



COUNTY OF HUMBOLDT


AGENDA ITEM NO.

C17

For the meeting of: December 12, 2017

Date: November 20, 2017

To: Board of Supervisors

From: John H. Ford, Planning and Building Director 

Subject: David Bushnell Zone Reclassification Petition
 Application Number 13669, Case Number ZRP-17-003
 Assessor Parcel Numbers 222-156-020, 222-231-012
 Garberville 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 _____
Cliff Johnson, Senior Planner

CAO Approval  _____

REVIEW:
 Auditor _____ County Counsel MAD 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 Sundberg
 Ayes Sundberg, Fennell, Bass, 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: 12/12/17
 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) in order to facilitate a lot line adjustment between two parcels. The property owners seek to change the zoning classification for two parcels as described herein.

Assessor Parcel Number (APN) 223-231-012 is proposed to be changed from Agricultural Exclusive with a Special Building Site combining zone specifying a minimum parcel size of 160 acres (AE-B-5(160)) to a combination of Agricultural General with a Special Building Site combining zone specifying a minimum parcel size of 5 acres (AG-B-5(5)) and Agricultural General with a Special Building Site combining zone specifying a minimum parcel size of ten acres (AG-B-5(10)).

APN 222-156-020 is proposed to be changed from Agricultural General with a combining zone specifying a minimum parcel size as shown on the subdivision map of record (AG-B-6) to Agricultural General with a Special Building Site combining zone specifying a minimum parcel size of ten acres (AG-B-5(10)).

The intention being that after the eventual lot line adjustment, one parcel will be entirely zoned AG-B-5(5) and one parcel will be zoned entirely AG-B-5(10). The petition was filed by the property owners and includes information meeting the requirements per Section 312-50.5. The petition states that the 1987 Environmental Impact Report (EIR) for the Garberville, Redway, Benbow, Alderpoint Area Plan directed the 160 acre minimum zoning to apply to the property as a result of the limited access to the property, and that year round access is now provided as a result of the construction of the Bear Canyon Bridge. Staff's analysis of the history of the zoning of the property indicates that the 160 acre minimum zoning was applied in 1977 under Ordinance No. 1119 and therefore pre-dates the 1987 EIR. The 1987 EIR does not include this property in the area shown to have access issues necessitating the prohibition on rezoning. Nonetheless, the improvement in access to the property as a result of the construction of the Bear Canyon Bridge is a substantial change to the property that justifies a re-examination of the zoning designation.

The project site is located in Humboldt County in the Garberville area, approximately 1,500 feet north from the intersection of Old Briceland Road and Connick Creek Road, in the north half of Section 26, Township 4 South, Range 3 East.

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 properties are located just north of the Garberville airport, and portions of the properties are within the A, B and C Airport Land Use Plan Compatibility Zones. The proposed new boundary between the two parcels would be along the Airport Land Use Compatibility Zone boundary of B and C, and the proposed zone boundary between the AG-B-5(5) and AG-B-5(10) zones would similarly follow the line between the

Airport Land Use Compatibility Zones B and C. Airport Land Use Compatibility Zone A is the runway protection zone that requires a maximum density of 0 dwelling units per acre, Airport Land Use Compatibility Zone B is the approach and departure zone that requires a maximum density of 0.1 dwelling unit per acre, and Airport Land Use Compatibility Zone C is the common traffic pattern zone that requires a maximum density of 4 dwelling units per acre. The proposed zoning of all the area in the Airport Land Use Compatibility Zone B with a minimum parcel size of 10 acres will prevent any further development of the land and resultant adjusted parcel, whereas the zoning of the land within Airport Land Use Compatibility Zone C as having a minimum parcel size of 5 acres will allow for additional residential development that is consistent with both the General Plan and the Airport Land Use Compatibility Plan. The proposed zoning is more consistent with the current general plan designation than is the existing AE-B5 (160) zoning, and ensuring this consistency is in the public interest.

