




COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**C16**

For the meeting of: March 20, 2018

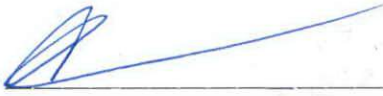
Date: March 1, 2018  
To: Board of Supervisors  
From: John H. Ford, Planning and Building Director   
Subject: Mikal Jakubal Zone Reclassification Petition  
Case Number ZRP-17-006, Assessor Parcel Number 220-251-029  
Briceland Area

RECOMMENDATION(S):

That the Board of Supervisors:

1. Describe the project as part of the consent agenda; and
2. Accept the petition by approving the attached resolution (Attachment 1) based on the findings in the staff report and testimony received about the project; and
3. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

Prepared by \_\_\_\_\_  
Trevor Estlow, Senior Planner

CAO Approval  \_\_\_\_\_

REVIEW: Auditor \_\_\_\_\_ County Counsel NAD Human Resources \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
 Consent  
 Departmental  
 Public Hearing  
 Other \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT  
Upon motion of Supervisor Wilson Seconded by Supervisor Bass  
Ayes Bass, Fennell, Sundberg, Bohn, Wilson  
Nays \_\_\_\_\_  
Abstain \_\_\_\_\_  
Absent \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_  
Meeting of: \_\_\_\_\_

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: 3/20/18  
By:  \_\_\_\_\_  
Kathy Hayes, Clerk of the Board

### SOURCE OF FUNDING:

The source of funding is applicant fees deposited into Planning and Building Department Current Planning Revenue Account (1100-277-608000). Applicant is responsible for all costs associated with processing of the project.

### DISCUSSION:

The Humboldt County Planning and Building Department has received a petition requesting that the Board accept for processing an applicant-initiated Zone Reclassification (Attachment 2). The petition seeks to change the zoning classification for a single parcel of land known as Assessor Parcel Number (APN) 220-251-029 from Neighborhood Commercial (C-1) to Agriculture General (AG). The Zone Reclassification will facilitate use of the site for a commercial cannabis nursery presently not allowed in the C-1 zone.

The project site is in the Briceland area, at the intersection of Briceland Thorn Road and Old Briceland Road on the property known as 6070 Briceland Thorn Road.

The parcel was subject to a previous Zone Reclassification in 1988 that changed the zoning from AG to the current C-1 in order to facilitate the construction of a mini storage unit complex (ZR-12-88, McKee). The mini storage units were never constructed.

Section 312-50.5 of Humboldt County Code specifies that petitions for zoning map amendments shall be 1) in the public interest, and 2) consistent with the General Plan.

#### Public Interest

The C-1 zone that presently applies to the site would allow a nursery as a conditionally permitted use, however, the current Commercial Medical Marijuana Land Use Ordinance (CMMLUO) prohibits this use in the C-1 zone. The current CMMLUO does allow commercial cannabis nurseries in AG zones. Therefore, with the approval of the petition, the application for the Zone Reclassification can be processed concurrently with the nursery application.

It is arguably in the public interest to change the zoning to allow commercial cannabis nursery on a parcel that would otherwise support a non-cannabis nursery as a conditionally permitted use. The zoning change will facilitate the conversion of an existing bamboo nursery to a cannabis nursery with minimal impacts to county roads or other neighboring land uses because the use has been in existence for approximately 15 years. As shown on the aerial map attached to the staff report, the site is centrally located in the town of Briceland.

#### Consistent with the General Plan

Table 4-H of the General Plan shows that the Rural Community Center (RCC) Designation that applies to the subject property is compatible with the AG zone. Accordingly, the AG zone is consistent with the General Plan.

The decision to be made at this time is whether or not the Board will accept the proposed application for processing, review and consideration. If accepted for review and consideration, more in-depth analysis will be performed assessing whether the proposed zoning change is both in the public interest and consistent with the General Plan.

A petition to accept an application for Zone Reclassification is not a project as defined in Section 21065 of the Public Resources Code and is not subject to CEQA.

