

ATTACHMENT D

Copy of Planning Commission Staff Report for November 3, 2016



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION**

3015 H Street Eureka CA 95501
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: November 3, 2016

To: Humboldt County Planning Commission

From: Kevin Hamblin, Interim 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's Parcel Number 033-271-004
Piercy Area

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Please contact Trevor Estlow, Senior Planner at 268-3740 if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 3, 2016	General Plan Amendment and Zone Reclassification	Trevor Estlow

Project Description: A General Plan Amendment and Zone Reclassification to change the land use designation from Agricultural Lands (AL40) to Commercial Recreational (CR) and to change the zone classification from Unclassified (U) to Community Commercial with a Qualified combining zone (C-2-Q). The changes will better reflect the current uses of the property.

Project Location: The project is located in the Richardson Grove area, on the east side of US Highway 101, approximately 0.65 miles north from the intersection of State Highway 271 and US Highway 101, on the property known as 705 US Highway 101.

Present Plan Designation: Agricultural Lands (AL40); Framework General Plan (FRWK). Density: one unit per 40 acres.

Present Zoning: Unclassified (U).

Case Numbers: GPA-15-003, ZR-15-003

Application Number: 8512

Assessor Parcel Number: 033-271-004

Applicant
Parker Berling
705 101 Properties, LLC
1012 Scott Street
San Francisco, CA 94115

Owner
same as applicant

Agent
Peter Huson
705 Highway 101
Garberville, CA 95542

Environmental Review: Project is statutorily exempt per Section 15061(b)(3) of the California Environmental Quality Act.

Major Issues: None

State Appeals Status: Project is not appealable to the California Coastal Commission.

705 101 PROPERTIES, LLC GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION

Case Numbers GPA-15-003, ZR-15-003

Assessor Parcel Number 033-271-004

RECOMMENDED COMMISSION ACTION:

1. Describe the application as a Public Hearing;
2. Allow staff to present the project;
3. Open the public hearing;
4. After receiving testimony, make a motion(s) to:

"I move to make all of the required findings, based on evidence in the staff report and public testimony, and recommend that the Board of Supervisors approve the 705 101 PROPERTIES, LLC project subject to the recommended conditions of approval."

EXECUTIVE SUMMARY

The project before the Planning Commission is a General Plan Amendment (GPA) and a Zone Reclassification (ZR) of one parcel totaling approximately five acres located in the Piercy area, approximately three-fourths of a mile north of the Humboldt-Mendocino County line. The parcel is currently planned Agricultural Lands (AL40) and zoned Unclassified (U). The project will change the General Plan designation to Commercial Recreation (CR) and the zone to Community Commercial with a Qualified combining zone (C-2-Q). The Qualified combining zone will 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. The General Plan Petition to initiate the General Plan Amendment process was heard by the Board of Supervisors on December 9, 2014 and was approved unanimously. In addition, the Board of Supervisors has "straw-voted" the change to CR in the current General Plan Update.

The applicant believes that an argument exists to support the basis of the petition. The project site is currently developed with commercial/retail development on the western portion of the property fronting State Highway 101. This development consists of the "One-Log House" as well as a gift/espresso shop and storage units. The eastern or rear portion of the property contains three residential units. As defined in the Framework General Plan, the AL designation is intended for remote, steep and high natural hazard areas and applied to marginal timber, grazing, mining and quarrying, recreational areas, watershed and wildlife areas with occasional rural residences. The development of the site for commercial/retail with an associated tourist attraction along the Highway 101 corridor and residential uses, demonstrates the changes in community values and assumptions. In addition, the proposed change will maintain the established uses on the property otherwise consistent with a comprehensive view of the plan. The applicant had originally planned on subdividing the property such that the residential and commercial uses were separated, however, the lack of a fire protection district currently prevents the approval of a subdivision.

The parcel is served by on-site water (wells) and on-site wastewater treatment systems. The Division of Environmental Health has reviewed the proposal and approved the project.

All of the reviewing agencies that have provided timely comments have either recommended approval or conditional approval of the project. Accordingly, the Department has found that the project is exempt from environmental review and will not have a significant effect on the environment.

ALTERNATIVES: The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made and does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-**

**Case Numbers: GPA 15-003, ZR 15-003
Assessor Parcel Number 033-271-004**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the 705 101 Properties, LLC General Plan Amendment and Zone Reclassification permit application.