Consistent with the General Plan

Table 4-H of the General Plan shows that the Residential Agriculture (RA) Designation that applies to the subject property is compatible with the AG zone, provided that combining zone density/minimum lot size designations are consistent with General plan policies and standards. Accordingly, the AG-B-5(5) and AG-B-5(10) zones are consistent with the General Plan. The current 160 acre minimum agricultural zoning pre-dates the adoption of the Garberville, Redway, Benbow, Alderpoint Area Plan and the adoption of the 2017 Humboldt County General Plan, both of which specified an appropriate density range of 5-20 acres for this area. The requested change would bring the zoning of the property more into conformance with the adopted 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 though 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 and Public Works, neither of which expressed concern 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. 17-108
- Attachment 2: Copy of Petition for Rezoning submitted by the applicant July 19, 2017
- Attachment 3: Aerial Zoning Map/Location Map/Land Use Map/Assessor Parcel Map.

Attachment 1

Resolution No. 17-108

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of December 12, 2017

RESOLUTION NO. 17-108

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
APPROVING THE ZONE RECLASSIFICATION PETITION APPLICATION FOR FILE
NUMBER APNS 222-156-020, 222-231-012; CASE NUMBER ZRP-17-003**

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.
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 David Bushnell Zone Reclassification Petition as recommended by the Planning and Building Department, Case No. ZRP-17-003; and

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 12, 2017

RESOLUTION NO. 17-108

Dated: December 12, 2017



Virginia Bass, Chair
Humboldt County Board of Supervisors

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

AYES:	Supervisors	Bohn, Fennell, Bass, Wilson, Sundberg
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 June 27, 2017

June 21, 2017

Cliff Johnson
County of Humboldt Planning and Building Department
3015 "H" Street
Eureka, CA. 95501

Subject: Bushnell Proposed Lot Line Adjustment & Zone Reclassification
APN's: 223-231-012 & 222-156-020

Dear Cliff:

David and Michelle Bushnell requested that I assist them regarding the proposed lot line adjustment Mr. Bushnell recently discussed with you. As you know the Bushnell's neighbor, Young Jacobson, would like to purchase 10+/- acres adjoining his parcel (APN 222-156-020) through a lot line adjustment process. The Bushnell parcel is zoned AE-B-5(160) and the Jacobson parcel is zoned AG-B-6. In order to facilitate the lot line adjustment, we are requesting that the 10+/- acres being adjusted to the Jacobson parcel be rezoned to AG-B-6 and the remainder of the Bushnell parcel be rezoned from AE-B-5(160) to AG-B-5(5).

Section 312.50.3.1 of the County Zoning Regulations allows zoning designation amendments if the amendment is in the public interest and consistent with the General Plan. The land use designation of both the parcels is Agriculture Rural, with a density range of five (5) to twenty (20) acres per dwelling unit (AR 5-20). According to the 1987 Garberville, Redway, Alderpoint, Benbow (GRAB) Community Plan and Environmental Impact Report (EIR), the AE-B-5(160) designation was applied to the area due to limited access to the area. Section 4200.3 of the Community Plan states:

"West of River Area is not to be rezoned to accommodate additional rural residential development until an adequate year-round road system can be provided."

Both the Bushnell and Jacobson parcels are west of the river. In 2009 we contacted the Planning Department (Tom Hofweber) to inquire about the possibility of subdividing the Bushnell parcel. According to Mr. Hofweber the AE zoning was applied in 1987 as part of the GRAB Community Plan and was considered a "holding" designation until a year-round secondary emergency access is established. With the construction of the Bear Canyon Bridge, year round emergency access is now available. The prior bridge was a low water bridge that was not passable during high water storm events.

The Jacobson parcel was rezoned in 1994 from AE-B-5(160) to AG-B-6 as part of the Terry zone reclassification, subdivision and lot line adjustment (Case No's. ZR-09-912, FMS-08-912 and LLA-34-912). Section 2500.5 of the Community Plan called for the development of the flat north of Connick Creek be clustered, which Mr. Terry proposed. At the time the public interest

finding was based on the new Bear Canyon Bridge, the need for additional housing in the area and a new bridge over Connick Creek, which was a condition of approval.

