



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
L-1

For the meeting of September 9, 2014

Date: August 6, 2014
To: Board of Supervisors
From: Kevin R. Hamblin, Director, Planning and Building Department *KRH*
Subject: Dunbar Zone Reclassification Petition
Case Number GPP-14-002, Assessor Parcel Number 206-221-009
Carlotta Area

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing and receive the staff report and public comment.
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.
3. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office and any other interested party.

Prepared by *Trevor Estlow*
Trevor Estlow, Senior Planner

CAO Approval *Cheryl Dillighean*

REVIEW:	Auditor _____	County Counsel <i>DS</i>	Human Resources _____	Other _____
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TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

PREVIOUS ACTION/REFERRAL:
 Board Order No. _____
 Meeting of: _____

Glenice Dunbar
 PO Box 477
 Middletown CA 95461

Points West Surveying
 5201 Carlson Park Dr Suite 3
 Arcata CA 95521

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

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

Dated: *Sept. 9, 2014*
 By: *Kathy Hayes*
 -Kathy Hayes, Clerk of the Board

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:

Petition

The Current Planning Division of the 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 an approximately 4.95 acre parcel in the Carlotta area to add a B-6, building site combining zone, that would modify the underlying principal zone minimum parcel size standard to reflect the parcel size as shown on subdivision map of record. In this case, it would ultimately facilitate a possible subdivision of the property into two lots. Currently, the Agriculture General (AG) zoning of the property would require a minimum of 5 acres to subdivide. The subject property is 4.95 acres in size (1% short of the 5-acre standard) and the landowner is unable to obtain additional acreage from any adjoining neighbor.

While slightly short of the necessary 5 acre zone minimum, the property does comply with the density standard for subdivision under the General Plan. The current General Plan designation is Agriculture Suburban which allows for a density of one dwelling unit per 2.5 acres. However, density is calculated over the "gross area" of the parcel, which includes half of any road frontage abutting the parcel. The subject parcel fronts State Highway 36 which adds approximately 0.25 acres to the parcel area used for the density calculation. This added area results in a gross parcel size of 5.2 acres, which exceeds the 5 acres needed for possible subdivision under the plan density standard.

Rezoning to add the B-6 combining zone would permit the County to consider an application for a possible subdivision of the property into two lots of a size consistent with the development pattern of the neighborhood. As evidence of this, a parcel size analysis was submitted by the applicant showing that the average parcel size within 1,000 feet of the subject parcel is 1.25 acres. A future subdivision creating two parcels averaging 2.475 acres each would be well above the current average in this area.

Summary

Project Location

The project site is located in the Carlotta area, on the northeast side of State Highway 36, approximately 1,000 feet southeast of the intersection of Barbershop Lane and State Highway 36, on the property known as 7251 State Highway 36.

Basis of Petition: The provisions of Humboldt County Code (H.C.C) Section 312-50.4.1.4 states:

Receipt of a petition for amendment, pursuant to Section 312-50.5, by the owner of the property within the area proposed for reclassification. If the area proposed for reclassification is in more than one (1) ownership, at least fifty percent (50%) of the property owners or the owners of not less than sixty percent (60%) of the land area included in the applicant shall join in the filing of the application.

Pursuant to the above provision, the applicant has submitted a petition for amendment of their sole property and ownership. The application proposes to add a B-6 combining zone to the subject parcel that will ultimately allow a possible subdivision.

Staff believes that the Board's decision should be based on the testimony provided including the submitted evidence.

Issues

Should the Zone Reclassification Petition be accepted, several issues will be more thoroughly analyzed during the Zone Reclassification application review process. This includes analyzing site suitability requirements which is necessary for consideration of the accompanying subdivision request. Further analysis of these issues as well as others as they arise will be reviewed as part of the Zone Reclassification process.

Required Findings

Review Criteria

Pursuant to Section 312-50.4 of the Humboldt County Code (H.C.C.) Amendments to the zoning code and maps may be initiated by a majority vote of the Board of Supervisors based on:

Receipt of a petition for amendment, pursuant to Section 312-50.5, by the owner of the property within the area proposed for reclassification. If the area proposed for reclassification is in more than one (1) ownership, at least fifty percent (50%) of the property owners or the owners of not less than sixty percent (60%) of the land area included in the applicant shall join in the filing of the application.

