



# COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**4-1**

For the meeting of: December 16, 2014

Date: November 7, 2014

To: Board of Supervisors

From: Kevin R. Hamblin, Director, Planning and Building Department *KH*

Subject: TOMAC LLC General Plan Amendment and Zone Reclassification Petition  
Application Number 9221, Case Number GPP-14-004/ZRP-14-002  
Assessor Parcel Numbers 201-241-015, 201-241-018  
Alton Area

### RECOMMENDATIONS:

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 CAO Approval Amy Drees  
Trevor Estlow, Senior Planner

REVIEW:	Auditor _____	County Counsel <u>JK</u>	Human Resources _____	Other _____
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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 Sundberg  
 Seconded by Supervisor Fennell  
 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: Dec. 16, 2014

By: Kathy Hayes  
Kathy Hayes, Clerk of the Board

**SOURCE OF FUNDING:** Applicant fees deposited into Planning and Building Department Current Planning Revenue Account (1100-277-608000) is the source of funding. The applicant is responsible for all costs associated with the processing of the project application.

**DISCUSSION:**

***Petition***

The Humboldt County 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 seeks to change the designation of approximately 0.5 acres of lands known as APN 201-241-018 currently planned Agriculture Suburban (AS) to Industrial General (IG), similar to APN 201-241-015, also owned by the applicant. The proposed Amendment will facilitate the removal of the "Q" zone on APN 201-241-015 that limits the use of the property to the Nolan Trucking Facility. The Amendment will also facilitate a Zone Reclassification of APN 201-241-018 from Residential Suburban with a 2.5 acre minimum parcel size and combining zone for Manufactured Homes (RS-B-5(2.5)-T) to Heavy Industrial (MH), similar to APN 201-241-015.

The proposed Amendment will allow the owner's heating, ventilation and air conditioning (HVAC) business to utilize the site. The property would be used for business operations, which include truck and equipment storage, office space, a work area and additional storage.

***Summary***

*Project Location:* The project site is located in the Alton area, west of State Highway 101 and south of State Highway 36, approximately 250 feet south of the intersection of State Highway 36 and Old State Highway, on the property known as 2832 Old State Highway.

*Basis of Petition:* Base information or physical conditions have changed.

The applicant believes that an argument exists that meet the criteria for a Petition. The project site was rezoned in 1996 to Heavy Industrial with a Qualified Combining Zone (MH-Q). The "Q" zone was implemented through the adoption of Ordinance No. 2106 on January 9, 1996 (Attachment 3). The effect of the adoption of the Ordinance was to limit the use of the property solely to a "trucking facility" meeting the operational characteristics and subject to mitigations set forth in the environmental document adopted for the former Nolan Trucking Company. The Ordinance prohibits any other use that may be either principally permitted or conditionally permitted and requires a zone reclassification to either amend or delete the Qualified Combining Zone. The Nolan Trucking operation no longer uses the site and the amendment would permit the evaluation of the site's reuse consistent with the principally permitted uses allowed in the MH Zone. Under this evaluation the Q Zone could be removed in its entirety or modified, as necessary, to address compatibility with surrounding land uses with inclusion of such mitigation as is appropriate. Additionally, the Nolan Trucking General Plan amendment in 1996 predated the Alton Interchange Project. This project has altered some of the traffic issues in place when the Nolan project was first considered. Similarly, APN 201-241-018 is the remnant of a much larger parcel that existed before the highway interchange project, the majority of which was used to create the Highway 36 off-ramp. These are examples of how the base information of the property has changed and the zoning restriction is no longer appropriate.

Staff believes that the findings can be made on the basis of the submitted evidence.

## **Issues**

Should the General Plan and Zone Reclassification Petition be accepted, several issues will be more thoroughly analyzed during the General Plan Amendment and Zone Reclassification application review process. Some of these issues include adequate parking, the location of proposed structures, the uses allowed with the proposed zone and plan change and the compatibility of the surrounding neighborhood. Further analysis of these issues as well as others as they arise will be reviewed as part of the General Plan Amendment process. Environmental review pursuant to the California Environmental Quality Act (CEQA) would also be conducted.

