



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C17

Hearing Date: October 17, 2017

To: Board of Supervisors

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

Subject: Bandera USA Zone Reclassification Petition
 Application Number 13592, Case Number ZRP-17-002
 Assessor Parcel Numbers 201-322-001, 201-322-006, 201-322-017, 201-322-019, 204-081-003, 204-171-003
 Alton Area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Describe the project as part of the consent agenda.
2. Accept the Zone Reclassification Petition for processing, review, and referral to the Planning Commission for recommendation.
3. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

Prepared by Michael E. Wheeler
 Michael Wheeler, Senior Planner

CAO Approval [Signature]

REVIEW:
 Auditor _____ County Counsel NAD 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 Wilson
 Seconded by Supervisor Sundberg

Ayes Wilson, Sundberg, Bass, Bohn, Fennell
 Nays _____
 Abstain _____
 Absent _____

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

Dated: 10/17/17

By: [Signature]
 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 owner seeks to remove a Qualified (Q) combining zone currently in place on 32 acres of heavy industrial zoned parcels known as Assessor Parcel Numbers (APN) 201-322-001, 201-322-006, 201-322-017, 201-322-019, 204-081-003, and 204-171-003. The Q zone, adopted under ordinance 1689, precludes the use of the parcels for both retail sales/retail services and qualifies the industrial use of the properties for timber products processing and storage of no longer than five (5) days. These qualifications to the industrial and commercial use of the property limit their use in such a way that the parcels were vacant for decades. The Zone Reclassification will facilitate use of the site for other industrial uses by removal of the Q zone. The petition was filed by the property owners and includes information meeting the requirements per Section 312-50.5.

The project site is in Humboldt County in the Alton Area, on the south side of Highway 36 approximately one mile east of the intersection of State Highway 101 and State Highway 36 on the property known as 1178, 1298, 1444, and 1576 State Highway 36.

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 Qualified (Q) combining zone that presently applies to the site was adopted to protect and reserve the property primarily for timber products processing plants (Ordinance 1689 adopted in 1985). Under the Q zone, principal permitted uses were restricted to timber products processing plants for commercial processing of wood and wood products; and conditionally permitted uses were restricted to: manufacture of furniture, manufacture of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories; industrial manufacturing uses; dwellings and mobile homes.

There are two businesses currently desiring to utilize these parcels for other uses: Lost Coast Hay Sales and Bandera USA Water and Septic Tanks. The petition states that each of these businesses utilize previously underutilized industrially zoned properties that were a blight to the Alton area. These businesses are not allowed under the Q zone, and the owners are requesting removal of the Q zone designation from these parcels in order to reflect contemporary use for industrial, agricultural, and wholesale/retail commercial activities. The original reason to reserve these properties for timber products processing is somewhat antiquated as there has been a significant decline in the timber industry in the County and the local mills have shut down. The owners wish to begin and continue selling and producing agriculture products and other materials, and begin storing and selling water and septic tanks from these prime industrial

properties. It is in the public interest to utilize these undeveloped and blighted sites and promote the jobs that these businesses bring.

Consistent with the General Plan

The General Plan (Fortuna Area Community Plan) shows that the Industrial General Designation applies to the subject properties. With removal of the Q combining zone, the zoning for the properties would be Heavy Industrial (MH) which is compatible with the Industrial General land use designation of 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 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: Copy of Petition for Rezoning Petition submitted by the applicant April 18, 2017
- Attachment 2: Aerial Map/Location Map/Zoning Map/Assessor Parcel Map/Topo Map.

Attachment 3: Excerpts from Ordinance 1689 - Q Zone as applied to Area 6 (Exhibit F)

Attachment 1

Copy of Petition for Rezoning Petition Submitted by the Applicant

KENNETH M. BAREILLES

ATTORNEY AT LAW

533 E STREET
EUREKA, CA 95501
(707) 443-9338
FAX (707) 444-9534

October 3, 2016

Humboldt County Planning Department
3015 H Street
Eureka, CA. 95501

Attn: Mr. Trevor Estlow

Re: AP No. 201-322-006. Ken Bareilles Trucking Shop and Yard, Alton, CA.

Dear Mr. Estlow:

This letter is to formally request some changes in our zoning and use permits for the above parcel.

We currently have an unpermitted structure, temporary in nature, on the parcel, installed by Lost Coast Hay Sales, our tenant. That structure consists of two forty foot containers side by side with a temporary roof on top. Lost Coast Hay Sales is moving into our 30 foot by 60 foot Quanset Hut located on that same parcel. Dave Cullenberg, the owner of Lost Coast Hay Sales, has said he will dismantel the unpermitted structure as soon as he can get a permit to put a new roof on the Quanset Hut. That removal of that temporary structure will cure the lack of building permit issue.

In addition, we need to eliminate or modify the "Q" designation, on our parcel, which says we cannot have retail sales and/or retail services from that parcel. We wish to be able to continue selling agriculture products.

We will pursue and request any remedies that your office deems the most efficient and reasonable to request.

Thank you for the cooperation and assistance that your office has indicated it will provide to accomplish our goals for that parcel.

We truly appreciate your input and help.

