



# COUNTY OF HUMBOLDT

For the meeting of: 1/26/2021

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File #: 21-20

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**To:** Board of Supervisors  
**From:** Planning and Building Department  
**Agenda Section:** Consent

SUBJECT:

McKenny Zone Reclassification Petition

APNs: 203-211-008, -009, -010, -011, -012, -013, -014, -015, -016, -017 & -018

Record No.: PLN-2020-16209

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:

This is a request for a petition to accept for processing an applicant-initiated Zone Reclassification to add an "S" (Development Standard Combining Zone) overlay to the existing ML-Q (Limited Industrial - Qualified Combining District) zoning designation (Attachment 1). The Zone reclassification would affect 11 adjoining Assessor's Parcels, totaling 22.53 acres. The project site is located along the west side of Airport Road, and south of Drake Hill Road, immediately south of the City limit of Fortuna.

The applicant's stated purpose for the addition of the S Overlay:

*"This S overlay would allow for an increase to 32% Maximum lot coverage up from the maximum 25% lot coverage allowed in the current zone. In addition, we would request the "S" overlay to allow for interior side lot setbacks be changed to ten feet minimum which would be down from the existing ten percent lot width or 25 foot minimum. The reason for this requested zoning change would be to increase density of the current use which would lessen sprawl and allow for the idea of infilling existing properties to their maximum ability prior to expanding neighboring properties."*

In addition to the requested Zone reclassification, the applicant will also seek to modify provisions of

Use Permit's applicable to the property (CUP-03-05 and CUP-03-06) addressing setbacks as well as lot coverage standards. This modification would be considered by the Planning Commission if the Zone reclassification petition is authorized by the Board.

The petition was filed by the property owner and includes information meeting the requirements per Section 312-50.5. 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 applicant has indicated that use of the S Combining District would aid further development of the project site and avoid sprawl by encouraging infill development.

The intent of the S Combining District, pursuant to County Code Section 34.1.1, is, "...to allow modification of the specific development standards in the principal zones to more precisely implement the General Plan."

The base zoning designation of ML-Q provides for limited industrial uses by right, including certain types of manufacturing, office, business and professional offices, and certain service commercial uses, while a Use Permit would be required for uses including hotels, motels, animal hospitals and kennels, and additional manufacturing uses. The project site's "Q" Combining District, "...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."

It is in the public interest to allow development of property in an orderly and efficient manner. The applicant is requesting the S Combining District to allow development modifications that would allow additional development of property that would otherwise remain undeveloped. Several of the properties are developed with storage or office buildings, while other parcels are not yet developed. The use of modified development standards under the S Combining District and the ML-Q zone, allowing for reduced setbacks and expanded lot coverages, could allow new development consistent with the uses permitted by the Limited Industrial zone.

If the petition for the zone reclassification is authorized by the Board, request for the proposed modified development standards of the S Combining District (maximum 32% lot coverage, and use of minimum 10 foot interior side yard setbacks) would be evaluated to ensure appropriate site development, as well as land use compatibility with surrounding lands (including agricultural lands to the east and west, and residential development on the adjoining parcel to the east, and residential properties located across Drake Hill Road to the north in the City of Fortuna). The corollary amendments to the underlying Use Permits, also adjusting interior side yard setbacks to a minimum 10 feet and allowance of a 32% maximum lot coverage, would be evaluated concurrent with the processing of the zone reclassification.

Consistent with the General Plan

The current General Plan land use designation for the subject property is Industrial General (IG):

Industrial General (this designation provides for general industrial and manufacturing uses, typically in urban areas, convenient access to transportation systems and full range of urban services are available). Also noted is that the project site is located within the boundaries of the Fortuna Area Community Plan (FACP).

The proposed project would not amend the existing General Plan land use designations, FACP, nor would it modify the underlying land use provisions on the properties (ML-Q).

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 a 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 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 Rezoning submitted by the applicant February 3, 2020
- Attachment 3: Location Map/Aerial Map/Assessor Parcel Map/Zoning Map/Land Use Map
- Attachment 4: Zoning Comparison Table (ML-Q and S Combining Zones)

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**PREVIOUS ACTION/REFERRAL:**

Board Order No.: Click or tap here to enter text.

Meeting of: Click or tap here to enter text.

File No.: Click or tap here to enter text.