

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of April 25, 2017

RESOLUTION NO. 17-36

**RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR APPROVING THE AMENDMENT OF THE HUMBOLDT COUNTY GARBERVILLE/REDWAY/ALDERPOINT/BENBOW COMMUNITY PLAN BY ADDING A PUBLIC RECREATION (PR) LAND USE DESIGNATION AND AMENDING PROPERTY IN THE GARBERVILLE AREA FROM AGRICULTURE LANDS (AL20) AND AGRICULTURAL RURAL (AR) AND INDUSTRIAL RESOURCE RELATED (IR) TO PUBLIC RECREATION (PR) AND ADDING A PUBLIC FACILITIES (RURAL) (PF2) ZONE DISTRICT TO THE HUMBOLDT COUNTY ZONING REGULATIONS FOR THE INLAND AREAS, AND REZONING PROPERTY IN THE GARBERVILLE AREA FROM AGRICULTURAL EXCLUSIVE (AE) TO PUBLIC FACILITIES (RURAL) (PF2) AND TO ADD QUALIFIED AND RECREATION COMBINING ZONES TO THE REMAINING LANDS ZONED AGRICULTURAL EXCLUSIVE (AE);
CASE NUMBERS GPA-10-02, ZR-10-02;
ASSESSOR PARCEL NUMBERS: 222-091-014 AND 222-241-009**

WHEREAS, State law provides for local governments to amend their General Plans up to four (4) times per year; and

WHEREAS, Southern Humboldt Community Park submitted an application and evidence in support of approving the General Plan Amendment, application; and

WHEREAS, the proposed General Plan Amendment of the Humboldt County Garberville/Redway/Alderpoint/Benbow Community Plan by adding a Public Recreation (PR) land use designation as shown in Exhibit A, and to re-designate lands from Agriculture Lands (AL20) and Agricultural Rural (AR) and Industrial Resource Related (IR) To Public Recreation (PR) and zoning amendment adding a Public Facilities (Rural) (PF2) zone district to the Humboldt County zoning regulations for the Inland areas, and rezoning property in the Garberville area from Agricultural Exclusive (AE) to Public Facilities (Rural) (PF2) and to add Qualified and Recreation combining zones to the remaining lands zoned Agricultural Exclusive (AE) may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; and (3) The amendment 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; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, Exhibit 2 to this resolution includes evidence in support of making all of the required findings for approving the proposed General Plan Amendment, Case Nos.: GPA-10-02; and

WHEREAS, the Planning Commission reviewed and considered the staff reports and other written and spoken evidence and testimony presented during a public hearing on January 5, 2017, and

WHEREAS, at their January 5, 2017 meeting, the Planning Commission recommended the Board make the necessary findings and approve the General Plan Amendment and Rezone applications.

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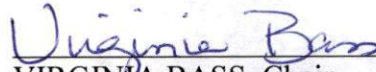
NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors, that the Board:

1. Makes the findings for approval of the General Plan Amendment and Zoning Ordinance Amendment, based on the evidence as detailed in Exhibit B to this Resolution; and
2. Approves the General Plan Amendment application for Case No.: GPA-10-02; and

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. The Humboldt County Garberville/Redway/Alderpoint/Benbow Community Plan be amended by adding a Public Recreation (PR) land use designation (as shown in Exhibit A-1) and by re-designating lands from Agriculture Lands (AI20) and Agricultural Rural (AR) and Industrial Resource Related (IR) To Public Recreation (PR) (as shown in Exhibit A-2); and
2. Current Planning Division staff is hereby directed to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
3. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor's Office and any other interested party.

Dated: April 25, 2017


 VIRGINIA BASS, Chair
 Humboldt County Board of Supervisors


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

AYES:	Supervisors	Sundberg, Fennell, Bass, Bohn, Wilson
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
 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 an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.