## **Required Findings**

### *Review Criteria*

Pursuant to Section 1452 of the Framework Plan, Volume I, Plan Amendments may only be initiated by the Board of Supervisors based on a recommendation, by Resolution, of the Planning Commission or requested by members of the public. Section 1452.2 of the Framework Plan establishes findings that must be made, any **one** of which shall be grounds for considering a plan amendment. Specifically, the findings are:

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. The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

The Board also has the discretion of accepting for consideration any proposed plan amendment even though none of the findings of Section 1452.2 may be able to be made for the specific request. Amendments accepted for consideration are processed as staff resources permit consistent with the Planning Division's budget allocation and work program.

The decision to be made at this time is whether or not the Board will accept the proposed Amendment for processing, review and consideration. If accepted for review and consideration, final approval of the proposed Amendment will be dependent upon additional data that shows the request is both "in the public interest" and "consistent with a comprehensive view of the General Plan."

## **Staff Recommendation**

Planning Division staff believes that a finding may be made based on the fact that base information or physical conditions have changed with respect to the Alton Interchange Project and the way the property should be utilized now the Nolan Trucking operation has ceased activity at the site. Board acceptance of the petition would allow 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 find "base information or physical conditions have changed," staff recommends the Board accept the petition by adopting the attached resolution and directing Planning Division staff to process the application with land use designations and zones 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 individually-initiated plan amendment and 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 General Plan Amendment, 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 find that not **one** of the grounds for considering a plan amendment can be made and reject the petition. Alternatively, the Board, under its own discretion, may accept the proposed plan Amendment even though none of the findings of Section 1452.2 may be made for the specific request.

**ATTACHMENTS:**

- Attachment 1: Resolution No. 14-109
- Attachment 2: Copy of Petition for General Plan Amendment/Zone Reclassification: Request dated Received May 7, 2014
- Attachment 3: Ordinance No. 2106
- Attachment 4: Maps: Location Map/Assessor Parcel Map/Zoning Map/Existing and Proposed Land Use Designations/Zoning Classifications

**Attachment 1**

**Resolution No.** 14-109

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

Certified copy of portion of proceedings, Meeting of December 16, 2014

RESOLUTION NO. 14-109

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT APPROVING THE PLAN AMENDMENT AND ZONE RECLASSIFICATION PETITION FOR ASSESSOR PARCEL NUMBERS 201-241-015, 201-241-018; CASE NUMBER GPP-14-004/ZRP-14-002**

**WHEREAS**, Section 65358 of the State Government Code allows the Board of Supervisors to amend the General Plan up to four times in any calendar year;

**WHEREAS**, Section 1452.2 of the Humboldt County Framework Plan establishes that, if any one of the following findings are made, a requested plan amendment "shall be considered" by the Board of Supervisors:

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. The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

**WHEREAS**, the property owner has submitted an application requesting a plan amendment and zone reclassification for property as identified in Project File Number APNs 201-241-015, 201-241-018; Case No. GPP-14-004/ZRP-14-002; and

**WHEREAS**, Planning and Building Department, Planning Division, staff has evidence within planning files in support of finding that base information or physical conditions have changed.

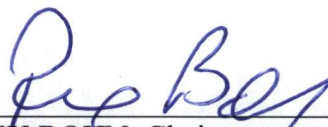
**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt County Board of Supervisors that the following findings are hereby made:

1. There is factual evidence in support of the proposed application: base information or physical conditions have changed;

**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 Tomac, LLC General Plan and Zone Reclassification Petition, File Number APNs 201-241-015, 201-241-018; Case No. GPP-14-004/ZRP-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: December 16, 2014

  
\_\_\_\_\_  
REX BOHN, Chair  
Humboldt County Board of Supervisors

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

Certified copy of portion of proceedings, Meeting of December 16, 2014

RESOLUTION NO. 14-109

Adopted on motion by Supervisor Sundberg, seconded by Supervisor Fennell, 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 General Plan Amendment/Zone Reclassification**



# **TOMAC LLC**

5901 ERICSON WAY  
ARCATA, CA 95521  
707-822-8800  
707-822-8995 (fax)

May 5, 2014



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

RE: Request for Petition for Zone Reclassification AP#201-241-015 & 018

Pursuant to Humboldt County Code Section 312-50.1, this application requests a petition for a zone reclassification to delete the "Q" qualifier from the existing MH-Q zone which now limits the use to Nolan Trucking only. The parcel is approximately 8 acres as described in the deed.