WHEREAS, the applicant has submitted an application and evidence in support of approving a General Plan Amendment and Zone Reclassification to re-designate and reclassify approximately five acres into Commercial Recreation (CR) and Community Commercial with a Qualified combining zone (C-2-Q), respectively; and

WHEREAS, the project may be approved if it can be found that: (1) The proposed change is in the public interest; and (2) The proposed change is consistent with the General Plan, (3) The proposed change 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 project is categorically exempt per Section 15061(b)(3) of the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for granting the project (Case Nos.: GPA-15-003, ZR-12-003); and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning finds the project to be categorically exempt per 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. The proposed General Plan Amendment and Zone Reclassification are in the public interest;
3. The proposed General Plan Amendment and Zone Reclassification are consistent with the General Plan;
4. 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;

5. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Nos.: GPA-15-003, ZR-15-003 based on the submitted evidence; and
6. The Planning Commission approves the proposed project as recommended and conditioned in the Planning Division Staff Report for Case Nos.: GPA-15-003, ZR-15-003.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Staff.
3. Approve the General Plan Amendment and Zone Reclassification.
4. Adopt Resolution ___ amending the Framework General Plan to change the land use designation of one parcel totaling approximately five acres in the Piercy area [GPA-15-003] to Commercial Recreation (CR).
5. Adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying approximately five acres in the Piercy area [ZR-15-003] into Community Commercial with a Qualified combining zone (C-2-Q).
6. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on November 3, 2016.

The motion was made by COMMISSIONER and second by COMMISSIONER
and the following ROLL CALL vote:

AYES:

NOES:

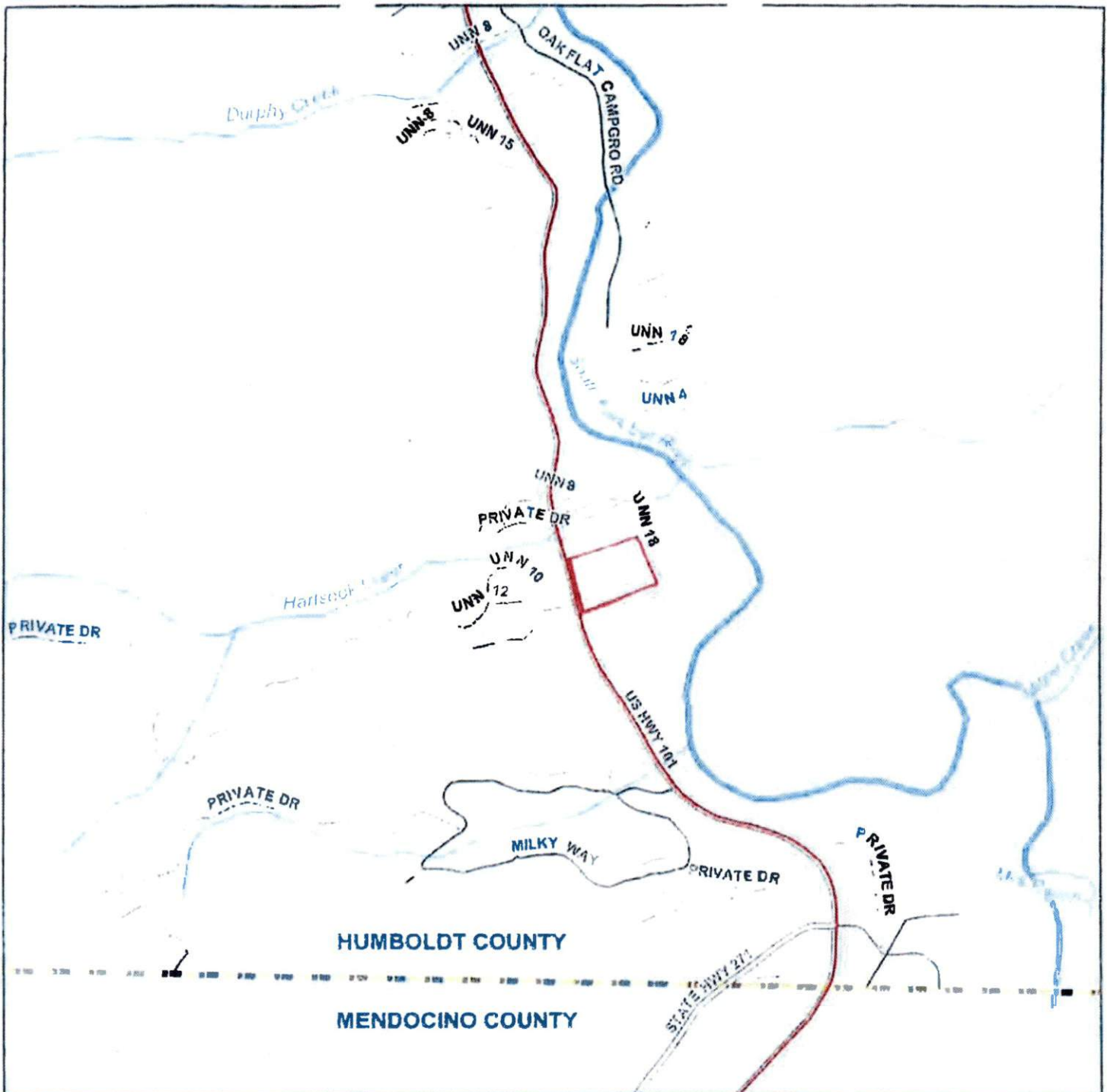
ABSTAIN:

ABSENT:

Robert Morris, Chair

I, Suzanne Hegler, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

Suzanne Hegler, Clerk



LOCATION MAP

PROPOSED 705 101 PROPERTIES, LLC

GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION

RICHARDSON GROVE AREA

GPA-15-003, ZR-15-003

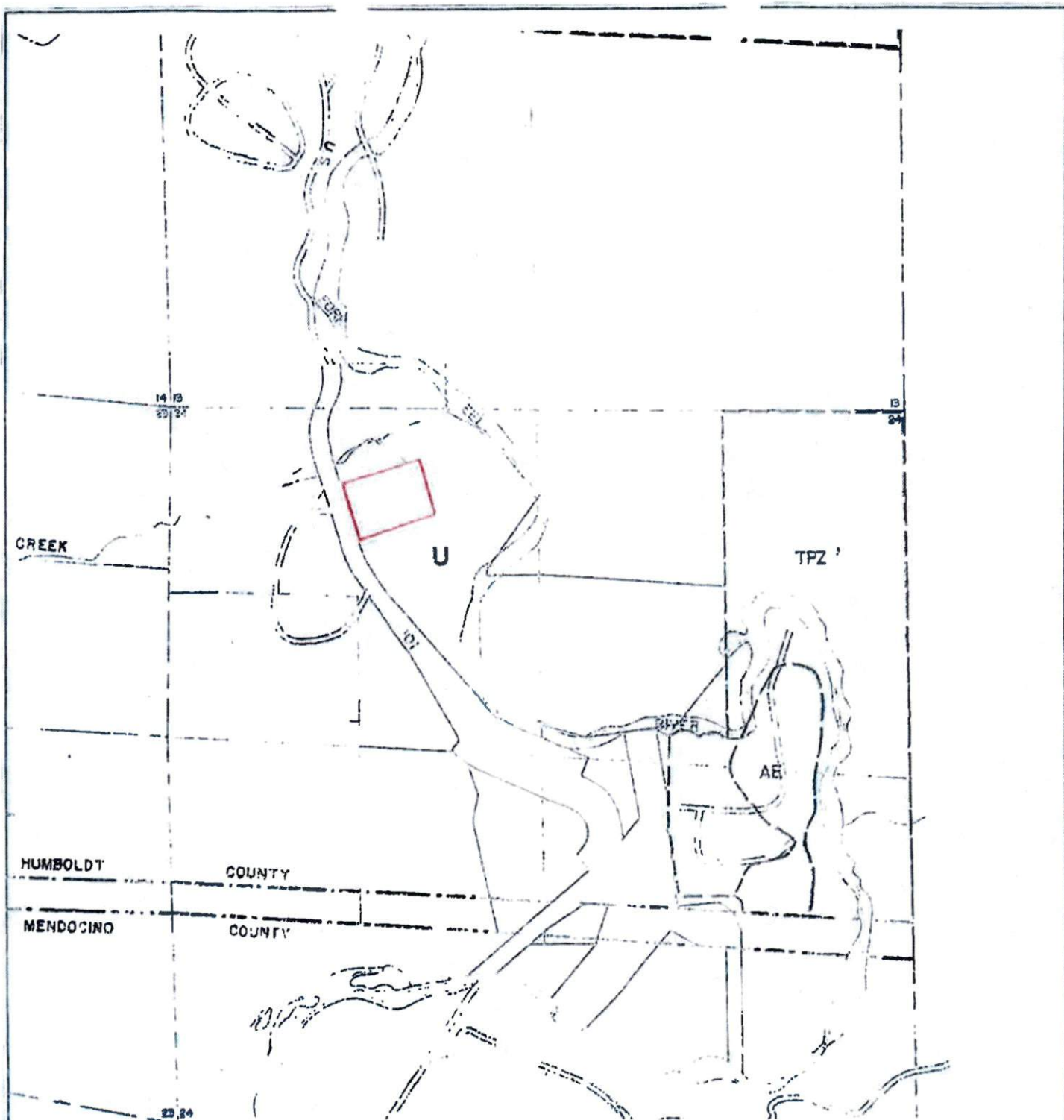
APN:033-271-004

T05S R03E S24 H B & 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.