Very truly:



KEN BAREILLES

KB

cc: Lost Coast Hay Sales

Humboldt County Planning Department
3015 H Street
Eureka, CA. 95501
Attn: Mr. Trevor Estlow and Mr. John Ford

Re: AP Nos. 201-322-006, 201-322-012, 201-322-011, 201-322-019, 201-322-017, 201-322-001, 204-171-003 and Ken Bareilles Trucking Shop/Yard and retail agricultural sales, Bandera USA Water and septic tanks, and Steve Wills Trucking and forestry products, all adjacent parcels in Alton, CA.

Dear Mr. Ford and Mr. Estlow:

The below named property owners request the planning department submit this letter formally requesting changes in the zoning for the above parcels to the Humboldt County Board of Supervisors for review and direction.

There are three businesses currently utilizing the parcels, Lost Coast Hay Sales, Bandera USA Water and Septic Tanks, and Steve Wills trucking. Each of these businesses are utilizing previously underutilized industrially zoned properties that were a blight to the Alton area. The purchase and utilization of the parcels has resulted in positive economic and social impacts to the area.

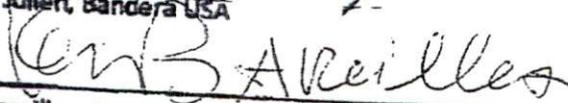
We respectfully request a modification the "Q" designation on these parcels to reflect contemporary use for industrial, forest products, trucking, agricultural, and wholesale/retail commercial activities, as the antiquated designation is no longer appropriate for contemporary uses. The "Q" designation precludes the use of the parcels for both retail sales/retail services and qualifies the industrial use of the properties for storage of no longer than five (5) days. These qualifications to the industrial and commercial use of the property limit their use in such a way that the parcels were vacant for decades. We wish to be able to begin and continue selling and producing agriculture products, decking and transporting logs and other materials, and begin storing and selling water and septic tanks from these prime industrial properties.

It is our understanding that the "Q" status of the Industrial zoning is established through ordinance and must be changed through an established process. The business owners wish to initiate that process immediately and request that in the interim a conditional use permit be issued to immediately allow our businesses to come into compliance and begin/continue to operate to the economic and social benefit of our county.

Sincerely,



Lloyd Julien, Bandera USA



Ken Bareilles, Attorney at Law and Trucking Shop and Yard

Steve Wills, Steve Wills Trucking

Rec.
4/18/17

Attachment 2

Aerial Map/Location Map/Zoning Map/Assessor Parcel Map/Topo Map



AERIAL MAP

**PROPOSED BANDERA USA
ZONE RECLASSIFICATION PETITION
ALTON AREA
ZRP-17-002**

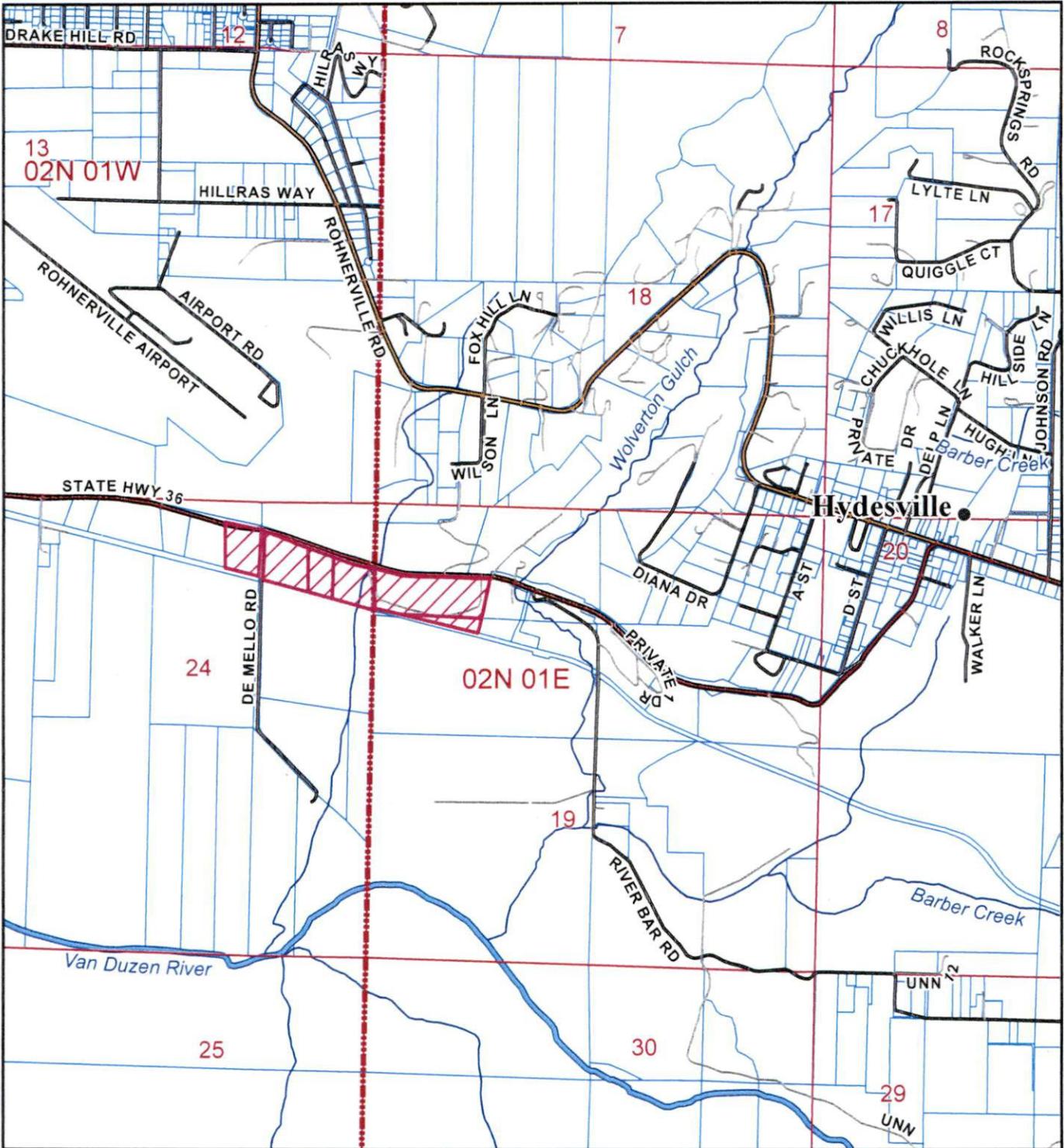
APN: 201-322-006 et seq.