The proposed amendment is in the public interest as it will provide the opportunity for additional and continued use of the property and is consistent with the County General Plan.

The parcel is not in the Coastal Zone and will not require an amendment to any local Coastal Plan.

Sincerely,

A handwritten signature in black ink that appears to read "John McBeth".

John McBeth  
Tomic LLC

**Attachment 3**  
**Ordinance No. 2106**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA  
Certified copy of portion of proceedings, Meeting on January 9, 1996

ORDINANCE NO. 2106

AMENDING SECTION 313-4 OF THE HUMBOLDT COUNTY CODE  
BY REZONING PROPERTY IN THE ALTON AREA  
[ZR 13-92 (Nolan)]

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. ZONE AMENDMENT. Section 313-4 of the Humboldt County Code is hereby amended by reclassifying the property described in the attached Exhibit A from Residential Suburban, 2 1/2 acre minimum parcel size (RS-B5(2 1/2)) to Heavy Industrial with a Qualified Combining Zone (MH-Q). The area described is also shown on the Fortuna Community Plan Area zoning map 1 of 2 and on the map attached as Exhibit B.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth herein are hereby made applicable to the property described in Section 1 in accordance with Humboldt County Code Section 315-6, which authorizes restriction of the Heavy Industrial zone regulations by application of the "Q" (Qualified) Combining Zone.

SECTION 3. PURPOSE OF QUALIFICATION. The purpose of the special restrictions and regulations herein imposed on the property described in Section 1 is:

- a. To restrict the use of the site to the Nolan Trucking Facility.

SECTION 4. SPECIAL RESTRICTIONS. The special restrictions and regulation herein imposed on the property described in Section 1 is to restrict uses which may be either principally allowed or allowed with a Conditional Use Permit in the MH zone. Any uses other than the existing Nolan Trucking Facility will require a zone reclassification to either amend or delete the Qualified Combining Zone.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this 9th day of January, 1996, on the following vote, to wit:

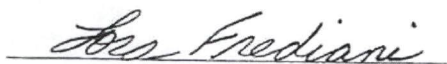
AYES: Supervisors: Dixon, Heider, Fulkerson, and Kirk  
NOES: Supervisors: None  
ABSENT: Supervisors: Neely



Chairman of the Board of Supervisors of the  
County of Humboldt, State of California

(SEAL)

ATTEST:  
Lora Frediani  
Clerk of the Board of Supervisors of the  
County of Humboldt, State of California