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. This payment is typical for all individually-initiated plan amendment and zone reclassification applications. The proposed petition supports the Board's Strategic Framework through its core role of creating opportunities for improved safety and health and enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by County Counsel which did not express any concerns with the proposed petition. Should the 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 AB 52, and as part of the environmental review for the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could reject the petition if it believes the required findings cannot be made. Staff believes the necessary findings may be made, so staff does not recommend further consideration of this alternative.

ATTACHMENTS:

- Attachment 1: Resolution No. 18-21
- Attachment 2: Copy of Petition for Rezoning Petition submitted by the applicant August 29, 2017
- Attachment 3: Location Map/Assessor Parcel Map/Zoning Map/Aerial Map

Attachment 1

Resolution No. 18-21

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 20, 2018

RESOLUTION NO. 18-21

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT  
APPROVING THE ZONE RECLASSIFICATION PETITION APPLICATION FOR FILE  
NUMBER APN 220-251-029; CASE NUMBER ZRP-17-006**

**WHEREAS**, Section 312-50.2 of the Humboldt County Code) allows the Board of Supervisors to initiate, grant, deny, or modify proposed amendments to Zoning Regulations; and

**WHEREAS**, Section 312-50.4 Humboldt County Code allows a property owner to petition the Board of Supervisors to initiate a zone reclassification; and

**WHEREAS**, Section 312-50.5.2 Humboldt County Code requires that the petition demonstrate that the change will be in the public interest and consistent with the General Plan; and

**WHEREAS**, the petition to accept an application for zone reclassification is not a project as defined in Section 21065 of the Public Resources Code and is not subject to CEQA.

**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt County Board of Supervisors that the following findings are hereby made:

1. There is factual evidence in support of the petition for zone reclassification; and
2. The petition is in the public interest and is consistent with the General Plan.

**BE IT FURTHER RESOLVED** that based on the above findings, the findings in the staff report, evidence in the file for the project, and public testimony received on the project, the Board of Supervisors accepts the Mikal Jakubal Zone Reclassification Petition as recommended by the Planning and Building Department, Case No. ZRP-17-006; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board is directed to provide notice of this decision to all interested parties.

Dated: March 20, 2018



\_\_\_\_\_  
Ryan Sundberg, Chair  
Humboldt County Board of Supervisors

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of March 20, 2018

RESOLUTION NO. 18-21

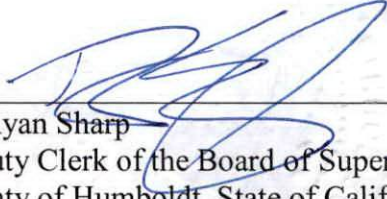
Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors Bohn, Sundberg, Bass, Wilson, Fennell  
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 Ryan Sharp  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California

**Attachment 2**

**Copy of Petition for Rezoning Petition submitted by the applicant August 29, 2017**

Rezone justification

Current and near-future (20 year) economically viable and likely uses of the parcel are more compatible with primary permitted uses of ~~CA~~ <sup>AG</sup> than C1 zoning classification.

Virtually none of the C1 zone uses would ever be viable, though they may have been decades ago when this was zoned. Times have changed and no one is ever likely to stop in Briceland for any neighborhood-commercial type services, preferring to continue five miles to Redway/Garberville. AG gives more flexibility for agricultural use, a residence and the existing nursery.

