




AGENDA ITEM NO.  
**J2**

# COUNTY OF HUMBOLDT

Meeting Date: February 13, 2018

To: Board of Supervisors

From: John H. Ford, Director of Planning and Building 

Subject: West River Lane Group Zone Reclassification  
 Assessor Parcel Number: 077-331-032  
 Application Number: 13421; Case Number ZR-17-002  
 Redway area

## RECOMMENDATIONS

That the Board of Supervisors:

1. Introduce the proposed Ordinance by title and waive further reading of Ordinance No. 2592 (Attachment 2) amending Section 311-7 of the Humboldt County Code – the Zoning Ordinance by rezoning Assessor Parcel Number 077-331-032 from CH - Highway Service Commercial to Qualified C-2 - Community Commercial as shown on the attached map; and
2. Open the public hearing, receive and consider the staff report, the Planning Commission's findings and accept public comment; and
3. Close the public hearing; and
4. Approve Resolution No. 18-07 (Attachment 1), a Resolution of the Board of Supervisors of the County of Humboldt making the necessary findings to reclassify the zoning for the subject property. and

Prepared by \_\_\_\_\_  
Michael Richardson, Supervising Planner

CAO Approval 

REVIEW:	Auditor _____	County Counsel <u>JRS</u>	Personnel _____	Risk Manager _____	Other _____
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor Fennell

Seconded by Supervisor Bass

Ayes Fennell, Bass, Sundberg, Bohn, Wilson

Nays \_\_\_\_\_

Abstain \_\_\_\_\_

Absent \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:

Board Order No. C-23

Meeting of: December 13, 2016

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

Dated: 2/13/18

By:   
Kathy Hayes, Clerk of the Board

5. Adopt Ordinance No. 2592 amending Section 311-7 of the Humboldt County Code by reclassifying property in the Redway area within APN 077-331-032 currently zoned Highway Service Commercial (CH) to Qualified Community Commercial (C-2-Q) (Attachment 2). The Q-Qualified Zone includes provisions to retain the development standards of the CH Zone as recommended by the Planning Commission; and
6. Direct the Clerk of the Board to publish a Summary of the Ordinance within 15 days of the date of the hearing (Attachment 3) along with the names of those supervisors voting for and against the ordinance 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 along with the names of those supervisors voting for and against the ordinance; and
7. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

#### SOURCE OF FUNDING

Planning and Building Department's Planning and Engineering Services Revenue Account Number 1100-277-608000. The applicant is responsible for all costs related to processing of this application.

#### DISCUSSION

The ultimate objective of this application is to establish a commercial medical cannabis manufacturing and distribution facility inside an existing two story building on APN 077-331-032 that will be remodeled for the proposed use. A Zone Reclassification to change the principal zoning of the property from Highway Service Commercial (CH) to Community Commercial (C-2) must be approved by the Board of Supervisors before the special permits for cannabis manufacturing and distribution can become effective because cannabis activities are allowed on properties zoned C-2, but not allowed on properties zoned CH.

On December 14, 2017 the County Planning Commission recommended that the Board of Supervisors approve the application by West River Lane. The Planning Commission voted to recommend the Q-Zone be added to retain the development standards of the CH Zone - the minimum setbacks, building height, minimum lot area, and minimum lot width, which are all more restrictive than the C-2 Zone. These recommendations are included in the Q-Zone Ordinance in this staff report in Attachment 2.

The Planning Commission also conditionally approved Special Permits to allow the cannabis manufacturing and distribution activities on the property that will become effective only after the zoning is changed to C-2. The conditions of approval are in the Planning Commission staff report in Attachment 4 of this staff report.

Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve a Zone Reclassification. These findings are as follows:

1. The proposed change is in the public interest; and
2. The proposed change is consistent with 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.

In addition, 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:

4. 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.

The Resolution of Approval (Attachment 1) identifies the evidence in support of making all the required findings.

#### FINANCIAL IMPACT

There will be no impact on the General Fund. The cost of producing this report is less than \$2,000, and the applicant is responsible for paying all costs involved in the processing of the appeal application.

The rezone supports the Board's Strategic Framework through its core role of encouraging new local enterprise

#### OTHER AGENCY INVOLVEMENT

The project was circulated to various State and local agencies for comments and recommendations.

#### ALTERNATIVES

The Board may choose not to accept the Planning Commission recommendation of approval. As documented in the Planning Commission Resolution (Attachment 4), the Planning Commission believes that satisfactory evidence has been provided in the project record to support making the required findings. Accordingly, both the Planning Commission and Planning staff do not recommend this alternative.

#### ATTACHMENTS

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 1 Resolution No. 18-07 Findings to Approve the Zone Reclassification.

Attachment 2 Ordinance No. 259a, reclassifying property in the Redway area within APN 077-331-032 from CH to C-2- Q.

Attachment 3 Summary of Ordinance.

Attachment 4 Planning Commission Resolution and Staff Report.