RECEIVED

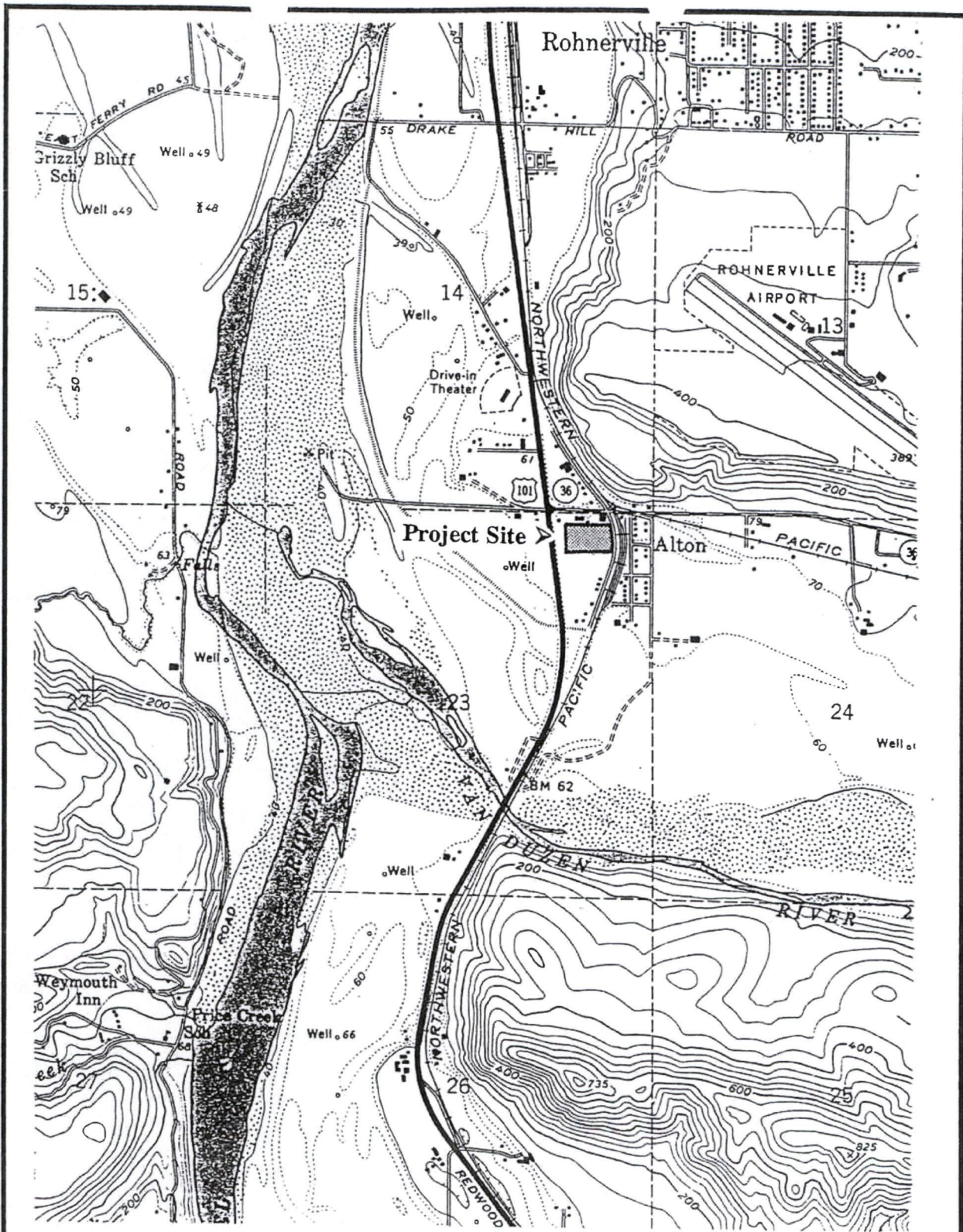
JAN 16 1996

HUMBOLDT COUNTY  
PLANNING COMMISSION

**EXHIBIT A**

**The land referred to in this report is situated in the State of California, County of Humboldt, and is described as follows:**

Parcel 1 of Parcel Map 2993 recorded in Book 27 of Parcel Maps, Pages 98 & 99 of the Humboldt County Records.