**T02N R01W S24;
T02N R01E S19 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.



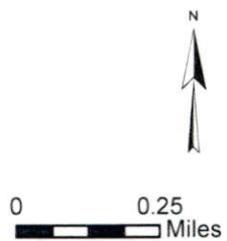


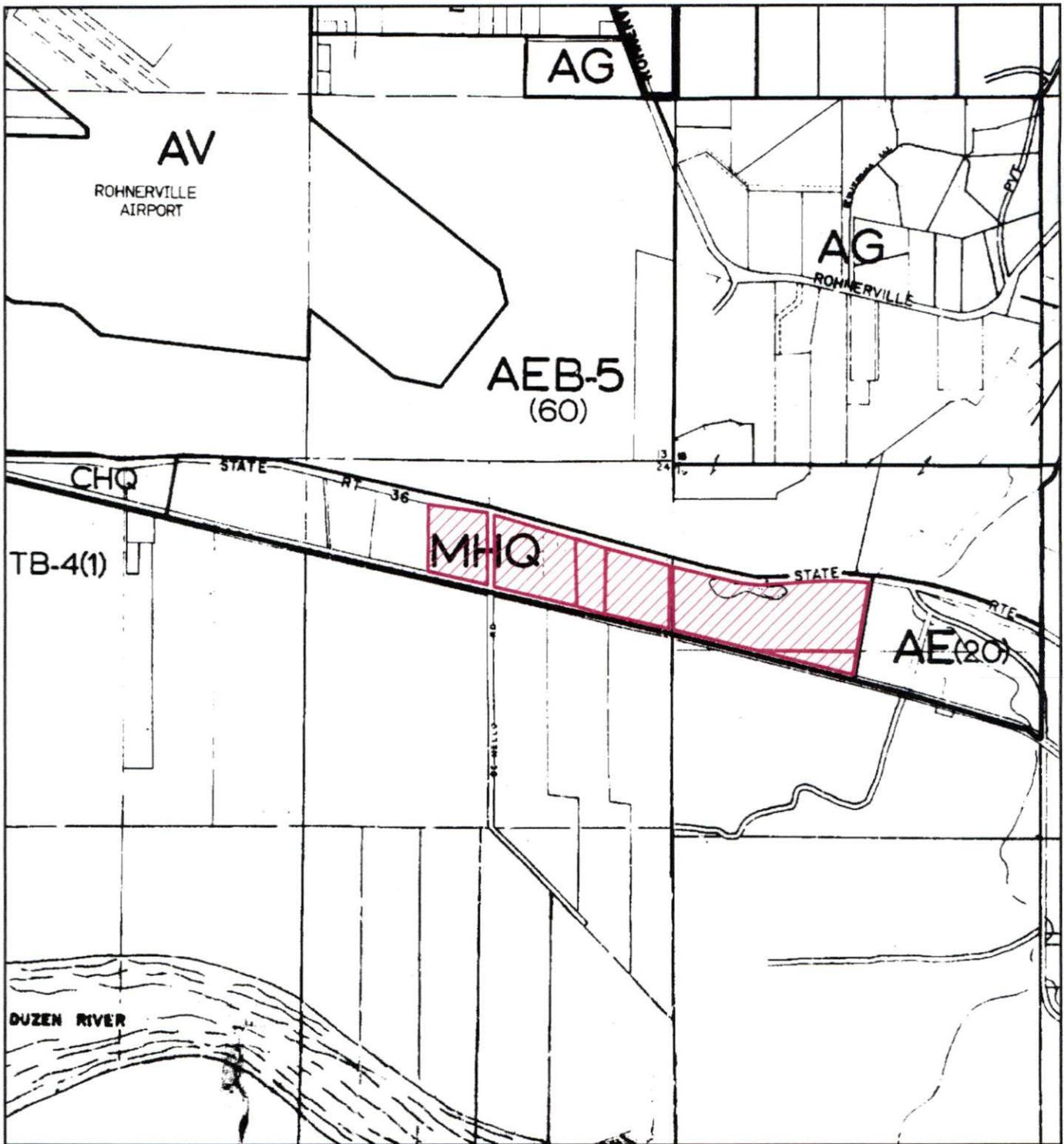
LOCATION MAP

**PROPOSED BANDERA USA
 ZONE RECLASSIFICATION PETITION
 ALTON AREA
 ZRP-17-002
 APN: 201-322-006 et seq.
 T02N R01W S24;
 T02N R01E S19 HB&M (Hydesville)**

