

COUNTY OF HUMBOLDT



Hearing Date:	December 13, 2016
To:	Board of Supervisors
From:	John H. Ford, Director, Planning and Building Department
Subject:	 705 101 Properties, LLC General Plan Amendment and Zone Reclassification Application Number 8512 Case Numbers GPA-15-003, ZR-15-003 Assessor Parcel Number 033-271-004 705 US Highway 101, Piercy area

RECOMMENDATIONS:

That the Board of Supervisors:

- 1. Introduce Ordinance No. 2568 (Attachment B) by title and waive further reading.
- 2. Open the public hearing and receive the staff report and public testimony.
- 3. Close the public hearing and deliberate.
- 4. Find the project exempt from further CEQA analysis (CEQA Guidelines Sec. 15061(b)(3)).

Prepared by Trevor Estlow, Senior Planner	CAO Approval
REVIEW:	
Auditor County Counsel Personnel	Risk Manager Other
TYPE OF ITEM: Consent Departmental X Public Hearing Other PREVIOUS ACTION/REFERRAL: Board Order No. L-1 Meeting of: December 9, 2014	BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT Upon motion of Supervisor Fennell Seconded by Supervisor Bohn Ayes Sundberg, Fennell, Lovelace, Bohn Nays Abstain Abstain Absent Bass and carried by those members present, the Board hereby approves the recommended action contained in this Board report. Dated: Dec. 13, 2010 By: Kathy Haves, Clerk of the Board

- 5. Make the necessary findings to approve the General Plan Amendment (Exhibit A to Attachment A) and adopt Resolution No. <u>10-143</u>(Attachment A), amending the Framework General Plan (FRWK) land use map in the Piercy area (GPA-15-003, 705 101 Properties, LLC) from Agriculture Lands (AL40) to Commercial Recreation (CR).
- 5. Make the necessary findings for approving the proposed Zone Reclassification (Exhibit A to Attachment A) and adopt Ordinance No. 2568 (Attachment B) amending Section 311-7 of the Humboldt County Code reclassifying approximately five acres from Unclassified (U) to Community Commercial with a Qualified combining zone (C-2-Q).
- 6. Direct Current Planning Division Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.
- 7. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after adoption of the ordinance by the Board, along with the names of those Supervisors voting for and against the ordinance (Attachment C) and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance.

SOURCE OF FUNDING:

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

DISCUSSION:

The project before the Board is a General Plan Amendment (GPA) and a Zone Reclassification (ZR) of one parcel totaling approximately five acres located in the Piercy area, on the east side of Highway 101, approximately three-fourths of a mile north of the Humboldt-Mendocino County line. The project will change the land use designation from Agriculture Lands (AL40) to Commercial Recreation (CR) and change the zone classification from Unclassified (U) to Community Commercial with a Qualified combining zone (C-2-Q). By precisely zoning the property and adding a Qualified combining zone (Q-zone), it will both allow a variety of principally permitted uses as identified in the C-2 zone as well as insure that any new development will not create visual impacts greater than the impacts caused by uses historically located on the property. This change will better reflect the current uses of the site.

This proposal follows your Board's December 9, 2014 acceptance of the petition to re-designate and rezone the properties. The Humboldt County Planning Commission considered the proposal and held a public hearing on the project at their meeting of November 3, 2016. In a 6-0 vote, the Planning Commission recommended the Board make the necessary findings and approve the amendment and zone reclassification.

Required Findings

To approve the project, the Board of Supervisors must determine that the applicants have submitted evidence in support of making **all** of the following required findings.

Required Findings for General Plan Amendment

Per Sections 65358 and 65359 of the California Government Code, the General Plan may be amended if the following findings are made:

- 1. The amendment is in the public interest; and
- 2. The amendment is consistent with the County General Plan.

Per Section 312-50.3 of the Humboldt County Code Zoning Regulations, *Required Findings for All Amendments*, amendments may be approved only if the following findings are made:

- 1. The amendment is in the public interest;
- 2. The amendment is consistent with the County 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.
- 4. The proposed change is consistent with Section 51120, Rezoning, of the Government Code.