**North**

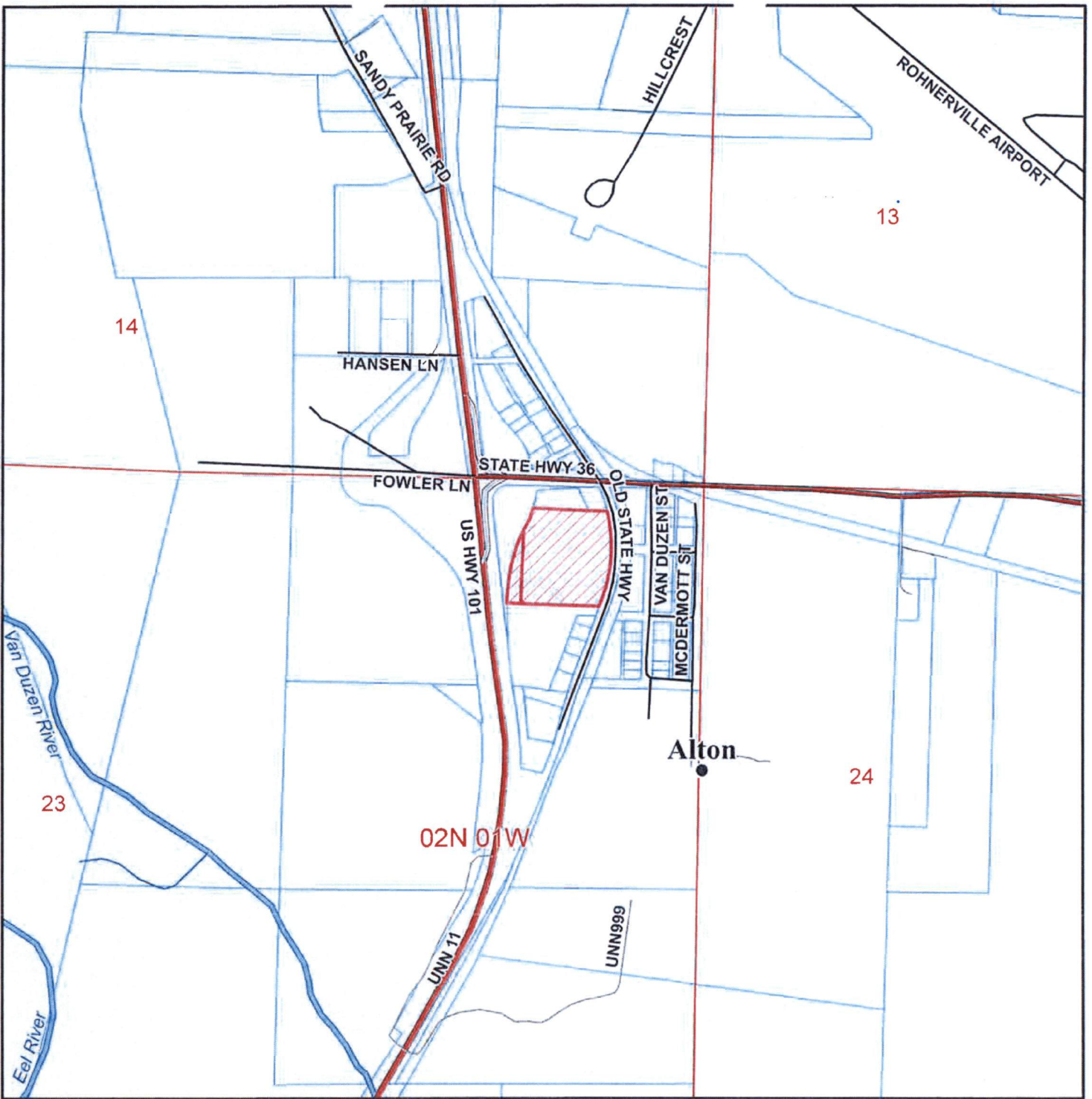
**Exhibit B**

**Nolan Plan Amendment & Zone Reclassification; Alton Area**  
**File No. 201-241-13; Case No's: GPA 01-92; ZR 13-92**  
**Section 23, Township 2 North, Range 1 West, Humboldt Meridian**

## **Attachment 4**

### **Maps**


- Location Map
- Assessor Parcel Map
- Zoning Map
- Land Use Designations – Existing and Proposed
- Zoning Classifications – Existing and Proposed



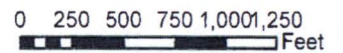
**LOCATION MAP**

**PROPOSED TOMAC LLC  
GENERAL PLAN PETITION  
ALTON AREA  
GPP-14-004**

**APN: 201-241-015 & -018  
T02N R01W S23 HB&M (Fortuna)**

**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.



14  
23

STATE RT 36 FAS 503

PTN NE1/4 SEC 23 T2N, R1W H.B.& M.