Project Area = 

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ZONING MAP

**PROPOSED BANDERA USA
 ZONE RECLASSIFICATION PETITION
 ALTON AREA
 ZRP-17-002
 APN: 201-322-006 et seq.
 T02N R01W S24;
 T02N R01E S19 HB&M (Hydesville)**

Project Area = 

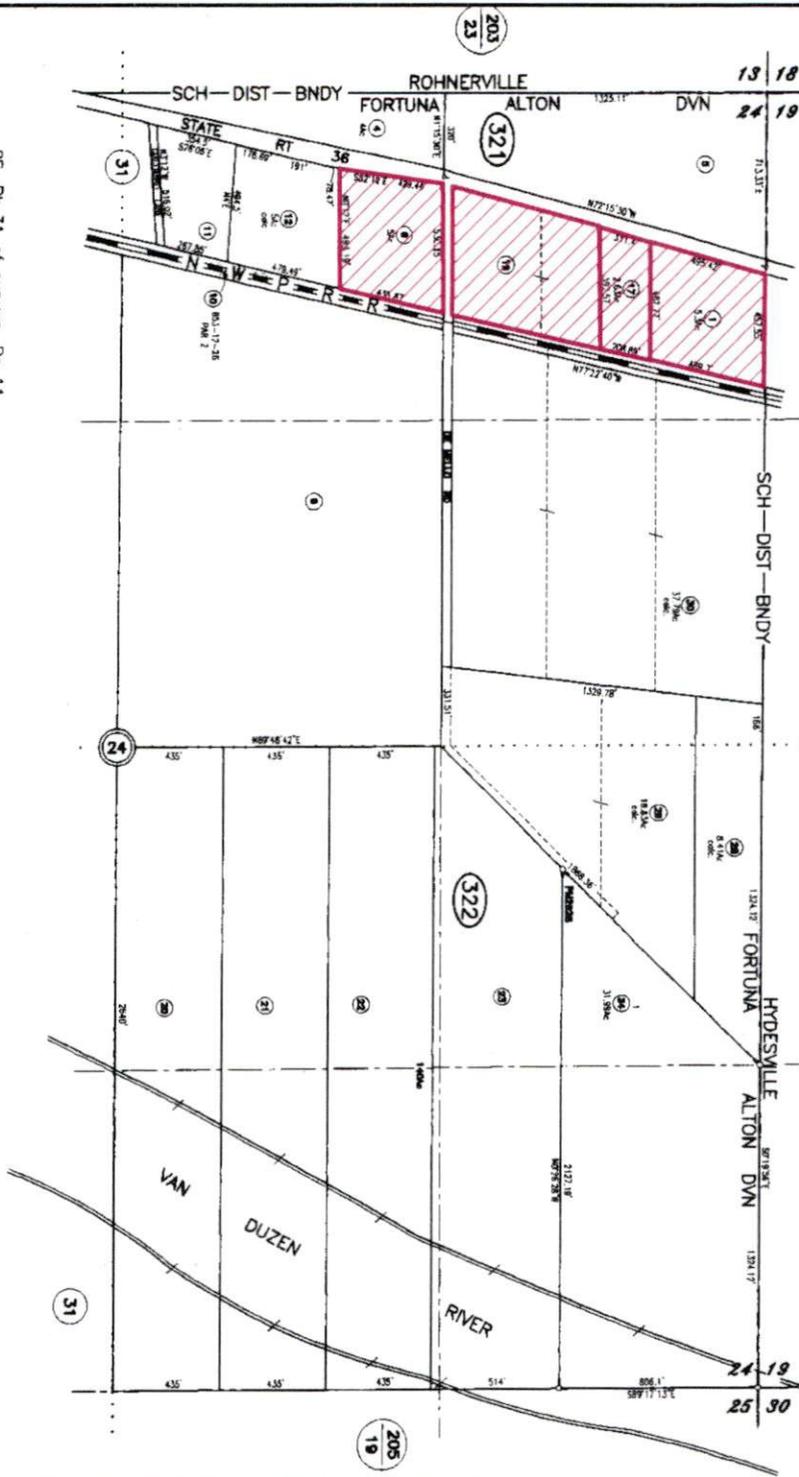
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



MAP NOT TO SCALE

PTN E1/2 SEC 24 T2N, R1W H.B.& M.

201-32

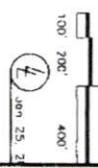


5 PARCEL MAP
 Prepared for
 the Assessor of
 Humboldt County
 in accordance with
 the Local Lot-Split
 Act, Chapter 10, Section
 10.01, of the
 State Constitution.

OS, Bk. 31 of surveys, Pg. 11
 PM2628 of PM Bk. 23, Pg. 128
 RS, Bk. 52 of surveys, Pg. 71

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

Assessor's Map Bk. 201, Pg. 32
 County of Humboldt, CA.