Planning Commission Recommendation: Based on the information contained in the Planning Commission staff report (Attachment D), the Planning Commission recommended that the required findings be made and the proposed General Plan Amendment and Zone Reclassification be approved. Specifically, the Planning Commission found:

- The General Plan Amendment and Zone Reclassification is in the public interest, and is consistent with a comprehensive view of the General Plan; and
- That there is no substantial evidence that the proposed project will have a significant effect on the environment; and
- The findings necessary for approval of the project can be made as indicated in the Planning Commission staff report.

CEQA

A General Plan Amendment and Zone Reclassification is a "project" for the purposes of the California Environmental Quality Act (CEQA). Planning Division staff found the project exempt from environmental review pursuant to Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Staff has conducted an Initial Study and found that the project as proposed will not have the potential for causing a significant effect on the environment.

Staff Recommendation

Planning staff supports the project because the required findings can be made. Both the General Plan Amendment and Zone Reclassification are in the public interest; the amendments reflect the change in base information and physical conditions due to the site being utilized as the One Log House – a tourist destination. The amendments, as supported by planning staff, are consistent with Plan policies and with the development capabilities of the property.

Based on the on site inspection, a review of Current Planning Division reference sources and comments from all involved referral agencies, Current Planning Staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the

project. The Humboldt County Planning Commission concurred at their meeting of November 3, 2016 when they adopted Resolution No. 16-44 (Attachment E) unanimously recommending approval of the project.

FINANCIAL IMPACT:

There will be no impact to the General Fund as the applicant is responsible for all costs associated with the processing of the project.

BOARD'S STRATEGIC FRAMEWORK:

The General Plan Amendment and Zone Reclassification supports the Board's Strategic Framework through its core role of supporting business, workforce development and creation of private sector jobs.

OTHER AGENCY INVOLVEMENT:

Current Planning Staff referred the proposed General Plan Amendment and Zone Reclassification to numerous agencies for comments and recommendations. All responding agencies have either recommended approval or conditional approval of the project. In addition, pursuant to SB 18 (California Government Code Section 65352.3), notice was sent on May 26, 2016 to potentially affected tribes to request consultation regarding the proposed General Plan Amendment. As of August 24, 2016 (90 day timeframe), no tribe requested a consultation.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board may choose not to approve the project. Staff does not recommend this alternative. Staff believes that satisfactory evidence has been provided in the project record to support making the required findings.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

Attachment A:	Resolution No. 16-143
Attachment B:	Ordinance No. 2510, Exhibit A (map), Exhibit B (legal description) Exhibit A: Map Exhibit B: Legal Description
Attachment C:	Post-Adoption Summary of Ordinance Exhibit A: Map
Attachment D:	Copy of Planning Commission Staff Report for November 3, 2016
Attachment E:	Planning Commission Resolution No. 16-44

ATTACHMENT A

Resolution No. 16-143

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA Certified copy of portion of proceedings, Meeting of December 13, 2016

RESOLUTION NO. 16-143

RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVE THE AMENDMENT OF THE HUMBOLDT COUNTY GENERAL PLAN (FRAMEWORK GENERAL PLAN) BY AMENDING PROPERTY IN THE PIERCY AREA FROM AGRICULTURE LANDS (AL40) TO COMMERCIAL RECREATION (CR) AND REZONING PROPERTY IN THE PIERCY AREA FROM UNCLASSIFIED (U) TO COMMUNITY COMMERCIAL WITH A QUALIFIED COMBINING ZONE (C-2-Q); CASE NUMBERS GPA-15-003, ZR-15-003 (705 101 PROPERTIES, LLC); ASSESSOR PARCEL NUMBER: 033-271-004

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

WHEREAS, 705 101 Properties, LLC submitted an application and evidence in support of approving the General Plan Amendment and Zone Reclassification application; and

WHEREAS, the proposed General Plan Amendment and Zone Reclassification; that is, to re-designate lands from Agriculture Lands (AL40) to Commercial Recreation (CR) and to rezone lands from Unclassified (U) to Community Commercial with a Qualified combining zone (C-2-Q), 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, the Planning Division, as the Lead Department pursuant to Section 202 of Resolution No. 77-29, found the project categorically exempt per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and has determined that the project, as proposed, mitigated and conditioned, will not have a significant effect on the environment; and