0 500 1,000 1,500 Feet



ZONING MAP

PROJECT AREA = **PROPOSED 705 101 PROPERTIES, LLC**
GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION
RICHARDSON GROVE AREA
GPA-15-003, ZR-15-003
APN:033-271-004
T055 R03E 524 H B & M (Garberville)

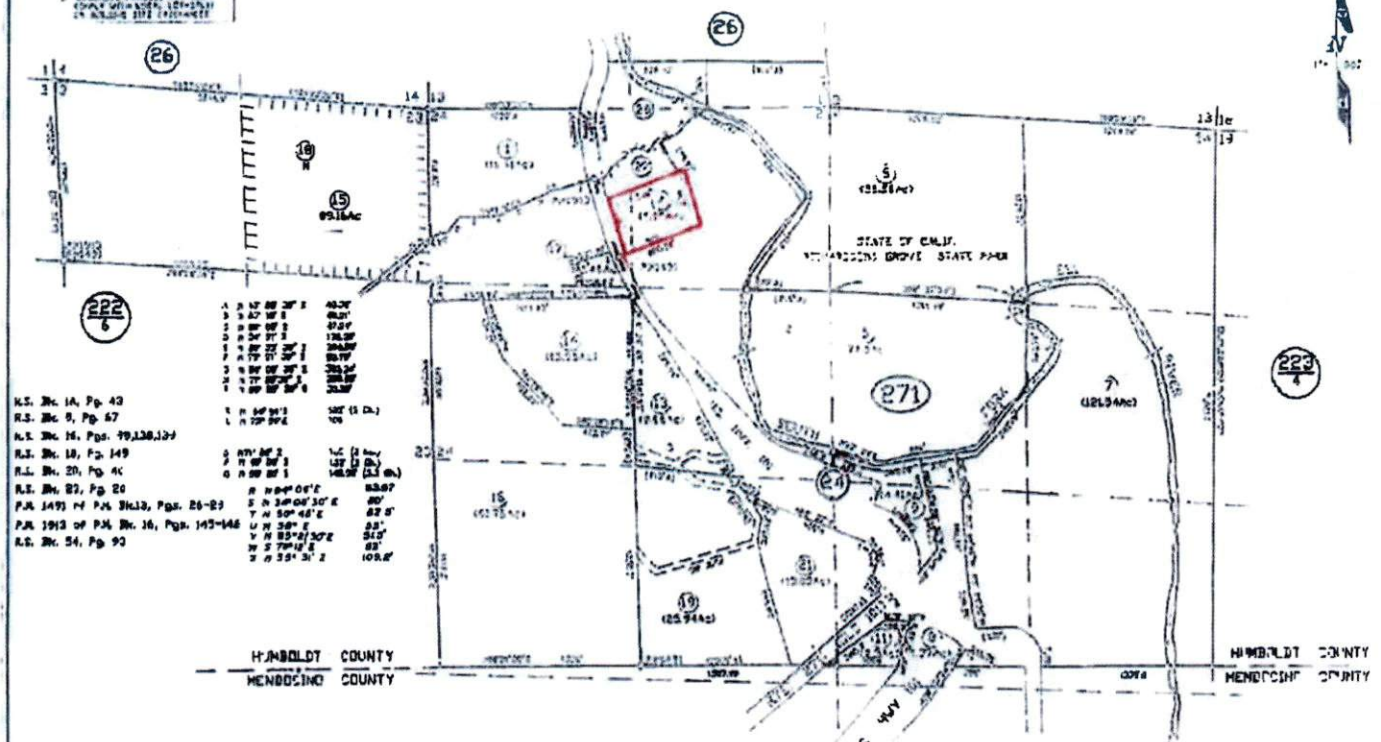


MAP NOT TO SCALE

ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR
 2. THE COUNTY OF HUMBOLDT, CALIF.
 3. BY THE COUNTY ASSESSOR
 4. FOR THE PURPOSES OF THE
 5. GENERAL PLAN AMENDMENT AND
 6. ZONE RECLASSIFICATION
 7. IN THE RICHARDSON GROVE AREA
 8. IN HUMBOLDT COUNTY, CALIF.

SEC. 24 & N 1/2 OF NE 1/4 SEC.23, T.5S., R.3E. H.B. & M.

33-27



K.S. Bk. 1A, Pg. 43
 R.S. Bk. 9, Pg. 47
 R.S. Bk. 16, Pg. 79, 138, 139
 R.S. Bk. 18, Pg. 149
 R.S. Bk. 20, Pg. 41
 R.S. Bk. 22, Pg. 20
 P.M. 1493 of P.M. Bk. 13, Pgs. 26-27
 P.M. 1913 of P.M. Bk. 16, Pgs. 143-144
 R.S. Bk. 54, Pg. 93

NOTE - Assessor's Block Numbers Shown in Clippings
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 33, Pg. 27
 County of Humboldt, CA.