We believe rezoning the area to be adjusted to Jacobson AG-B-6 is in the public interest in that it facilitates a lot line adjustment that (1) topographically makes sense to add the area to the Jacobson parcel; and (2) reduces the possibility of constructing a residence in the Airport Zone A or B via a ministerial building permit.

We also believe that rezoning the remainder of the Bushnell Parcel to AG-B-5(5) is also in the public interest because (1) it is consistent with the planned density of the area; (2) it is consistent with Section 4200.3 of the Community Plan; and (3) it could lead to additional housing in the area, which is desperately needed.

Furthermore, we believe our request is consistent with the Common Sense Policy of the General Plan, Section 1441. Below is a copy:

1441 Common Sense

The principal rule to be followed is one of common sense. Taking a comprehensive view of all relevant plan policies, the result must further the intent of these policies, in a practical, workable, and sound manner. Unusual, awkward, and strained solutions are not intended by the plan and should be avoided. However, new concepts of development which serve community and individual needs should be supported in implementing the General Plan. The General Plan should be interpreted in a common sense manner to encourage reasonable development which can meet these needs with minimal impacts on the environment and demands on public services.

I hope the information contained herein will allow the Department to schedule the project for the Board's consideration. If you have any questions or need additional information, please do not hesitate to contact me.

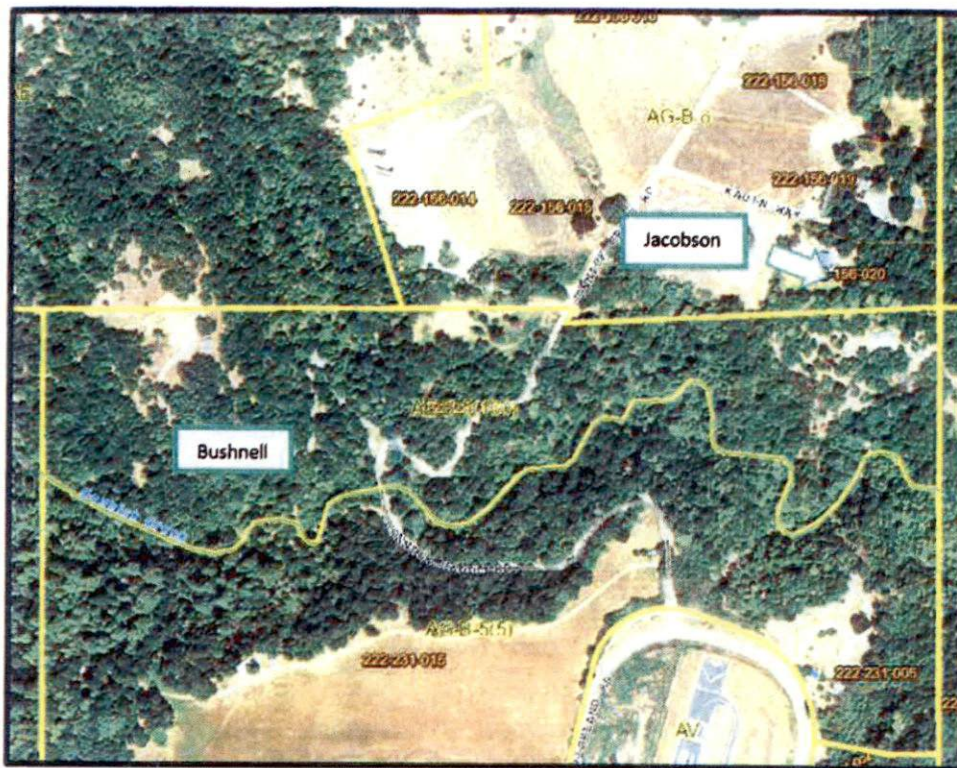
Sincerely,



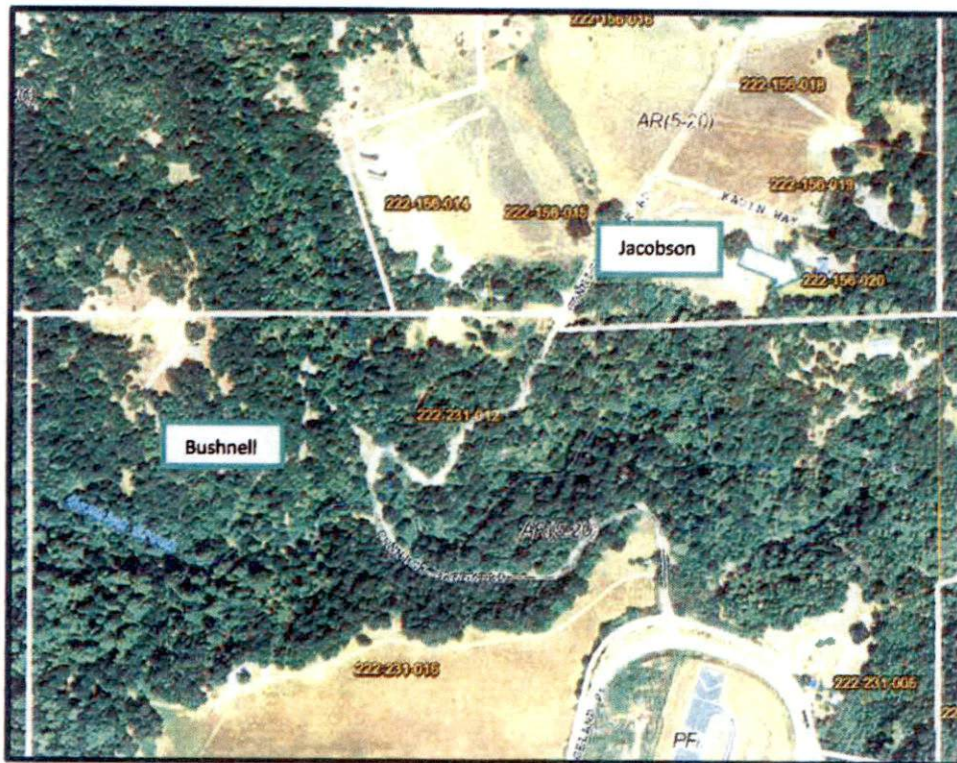
Kevin Caldwell

Enclosures

Copy:
David & Michelle Bushnell



Zoning Map
 Jacobson AG-B-6; Bushnell: AE-B-5(160)