WHEREAS, Attachment 2 of Attachment D in the staff report to the Planning Commission includes evidence in support of making all of the required findings for approving the proposed General Plan Amendment and Zone Reclassification application for Case Nos.: GPA-15-003, ZR-15-003; and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on November 3, 2016; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 13, 2016

RESOLUTION NO. 16-143

WHEREAS, at their November 3, 2016 meeting, the Planning Commission recommended the Board make the necessary findings and approve the General Plan Amendment and Zone Reclassification.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors, based on Planning and Building Department - Planning Division staff reports, supplemental reports, testimony presented at the public hearing, and having considered the recommendation of the Planning Commission, that the Board:

- 1. Find the project exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
- 2. Make the findings for the General Plan Amendment and Zone Reclassification as detailed in Exhibit A to this Resolution based on the submitted evidence; and
- Approve the General Plan Amendment and Zone Reclassification as recommended by the Planning Commission at their November 3, 2016 meeting for Case Nos.: GPA-15-003, ZR-15-003; and
- 4. Adopt the Ordinance amending Section 311-7 of the Humboldt County Code to rezone property in the Piercy area from Unclassified (U) to Community Commercial with a Qualified combining zone (C-2-Q) in conformance with the mapping prepared for ZR-15-003 (705 101 Properties, LLC).

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

- 1. The General Plan designation for the subject property in the Framework General Plan be amended from Agriculture Lands (AL40) to Commercial Recreation (CR); and
- 2. The Zone District for the subject property be amended from Unclassified (U) to Community Commercial with a Qualified combining zone (C-2-Q); and
- 3. Current Planning Division Staff is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
- 4. 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; and
- 5. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

Dated: December 13, 2016

MARK LOVELACE, Chair Humboldt County Board of Supervisors

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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RESOLUTION NO. 16-143

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

AYES:SupervisorsSundberg, Fennell, Lovelace, BohnNAYS:Supervisors--ABSENT:SupervisorsBassABSTAIN: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

EXHIBIT A

Findings for General Plan and Zoning Amendments

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B.1 The project is in the public interest: The site has been developed with commercial and residential uses for many years. The change to a more precise plan designation and zone will allow additional principally permitted uses. Previously, the Unclassified zone required a Conditional Use Permit for any use other than single family residential and general agriculture. By precisely zoning the property, it will allow for the expansion of business opportunities, additional sales tax revenue, and the potential to create additional jobs.

B.2. The project is consistent with the General Plan: The following table identifies the evidence which supports finding that the proposed project is in conformance with all applicable policies and standards in Chapter 2-4 of the Framework Plan (FRWK).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Proposed Land Use: Commercial Recreation	Primary and Compatible uses: visitor serving facilities, transient habitation, bed and breakfast establishment; commercial recreation, recreational vehicle park, private recreation, retail sales, retail service, neighborhood commercial, cottage industry, research/light manufacturing, serving as visitor destination points such as cheese factories, wineries, and burl works; residential use subordinate to the permitted use.	The approximately five acre site is currently developed with commercial/retail development, including the "One-Log House" and storage units as well as three residential units. The project will better reflect the current use of the property. This use is consistent with the proposed Commercial Recreation plan designation. The parcel is served with on-site water and an on-site sewage disposal system.
Hazards: §3100	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	The parcel is located in the rural area of Piercy, along State Highway 101, just north of the Humboldt-Mendocino County line. The parcel is located in an area with a soils rating of moderate instability. The property is located within Flood Zone "C", areas outside the 100 year Flood Zone. The parcel has a high fire hazard rating and is outside of a fire protection district.
Archaeological & Paleontological Resources §3500	New development shall protect cultural, archaeological and paleontological resources.	Pursuant to SB 18 (California Government Code Section 65352.3), notice was sent on May 26, 2016 to potentially affected tribes to request consultation regarding the proposed General Plan Amendment. As of August 24, 2016 (90 day timeframe), no tribe requested a consultation. The Tribal Historic Preservation Officer (THPO) from the Bear River Band of the Rohnerville Rancheria did respond and did not request consultation or require further study. Nonetheless, the standard condition regarding inadvertent discovery will be included in the conditions of approval.