PROJECT AREA =

ASSESSOR PARCEL MAP

PROPOSED 705 101 PROPERTIES, LLC

GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION

RICHARDSON GROVE AREA

GPA-15-003, ZR-15-003

APN:033-271-004

T05S R03E S24 H B & M (Garberville)



MAP NOT TO SCALE



AERIAL MAP

PROPOSED 705 101 PROPERTIES, LLC


GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION

RICHARDSON GROVE AREA

GPA-15-003, ZR-15-003

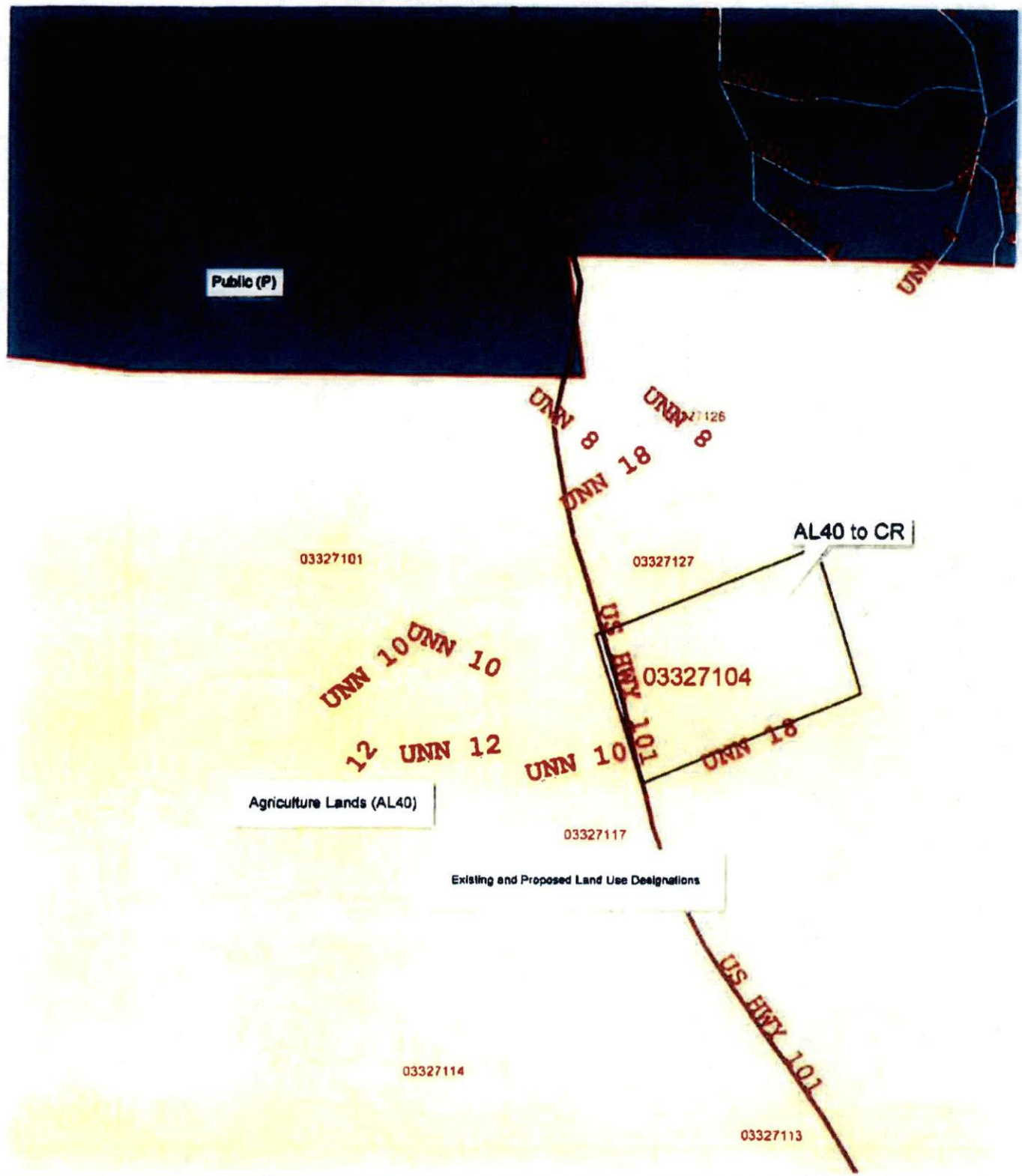
APN:033-271-004

7055 ROSE ST & H B & 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.

0 250 500 Feet



200 0 200 400 Feet
RF -- 1:3829

Map Disclaimer:
While every effort has been made to ensure the accuracy of this information, it should be understood that this map and the information contained herein are for general informational purposes only and do not constitute a legal document. The user assumes all responsibility for the use of this information. Should any difference arise between this map and the official records, the official records shall prevail.