ASSESSOR PARCEL MAP
PROPOSED BANDERA USA
ZONE RECLASSIFICATION PETITION
ALTON AREA
ZRP-17-002
APN: 201-322-006 et seq.
T02N R01W S24;
T02N R01E S19 HB&M (Hydenville)

Project Area = 

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MAP NOT TO SCALE

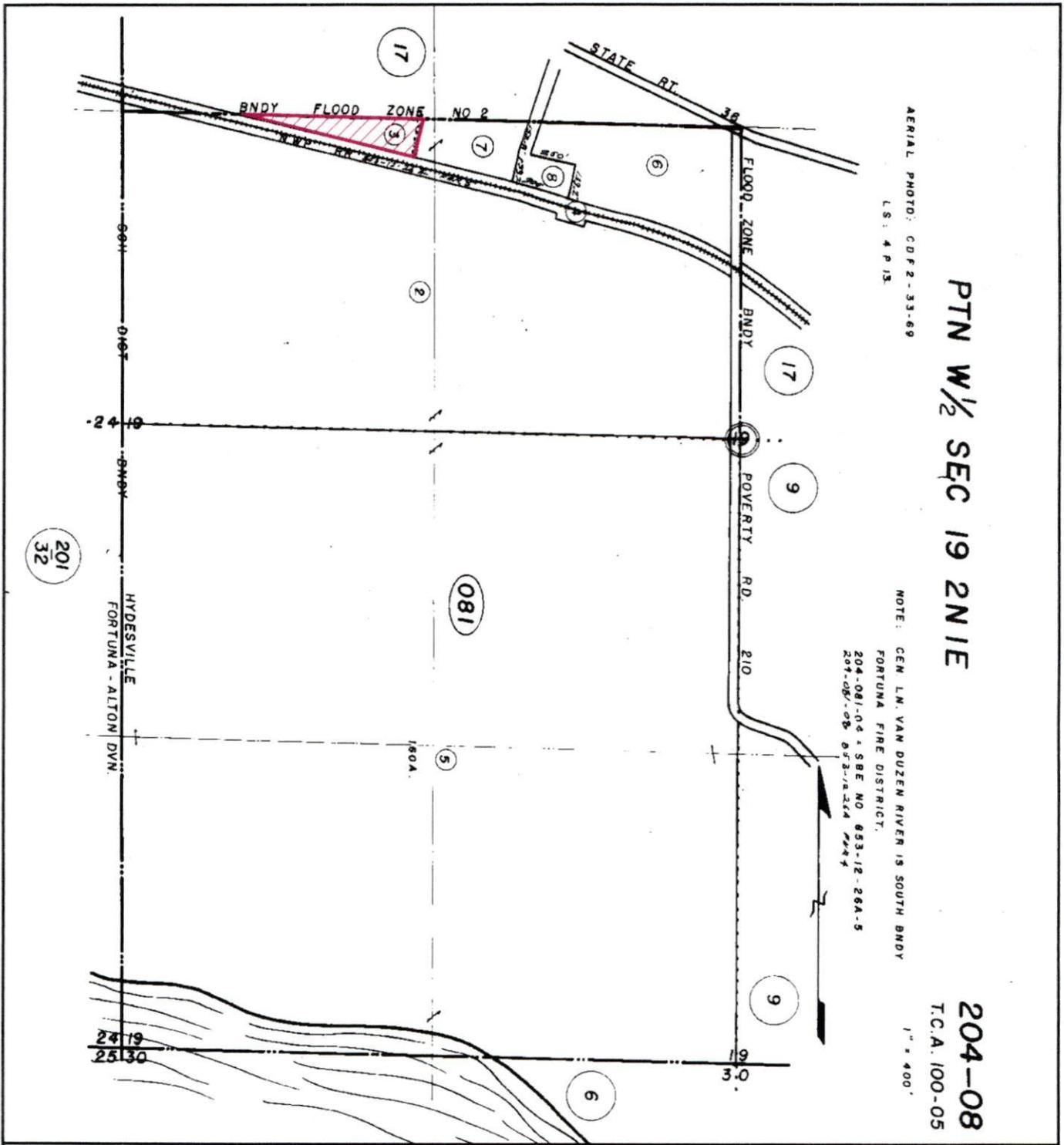
PTN W 1/2 SEC 19 2N1E

204-08
T.C.A. 100-05

AERIAL PHOTO: CDF 2-33-69
L.S.: 4 P.13

NOTE: GEN. L.N. VAN DUZEN RIVER IS SOUTH BNDY
FORTUNA FIRE DISTRICT.
204-081-04 = SBE NO 853-12-26A-5
204-081-08 = SBE NO 853-12-26A-5

1" = 400'



ASSESSOR PARCEL MAP
PROPOSED BANDERA USA
ZONE RECLASSIFICATION PETITION
ALTON AREA
ZRP-17-002
APN: 201-322-006 et seq.
T02N R01W S24;
T02N R01E S19 HB&M (Hydesville)