Furthermore, the petition for amendment shall include information concerning the need and reason for amendment. The applicant must demonstrate that the change is in the public interest, is consistent with the General Plan and, if the amendment requires a Local Coastal Plan Amendment, that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act.

Typically, a Zone Reclassification encompasses a large area comprised of several parcels. The proposal would change the zoning on only one parcel within a larger zone classification. A review of mapping in the area indicates that most if not all of the parcels are built out to the specified density with little housing opportunities. Approximately 68 parcels are located within ½ mile of the subject parcel and within the AG zone classification. Of these, only one appears large enough to have subdivision potential. Therefore, changing the designation over a larger area would have little effect on surrounding parcels and therefore is not necessary.

The petition meets the public interest finding because a successful petition provides the opportunity for additional development in an established community that is almost entirely built out to its specified density. This will help the County meet the goals of the Housing Element which states that "Providing an adequate supply of land for housing is one of the most significant goals of this Plan." The amendment does not appear to be in conflict with the General Plan, State Planning and Zoning law or the Humboldt County Zoning Regulations. As this property is not situated in the Coastal Zone, a showing of conformance with the Coastal Act is not required.

The decision to be made at this time is whether or not the Board will accept the proposed Zone Reclassification for processing, review and consideration. If accepted, final approval of the proposed Zone Reclassification will involve a more thorough analysis as to whether the amendment is both "in the public interest" and "consistent with a comprehensive view of the General Plan."

Staff recommendation

Planning Division staff believes that the applicant has provided sufficient information in their petition to accept the zone reclassification for processing. Board acceptance of the petition allows for the necessary in-depth staff analysis of project impacts. As noted above, accepting the petition is only the first step in processing, reviewing and considering this request. Should the Board concur, staff recommends that the Board accept the petition by adopting the attached resolution and direct Planning Division staff to accept and process the application for a zone reclassification as proposed therein.

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 applicant-initiated zone reclassification applications.

OTHER AGENCY INVOLVEMENT:

The project was not referred to other agencies at this stage in the review process. Should the petition be accepted, responsible and trustee state and local agencies will be involved in the referral process of the Zone Reclassification and as part of the environmental review for the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could deny the petition if it finds that required elements of the petition were not submitted or that the amendment would be clearly inconsistent with the General Plan. Planning staff does not recommend this alternative because: 1) the petition was submitted by the present owners of the property, as shown in the latest assessment role; 2) the petition includes a map and information as to the need and reason for the amendment; and 3) the submitted information supports an argument that the change is in the public interest and would be consistent with the General Plan.

ATTACHMENTS:

- Attachment 1: Resolution No. ____
- Attachment 2: Copy of Petition for General Plan Amendment: Request dated Received April 7, 2014
- Attachment 3: Maps – Location Map, Assessor Parcel Map, Zoning Map, Aerial Map

Attachment 1

Resolution No. 14-65

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting of September 9, 2014

RESOLUTION NO. 14-65

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT APPROVING THE ZONE RECLASSIFICATION PETITION APPLICATION FOR ASSESSOR PARCEL NUMBER (APN) 206-221-009; CASE NUMBER ZR-14-002

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

WHEREAS, Section 312-50.5.2 requires that the applicant be the owner of property in the area proposed for reclassification and submit information concerning the need and reason for the amendment, which demonstrates that the change will be in the public interest and consistent with the General Plan; and

WHEREAS, the applicant is the owner of the property known as APN 206-221-009 and has submitted an application, including a map and supporting justification, requesting a zone reclassification for property identified in Project File APN 206-221-009; Case No. ZR-14-002; and

WHEREAS, Humboldt County Planning and Building Department, Planning Division staff has evidence within planning files in support of finding the petition is complete and supports an argument that the change is in the public interest and consistent with the General Plan.

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 proposed application: the submitted information shows that the requested change may be found in the public interest and 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 Dunbar Zone Reclassification Petition, File Number APN 206-221-009, Case Number ZR-14-002; and

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

Dated: September 9, 2014



REX BOHN, Chair
Humboldt County Board of Supervisors

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting of September 9, 2014

RESOLUTION NO. 14-65

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

AYES:	Supervisors	Sundberg, Lovelace, Bohn, Fennell, Bass
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 a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

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

Petition for Zone Reclassification Amendment and Map

April 7, 2014

Mr. Trevor Estlow – Senior Planner
Humboldt County Planning Division
3015 H Street
Eureka, CA 95501



Re: Request for Petition for Zone Reclassification
Glenice Dunbar – APN 206-221-09

Dear Trevor,

Pursuant to Humboldt County Code Section 312-50.1, this application requests a petition for a Zone Reclassification to add a B-6 combining zone to the subject parcel which is zoned AG with a minimum parcel size of 2.5 acres. The parcel is 4.95 acres as described in the deed. General Plan specified density calculations include half of the frontage road width, which in this case would result in a parcel of 5.20 acres. The B-6 combining zone would allow for the possibility of a future subdivision of a parcel that is already consistent with General Plan specified density.