 By ANA HARTWELL
 Deputy Clerk of the Board of Supervisors of the
 County of Humboldt, State of California

ATTACHMENT B -- EXHIBIT A-1

Text to be added to the Garberville Community Plan (all underlined)

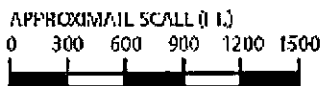
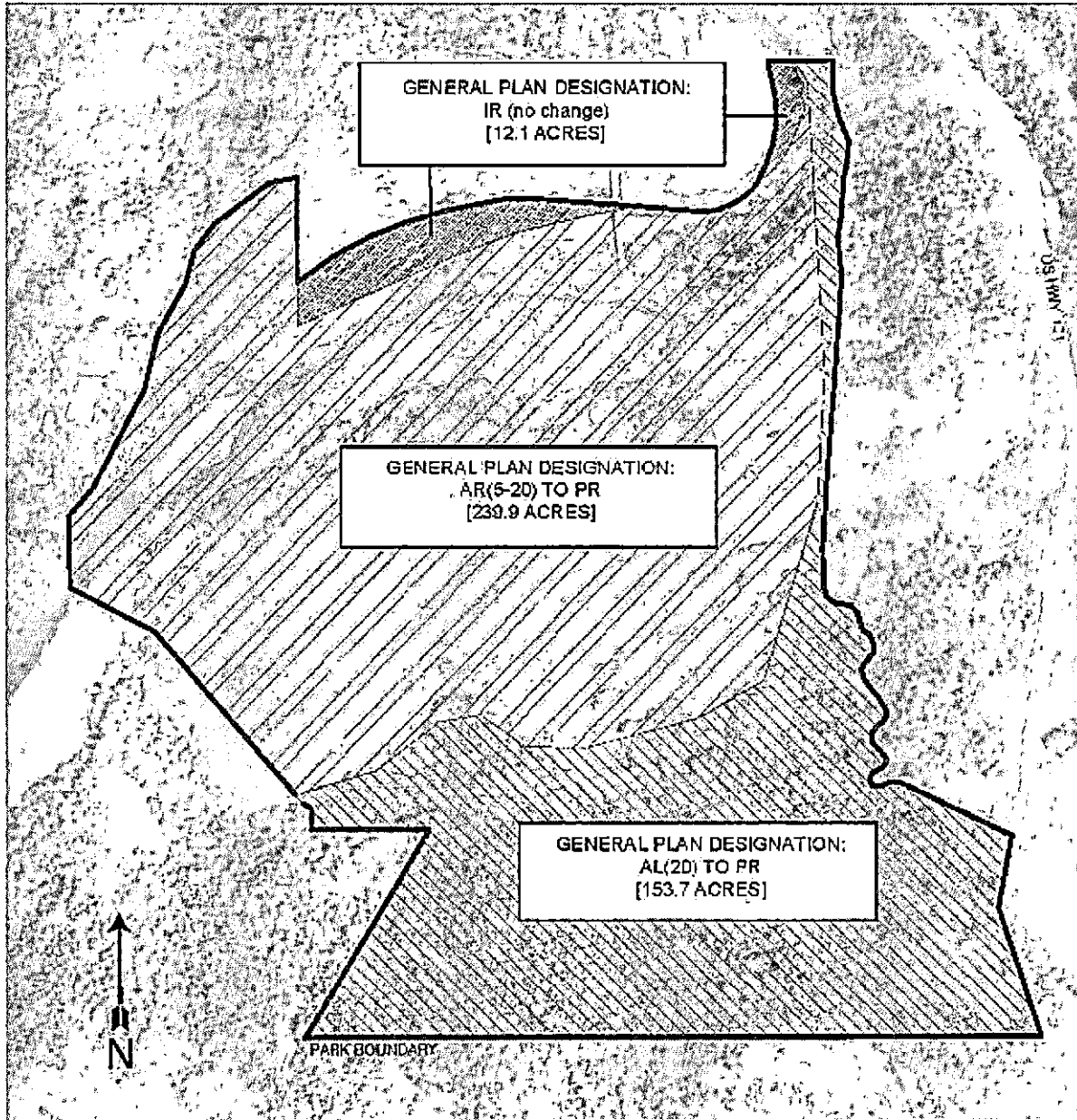
“2770 PUBLIC RECREATION

“2771 Public Recreation (PR)

1. Character: The purpose of this classification is to protect lands suitable for public recreation or resource protection and to provide open space and public lands.
2. Primary and Compatible Uses: Fish and wildlife habitat, public access facilities, resource related recreation, boating facilities, watershed management and wetland restoration, general agriculture and timber production, aquaculture, community assembly, public recreation, caretaker’s residence, subordinate residential, surface mining, temporary camping, RV park, similar compatible uses.
3. Minimum Parcel Size: Adequate for proposed use under the tests of parking and setback requirements, consistent with planned uses of adjacent lands.”