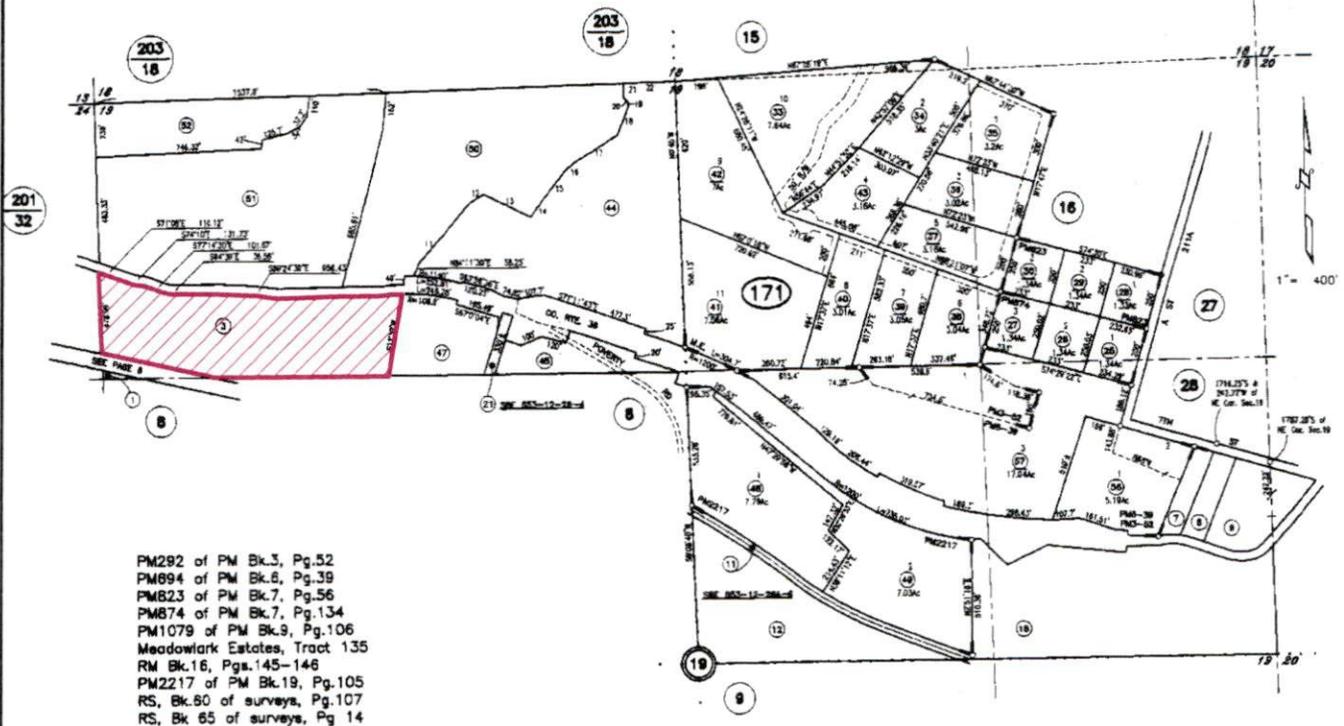
Project Area = 

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.

MAP NOT TO SCALE

PTN. N1/2, SEC.19, T2N, R1E H.B.& M.

204-17

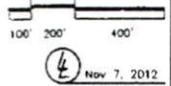


PM292 of PM Bk.3, Pg.52
 PM894 of PM Bk.6, Pg.39
 PM823 of PM Bk.7, Pg.56
 PM874 of PM Bk.7, Pg.134
 PM1079 of PM Bk.9, Pg.106
 Meadowlark Estates, Tract 135
 RM Bk.16, Pgs.145-146
 PM2217 of PM Bk.19, Pg.105
 RS, Bk.60 of surveys, Pg.107
 RS, Bk.65 of surveys, Pg.14

PARCEL MAP
 PREPARED FOR
 PURPOSES ONLY.
 ASSUMED FOR
 THE DATA SHOWN
 PARCELS MAY NOT
 LOCAL LOT-SPLIT
 THE DIMENSIONS

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk.204, Pg.17
 County of Humboldt, CA.