Section 312-50.3 of the Humboldt County Code states:

Amendments to this Division may be approved only 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.
3. If the amendment requires a Local Coastal Plan Amendment, the amendment is in conformity with the policies of Chapter 3 of the Coastal Act.
4. The proposed 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:
 - 4.1. The reduction is consistent with the adopted general plan, including the housing element, and
 - 4.2. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and
 - 4.3. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portion has been maximized.

The proposed amendment is in the public interest as it will provide the opportunity for additional development in an established community. This will help the County meet the goals of the

Housing Element which states that "Providing an adequate supply of land for housing is one of the most significant goals of this Plan."

This parcel is located in the unincorporated community of Carlotta. The property has a general plan designation of Agricultural Suburban as described in the Hydesville-Carlotta Community Plan. The proposed amendment is consistent with the County General Plan because when considering parcel size the General Plan density includes half of the width of the frontage road.

The parcel fronts State Highway 36 and other parcels in the vicinity, with the same zoning and frontage on the highway have an average parcel size of 1.26 acres. The attached Density Exhibit shows the parcels which were considered when determining the average parcel size. The proposed B-6 combining zone would allow for a potential subdivision that is consistent with the average parcel size in the neighborhood.

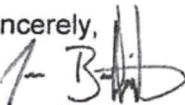
APN 206-221-09 was created by a deed which describes the south boundary of the subject parcel as "North 52 degrees 45 minutes West along the North line of said County Road 378.35". Taking into consideration the frontage of 378.35 feet and a half-width of 29 feet, the additional square footage would be 10,972.15. The deed described parcel is currently 215,622.47 square feet (4.95 acres) and with the addition of the road frontage would be 226,597.62 square feet (5.2 acres). In this area Caltrans uses a prescriptive right of way that does not have a defined width. An inquiry with the Caltrans Survey Department gave us the 29 foot half-width as a conservative estimate.

Using only the deed description the subject parcel could be divided into two parcels of 2.475 acres each, which is .025 acres below the minimum required by the zoning. The General Plan calculated density considers the subject property a 5.2 acre parcel and would allow for the division creating two parcels of 2.60 acres each. A B-6 combining zone would be an addition to the existing zoning that would allow for a subdivision that is already in conformance with the current General Plan.

