



## COUNTY OF HUMBOLDT

AGENDA ITEM NO.

**C-23**

Hearing Date: December 13, 2016

To: Board of Supervisors

From: John H. Ford, Director, Planning and Building Department *JH*

Subject: Ben Wilke Zone Reclassification Petition  
Application Number 10650, Case Number ZRP-16-002  
Assessor Parcel Number 077-331-032  
Redway Area

### RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing and receive the staff report and public comment.
2. Adopt the attached resolution (Attachment 1) to accept the zoning map amendment petition based on the findings in the staff report and testimony received about the project.
3. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

Prepared by *Michael Richardson*  
Michael Richardson, Senior Planner

CAO Approval *Cheryl Dillingham*

#### REVIEW:

Auditor \_\_\_\_\_ County Counsel *JWZ* Human Resources \_\_\_\_\_ Other \_\_\_\_\_

#### TYPE OF ITEM:

☒ Consent  
☐ Departmental  
☐ Public Hearing  
☐ Other \_\_\_\_\_

#### PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

#### BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor  
Seconded by Supervisor

Ayes  
Nays  
Abstain  
Absent

**SEE ACTION SUMMARY**

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

Dated: \_\_\_\_\_

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, Planning Division 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) 077-331-032 from Highway Service Commercial (CH) to Community Commercial (C-2). The Zone Reclassification will facilitate use of the site for commercial cannabis activities presently not allowed in the CH zone. The petition was filed by the property owner and includes information meeting the requirements Zoning Ordinance Section 312-50.5.

The project site is in Humboldt County in the Redway Area on the east side of Redwood Drive approximately 300 feet north of the intersection of Redwood Drive and Briceland-Thorne Road on the property known as 3525 Redwood Drive.

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 CH zone that presently applies to the site allows many of the same uses allowed in the proposed C-2 zone, as depicted in the Zoning Comparison Table (Attachment 4). One notable exception is the recently adopted Commercial Medical Marijuana Land Use Ordinance (CMMLUO), which allows commercial cannabis activities in the C-2 zone, but not in the CH zone. As shown on the aerial map in Attachment 3, the subject property is on the east side of Redwood Drive in Redway. The properties directly across Redwood Drive are zoned C-2. It is arguably in the public interest to expand the C-2 zoning across Redwood Drive to allow the owners of the subject property to participate in the new commercial cannabis activities because it will provide additional commercial development potential in the downtown Redway area similar to the properties on the other side of Redwood Drive.

##### Consistent with the General Plan

Table 2-10 of the General Plan (Volume I, Framework) shows the CS - Commercial Services Plan Designation that applies to the subject property is compatible with both the CH and C-2 zones, so the proposed C-2 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.

#### BOARD'S STRATEGIC FRAMEWORK:

The proposed petition supports the Board's Strategic Framework through its core role of supporting business, workforce development and creation of private sector jobs.

#### OTHER AGENCY INVOLVEMENT:

The project was referred to Public Works and County Counsel, and neither agency 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 SB 18, 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. 16-145
- Attachment 2: Copy of Petition for Rezoning Petition submitted by the applicant June 21, 2016
- Attachment 3: Aerial zoning map/Location Map/Land Use Map/Assessor Parcel Map.
- Attachment 4: Zoning Comparison Table (CH and C-2 Zones)
- Attachment 5: Site Plan and Site Photo

**Attachment 1**

**Resolution No. 16-145**

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

RESOLUTION NO. 16-145

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT  
APPROVING THE ZONE RECLASSIFICATION PETITION APPLICATION FOR FILE  
NUMBER APN 077-331-032; CASE NUMBER GPP-16-002**

**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 HCC 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.

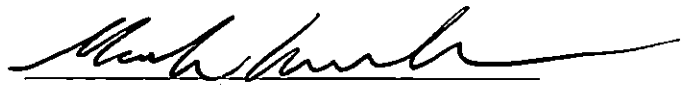
**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt County Board of Supervisors that the following findings are hereby made:

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 Wilke Zone Reclassification Petition as recommended by the Planning and Building Department, Case No. ZR-16-002; and

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

Dated: December 13, 2016

  
MARK LOVELACE, Chair  
Humboldt County Board of Supervisors

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

AYES:	Supervisors	Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--



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

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

RESOLUTION NO. 16-145

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

**Attachment 2**

**Copy of Petition for Rezoning Petition submitted by the applicant June 21, 2016**

## Public Interest Statement

The parcel is currently zoned CH (Highway Service Commercial).