mikal Jakubal 5/28/17  
APN 220-251-029  
request for rezone

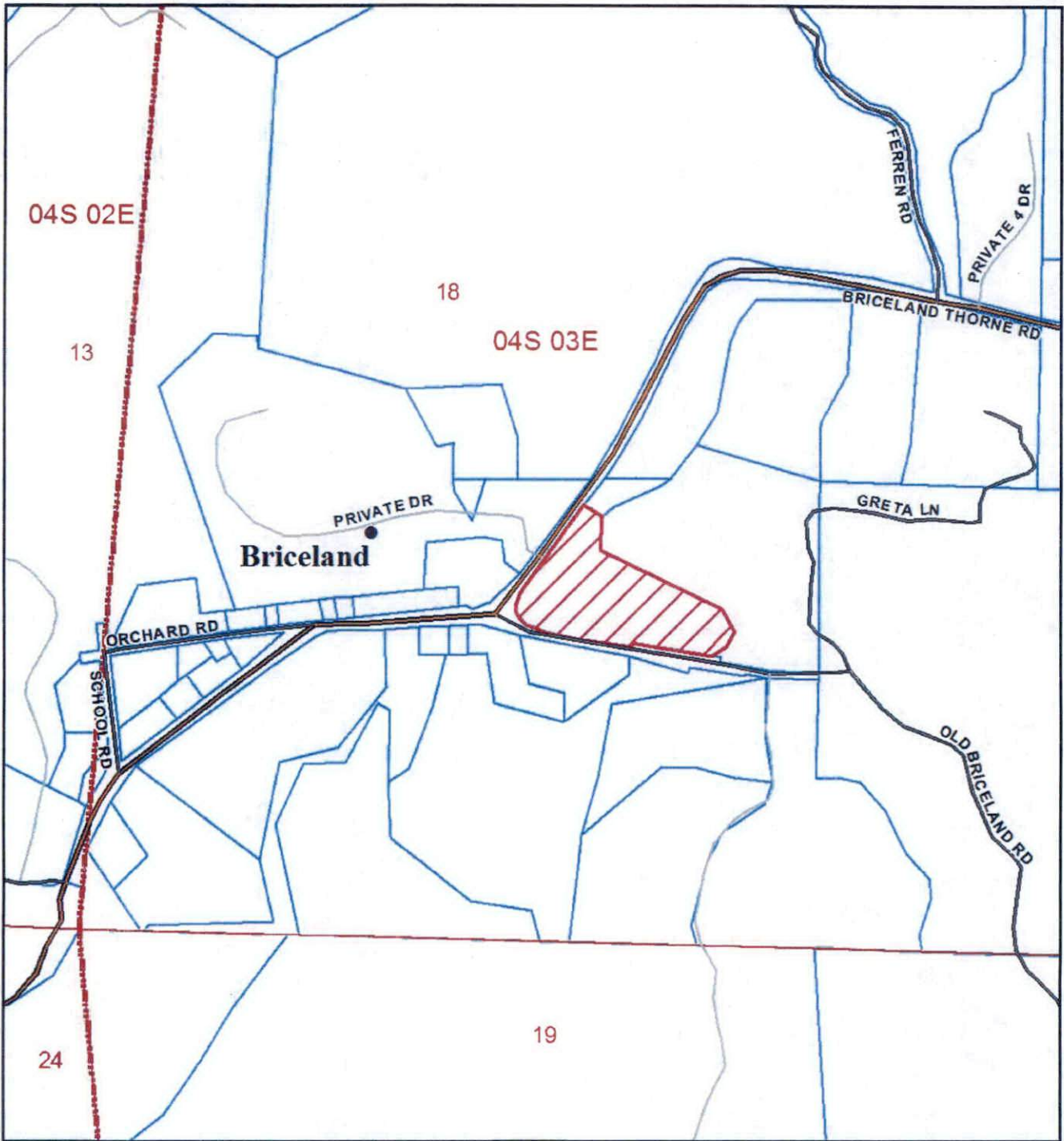


This parcel is NOT on the Cortese/CA SuperFund List.



**Attachment 3**

**Location Map/Assessor Parcel Map/Zoning Map/Aerial Map**

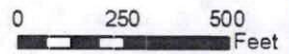


**LOCATION MAP**

**PROPOSED JAKUBAL  
 ZONE RECLASSIFICATION PETITION  
 BRICELAND AREA  
 ZRP-17-006  
 APN: 220-251-029  
 T04S R03E S18 HB&M (Briceland)**