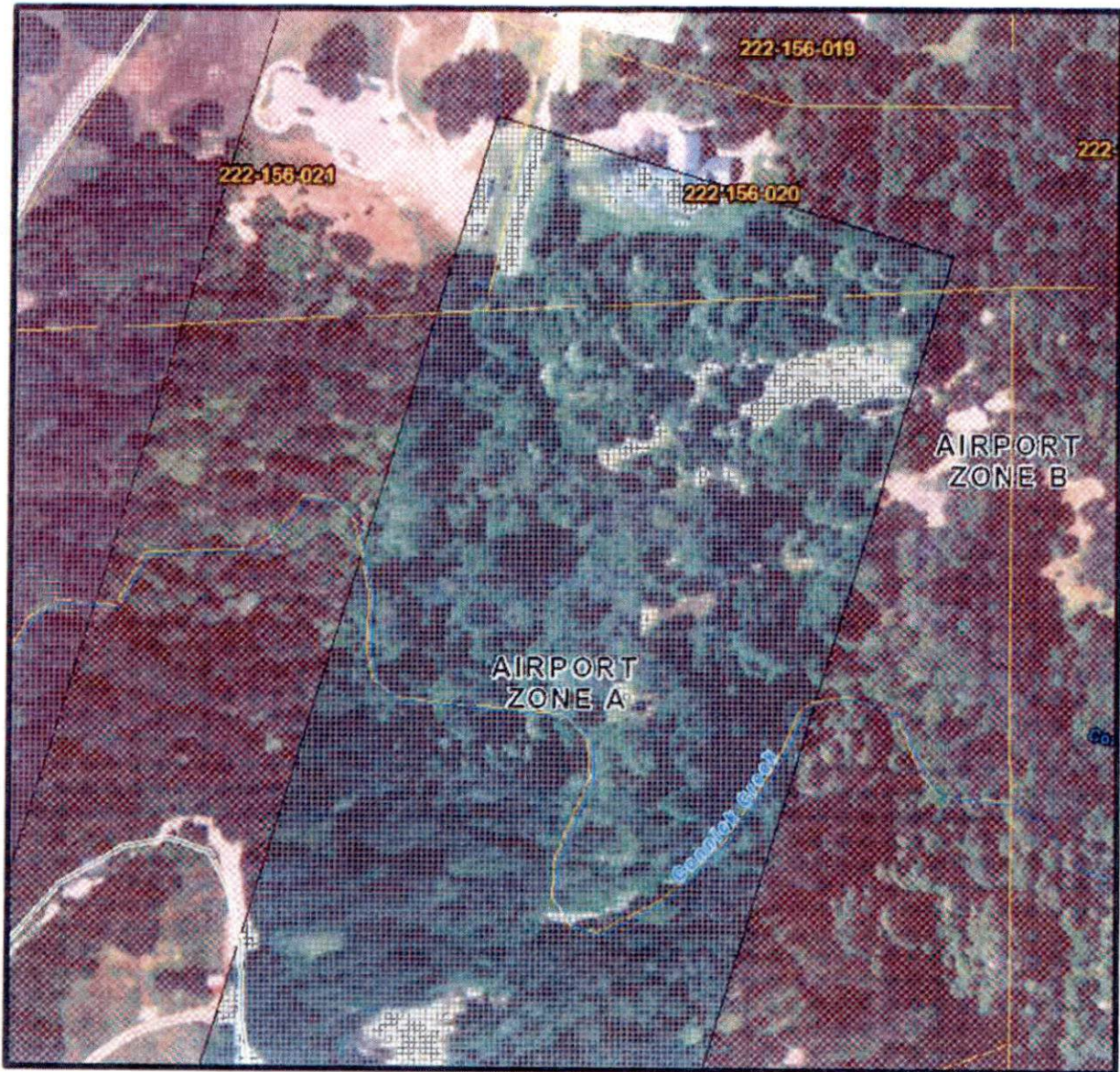


General Plan Designations
 AR (5-20)



Bushnell/Jacobson Lot Line Adjustment and Zone Reclassification

Project Description: An application for a lot line adjustment between APN 222-231-012 (Bushnell) and APN 222-156-020 (Jacobson) adjusting approximately 10 acres from APN 222-231-012 to APN 222-156-020. The Bushnell parcel is currently 31.61 GIS acres and the Jacobson parcel is currently 4.40 GIS acres. The resulting Bushnell parcel will be about 21.61 acres and the resulting Jacobson parcel will be about 14.40 acres. The area proposed to be adjusted to Jacobson is proposed to be rezoned from AE-B-5(160) to AG-B-6, which is the current zoning designation of the Jacobson parcel.



