ATTACHMENT 4

Resolutions of the Planning Commission of the County of Humboldt Making Findings Pursuant to CEQA and Recommending that the Draft Zoning Updates 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 Zoning Updates 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 for fences seven feet (7') in height instead of six feet (6'), consistent with California State Building Code; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to add a maximum fence height of three feet (3') for fences within the front yard setback in certain residential zones; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to implement its General Plan Housing Element Implementation Measure H-IM63 by updating the definition of "family"; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to define "mini-storage" and allow with a Use Permit in certain commercial and industrial zones; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to principally permit residential uses subordinate to commercial uses in Housing Opportunity Zones in the Business Park (MB) zone and continue to require a Special Permit outside of Housing Opportunity Zones; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to remove the requirement to have four or fewer units per building from the Inland Residential Multiple Family (R-3) zone to allow for more housing flexibility 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 Zoning Updates; and

WHEREAS, on July 18, 2024, the Humboldt County Planning Commission continued the public hearing on the proposed zoning amendments to August 15, 2024; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed zoning amendments on August 15, 2024.

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

REQUIRED FINDINGS OF APPROVAL

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

EVIDENCE:

a) The ordinance is exempt from environmental review under §15061(b)(3), activities that can be seen with certainty to have no possibility of causing a significant effect on the environment.

b) The ordinance will not change the density requirements within the General Plan. Updating the definition of "family" to implement H-IM63, will only change the definition section of the zoning code and will therefore have no possibility of causing a significant effect on the environment. Allowing residential uses subordinate to commercial uses in Housing Opportunity Zones to be principally permitted in the Business Park (MB) zone and continue to require a Special Permit for outside of a Housing Opportunity Zone and will not significantly impact the environment by promoting infill and still requiring a discretionary process outside of Housing Opportunity Zones. Removal of the requirement to have four or fewer units per building from the Inland Residential Multiple Family (R-3) will not change the density requirements. The permitting of mini-storage will be a discretionary process and will be required to meet all other existing provisions within the Humboldt County Code protecting local resources and will therefore have no possibility of causing a significant effect on the environment. The allowance of fences to be up to seven feet (7') in height and not be considered a structure will have no possibility of causing a significant effect on the environment as California Building Code does not require a building permit for fences up to seven feet (7') high. Setting a maximum height of fences to

be three feet (3') within the front yard setback will have no possibility of causing a significant effect on the environment because it will discourage visibility obstructions.

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.

EVIDENCE: a) The ordinance will update the definition of "family" to be more inclusive and not use restrictive language and is therefore in the public interest.

The ordinance will allow fences to be seven feet (7') in height instead of six feet (6') without requiring a permit and is therefore in the public interest as it will be consistent with the California Building Code.

The ordinance will set a maximum height of fences to be three feet (3') within the front yard setback in certain zones and is the public interest as it will discourage visibility obstructions.

The ordinance will define "mini-storage" and require a Use Permit in certain commercial and industrial zones and will be in the public interest by requiring discretionary review of proposed mini-storage projects to ensure compatibility of the use with the neighborhood.

The ordinance will allow residential uses subordinate to commercial uses in Housing Opportunity Zones to be principally permitted in the Business Park (MB) zone and continue to require a Special Permit for outside of a Housing Opportunity Zone and will be in the public interest by promoting residential infill within MB zoning within Housing Opportunity Zones.

The ordinance will allow for more flexibility in housing types in R-3 zoning by removing the requirement to have four or fewer units per building and will be in the public interest by allowing more housing types in that zoning.

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 Inland Zoning Updates Ordinance is

consistent with the General Plan.

EVIDENCE:

a) The ordinance incorporates the Humboldt County General Plan's goals, policies and standards as directed in Implementation Measure H-IM63. Implementation Measure H-IM63 directs the County to amend the Zoning Regulations to remove the definition of "family" and references thereto except where "family" is defined by statute. The intent of the H-IM63 is to remove language that restricts how "family" is defined. The ordinance will amend the definition of "family" to remove any restrictive language.

b) The ordinance will allow for more flexibility in housing types in R-3 zoning by removing the requirement to have four or fewer units per building and promote infill by allowing residential uses subordinate to commercial uses in Housing Opportunity Zones to be principally permitted in the Business Park (MB) zone and continue to require a Special Permit for outside of a Housing Opportunity Zone. This ordinance will not change the density requirements of the General Plan but will encourage more housing which is consistent with the Housing Element.

