



COUNTY OF HUMBOLDT

For the meeting of: 12/10/2024

File #: 24-1614

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Precision Cannabis Company, LLC Zoning Reclassification Petition to Change the Parcel's Zoning from Unclassified (U) to Agriculture Exclusive (AE); PLN-2021-17549

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the attached resolution (Attachment 1) to take the following action:
 - a) Adopt the findings to support the petition; and
 - b) Approve the petition
2. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: A Diverse, Equitable & Robust Economy

Strategic Plan Category: 2001 - Promote strong economic resiliency and growth

DISCUSSION:

Executive Summary:

The Board of Supervisors is being asked to approve a Zone Reclassification Petition for APN 033-191-007. The petitioners propose changing the parcel's principal zoning designation from Unclassified (U) to Agriculture Exclusive (AE). The property is located a few miles south of Garberville and Benbow in the Twin Trees area, on the west side of Highway 101. The land is largely undeveloped and approximately 19-acres in size. The land use designation is Timberland, and the surrounding zoning is largely Timber Production zone. The purpose of the rezone is to allow cannabis permitting which cannot be permitted under the current zoning. Staff is recommending the Board approve the zoning reclassification petition.

Location

The property is located approximately 0.83 miles north of the intersection of Twin Trees Road and Benbow Drive, on the property known as 705 Twin Trees Drive.

Current Land Use & Zoning

General Plan land use designation:

Timberland (T)

Zoning:

Unclassified (U)

Petition

A Zone Reclassification Petition has been submitted by the owners of APN 033-191-007. The property is located a few miles south of Garberville and Benbow in the Twin Trees area, on the west side of Highway 101. The petitioners are requesting that the Board authorize processing of an amendment to the zoning of the property, which is largely undeveloped and approximately 19-acres in size. The petition proposes to change the principal zoning designation from Unclassified (U) to Agriculture Exclusive (AE).

The change in zoning is requested by the applicant to make it possible for them to seek a permit to use the property for commercial cannabis cultivation. The parcel has a history of cultivation activity visible in satellite photos as early as 2012 and qualified for permitting under the original 2016 commercial cannabis regulations. However, the parcel became ineligible following amendments to the code made in 2018.

The 2018 amendments discourage permitting of cultivation sites in forested settings through prohibitions imposed on timberland conversion and the permitting of new sites or expansion of cultivation on parcels planned for Timberland (T). The amended regulations included exceptions for permitting of existing sites, but imposed a limited timeframe for application, which ended on December 31, 2019. The current owners chose to purchase the property in 2020 with the goal of cleaning it up and potentially resuming operation of the former cultivation site from an existing cleared area on the property. In service of this, they've enrolled the property with the Water Board, pursued permitting with the California Department of Fish & Wildlife, and hired consultants to help prepare technical studies and materials for permitting.

The proposed AE zoning is consistent with the land use designation and matches the planned and current zoning of neighboring lands. It is also a more precise match than the property's current "U" zoning. In the draft zoning changes previously developed to implement the 2017 General Plan, which seeks to rezone all remaining parcels with Unclassified zoning this parcel was identified as going to AE.

Attachment 2 includes the petition submitted by the property owner and Attachment 3 includes a site plan showing the location where a permit for commercial cannabis cultivation is being sought. The area where cultivation is proposed was previously occupied by a residence that was removed from the property in recent years. Photographs included in Attachment 2 show three distinct areas on the property where cultivation was occurring in 2012. No new timberland conversion would be needed to permit cultivation to resume on the property.

The decision to be made at this time is whether the Board will accept the proposed application for processing, review, and consideration. If accepted for processing, further review and more in-depth analysis will be performed by staff prior to next presenting the matter to the Board for consideration.

Requirements for Accepting the Petition:

To accept a petition for amendment of the Zoning, the Board of Supervisors must be able to make the following findings:

- A. The amendment is in the public interest
- B. The amendment is consistent with the County General Plan

- C. The amendment is in conformity with the policies of Chapter 3 (commencing with Section 3200) of the Coastal Act, if applicable
- D. The proposed 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

Discussion of Findings:

The amendment is in the public interest

- A. It is in the public's interest to zone properties consistent with planned land uses established under the General Plan. The petition seeks to amend the zoning of the property from Unclassified to Agriculture Exclusive, which is consistent with the land use designation and matches the planned and current zoning of neighboring lands. It is a more precise match than the current zoning of the property and serves to accelerate draft zoning changes previously developed to implement the 2017 General Plan, which seeks to rezone all remaining parcels with Unclassified zoning.

The amendment is consistent with the County General Plan

- B. The proposed change to AE zoning is consistent with the Timberland (T) land use designation currently applied to the property and matches draft zoning changes shown on mapping developed during the last General Plan Update completed in 2017.

The amendment is in conformity with the policies of Chapter 3 (commencing with Section 3200) of the Coastal Act, if applicable

- C. The property is not located within the Coastal Zone and therefore is not subject to Coastal Act policies

The proposed 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

- D. The proposed change in zoning would not affect residential development potential of the property as no change in density would result and the current and proposed zoning have equal accommodations for residential development.

Staff Recommendation: Accept Petition

For the reasons discussed above, the County Planning and Building Department believes there **is** sufficient evidence to enable the required findings to be made and recommends that the Board accept the petition request.

Not appropriate for next scheduled update:

Staff believe it is appropriate to accept the current petition request at this time and not delay further action on the matter.

SOURCE OF FUNDING:

Applicant fees; deposited to 1100277-608420

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved in the processing of the application.

OTHER AGENCY INVOLVEMENT:

Should a petition be accepted, responsible and trustee state and local agencies will be involved in the referral process of the Reclassification, including Native American Consultation pursuant to SB 18 and AB 52, and as part of the environmental review for the project.

ALTERNATIVES TO STAFF RECOMMENDATION:

Alternative: Deny Petition

If the Board wished to deny the zone reclassification petition it is recommended that any motion to do so include reasons why one or more of the required findings cannot be made. Staff believe the required findings can be made so do not recommend further consideration of this alternative.

ATTACHMENTS:

Attachment 1: Draft Resolution - Approving the Zone Reclassification Petition

Attachment 2: Petition for General Plan Amendment and Zone Reclassification

Attachment 3: Vicinity Map & Site Plan

Attachment 4: Zoning and General Plan Maps

Attachment 5: Zoning Consistency Matrix

PREVIOUS ACTION/REFERRAL:

Meeting of: N/A

File No.: N/A