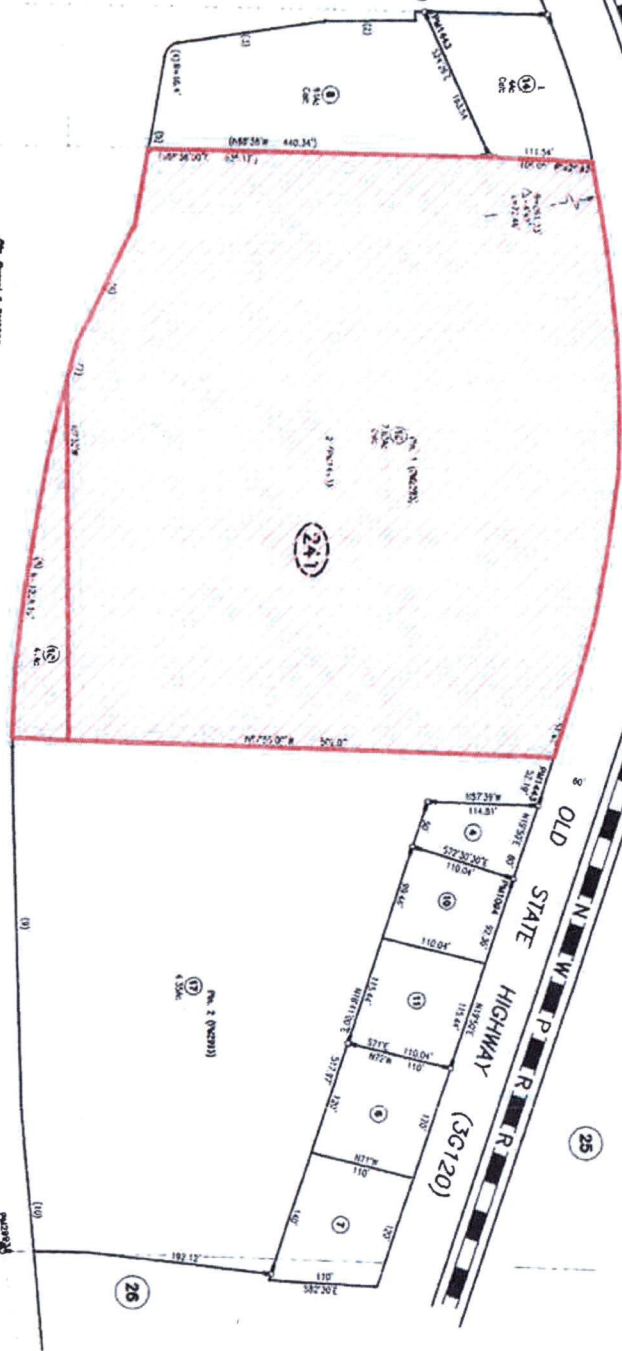
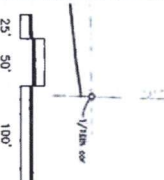
PARCEL MAP  
 PREPARED FOR  
 TOMIC LLC  
 PROJECT NO. 14-004  
 MAP NO. 201-24  
 DATE: 11/22/2013

STATE HIGHWAY U.S. 101

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

APN	ACRES	DATE
201-241-015	114.31	11/22/2013
201-241-018	110.04	11/22/2013
201-241-019	110.04	11/22/2013
201-241-020	110.04	11/22/2013
201-241-021	110.04	11/22/2013
201-241-022	110.04	11/22/2013
201-241-023	110.04	11/22/2013
201-241-024	110.04	11/22/2013
201-241-025	110.04	11/22/2013
201-241-026	110.04	11/22/2013
201-241-027	110.04	11/22/2013
201-241-028	110.04	11/22/2013
201-241-029	110.04	11/22/2013
201-241-030	110.04	11/22/2013
201-241-031	110.04	11/22/2013
201-241-032	110.04	11/22/2013
201-241-033	110.04	11/22/2013
201-241-034	110.04	11/22/2013
201-241-035	110.04	11/22/2013
201-241-036	110.04	11/22/2013
201-241-037	110.04	11/22/2013
201-241-038	110.04	11/22/2013
201-241-039	110.04	11/22/2013
201-241-040	110.04	11/22/2013

Assessor's Map Bk. 201, Pg. 24  
 County of Humboldt, CA.



**ASSESSOR PARCEL MAP**

**PROPOSED TOMAC LLC  
 GENERAL PLAN PETITION  
 ALTON AREA  
 GPP-14-004  
 APN: 201-241-015 & -018  
 T02N R01W S23 HB&M (Fortuna)**

PROJECT SITE =



ROHNERVILL  
AIRPORT

C-3<sub>4</sub>  
C-2

C-1

CHQ

MH-Q<sub>6</sub>

RSTB-5(2/2)

R-1TB-4(1)