ATTACHMENT B -- EXHIBIT A-2

General Plan Map Changes



GENERAL PLAN DESIGNATIONS

- PR = PUBLIC RECREATION
- AL(20) = AGRICULTURE LANDS - ONE DWELLING UNIT PER 20 ACRES
- AR(5-20) = AGRICULTURE RURAL - ONE DWELLING UNIT PER 5 - 20 ACRES
- IR = RESOURCE RELATED INDUSTRIAL

**EXISTING AND PROPOSED
GENERAL PLAN DESIGNATIONS**

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ATTACHMENT B -- EXHIBIT B

**FINDINGS IN SUPPORT OF THE GENERAL PLAN AMENDMENT,
AND ZONING ORDINANCE AMENDMENT
FOR CASE NOS.: GPA-10-02, ZR-10-02**

The Board of Supervisors hereby find as follows:

A. Findings for General Plan Amendments

1. The General Plan of Humboldt County is a dynamic document that can be modified to reflect changing social, economic or environmental conditions, or changes in state law. These changes include changing property from one plan designation or zone to another. Per Section 1452.2, *Findings Required*, of the Garberville Redway Benbow Alderpoint Community Plan and the Framework Plan, an amendment may be approved if:
 - a) Base information or physical conditions have changed; or
 - b) Community values and assumptions have changed; or
 - c) There is an error in the plan; or
 - d) To maintain established uses otherwise consistent with a comprehensive view of the plan.
2. In addition, the Plan amendment must be found to be in the public interest; and
3. The plan is required to be consistent with the Zoning or other implementation of the Plan

B. Section 213-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps

1. The proposed zoning change is consistent with the General Plan
2. The proposed change is in the public interest

C. Required Finding for Consistency With Housing Element Densities

1. Government Code Section 65302.81 requires specific findings supported by substantial evidence where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
2. In addition, the same Government Code sections also requires any proposed development to maintain the residential density for any parcel at or above that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation), unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

D. Required Finding for Consistency With the California Environmental Quality Act

The California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

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1.
 - a) The project either is categorically or statutorily exempt; or
 - b) There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
 - (c) An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

Finding A: Required Findings for General Plan Amendments

Section(s)	Applicable Requirements
§1452.2 Required Findings (Framework Plan)	<p>Finding A1. Base information or physical conditions have changed; or Community values and assumptions have changed; or There is an error in the plan; or To maintain established uses otherwise consistent with a comprehensive view of the plan.</p>
<p><u>Evidence Supporting Finding A1.</u></p> <p>The PR - Public Recreation Land Use designation is shown in Exhibit A attached to this Resolution.</p> <p>The purpose of the PR designation is to protect lands suitable for resource protection and to provide open space and public lands. Allowable uses types include the following:</p> <ul style="list-style-type: none"> • Natural Resource. Fish and wildlife habitat, public access facilities, resource related recreation, boating facilities, watershed management and wetland restoration • Resource Production. General agriculture and timber production. • Industrial. Aquaculture. • Civic. Community assembly, public recreation. • Other. Caretaker’s residence, subordinate residential, surface mining, temporary camping, and RV park, similar compatible uses. <p>Southern Humboldt County is a long established community but is remote and does not have good access to public park facilities or other public gathering places. This is a social need that has existed within the community for many years, and this is reflected in the long history of support for this park facility. Families with children want improved recreation facilities that support organized sport participation. This is reflected in the public testimony presented in support of the park.</p> <p>Historically, most of the property was primarily used for agriculture. A portion of it, Tooby Memorial Park, was operated by the County as a public park that accommodated small public gatherings. Since the applicant took ownership in 2000, it has conducted considerable public outreach to help guide the use of the property in a multi-year park planning process, including three initial visioning events with attendance of 30-60 people in 2002; a series of targeted public</p>	