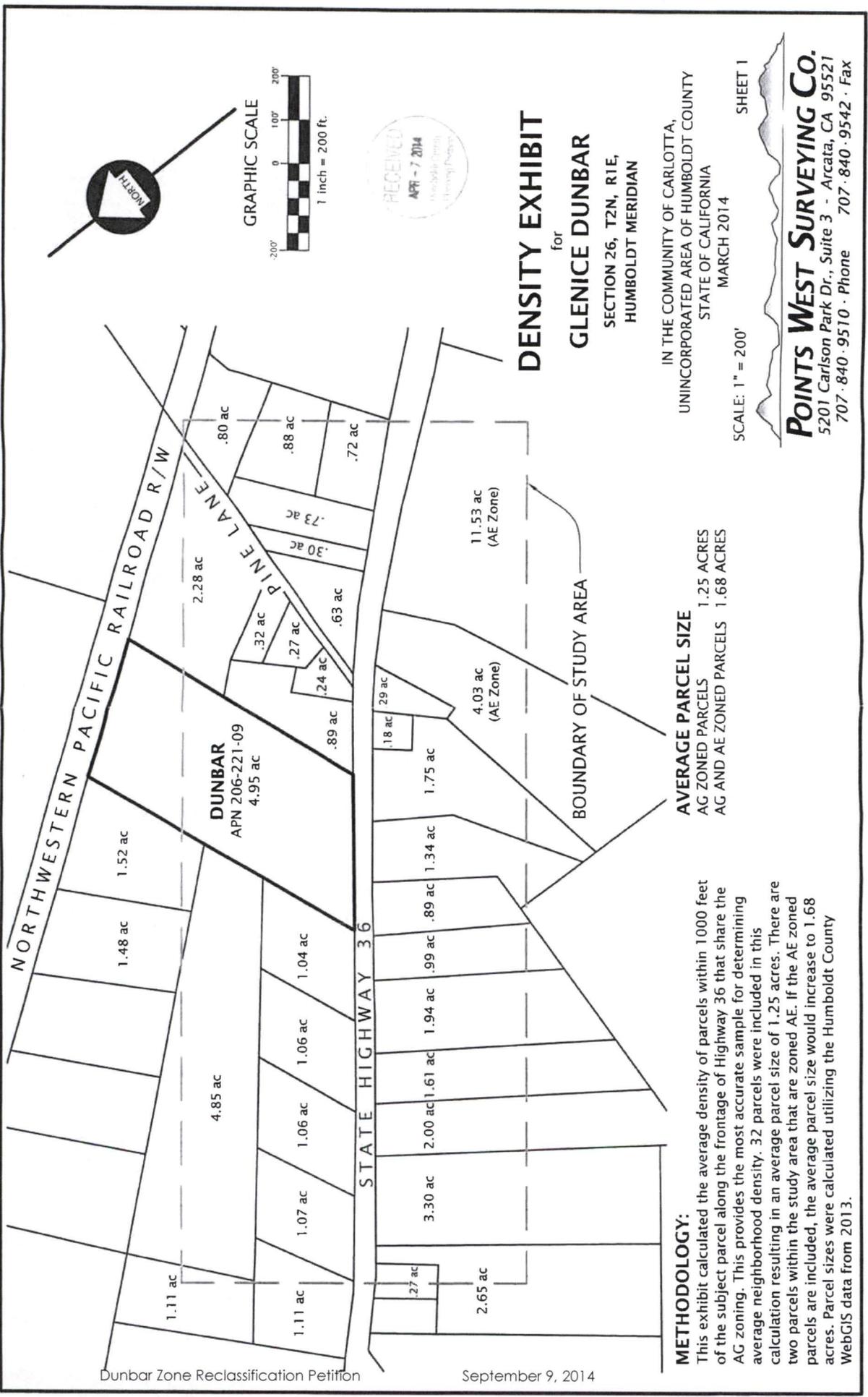
The project is not in the Coastal Zone and will not require an amendment to any Local Coastal Plan. The project will not reduce the residential below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Since the project, as proposed, satisfies all other requirements of the General Plan, approving this petition for a zone change does not provide special privileges unavailable to others, but rather is upholding the preservation and enjoyment of a substantial property right of the land owner. Denying the petition would deprive the property owner of the ability to utilize the subject property to the maximum potential as described in the existing General Plan.

The approval of this petition does not appear to be detrimental to the public welfare or injurious to other properties in the vicinity. Based on the above, I respectfully request that this petition be granted.

Sincerely,

Jesse Buffington
Planning/LSIT





Dunbar Zone Reclassification Petition

September 9, 2014

DENSITY EXHIBIT for GLENICE DUNBAR

SECTION 26, T2N, R1E,
HUMBOLDT MERIDIAN

IN THE COMMUNITY OF CARLOTTA,
UNINCORPORATED AREA OF HUMBOLDT COUNTY
STATE OF CALIFORNIA
MARCH 2014

SCALE: 1" = 200'

SHEET 1

POINTS WEST SURVEYING Co.
5201 Carlson Park Dr., Suite 3 - Arcata, CA 95521
707-840-9510 · Phone 707-840-9542 · Fax

METHODOLOGY:

This exhibit calculated the average density of parcels within 1000 feet of the subject parcel along the frontage of Highway 36 that share the AG zoning. This provides the most accurate sample for determining average neighborhood density. 32 parcels were included in this calculation resulting in an average parcel size of 1.25 acres. There are two parcels within the study area that are zoned AE. If the AE zoned parcels are included, the average parcel size would increase to 1.68 acres. Parcel sizes were calculated utilizing the Humboldt County WebGIS data from 2013.