This Petition is for a proposed new Zoning Designation of C-2 (Community Commercial).

The proposed new Zoning Designation is consistent with current and historic uses of retail stores and repair shops on the lower level and an apartment on the upper level.

The proposed new Zoning Designation is consistent with the existing and proposed County Land Use Designation of CS (Commercial Services).

It is the hope of the Petitioner that the new Zoning Designation will allow for additional permit-able uses which will create jobs and provide economic benefit to the Southern Humboldt Community.



Figure 2 - 10

**ZONING CONSISTENCY MATRIX**  
(RES. 86-79, 6/24/86)

Humboldt County Zoning Classifications<sup>1</sup>

FRAMEWORK PLAN		T.P.Z.	Ag. Exclusive	Ag. General	Res. Suburban	R-1	R-2	R-3	R-4	C-1	C-2	C-H	Limited Ind.	Heavy Ind.	U	FP	FR
LAND USE DESIGNATIONS	DENSITY																
Timberlands	160-20 acres per dwelling unit	X	X	X*													
Ag. Grazing	160-20 acres per dwelling unit	X	X	X*													
Ag. Exclusive	60-20 acres per dwelling unit	X	X														
Public Lands	Not applicable	X	X	X*													
Agricultural Land (AL)	160-20 acre/dwelling unit	X	X	X*													
Agricultural Rural (AR)	20-5 acre/dwelling unit		X	X*	X*	X*										X	X <sup>2*</sup>
Agricultural Suburban (AS)	5 - 2 1/2 acre/dwelling unit			X	X*	X*										X	X <sup>2*</sup>
Residential-Low Density (RL) 1-7 dwelling units/acre						X	X*	X*									
Residential-Medium Density (RM) 7-30 dwelling units/acre							X	X	X								
Commercial General (CG)										X	X						
Commercial Services (CS)										X	X	X					X <sup>2</sup>
Commercial Recreation (CR)										X	X	X					X <sup>2</sup>
Industrial, General (IG)													X	X			X <sup>2</sup>
Industrial, Resource Related (IR)		X	X										X <sup>2</sup>	X <sup>2</sup>		X	
Public Facilities (PF)		X	X	X	X	X	X	X	X	X	X	X	X	X	X		
P		X	X	X											X		
RCC		X	X	X	X	X				X	X	X	X	X		X	X

\* Zones are consistent with identified land use designations only when combining zone density/minimum lot size designators are consistent with General Plan policies and standards.

<sup>2</sup> Requires Qualified (Q) combining Zone to insure consistency.