The ordinance will allow for fences to be seven feet (7') in height instead of six feet (6') without requiring a permit to be consistent with the California Building Code and therefore consistent with the General Plan.

The ordinance will set a maximum height of fences to be three feet (3') within the front yard setback in certain zones and is consistent with the General Plan as it will discourage visibility obstructions.

The ordinance will define "mini-storage" and require a Use Permit in certain commercial and industrial zones and will ensure compatibility with the General Plan by requiring discretionary review of proposed mini-storage projects.

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 Zoning Updates 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 ordinance will not alter residential density of parcels within Humboldt County and therefore will not negatively impact the residential density of Humboldt County. Allowing fences being seven feet (7') in height, setting a maximum height for fences in the front yard setback, implementation of H-IM63, and definition of and requiring a Use Permit for mini-storage do not impact residential density as these amendments only amend the definition section of the zoning code and allow a commercial use type within certain commercial and industrial zones.

The ordinance will not alter residential density of parcels within Humboldt County and therefore will not negatively impact the residential density of Humboldt County. Allowing residential uses subordinate to commercial uses in MB zones to be principally permitted within Housing Opportunity Zones and still require a Special Permit outside of Housing Opportunity Zones does promote infill but will not reduce the residential density. Removing the requirement to have four or fewer units per building in the R-3 zone will allow for more housing types but not reduce the residential density.

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 Zoning Updates 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 5 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 Zoning Updates Ordinance. The Coastal Zoning Updates 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 for fences seven feet (7') in height instead of six feet (6'), consistent with California State Building Code; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to add a maximum fence height of three feet (3') for fences within the front yard setback for certain residential zones; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to implement its General Plan Housing Element Implementation Measure H-IM63 by updating the definition of "family"; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to amend the Zoning Regulations to define "mini-storage" and allow with a Use Permit in certain commercial and industrial zones; 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 Zoning Updates; and

WHEREAS, on July 18, 2024, the Humboldt County Planning Commission continued the public hearing on the proposed zoning amendments to August 15, 2024; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed zoning amendments 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 a public hearing 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:

Required Findings of Approval

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 Plans. Updating the definition of “family” to implement H-IM63, will only change the definition section of the zoning code and will therefore have no possibility of causing significant effect on the environment. The permitting of mini-storage will be a discretionary process and will be required to meet all other existing provisions within the Humboldt County Code protecting local resources and will therefore have no possibility of causing a significant effect on the environment. The allowance of fences to be up to seven feet (7’) in height and not be considered a structure will have no possibility of causing a significant effect on the environment as California Building Code does not require a building permit for

fences up to seven feet (7') high. Setting a maximum height of fences to be three feet (3') within the front yard setback will have no possibility of causing a significant effect on the environment as it will discourage visibility obstructions.

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 ordinance will allow fences to be seven feet (7') in height instead of six feet (6') without requiring a permit and is therefore in the public interest as it will be consistent with the California Building Code.

The ordinance will set a maximum height of fences to be three feet (3') within the front yard setback in certain zones and is the public interest as it will discourage visibility obstructions.

The ordinance advances the implementation measures, goals, policies, and standards identified in the Humboldt County General Plan Housing Element and is therefore in the public interest.

The ordinance will update the definition of "family" to remove restrictive language and is therefore in the public interest.

The ordinance will define "mini-storage", set development and performance standards, and require a Use Permit in certain commercial and industrial zones and will be in the public interest by requiring discretionary review of proposed mini-storage projects.

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 Coastal Zoning Updates Ordinance is consistent with the General Plan.

EVIDENCE: a) The Coastal Zoning Updates Ordinance implements the Housing Element. The ordinance incorporates the Humboldt County General Plan's goals, policies, and standards as directed in Implementation Measure H-IM63. Implementation Measure H-IM63 directs the County to amend the Zoning Regulations to

remove the definition of “Family” and references thereto except where “family” is defined by statute. The intent of the H-IM63 is to remove language that restricts how “family” is defined. The ordinance will amend the definition of “family” to remove any restrictive language.

The ordinance will allow for fences to be seven feet (7’) in height instead of six feet (6’) without requiring a permit to be consistent with the California Building Code and therefore consistent with the General Plan.

The ordinance will set a maximum height of fences to be three feet (3’) within the front yard setback in certain residential zones and is consistent with the General Plan as it will discourage visibility obstructions.

The ordinance defines and provides a permitting pathway for mini-storage. This ordinance will not change the density requirements of the General Plan.

