal dependent development.

f) **Industrial Development:** Commercial residential is not permissible within industrial coastal dependent zones. This precludes areas with

industrial development including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants. Therefore, the proposed amendment will not negatively impact coastal industrial development.

CONSISTENCY WITH STATE PLANNING LAW

5. 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 Commercial Residential 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.

The allowance of this use will not reduce residential density of parcels within Humboldt County.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law;

2. Adopt the required findings prepared by Planning Staff;

3. Adopt the Commercial Residential Ordinance amending the Zoning Regulations of the Coastal Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 3 of Humboldt County Code) as shown in Attachment 3 of this staff report;

4. Find that the proposed amendments to the Coastal Zoning Regulations conform to the policies contained in Chapter 3 of the Coastal Act, and further finds that the proposed Zoning Regulations will be carried out in accordance with the Coastal Act.

The foregoing Resolution is hereby passed and adopted after review and consideration of all the evidence on **August 15, 2024**.

The motion was made by _____and seconded by _____and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

DECISION:

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