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Resource Protection §3400	To protect designated sensitive and critical resource habitats.	The site is relatively flat and developed with commercial and residential uses. The South Fork Eel River is located approximately 200 feet to the east at the closest point. Any new development will be required to comply with the County's Streamside Management Area Ordinance (SMAO). There was no sensitive habitat identified on site. The project was referred to the California Department of Fish and Wildlife, however, they did not respond with any concerns.
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B.3. Impact on Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

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Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 and 322- 3.1 Housing Element Densities	The proposed development 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 (the mid point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element arc 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.	The proposed project is sited on lands historically utilized for commercial and residential uses. The parcel was not utilized by the Department of Housing and Community Development in determining compliance with housing element law. Nonetheless, the parcel provides three dwelling units that will remain.

ATTACHMENT B

Ordinance No. 2568 Amending Section 311-7 of the Humboldt County Code by Rezoning Property in the Alton Area

Map Legal Description Exhibit A: Exhibit B:

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA Certified copy of portion of proceedings, Meeting of December 13, 2016

ORDINANCE AMENDING SECTION 311 -7 OF THE HUMBOLDT COUNTY CODE BY REZONING PROPERTY IN THE PIERCY AREA [ZR-15-003 (705 101 PROPERTIES, LLC)]

ORDINANCE NO. 2568

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. ZONE AMENDMENT. Section 311 -7 of the Humboldt County Code is hereby amended by reclassifying lands in the Piercy area from Unclassified (U) to Community Commercial with a Qualified combining zone (C-2-Q). The area described is also shown on the Humboldt County zoning map Q-50 and on the map attached as Exhibit B.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from "U" to "C-2-Q" (described in Exhibit A), in accordance with Humboldt County Code Section 314-32, which authorizes restriction of the C-2 zone regulations by application of the "Q" (Qualified Combining Zone).

SECTION 3. PURPOSE OF QUALIFICATIONS. The purposes of the special restrictions and regulations herein imposed on the property described in Exhibit A are to identify and restrict principally and conditionally permitted uses to those that are consistent with a General Plan designation of Commercial Recreation (CR) and which have no impacts to visual resources that are greater than the impacts caused by uses historically located on the property.

SECTION 4. SPECIAL USE RESTRICTIONS. Principal permitted uses and conditionally permitted uses otherwise allowed under the C-2 (Community Commercial) Zone regulations of Humboldt County Code Section 314-6.5 shall not be allowed on the property described in Exhibit A except as provided for below:

(a) Principal Permitted Uses:

Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries. Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use.

(b) Uses permitted with a Special Permit:

Apartments on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the C-2 Zone, as well as transitional housing, and emergency shelters.

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ORDINANCE NO. 2568

(c) Uses permitted with a Use Permit:

Dwellings, hotels, motels, boarding and rooming houses and manufactured home parks. Small animal hospitals completely enclosed within a building. Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, storage warehouses, carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair.

SECTION 5. SPECIAL- VISUAL RESOURCE RESTRICTIONS. Development shall adhere to the following addition development restrictions:

- (a) Visual buffering to maintain or enhance views from Highway 101 of a vegetated corridor is to be provided with new development to the extent feasible.
- (b) Development projects will limit the loss of permeability on-site to the greatest extent feasible and retain as much existing vegetation as possible, especially large trees.
- (c) Off-site signs (that is, signs not appurtenant to a permitted use) are prohibited.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this 13th day of December, 2016 on the following vote,to wit:AYES:SupervisorsSupervisorsSundberg, Fennell, Lovelace, BohnNOES:SupervisorsABSENT:SupervisorsBass

MARK LOVELACE, Chair Board of Supervisors of the County of Humboldt, State of California