December 9, 2014
Printed 10:01 AM on Oct 27 2014 on PLN.59

POD GIS Map
Humboldt County
Planning and Building

ATTACHMENT 1

CONDITIONS OF APPROVAL

Approval of the General Plan Amendment and Zone Reclassification are conditioned on the following terms and requirements that must be satisfied before the project can be scheduled for action by the Board of Supervisors.

1. The applicant shall submit a legal description of the areas to be amended for review and approval by the County Land Surveyor. The applicable review fee (currently \$209) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the project being scheduled for a decision by the Board of Supervisors.
2. The applicant shall submit a check payable to Humboldt County Recorder in the amount of \$50.00. *Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).*
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.

Informational Notes:

1. The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

If archaeological resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99. The applicant and successors are ultimately responsible for ensuring compliance with this condition.

ATTACHMENT 2

Staff Analysis of the Evidence Supporting the Required Findings

A. Required Findings for General Plan Amendments/Zone Reclassifications

The General Plan of Humboldt County is a dynamic document that can be modified to reflect changing social, economic or environmental conditions, or changes in state law. These changes include changing property from one plan designation or zone to another. Per Section 1452.2, *Findings Required*, of the Fortuna Area Community Plan and the Framework Plan, an amendment may be approved if:

1. Base information or physical conditions have changed; or
2. Community values and assumptions have changed; or
3. There is an error in the plan; or
4. To maintain established uses otherwise consistent with a comprehensive view of the plan.

B. State Planning and Zoning Law (Government Code §65300 et seq.) and Sections 312-50.3 and 312-50.8 of the Humboldt County Code Zoning Regulations, Required Findings for All Amendments, may be approved only if the following applicable findings are made:

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

Finally, 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:

- The project either is categorically or statutorily exempt; or
- 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
- 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.

Evidence to support the findings

(Findings for Undertaking Plan Amendments)

A. Base Information and Community Assumptions and Values have Changed

The amendment affects one parcel of approximately five acres in size. The property is currently developed with commercial/retail development on the western portion of the property fronting State Highway 101. This development consists of the "One-Log House" as well as a gift/espresso shop. The eastern or rear portion of the property contains three residential units. The amendment and rezone better reflects the actual use of the property.

The project warrants consideration based on the fact that base information and physical conditions

as well as community values and assumptions have changed. As defined in the Framework General Plan, the AL designation is intended for remote, steep and high natural hazard areas and applied to marginal timber, grazing, mining and quarrying, recreational areas, watershed and wildlife areas with occasional rural residences. The development of the site for commercial/retail with an associated tourist attraction along the Highway 101 corridor and residential uses, demonstrates the changes in community values and assumptions. In addition, the proposed change will maintain the established uses on the property otherwise consistent with a comprehensive view of the plan.

Based on the above facts, the Board of Supervisors accepted the petition for a General Plan Amendment and Zone Reclassification allowing the applicant to submit the present application to change the land use designation to Commercial Recreation (CR) and change the zoning to Community Commercial with a Qualified combining zone (C-2-Q). In addition, the Board of Supervisors has "straw-voted" the change to CR in the current General Plan Update.

(Findings for Consideration of Plan and Zoning Amendments)

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.	<p>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.</p> <p>The property is located within Flood Zone "C", areas outside the 100 year Flood Zone.</p> <p>The parcel has a high fire hazard rating and is outside of a fire protection district.</p>
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.
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.

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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>312-17.1.5 and 322-3.1</p> <p>Housing Element Densities</p>	<p>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 are 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.</p>	<p>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.</p>

Zoning Compliance and Development Standards: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding:
Proposed: §314-2.2 Community Commercial	Principal uses include: stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, business and professional offices.	With the Zone Reclassification to Community Commercial with a Qualified combining zone (C-2-Q), the current commercial uses will be a principally permitted use.
Development Standards		
Minimum Lot Area	2,000 square feet	Approximately 5 acres
Minimum Lot Width	25 feet	615 feet (average)
Maximum Building Height	75 feet	25 feet
Minimum Yard Setbacks	Front: None	Front: approximately 7 feet
	Side: None	Side: approximately 65 feet
	Rear: 15 feet	Rear: approximately 39 feet
Maximum Ground Coverage	None specified	Approximately 5%
§314-109.1 – Parking requirements	<p>Commercial: 1 space per each 300 sq. ft. of gross floor area plus 1 space per each employee at peak shift.</p> <p>Warehouse: The higher of one (1) parking space for every four (4) employees or one (1) parking space for each 2,500 square feet of gross floor area.</p> <p>Residential: Two spaces for each one-bedroom unit and four spaces for each two or more bedroom unit.</p>	The site is developed with ample parking as it is currently host to the One Log House, a tourist attraction. It is also developed with a gift/espresso shop and three residential units. The site is improved with 29 striped spaces as well as several unmarked gravel spaces dedicated to the commercial establishment. 17 spaces are provided for the residential use, well above the necessary spaces required. Further development will be reviewed to be sure that adequate parking remains available.