R-4Q

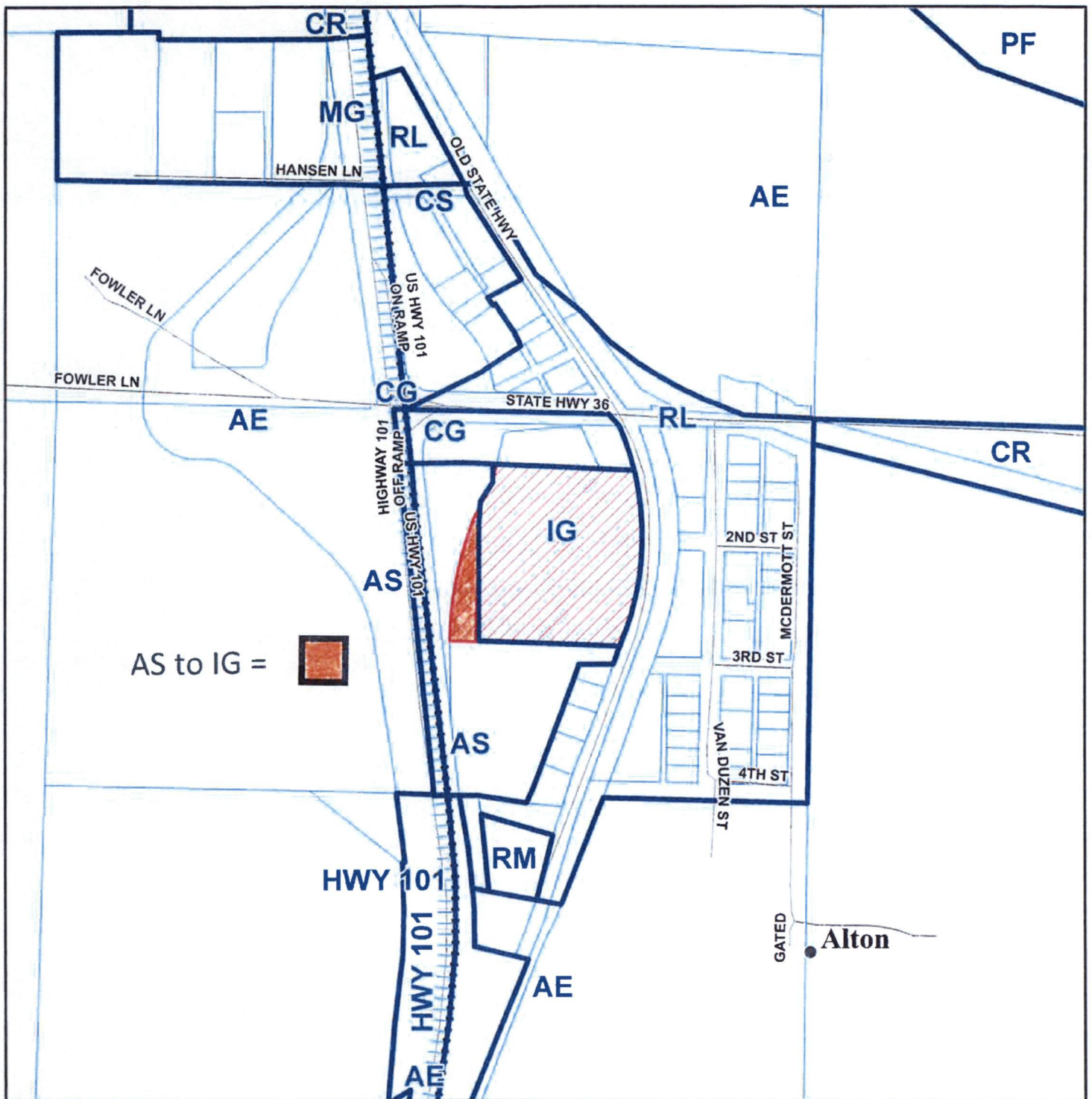
ZONING MAP

PROPOSED TOMAC LLC  
GENERAL PLAN PETITION  
ALTON AREA  
GPP-14-004

APN: 201-241-015 & -018  
T02N R01W S23 HB&M (Fortuna)