ASSESSOR PARCEL MAP
PROPOSED BANDERA USA
ZONE RECLASSIFICATION PETITION
ALTON AREA
ZRP-17-002

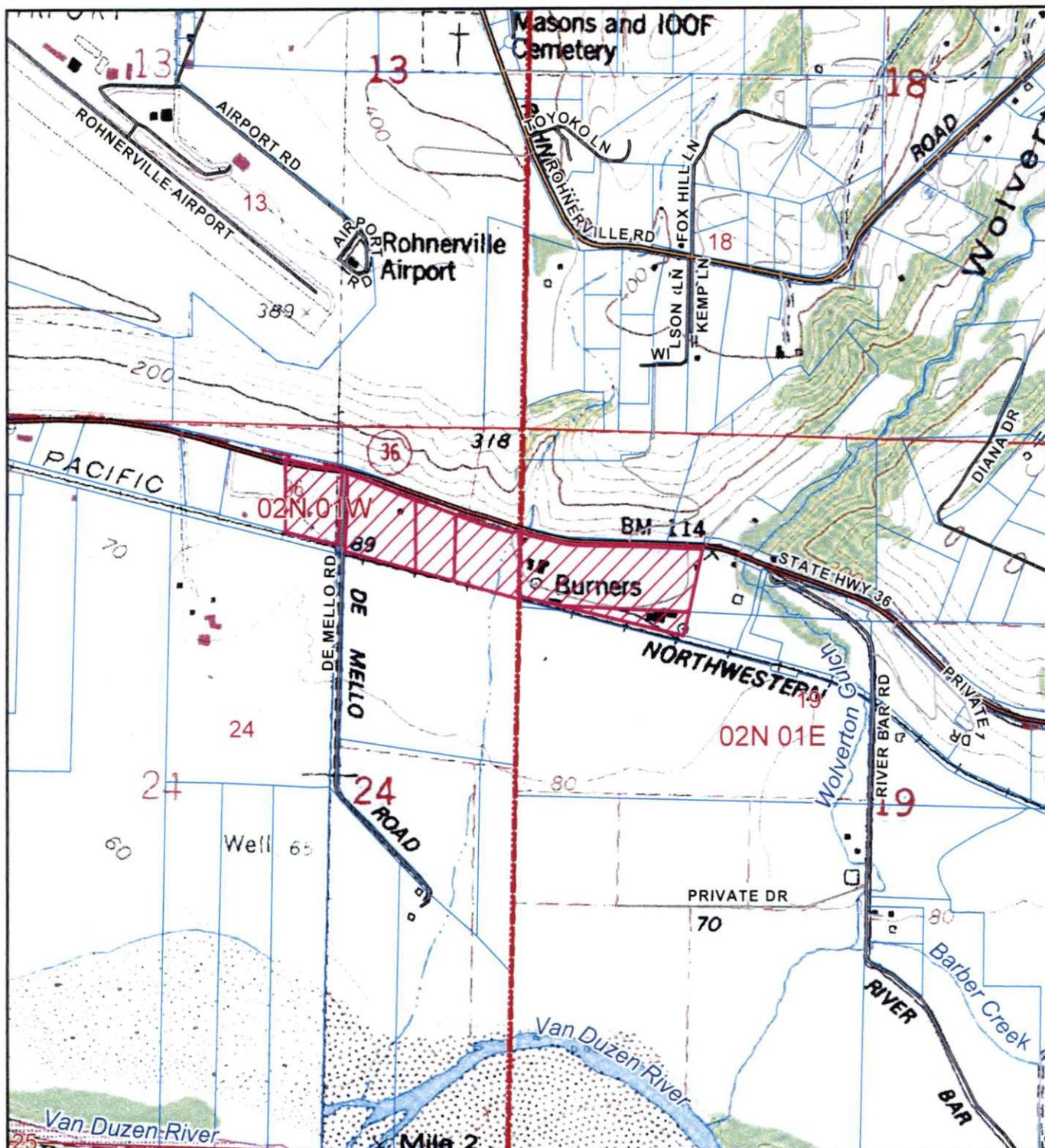
Project Area = 

APN: 201-322-006 et seq.
T02N R01W S24;
T02N R01E S19 HB&M (Hydesville)

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





TOPO MAP

**PROPOSED BANDERA USA
ZONE RECLASSIFICATION PETITION
ALTON AREA
ZRP-17-002**

APN: 201-322-006 et seq.

**T02N R01W S24;
T02N R01E S19 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.



0 500
Feet



Attachment 3

Excerpts from Ordinance 1689 - Q Zone as applied to Area 6 (Exhibit F)

ORDINANCE NO. 1689

AMENDING SECTION 313-4 OF THE HUMBOLDT COUNTY
CODE TO REZONE PROPERTY IN THE FORTUNA AREA
(FORTUNA AREA COMMUNITY PLAN IMPLEMENTATION)

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 313-4 of the Humboldt County Code is hereby amended by reclassifying the property designated Areas 1 through 8 on Exhibits A through H, attached hereto as follows:

a. The property designated "Area 1" on Exhibit A attached hereto from a U (Unclassified) Zone to a MLQB-5 (2-1/2) (Qualified Limited Industrial, 2-1/2 acre minimum parcel size) Zone.

b. The property designated "Area 2" on Exhibit B attached hereto from a U (Unclassified) Zone to a CHQ (Qualified Highway Service Commercial) Zone.

c. The property designated "Area 3" on Exhibit C attached hereto from a U (Unclassified) Zone to a MHQB-5 (10) (Qualified Heavy Industrial, 10-acre minimum parcel size) Zone.

d. The property designated "Area 4" on Exhibit D attached hereto from a U (Unclassified) Zone to a R-4Q (Qualified Apartment Professional) Zone.

e. The property designated "Area 5" on Exhibit E attached hereto from a U (Unclassified) Zone to a CHQ (Qualified Highway Service Commercial) Zone.

RECEIVED

MAY 31 1985

HUMBOLDT COUNTY
PLANNING COMMISSION

f. The property designated "Area 6" on Exhibit F attached hereto from a U (Unclassified) Zone to a MHQ (Qualified Heavy Industrial) Zone.

g. The property designated "Area 7" on Exhibit G attached hereto from a U (Unclassified) Zone to an MHQ (Qualified Heavy Industrial) Zone.

h. The property designated "Area 8" on Exhibit H attached hereto from a U (Unclassified) Zone to a C-2Q (Qualified Community Commercial) Zone.

SECTION 2. ZONE QUALIFICATION AND PURPOSES. The special restrictions and regulations set forth in Section 3 of this ordinance are hereby made applicable to Areas 1 through 8 designated on Exhibits A through H in accordance with Humboldt County Code Section 315-6 which authorizes restriction of the CH, MH, ML, R-4 and C-2 Zone regulations by application of the Q (Qualified Combining) Zone.