AVERAGE PARCEL SIZE

AG ZONED PARCELS	1.25 ACRES
AG AND AE ZONED PARCELS	1.68 ACRES

BOUNDARY OF STUDY AREA

Attachment 3

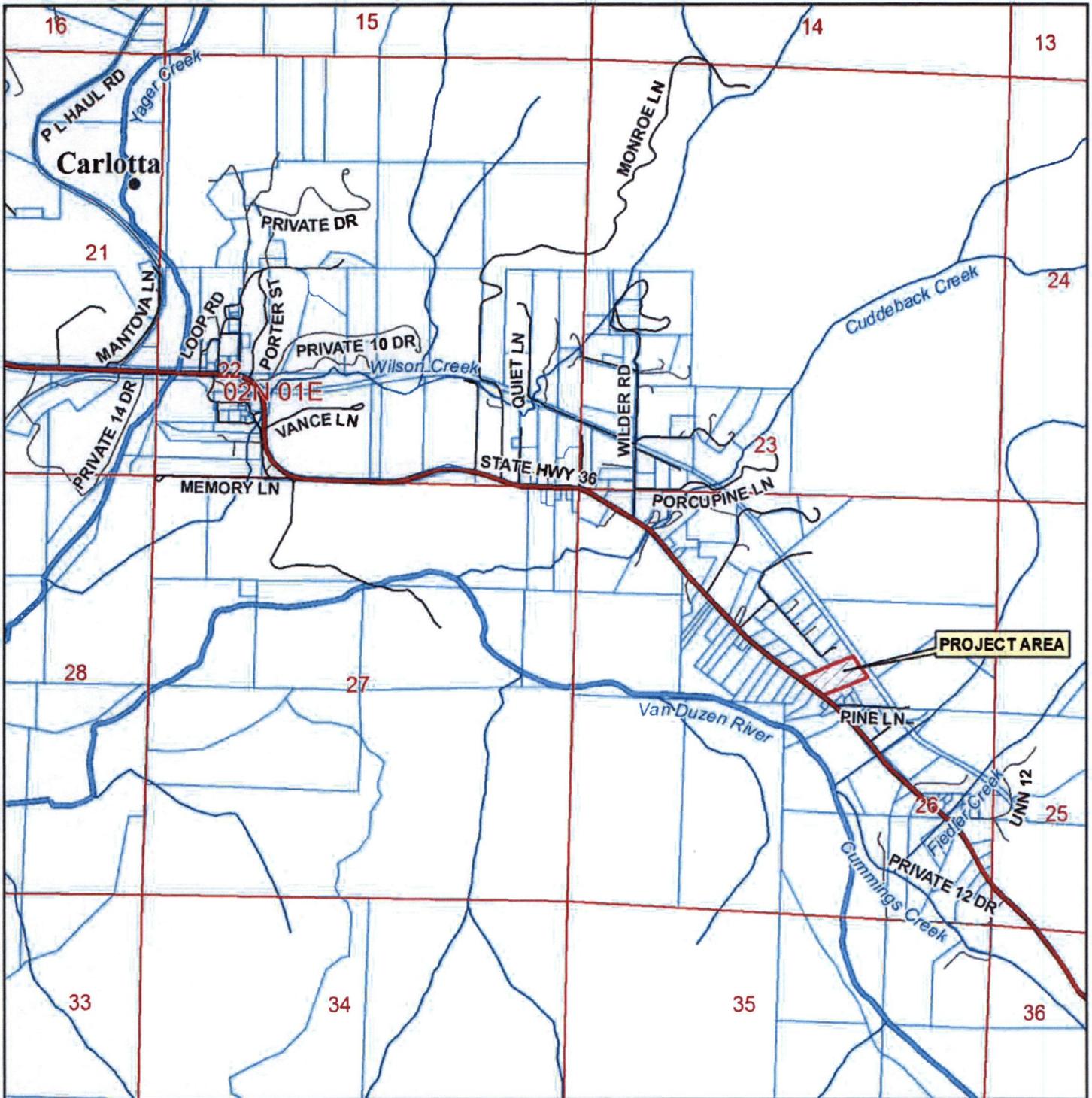
Maps

- Location Map
- Assessor Parcel Map
- Zoning Map – Current Adopted
- Aerial Map

Attachment 3

Maps

- Location Map
- Assessor Parcel Map
- Zoning Map – Current Adopted
- Aerial Map



LOCATION MAP

**PROPOSED DUNBAR
GENERAL PLAN PETITION
CARLOTTA AREA**

GPP-14-002

206-221-009

T02N R01E S26 HB&M (Hydesville)

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.