### **Attachment 3**

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






# AERIAL ZONING MAP

## PROPOSED WILKE ZONE RECLASSIFICATION PETITION REDWAY AREA

CASE NUMBER ZRP 16-002

APN: 077-331-032

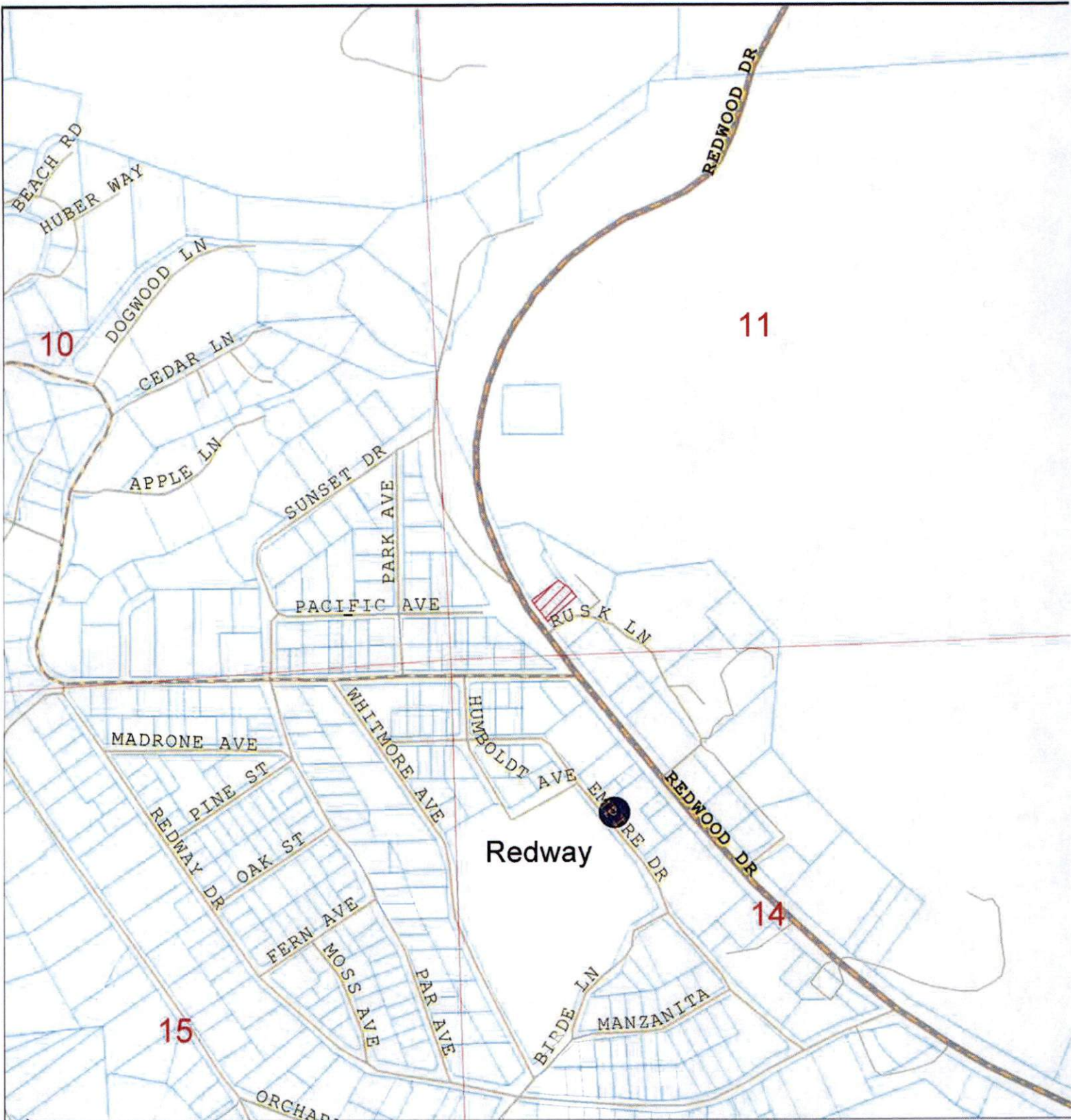
T04S R03E S11 HB&M (REDWAY)

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.