The purpose of these special restrictions with respect to each designated area is to:

a. Area 1 (Exhibit A):

1. Protect and reserve the property for limited industrial development such as light manufacturing and heavy commercial uses; and

2. Protect the surrounding residential areas and the public airport from inappropriate development of the subject property; and

3. Implement the policies of the Fortuna Area Community Plan applicable to industrial development of the subject

2. Preclude the placement of additional residential units within an officially established flood plain; and

3. Protect the neighborhood from inappropriate high density residential, business and institutional uses on the subject property.

e. Area 5 (Exhibit E):

Protect the neighboring property from inappropriate commercial development of the subject property.

f. Area 6 (Exhibit F):

1. Protect and reserve the property primarily, but not exclusively, for timber products processing plants; and

2. Protect the surrounding lands from other types of industrial developments on the subject property which may be inappropriate for the area; and

3. Provide an opportunity for public review and comment on industrial development planned for the property.

g. Area 7 (Exhibit G):

1. Protect and reserve the property for industrial development; and

2. Provide for public and technical review of traffic safety considerations associated with a broad range of industrial developments that may be proposed for the property.

h. Area 8 (Exhibit H):

1. Protect and reserve the property for commercial development; and

2. Provide for public and technical review of

Uses Permitted with a Use Permit:

Dwellings, mobilehomes and boarding and rooming houses.

f. Area 6 (Exhibit F):

Principal Permitted Uses:

1. Timber products processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including pulp mills.

2. General agriculture, nurseries and greenhouses and roadside stands.

Uses Permitted with a Use Permit:

1. Manufacture of furniture.

2. Manufacture of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories.

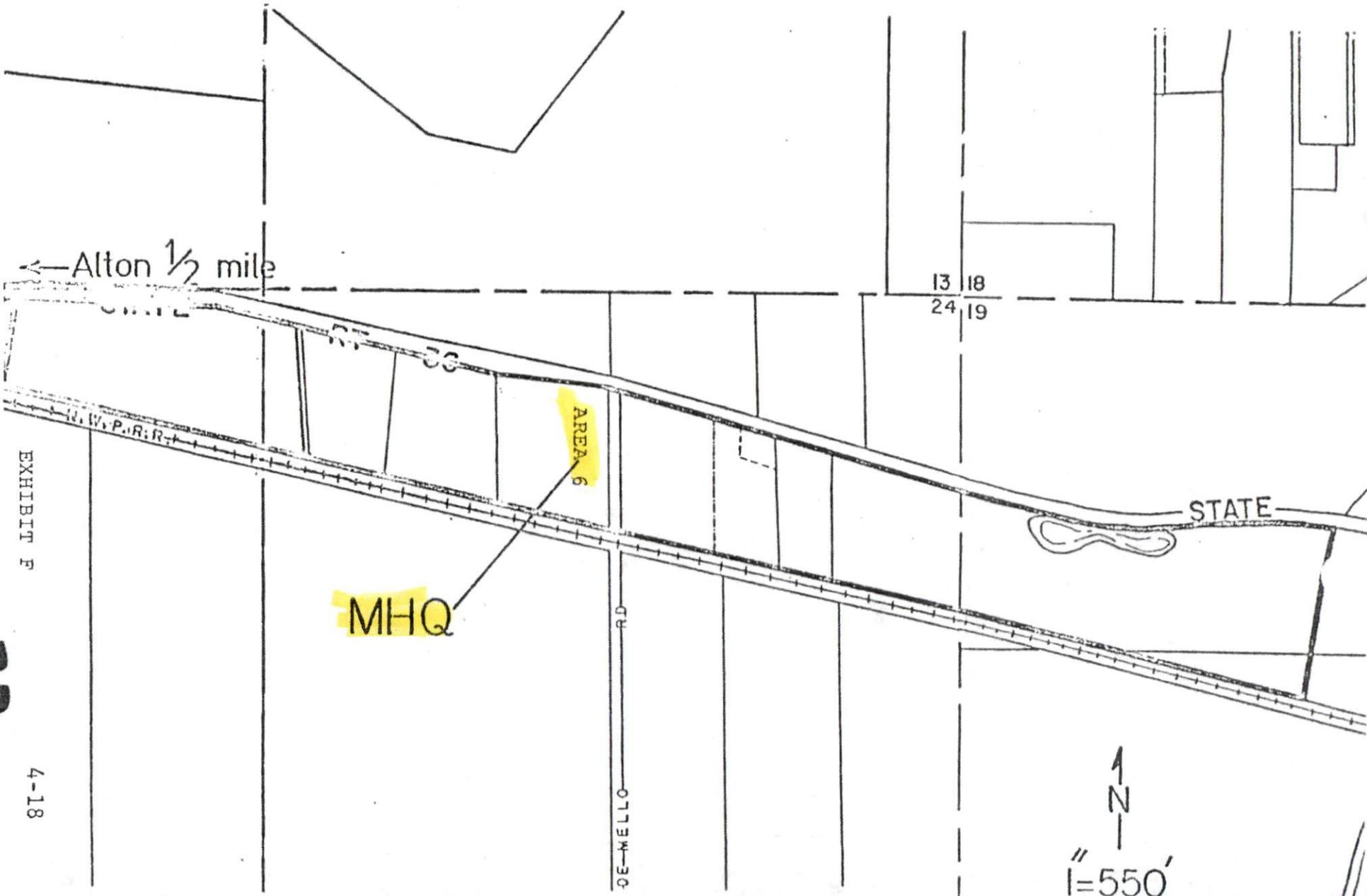
3. Industrial manufacturing uses.

4. Dwellings and mobilehomes.

g. Area 7 (Exhibit G):

Principal Permitted Uses:

Wholesale and retail sales and services of liquefied petroleum and related products. Activities related to this enterprise include: vehicle, equipment and product storage and warehousing, distribution, merchandise display, repair and maintenance, conversion of appliances and motor vehicles to propane use, sales and associated



Alton 1/2 mile

13 18
24 19

AREA 6

MHQ

STATE

DE-MELLO RD

W. W. P. R. R.

N
1" = 550'

EXHIBIT F

33

4-18