



COUNTY OF HUMBOLDT

For the meeting of: 4/12/2022

File #: 22-413

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:
Humboldt Ranch, Inc. General Plan Amendment and Zone Reclassification Petition

RECOMMENDATION(S):
That the Board of Supervisors:

1. Consider the proposed project; and
2. Adopt the attached resolution (Attachment 1) to reject the petition; and
3. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

SOURCE OF FUNDING:
Applicant Fees.

DISCUSSION:
This item is a petition requesting that the Board accept for processing an applicant-initiated General Plan Amendment and Zone Reclassification (Attachment 2). The petition seeks to change the General Plan designation for an approximately 29-acre parcel created in violation of the Subdivision Map Act from Residential Agriculture with a density of 40 acres per unit (RA40) to Residential Agriculture with a density of 20 acres per unit (RA20). The petition also requests to change the zoning from Forestry Recreation with a B-5 combining zone with a 40-acre minimum [FR-B-5(40)] to Forestry Recreation with a B-5 combining zone with a 20-acre minimum [FR-B-5(20)].

The purpose of the proposed amendment is to remedy a subdivision that was performed in a manner not in compliance with state and local subdivision regulations. The parcel was divided by deed in 2001 without going through the required subdivision process in effect at the time. Had the subdivision of the originating parcel been properly executed and plans for division been submitted first for county approval, the request to divide the property would have been denied. The zoning district requires a minimum parcel size of 40 acres and the subdivision resulted in 2 parcels, each being less than 40 acres in size. This area is subject to an F-R-B-5 (40) zoning district specifically to prevent divisions of property into less than 40 acre parcels due to the remote nature and the characteristics of the natural environment.

Should the General Plan and Zone Reclassification Petition be accepted, potential issues would be more thoroughly analyzed during the General Plan Amendment and Zone Reclassification application review process. The petition seeks to create a pathway to remedy a subdivision violation and allow the applicant to then pursue a cannabis permit. On the other hand, the land use designation and zoning change, if ultimately approved, would result in an unusual exception to the Board's prior decision to maintain the 40-acre density approved in the last General Plan update as well as a change in the combining zone standard that has been in place since 1971.

Environmental review pursuant to the California Environmental Quality Act (CEQA) would be conducted on the General Plan Amendment application should the Board approves this petition.

REQUIRED FINDINGS:

Policy G-P8 of the Humboldt County General Plan specifies that a petition for amendment of this Plan may be accepted for processing upon the Board of Supervisors making one or more of the following findings:

- A. Base information or physical conditions have changed; or
- B. Community values and assumptions have changed; or
- C. There is an error in the plan; or
- D. To maintain established uses otherwise consistent with a comprehensive view of the plan; or
- E. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan.

The Board must also determine the revision is not appropriate for the next scheduled update.

For approval of Plan Amendments, the Board must make the findings that the proposed revision is in the public interest and is consistent with the Guiding Principles in Section 1.4 and applicable goals of the Plan.

Section 312-50.5 of the Humboldt County Code specifies that petitions for zoning map amendments shall be 1) in the public interest, and 2) consistent with the General Plan.

The applicant submitted information and arguments regarding potential site suitability, neighborhood compatibility, and compatibility with the requested land use designation and zoning. However, staff analysis was unable to conclude that compelling evidence was provided to support a finding the General Plan Amendment and Zone Reclassification Petition would be in the public interest. The amendment and reclassification would certainly result in a private benefit to the applicant, but the public benefit is unclear. Granting the petition would not enable a resolution to the status of the adjacent non-compliant parcel that was created by the same illegal subdivision and no suitability information was provided for the remainder non-conforming parcel. Additionally, granting of the petition and pursuing the amendment and reclassification is likely to encourage additional petitions to resolve other existing subdivision violations in the vicinity and may encourage additional illegal

subdivisions. Using a General Plan and Zoning Reclassification in this way for the purpose of resolving a subdivision violation presents equity issues for other landowners who have resolved their subdivision issues by complying with the subdivision regulations by merging or reconfiguring parcels.

The applicant also suggests the petition should be granted because there are other assessor parcels nearby that are less than the minimum 40 acres. Review of a sample of these assessor parcels identified by the applicant indicates that they are either also in violation of subdivision regulations and have recorded Conditional Certificates of Compliance or are part of a larger configuration comprising a single legal parcel from multiple assessor parcels. The only areas in this portion of the county that are planned for less than 40 acres are located directly on Briceland-Thorne Road, which is a principal arterial.

Another argument provided by the applicant is that lowering the minimum parcel size will increase housing availability which would be a public benefit. If there is unmet housing demand in this region and this area is appropriate for meeting the county's housing needs, it would be more appropriate for the Board to conduct a comprehensive review on an area basis as part of a scheduled General Plan amendment rather than on a spot basis.

The General Plan makes a distinction between RA parcels of RA20 and RA40, RA60 and RA160 that does not appear to support the proposed amendment. Chapter 4.8.1 of the General Plan (Purpose) states that *"RA5-20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. RA40, RA60, and RA160 designations are applied to more remote, steep and high-hazard areas of where appropriate to ensure compatibility with adjacent resource production and open space uses."*

The property has slopes of approximately 30% throughout the parcel, with some areas less than 30%. The property is located in a high fire-hazard severity zone and in an area of moderate to high geologic instability. It is also in a heavily forested area that contains documented Northern Spotted Owl nesting and foraging habitat. The petition to increase the allowable density in this area is not consistent with General Plan policies supporting resource protection and hazard mitigation.

The decision to be made at this time is whether 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 general plan amendment and zoning change is both in the public interest and consistent with the General Plan. The petition process allows the Board to make a determination whether the application is something that should be considered. There are many policy issues that would militate against this application and as a result staff recommends the Board of Supervisors not approve processing the petition.

A petition to accept an application for General Plan Amendment and Zone Reclassification is not a project as defined in Section 21065 of the Public Resources Code and is not subject to the California Environmental Quality Act (CEQA). If accepted, environmental review will be conducted.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all costs involved in the processing of the application. The source of funding is applicant fees deposited into Planning and Building Department, Current Planning Revenue Account (1100-277-608000).

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents .

OTHER AGENCY INVOLVEMENT:

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 accept the petition if it believes the required findings can be made. Staff believes the necessary findings cannot be made, so staff does not recommend further consideration of this alternative.

ATTACHMENTS:

- Attachment 1: Resolution No. _____
- Attachment 2: Copy of Application
- Attachment 3: Location Map/Assessor Parcel Map/Zoning Map/Aerial Map

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A
Meeting of: N/A
File No.: N/A