**PROPOSED WILKE ZONE RECLASSIFICATION PETITION  
REDWAY AREA**

**CASE NUMBER ZRP 16-002**

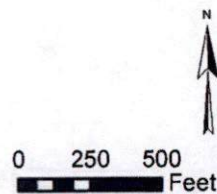
**APN: 077-331-032**

**T04S R03E S11 HB&M (REDWAY)**

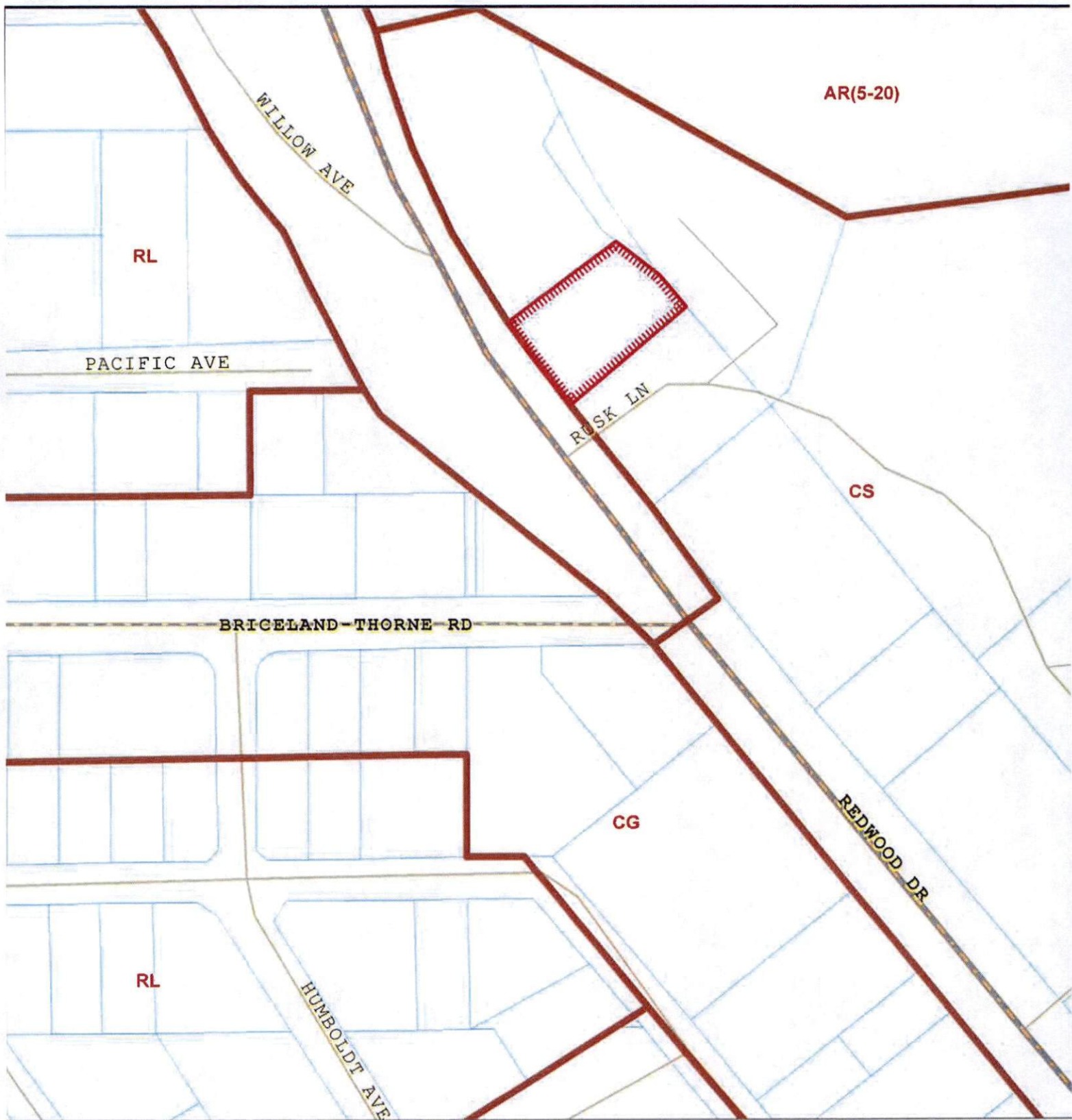
PLS Sections

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.








## GENERAL PLAN LAND USE MAP

### PROPOSED WILKE ZONE RECLASSIFICATION PETITION REDWAY AREA

CASE NUMBER ZRP 16-002

APN: 077-331-032

T04S R03E S11 HB&M (REDWAY)