Airport Land Use Compatibility Zone

Attachment 3

Aerial Zoning Map/Location Map/Zoning Map



AERIAL MAP

**PROPOSED BUSHNELL
ZONE RECLASSIFICATION PETITION
GARBERVILLE AREA
ZRP-17-003**

**APN: 222-231-012, 222-156-020
T04S R03E S23,26 HB&M (Garberville)**

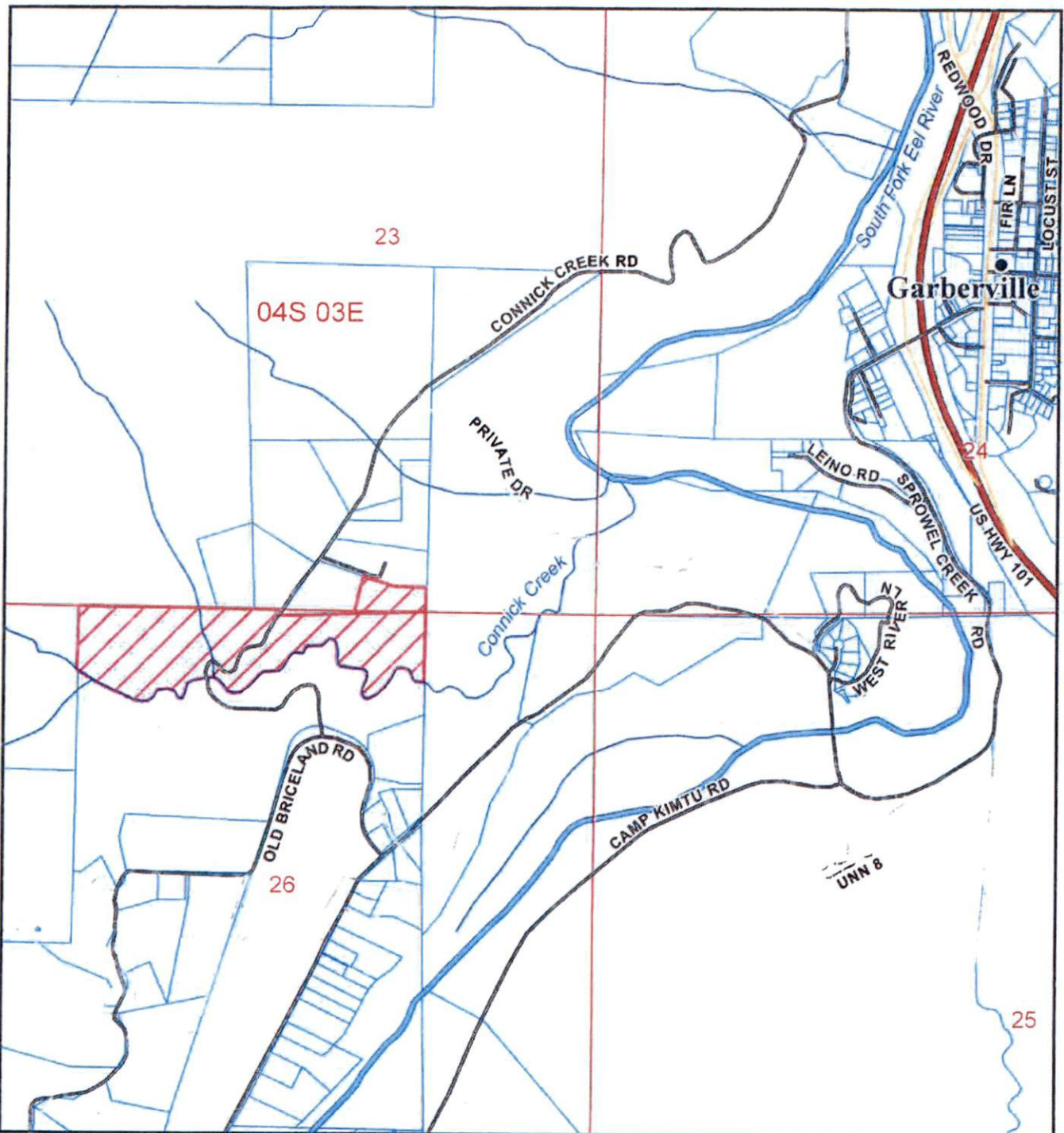
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0 250
Feet



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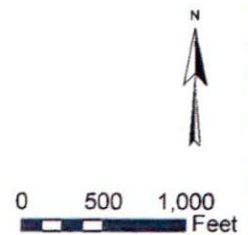