0 0.25 Miles

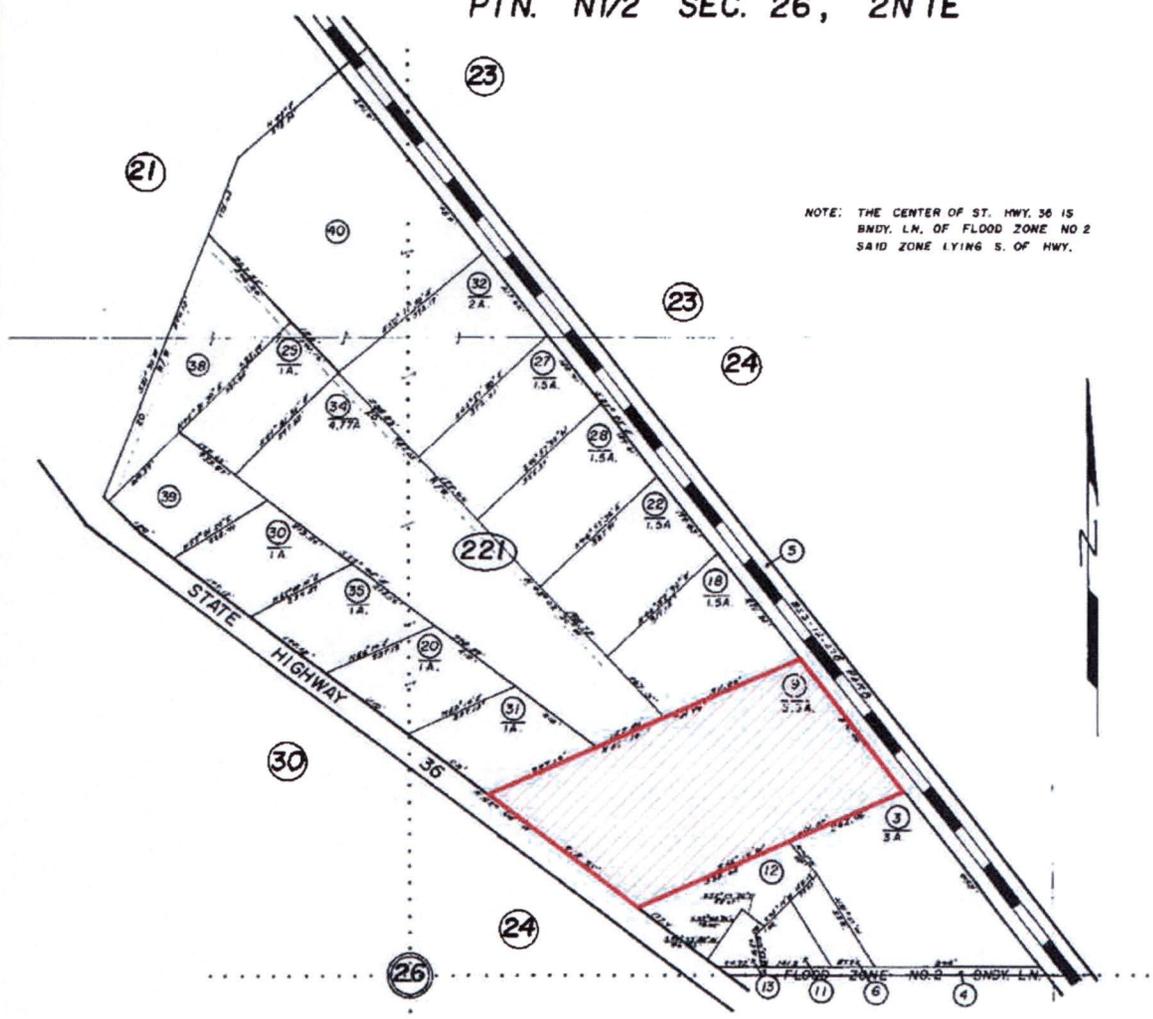


PTN. N1/2 SEC. 26, 2N 1E

206-22
T.C.A.