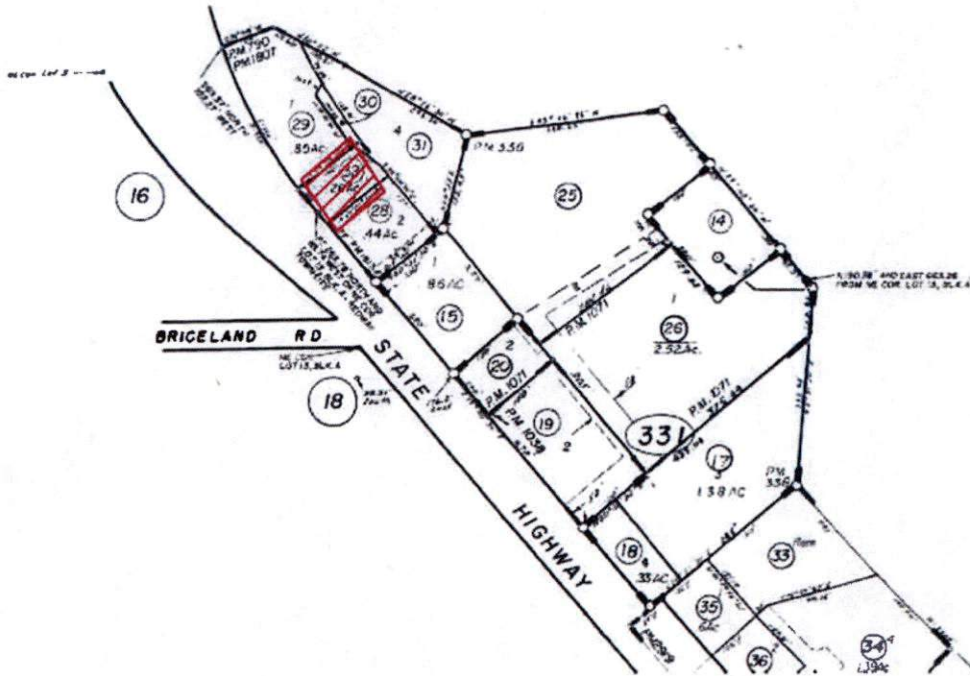
Project Area = 

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POR. SEC. 11 & 14, T. 4 S., R. 3 E., H. B. & M.

77-33



**ASSESSORS PARCEL MAP**  
**PROPOSED WILKE ZONE RECLASSIFICATION PETITION**  
**REDWAY AREA**  
**CASE NUMBER ZRP 16-002**  
**APN: 077-331-032**  
**T04S R03E S11 HB&M (REDWAY)**

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.