Project Area = 

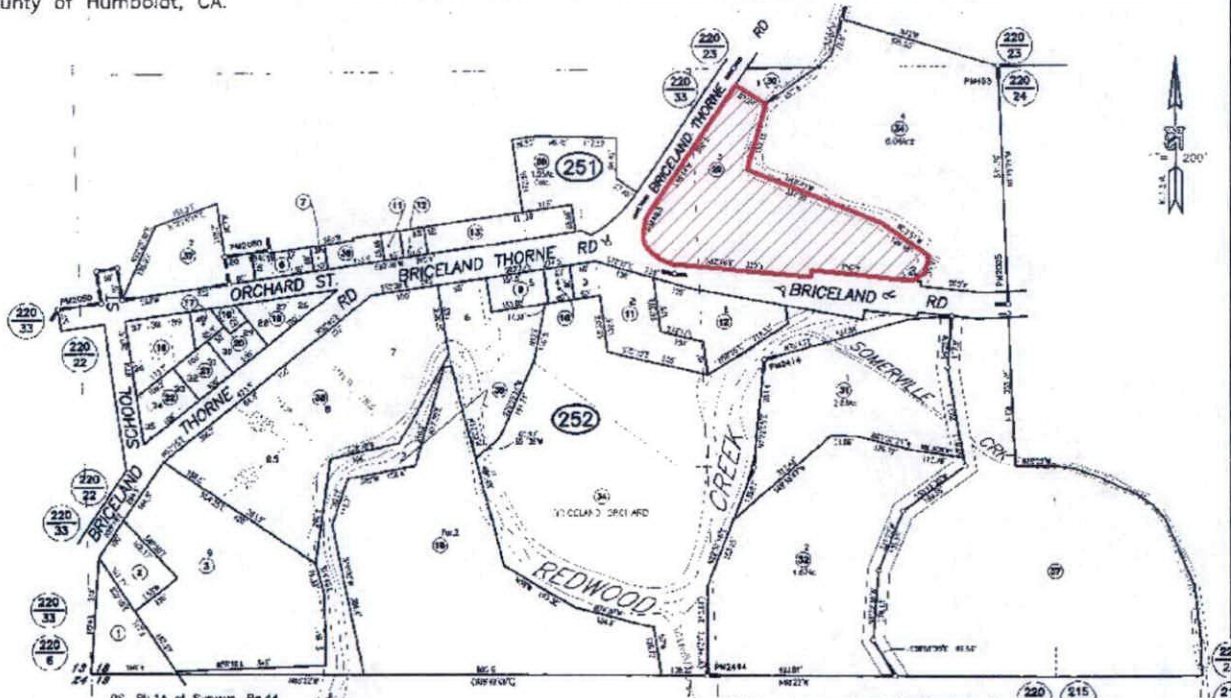
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



Assessor's Map Bk. 220, Pg.25  
County of Humboldt, CA.

PTN. S1/2 of SW1/4 SEC.18, T4S R3E, H.B. & M.

220-25



**ASSESSOR'S PARCEL MAP**  
1. THE MAP AND PARCELS THEREON  
2. THE BOUNDARIES OF THE MAP  
3. THE BOUNDARIES OF THE MAP  
4. THE BOUNDARIES OF THE MAP  
5. THE BOUNDARIES OF THE MAP

RS, Bk.1A of Surveys, Pg.44  
RS, Bk.2A of Surveys, Pg.18  
RS, Bk.3 of Surveys, Pg.35  
RS, Bk.13 of Surveys, Pg.28  
RS, Bk.23 of Surveys, Pg.127  
RS, Bk.24 of Surveys, Pg.117  
RS, Bk.25 of Surveys, Pg.75  
RS, Bk.26 of Surveys, Pg.64

PM63, Bk.1, Pgs.92-94  
FM493, Bk.4, Pg.107  
PM2005, Bk.17, Pgs.121-122 (Per)  
PM2050, Bk.18, Pgs.32-33 (Per)  
PM2414, Bk.21, Pgs.88-89

NOTE - Assessor's Block Numbers Shown in Large Circles  
Assessor's Parcel Numbers Shown in Small Circles

