



COUNTY OF HUMBOLDT

For the meeting of: 1/5/2021

File #: 20-1605

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Benbow General Plan Amendment and Zone Reclassification Petition

APNs: 033-041-038; 033-091-025, -026, -027, -033, -034 & -035;

033-101-001, -002, -003, -004, -005, -006, -007, -008, -010, -011, - 015, -021, -022, -028, -029, - 031, -032, & -035

Case No.: PLN-2020-16218

RECOMMENDATION(S):

That the Board of Supervisors:

1. Accept the petition by approving the attached resolution (Attachment 1) based on the findings in the staff report and testimony received about the project; and
2. 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:

The Humboldt County Planning and Building Department, Planning Division received a petition requesting that the Board accept for processing an applicant-initiated General Plan Amendment and Zone Reclassification (Attachment 2). The petition owner seeks to change the underlying General Plan designation and Zone classification on 25 parcels involving approximately 33 acres in the Benbow area. The General Plan designation would change from Residential Low Density (RL) and Residential Estates (RE) to Residential Agriculture (RA). The zoning would change from Residential Single Family (R-1), Residential Multiple Family (R-3) and Residential Suburban (RS) to Agriculture General (AG). The applicant seeks the proposed changes to allow for better integration between the current land use and the properties physical characteristics. The applicant indicates the 25 parcels would be reconfigured into 11 parcels and will, "...eliminate multiple zoning within a parcel, allow historical use, eliminate unbuildable parcels, reduce water use, traffic and erosion."

The current General Plan land use designations for the subject property are:

Residential Estates: (RE1-5), Density: Range is 1 to 5 acres per unit;

Residential Low: Density: 1 to 8 units (RL), Density: 1 to 8 units per acre; and Garberville Redway Benbow Alderpoint Community Plan (GRBAP), 2017 General Plan, Slope Stability: Moderate Instability (2) and High Instability (3).

The current zoning on the subject properties is:

RS-D (Residential Suburban, Design Control);

R-1-B-3-D (Residential Single Family, 20,000 sq ft minimum building site, Design Control); and

R-3-D-P (Residential Multiple Family, Design Control, Planned Development)

The petition was filed by the property owner and includes information meeting the requirements per Section 312-50.5.

The project site is located in the Benbow area, on both sides of Fir Gate Court, at the intersection of Fir Gate Court and West Blue Rock Road, on multiple properties along Fir Gate Court and East Blue Rock Road.

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. Section 312-50.6 specifies that a petition for amendment of the text or the zoning maps of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan amendment. Section 3.3 of the General Plan, Amendments, states, *“The General Plan may only be amended ‘in the public interest’ as determined by the Board of Supervisors...the Plan can only be amended when the change benefits the entire County, not merely because the change would benefit a particular property owner. Every General Plan amendment must also be consistent with the rest of the Plan or appropriate changes need to be made to the Plan to achieve consistency with the proposed amendment.”*

Public Interest

The subject properties have three different zoning designations that currently apply (R-1, R-3 and RS), allowing for differing types of residential uses as principally permitted uses. The applicant notes that most of these properties are effectively unbuildable due to physical constraints of topography, septic system limitations and limited access. Attachment 5 - Figures 1, 2 and 3 illustrate these physical constraints to development at the present plan densities from slope, land instability, and historic landslides. The applicant also notes that the historic use of the lands was, until a 2018 County abatement action, primarily for cannabis grows, and seeks to allow agricultural operations again given lack of current production use of the lands as well as proximity to a cannabis dispensary nearby at the entrance to the Benbow Valley.

It is arguably in the public interest to modify the General Plan land use designation and zoning for the subject properties to allow for agricultural uses that are otherwise not permitted under existing General Plan and zoning classifications. This would help to alleviate what are otherwise largely developmentally-constrained lands due to the above-noted physical conditions, could support agricultural (cannabis) operations, if ultimately approved by the County, in support of the nearby cannabis dispensary, resolve split-lot zoning of R-1-B-3-D and R-3-D-P that affects a portion of the subject property (APN 033-041-038), and would lead to a reduction the number of existing parcels (25,

to be merged into 11, based on the applicant's stated intent to merge parcels). The proposed Agriculture General (AG) zone would allow for single-family residential and general agriculture as principally permitted uses. Attachment 5 - Figure 4 shows that the lands being considered for this land use and zone change were not included in the 2019 Regional Housing Needs Assessment (RHNA) Vacant Land Inventory. A table comparing permitted and conditionally permitted uses of the existing RS, R-1 and R-3 zones to the proposed AG zone is attached to this report.

Noted is that the Public Works Department has indicated that, should the project petition be approved, the existing roadway network serving the subject parcels should be reviewed as part of application processing, indicating that the roadway network for the subject properties may not be adequate to serve increased development; this would be further investigated if the petition for General Plan and zone changes is authorized by the Board of Supervisors. Additionally the Board recently authorized acceptance and processing of a petition on September 23, 2020 in the same vicinity to rezone lands along both sides of Benbow Drive, just west of the current proposed properties, to allow a change from the C-1 (Neighborhood Commercial) to C-2 (Community Commercial) zone.

Consistent with the General Plan

The current General Plan land use designations for the subject properties are as follows, with descriptions of each designation from the Land Use Element:

Residential Low Density (RL)

The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types including townhouses and common-wall clustered units.

Residential Estates (RE)

This designation is used for lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. It is also intended as a transition from urban development to rural lands. Clustering policies are suggested to assist in buffering adjacent resource production or open space uses and to retain contiguous open space. This designation is commonly used in water-only service areas.

The proposed General Plan land use designation for the subject properties is RA, described below:

Residential Agriculture (RA)

This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA5-20 and RA20 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 or where appropriate to ensure compatibility with adjacent resource production and open space

uses.

The RA designation has a residential range of 5-160 acres/unit.

Table 4-H of the General Plan (Land Use Element) shows the proposed RA - Residential Agriculture land use designation would be compatible with the proposed AG - Agriculture General zone. Adjoining lands to the south of the subject properties are also designated RA.

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 General Plan amendment and zoning change is both in the public interest and consistent with the General Plan.

A petition to accept an application for a 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 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.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by supporting business, workforce development and creation of private-sector jobs.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by County Counsel, which has not 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 AB 52, 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. _____

Attachment 2: Copy of Petition for General Plan Amendment and Rezoning submitted by the applicant February 10, 2020

Attachment 3: Location Map/Aerial Map/Assessor Parcel Map/Zoning Map/Land Use Map

Attachment 4: Zoning Comparison Table (RS, R-1, R-3 and AG Zones)

Attachment 5: Physical Development Constraints Map (Figures 1-3) and 2019 RHNA Residential Land Inventory Map (Figure 4)

PREVIOUS ACTION/REFERRAL:

Board Order No.: [Click or tap here to enter text.](#)

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