MAP NOT TO SCALE



## **Attachment 4**

### **Zoning Comparison Table**

## ZONING COMPARISON TABLE

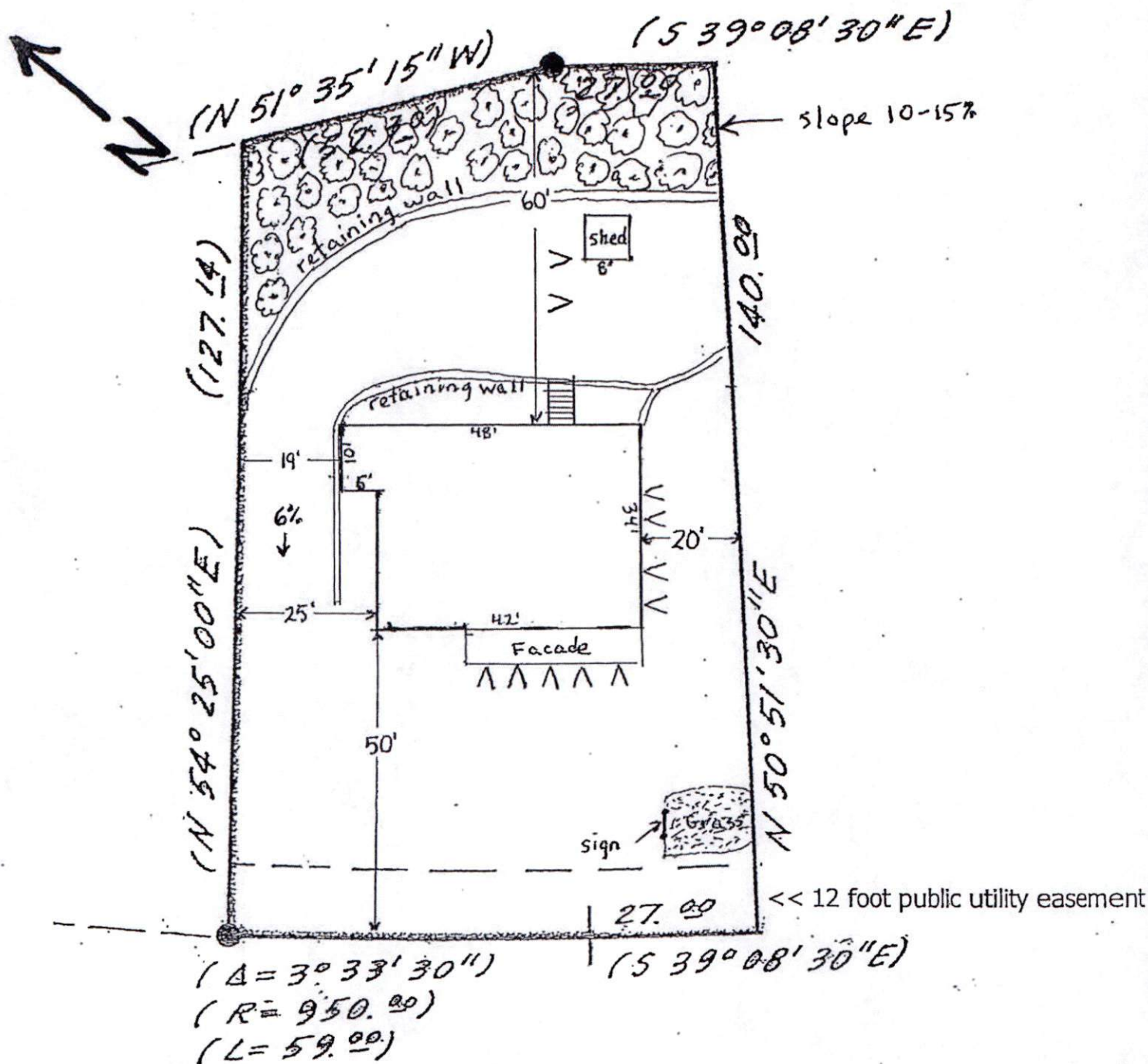
Use Type/Description	CH Zone	C-2 Zone
Car washes	P	--
Retail nurseries and greenhouses (non-cannabis related)	P	--
Amusement parks and commercial recreational facilities	P	--
Social halls, fraternal and social organizations, and clubs	P	P
Professional and business offices and commercial instruction	P	P
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	P	P
Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use	P	P
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, and storage warehouses.	P	P
Within Housing Opportunity Zones multiple dwellings on the upper floors of multistory structures where below are commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-2 Zone Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use	P	P
Hotels and motels	P	CUP
Outside Housing Opportunity Zones, apartments on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the Zone, as well as emergency shelters outside areas mapped to specifically allow emergency shelters as a principally permitted use	SP	SP
Boarding and rooming houses and manufactured home parks	CUP	CUP
Dwellings, Manufactured homes	CUP	CUP
Small animal hospitals completely enclosed within a building	CUP	CUP
Small animal hospitals (not completely enclosed) and kennels.	CUP	--
Stores, agencies and services such as 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.	--	CUP
Special occupancy parks	CUP	--
Medical cannabis outdoor and mixed light cultivation.	--	CUP
Medical cannabis indoor cultivation (0-5,000 SF; 5,000 to 10,000 SF)	--	ZCC/CUP
Medical cannabis processing, manufacturing, and wholesale distribution facilities	--	SP
Medical cannabis retail nurseries	--	CUP

### KEY:

P=Principally Permitted Use; SP=Special Permit; CUP=Conditional Use Permit; "--"=Not an Allowed Use;  
ZCC=Zoning Clearance Certificate

## **Attachment 5**

### **Site Plan and Site Photo**



REDWOOD DRIVE

Scale: 1 inch = 25 feet

Owner Name: Ben Wilke  
 Assessors Parcel No.: 077-331-032  
 Property Address: 3225 Redwood Drive  
 Redway, CA 95560

No trees to be removed

Λ Equals parking spaces



Redwood Dr  
Redway, California  
Street View - Jun 2012

Lightning Lube  
823-4270  
Fast Service • Oil & Filter

Redway  
3525 Redwood Dr  
Redway, CA 95561  
Phone: 823-4270

Apple  
3525 Redwood Dr  
Redway, CA 95561  
Brieland Thorn Rd  
Redway



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Image capture: Jun 2012 © 2015 Google Terms Privacy Report a problem