May 29, 2014

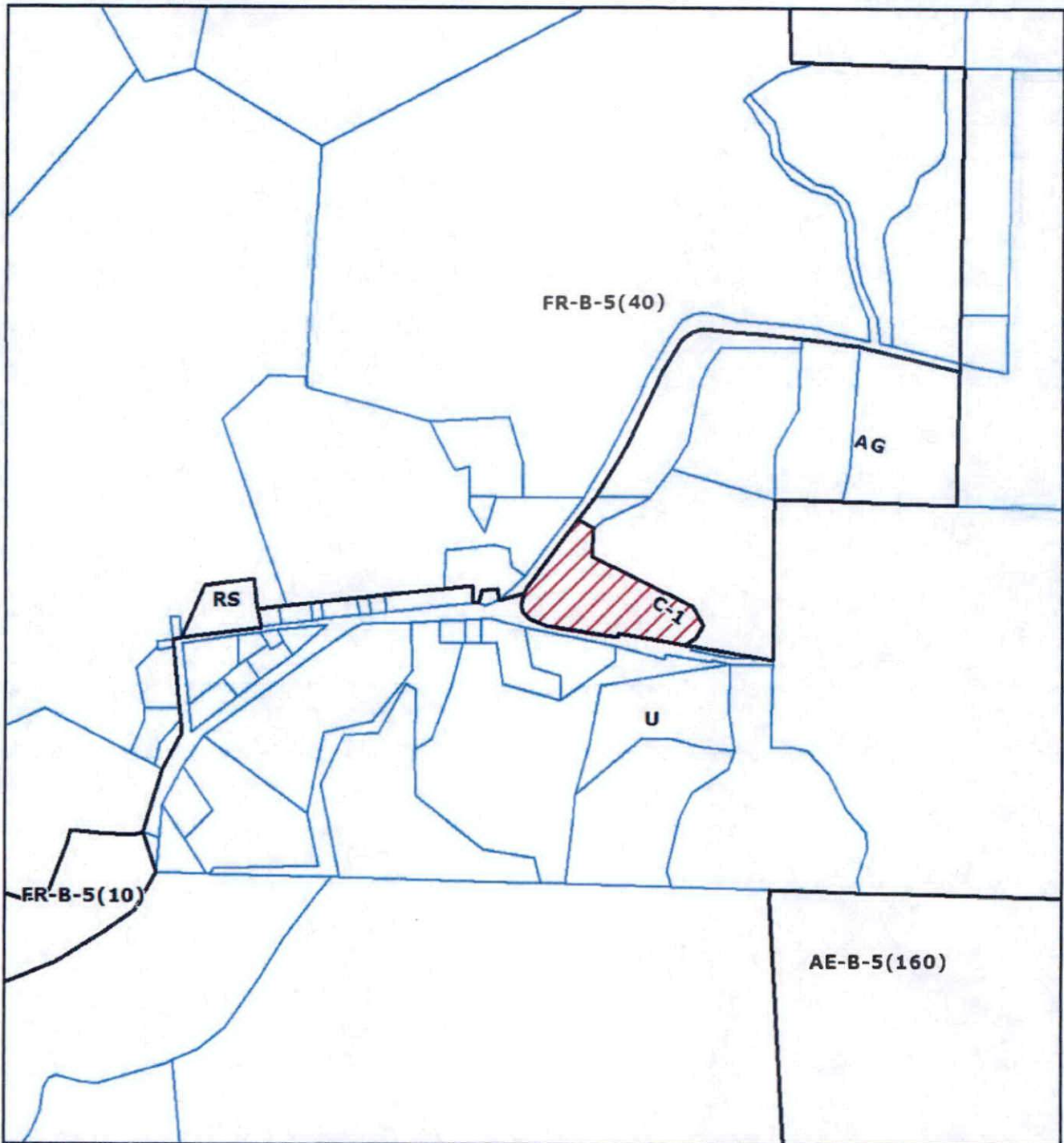


**ASSESSOR PARCEL MAP**  
**PROPOSED JAKUBAL**  
**ZONE RECLASSIFICATION PETITION**  
**BRICELAND AREA**  
**ZRP-17-006**  
**APN: 220-251-029**  
**T04S R03E S18 HB&M (Briceland)**

Project Area =

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**MAP NOT TO SCALE**

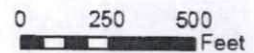


**ZONING MAP**

**PROPOSED JAKUBAL  
 ZONE RECLASSIFICATION PETITION  
 BRICELAND AREA  
 ZRP-17-006  
 APN: 220-251-029  
 T04S R03E S18 HB&M (Briceland)**

**Project Area =** 

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**AERIAL MAP**

**PROPOSED JAKUBAL  
 ZONE RECLASSIFICATION PETITION  
 BRICELAND AREA  
 ZRP-17-006  
 APN: 220-251-029  
 T04S R03E S18 HB&M (Briceland)**

Project Area = 

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0 250 Feet