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Section(s)	Applicable Requirements
	<p>planning sessions beginning in 2008 with 40 to 200 attendees; and a survey of 425 individuals in 2012. The community input formed the basis for the park planning efforts and shaped the proposed project. Adding a PR – Public Recreation designation to the GRBPA and applying it to the project site would allow the uses of the property presently valued by many in the community as a park.</p> <p>The adoption of the GRBPA in 1987 included 7 objectives, none of those objectives included identification of a public park. Whether that was an error in the plan or a reflection that community values changed to desire a public park facility is difficult to say. The fact is that evidence demonstrates the public wants a public park facility, has contributed to obtaining the property and financing the effort to date and has shown up at hearings to request this project be approved. This reflects the community values to support this land use change.</p>
<p>§1452.2 Required Findings (Framework Plan)</p>	<p>Finding A2. The proposed amendment is in the public interest.</p>
	<p>Evidence Supporting Finding A2</p> <p>The response to Finding A1 above shows that the proposed amendment is in the public interest, based upon the public support for a park. The Garberville and Redway areas of Humboldt County currently have a limited supply of available community park facilities that are in close proximity to population centers, and do not have any land zoned to allow the development of a multi-use community park. Since much of the flat land in proximity to population centers was historically, and remains to be, in use for agricultural, commercial and residential development, the few public areas that are in these vicinities have become overused. In order to meet the community demand for public space, the Southern Humboldt Community Park is proposed.</p> <p>The Goals, Policies, and Standards of §4400, County Parks and Recreation, in the Framework Plan encourage providing and maintaining park and recreation areas which are highly accessible and reflective of public needs and minimize environmental impacts.</p> <p>Development of a multi-use park is in the public interest because it creates a variety of accessible uses, such as recreational opportunities and a community gathering space, in an area that is currently lacking. Additionally, the multi-use aspect of the park enables different uses that are not traditionally combined together, meeting a variety of agricultural, recreational, and educational needs in one place.</p>

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Section(s)	Applicable Requirements
Consistency with the Zoning Ordinance	Finding A3. The plan is required to be consistent with the Zoning or the other implementation of the Plan.
<p>Evidence Supporting Finding A3</p> <p>The proposed project will be consistent with the Inland Zoning Code. The new PR land use designation will allow for agricultural, natural resource, resource production, recreation, public assembly, and education and research uses, open to the public. This designation will be applied to the total 405.7-acre project area. The land within these areas will either be zoned for Agriculture Exclusive (AE) or Public Facilities-Rural (PF2), a new zone proposed for the inland zoning code as part of this project. The PF2 zone will allow natural resource, resource production, agriculture, recreation, public assembly, and education and research uses. Lastly, a Qualified (Q) and a Recreation (R) combining zone will be added to the project site to allow 307 acres of AE land to allow qualified-recreational uses.</p>	

Finding B: *Section 213-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps*

Section(s)	Applicable Requirements
§312-50 of the Zoning Ordinance	Finding B1. That the proposed zoning change is consistent with the General Plan.
<p>Evidence Supporting Finding B1</p> <p>Response A3 above describes how the adding the proposed PR land use designation and applying it to the site will be consistent with adding the proposed new PF2 zoning designation to the Zoning Ordinance, and applying it to the site. That response also explains how the proposed new zoning is consistent with the PR General Plan Designation.</p> <p>The addition of Qualified (Q) and Recreation (R) combining zones to the site including over the AE principal zone district will implement the provisions of the PR designation which support natural resource, resource production, agriculture, recreation, public assembly, and education and research uses. While land stewardship uses (i.e., natural resource, resource production, education and agricultural related research) are consistent with the AE Zone, recreational use is not enumerated uses with or without a use permit. The addition of a recreation and qualified combining zones will fulfill the objectives of the project which include allowing some recreational and recreation-supportive activities (e.g., hiking trails and temporary parking for larger group events) to occur on the lands zoned AE.</p> <p>The Q Zone will also implement the Mitigation Monitoring and Reporting Plan (MMRP) of the FEIR and provide a repository of the 54 units to be retained for possible future transfer of development rights. The requirements of the MMRP will be provisions of the Zoning to insure this provision of CEQA is implemented.</p>	

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§312-50 of the Zoning Ordinance	That the proposed zoning change is in the public interest
<p>Evidence Supporting Finding B2</p> <p>The response to Finding A2 above describes how all the proposed Plan amendments are in the public interest. As the proposed zoning amendments are consistent with them, they may also be considered to be in the public interest.</p>	

Finding C: Required for Consistency with Housing Element Densities

Section(s)	Applicable Requirements
Government Code Section 65302.81	Specific findings supported by substantial evidence are required where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
<p>Evidence Supporting Finding C</p> <p>The project site is zoned Agricultural Exclusive, and is not included in the residential land inventory of the Housing Element. Therefore, the project will be consistent with this requirement.</p>	

Finding D: Required Finding for Consistency with the California Environmental Quality Act

Section(s)	Applicable Requirements	Evidence Supporting Finding D
Consistency with the California Environmental Quality Act	The plan is required to be consistent with the California Environmental Quality Act	An EIR has been prepared for the project, and has been considered and found to comply with the requirements of CEQA.