<p>314-32.1 Q - QUALIFIED</p>	<p>The Qualified combining zone is intended to be combined with any principal zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the principal zone may be limited or not be allowed with or without a Use Permit, or development standards/restrictions can be added, deleted or modified to implement the General Plan or to implement CEQA mitigation or to limit additional entitlements. The qualified uses shall be specified in the ordinance applying the Q Zone to specific property.</p>	<p>The Qualified combining zone will allow the majority of principally permitted uses allowed under C-2, however, those that may have visual impacts greater than the impacts caused by uses historically located on the property will require a Conditional Use Permit.</p>
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Public Health, Safety and Welfare, and Environmental Impact: The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare; and will not be materially injurious to properties or improvements in the vicinity.	The proposal would better reflect the current commercial uses on the property. Currently any uses other than residential and general agriculture require a Conditional Use Permit. The change to the zone will allow existing uses as a principally permitted use and allow for other commercial enterprises as well. All reviewing referral agencies that responded have approved the proposed development. No adverse impacts to properties in the vicinity are expected.
CEQA §15063	CEQA review required	<p>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.</p> <p>As noted this property is currently host to the One Log House – a tourist attraction – as well as other commercial and residential uses.</p>

ATTACHMENT 3

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

Certified copy of portion of proceedings, Meeting on _____, 2016

ORDINANCE NO. _____

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

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.
- (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 _____ day of _____, 2016, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairperson of the 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

Deputy

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

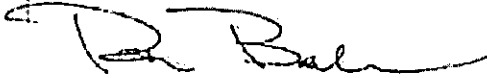
Attachment 4 includes a listing of all written evidence that has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division unless otherwise noted:

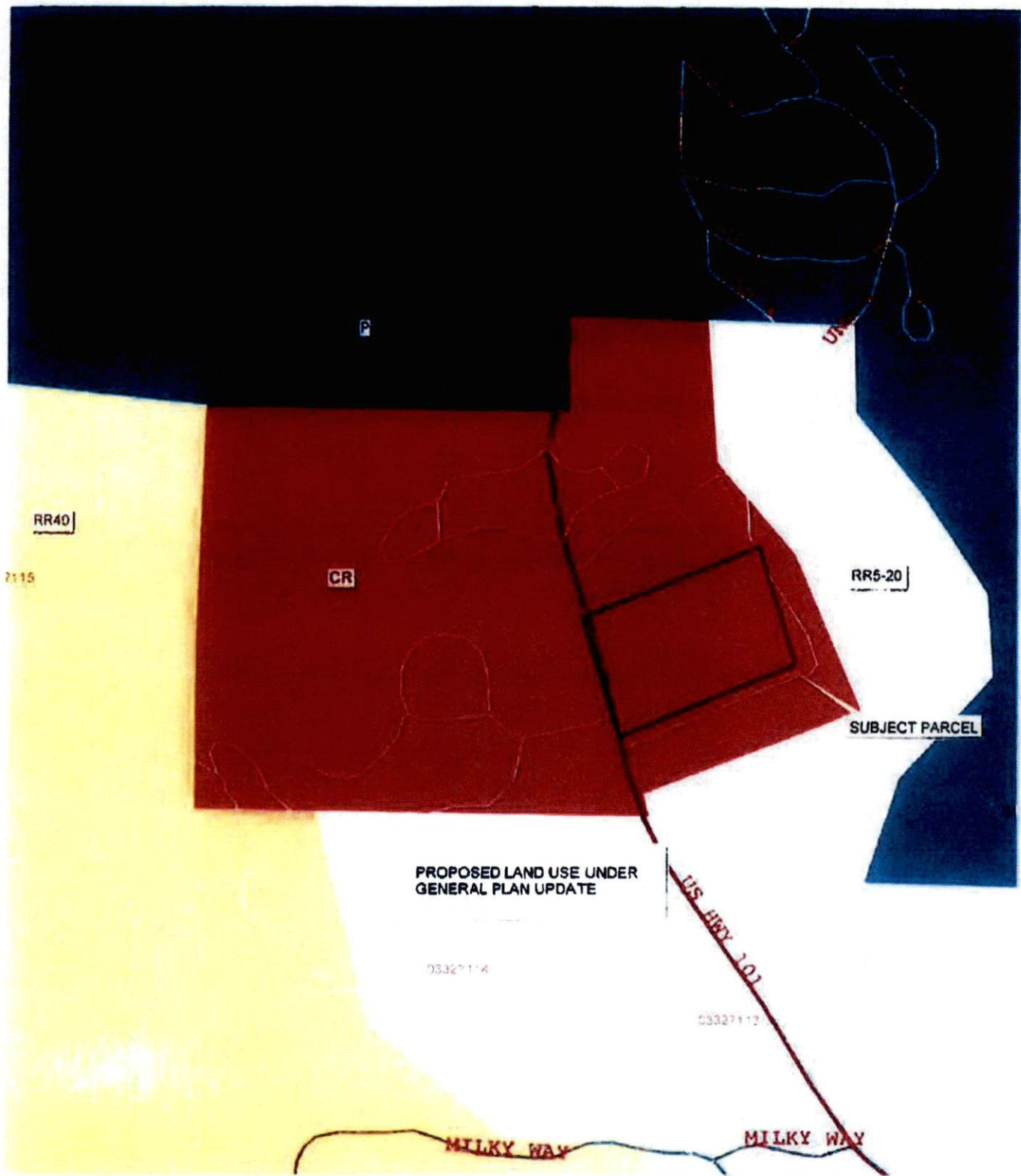
- Application Form
- Plot Plan/Tentative Map Checklist
- Present Owners' Deeds
- Applicant's request for amendment dated July 11, 2014 (attached)
- Map depicting proposed land use designations under the General Plan Update