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 of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

EVIDENCE: a) **Access:** Mini-storage will not be permitted in areas where coastal access is impacted as reviewed through the Coastal Development Permit process, and therefore the ordinance will not impact coastal access. The implementation of H-IM63 will not impact coastal access because it amends the zoning code to update the definition of "family". Amending the zoning code to allow fences up to seven feet (7') in height located on the property line will not impact coastal access because the only change is to allow fences to be seven feet (7'), instead of six feet (6') high without a planning permit as is currently allowed in the California Building Code without a building permit. Adding a maximum height of fences to be three feet (3') within the front yard setback in certain zones to the zoning code will not impact access as fences six feet (6') in height are currently allowed.

b) **Recreation:** This amendment and its allowances will not negatively impact coastal recreation because it will not impact water-oriented activities, ocean-front land protected for recreational uses, aquacultural uses, or priority of development. Mini-storage will be reviewed within the Conditional Use Permit and Coastal Development Permit process 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 coastal recreation. The implementation of H-IM63 will not impact coastal recreation because it amends the zoning code to update the definition of "family". Amending the zoning code to allow fences up to seven feet (7') in height located on the property line will not impact coastal recreation because the only change is to allow fences to be seven feet (7'), instead of six feet (6') high without a planning permit as is currently allowed in the California Building Code without a building permit. Adding a maximum height of fences to be three feet (3') within the front yard setback in certain zones to the zoning code will not impact coastal recreation as fences six feet (6') in height are currently allowed.

c) **Marine Resources:** This amendment and its allowances will not negatively impact marine resources because any development proposed within resource areas would require a Coastal Development Permit. Mini-storage will be reviewed within the Coastal Development Permit process 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. The implementation of H-IM63 will not impact marine resources because it amends the zoning code to update the definition of "family". Amending the zoning code to allow fences up to seven feet (7') in height located on the property line will not impact coastal access because the only change is to allow fences to be seven feet (7'), instead of six feet (6') high without a planning permit as is currently allowed in the California Building Code without a building permit. Adding a maximum height of fences to be three feet (3') within the front yard setback in certain residential zones to the zoning code will not impact marine resources as fences six feet (6') in height are currently allowed.

d) **Land Resources:** This amendment protects agricultural land and timberland because it does not encourage additional development within natural resource lands such as Agriculture Exclusive (AE), Commercial Timberland (TC), and Timberland Production Zone (TPZ). Mini-storage will not be permitted in areas where environmentally sensitive habitats or tribal cultural resources will be impacted as reviewed through the Coastal Development Permit process. The implementation of H-IM63 will not impact marine resources because it amends the zoning code to update the definition of "family". Allowing fences to be seven feet (7') instead of six feet (6') shall not have any impact on land resources as the zoning code will be amended to allow fences to only be a foot higher than currently allowed. Adding a maximum height of fences to be three feet (3') within the front yard setback will not be applicable in Agriculture or Timberland zones.

e) **Development:** No impact to coastal lands is anticipated because mini-storage will require a Conditional Use Permit and Coastal Development Permit and site-specific analysis. Mini-storage is not permissible within coastal dependent zones and therefore will not impact coastal dependent development. The implementation of H-IM63 will not impact development because

it amends the zoning code to update the definition of "family". The zoning code will be amended to allow fences to only be a foot higher than currently allowed and therefore shall not have an impact on development. Adding a maximum height of fences to be three feet (3') within the front yard setback in certain residential zones to the zoning code will not impact development as fences are still allowed.

f) **Industrial Development:** Mini-storage 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. The implementation of H-IM63 will not impact marine resources because it amends the zoning code to update the definition of "family". The zoning code will be amended to allow fences to only be a foot higher than currently allowed and therefore shall not have an impact on coastal industrial development. Adding a maximum height of fences to be three feet (3') within the front yard setback will not be applicable in Industrial zones.

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 Zoning Updates 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 ordinance will not alter residential density of parcels within Humboldt County and therefore will not negatively impact the residential density of Humboldt County. Allowing fences being seven feet (7') in height, setting a maximum height for fences, implementation of H-IM63, and definition of and requiring a Use Permit for mini-storage do not impact residential density as these amendments only amend the definition section of the

zoning code and allow a commercial use type within certain commercial and industrial zones.

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 Zoning Updates Ordinance amending the Zoning Regulations of the Coastal Zoning Ordinance (Section 313 of Title III, Division 1, Chapter 3 of Humboldt County Code) as shown in Attachment 6 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