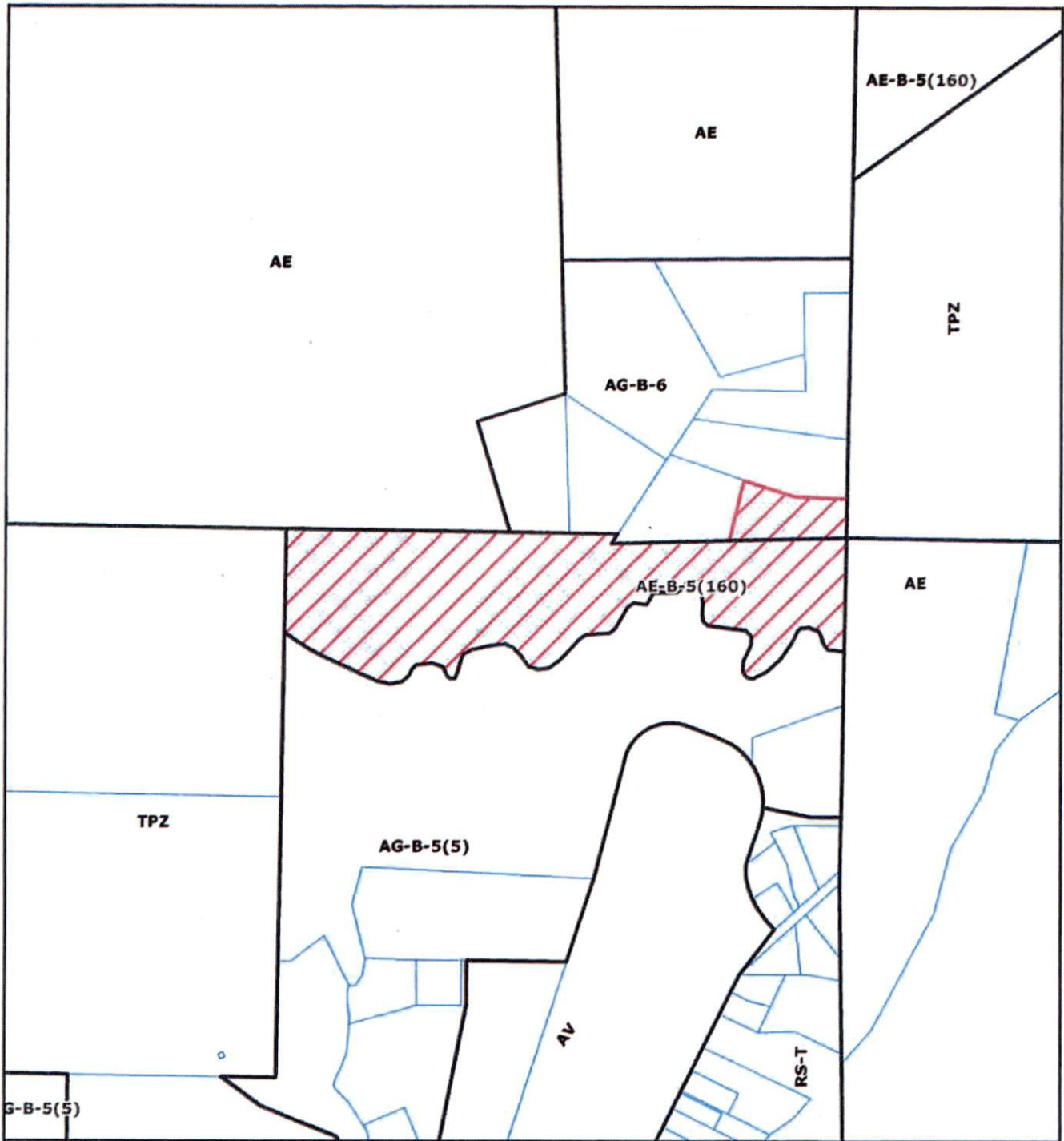
LOCATION MAP

**PROPOSED BUSHNELL
 ZONE RECLASSIFICATION PETITION
 GARBERVILLE AREA
 ZRP-17-003
 APN: 222-231-012, 222-156-020
 T04S R03E S23,26 HB&M (Garberville)**

Project Area = 

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ZONING MAP

**PROPOSED BUSHNELL
ZONE RECLASSIFICATION PETITION
GARBERVILLE AREA**

ZRP-17-003

APN: 222-231-012, 222-156-020

T04S R03E S23,26 HB&M (Garberville)

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.