1" = 200'
Rev. 3/25/64

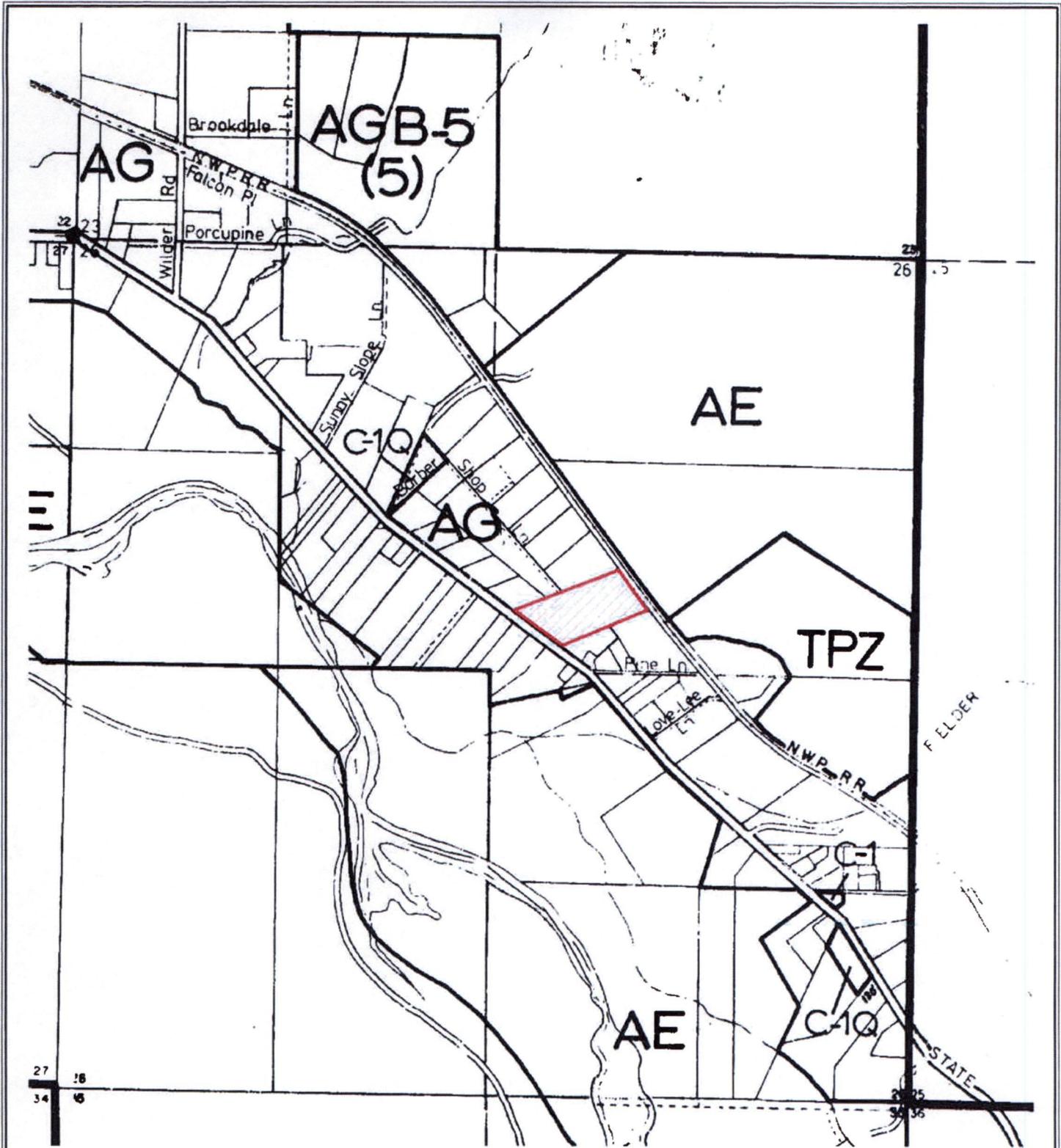
NOTE: THE CENTER OF ST. HWY. 36 IS
BNDRY. LN. OF FLOOD ZONE NO 2
SAID ZONE LYING S. OF HWY.



PROJECT SITE = 

ASSESSOR PARCEL MAP

**PROPOSED DUNBAR
GENERAL PLAN PETITION
CARLOTTA AREA
GPP-14-002
206-221-009
T02N R01E S26 HB&M (Hydesville)**



ZONING MAP

PROJECT AREA = 

**PROPOSED DUNBAR
GENERAL PLAN PETITION
CARLOTTA AREA
GPP-14-002
206-221-009
T02N R01E S26 HB&M (Hydesville)**





**AERIAL MAP
 PROPOSED DUNBAR
 GENERAL PLAN PETITION
 CARLOTTA AREA**

**GPP-14-002
 206-221-009
 T02N R01E S26 HB&M (Hydesville)**

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.



0 250
 Feet