PROJECT AREA = 





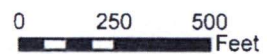
**LAND USE MAP**

**PROPOSED TOMAC LLC  
GENERAL PLAN PETITION  
ALTON AREA  
GPP-14-004**

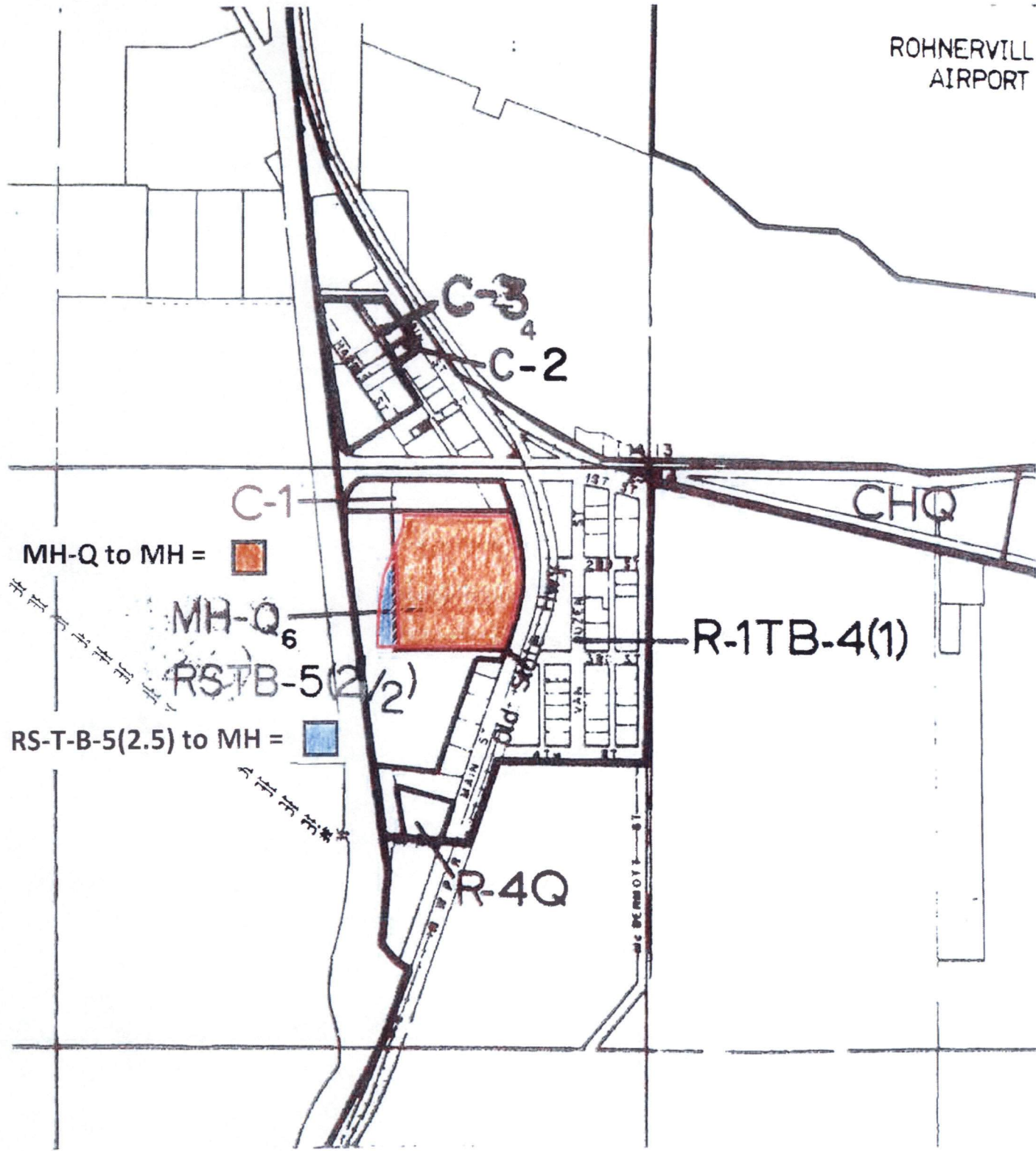
**APN: 201-241-015 & -018  
T02N R01W S23 HB&M (Fortuna)**

**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.



ROHNERVILL  
AIRPORT



ZONING MAP

PROPOSED TOMAC LLC  
GENERAL PLAN PETITION  
ALTON AREA  
GPP-14-004

APN: 201-241-015 & -018  
T02N R01W S23 HB&M (Fortuna)

PROJECT AREA = [Red box]