7-1-14

THIS GENERAL PLAN AMENDMENT IS NECESSARY BECAUSE THE CURRENT USE OF THE PARCEL HAS CHANGED FROM AGRICULTURAL TO COMMERCIAL/RECREATIONAL. IN RECENT YEARS. ON THE PARCEL IS A COMMERCIAL RETAIL BUILDING WITH SEVERAL RETAIL OPERATIONS AND ALSO 2 RESIDENTIAL RENTALS. THE CURRENT GENERAL PLAN UPDATE SUPPORTS THIS DESIGNATION OF THE PROPERTY.

DAN BALSMIE, OWNER





Map Disclaimer:
While every effort has been made to assure the accuracy
of this information, it should be understood that the
accuracy of the information is not guaranteed. The
information is provided for informational purposes only.
Should any difference arise, the user shall be responsible.

December 9, 2014
Printed 09:40 AM on Oct 27 2014 on P1-PL-99

POD GIS Map

Humboldt County
Planning and Building

ATTACHMENT 5
Referral Agency Comments

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Approval		✓
County Public Works, Land Use Division	✓	Comments		✓
County Division of Environmental Health	✓	Approval		✓
California Department of Fish and Wildlife		No response		
California Department of Forestry and Fire Protection	✓	Standard comments		✓
Caltrans	✓	Comments		
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval		✓

ATTACHMENT E

Planning Commission Resolution No. 16-44

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 16-44

**Case Numbers: GPA 15-003, ZR 15-003
Assessor Parcel Number 033-271-004**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the 705 101 Properties, LLC General Plan Amendment and Zone Reclassification permit application.

WHEREAS, the applicant has submitted an application and evidence in support of approving a General Plan Amendment and Zone Reclassification to re-designate and reclassify approximately five acres into Commercial Recreation (CR) and Community Commercial with a Qualified combining zone (C-2-Q), respectively; and

WHEREAS, the project may be approved if it can be found that: (1) The proposed change is in the public interest; and (2) The proposed change is consistent with the General Plan, (3) The proposed change 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 project is categorically exempt per Section 15061(b)(3) of the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for granting the project (Case Nos.: GPA-15-003, ZR-12-003); and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning finds the project to be categorically exempt per 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. The proposed General Plan Amendment and Zone Reclassification are in the public interest;
3. The proposed General Plan Amendment and Zone Reclassification are consistent with the General Plan;
4. 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;
5. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Nos.: GPA-15-003, ZR-15-003 based on the submitted evidence; and

6. The Planning Commission approves the proposed project as recommended and conditioned in the Planning Division Staff Report for Case Nos.: GPA-15-003, ZR-15-003.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Staff.
3. Approve the General Plan Amendment and Zone Reclassification.
4. Adopt Resolution ___ amending the Framework General Plan to change the land use designation of one parcel totaling approximately five acres in the Piercy area [GPA-15-003] to Commercial Recreation (CR).
5. Adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying approximately five acres in the Piercy area [ZR-15-003] into Community Commercial with a Qualified combining zone (C-2-Q).
6. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on November 3, 2016.

The motion was made by Commissioner Shepherd and seconded by Commissioner Edmonds and the following ROLL CALL vote:

AYES:	Commissioner Levy, McKenny, Morris, Edmonds, Shepherd, Bongio
NOES:	None
ABSTAIN:	None
ABSENT:	Commissioner Ulansey
DECISION:	Motion carries by roll call vote 6/0.

Robert Morris, Chair

I, Suzanne Hegler, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

Suzanne Hegler, Clerk