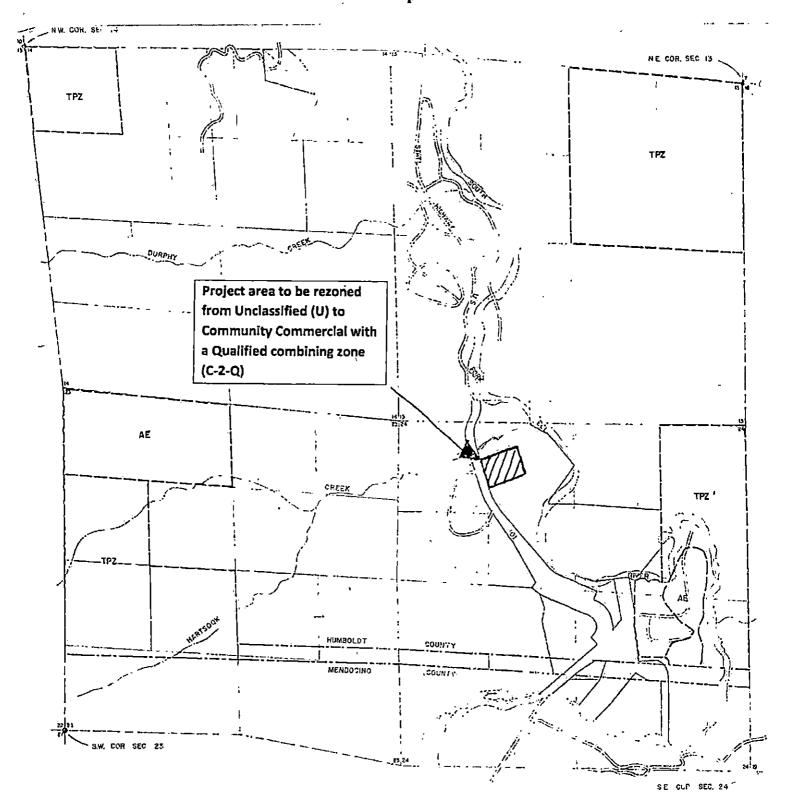
(SEAL)

ATTEST: Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California By:

Ana Hartwell, Deputy

ATTACHMENT B, EXHIBIT A

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Legal Description

THE REAL PROPERTY SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

PARCEL ONE

That portion of the North half of the Northwest Quarter of Section 24, Township 5 South, Range 3 East, Humboldt Meridian described as follows:

BEGINNING at a point on the Easterly line of the California State Highway (101) easement, approximately Station A 45, located approximately 36 feet South of concrete culvert in Hartsook Creek, and upon the Southeast boundary line of the Hartsook Inn Land, otherwise defined at the point of intersection of the Southeast boundary of the Hartsook Inn Land and the Easterly line of the California State Highway (101) easement; thence in a straight line, perpendicular to the center line of said Highway 101 to said

centerline:

thence South 15 degrees 58 minutes 30 seconds East along the centerline of said highway 187.32 feet to the Southwest corner of the land conveyed to Hartsook Enterprises, a California corporation, by Deed recorded February 13, 1962, under Recorder's Serial No. 2667 in the Office of the County Recorder of said county and the true point of beginning, together with an casement;

thence along the South line of said Hartsook Enterprises Land, North 66 degrees East to the East line of said state highway;

thence along said South line and the Easterly prolongation thereof North 66 degrees East, 550 feet;

thence South 15 degrees 58 minutes 30 seconds East 400 feet;

thence South 66 degrees West to the centerline of said state highway;

thence along said centerline North 15 degrees 58 minutes 30 seconds West, 400 feet to the true point of beginning.

ATTACHMENT C

Post- Adoption Summary of Ordinance

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Exhibit A: Map

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GPA 15-003 705 101 Properties. LLC 8512

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POST-ADOPTION SUMMARY OF ORDINANCE

(For publication after adoption)

On December 12, 2016, the Humboldt County Board of Supervisors adopted Ordinance No. <u>2508</u>, which amends the zoning of property in the Piercy area known as APN 033-271-004 by rezoning these lands out of Unclassified (U) to Community Commercial with a Qualified combining zone (C-2-Q). The new zone will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

ATTACHMENT C, EXHIBIT A

Map

