




AGENDA ITEM NO.  
**J1**

# COUNTY OF HUMBOLDT

For the meeting of June 26, 2018

Date: June 6, 2018

To: Board of Supervisors

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

Subject: ZR-17-006. Summit West Property Management, LLC Zone Reclassification  
Assessor Parcel Number 313-203-020  
Fickle Hill area

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. \_\_\_\_\_ by title and waive further reading.
2. Open the public hearing and receive the staff report and public testimony.
3. Close the hearing and deliberate.
4. Consider the Addendum to the General Plan Update Program Environmental Impact Report (PEIR) (Attachment 6).
5. Adopt Resolution No. \_\_\_\_ (Attachment 1) making findings that the Zone Reclassification is consistent with the requirements of the General Plan and the Zoning Ordinance.
6. Adopt Ordinance No. \_\_ (Attachment 2), amending Section 311-7 of the Humboldt

Prepared by Tayla Copeland

CAO Approval 

**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 \_\_\_\_\_ Secinded by Supervisor \_\_\_\_\_

- Ayes
- Nays
- Abstain
- Absent

**SEE ACTION SUMMARY**

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

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kathy Hayes, Clerk of the Board

- County Code by reclassifying approximately 12.81 acres in the Fickle Hill area from Unclassified (U) to Agriculture General with a Special Building Site Combining Zone specifying a minimum parcel size of ten (10) acres (AG-B-5(10)).
7. Direct Planning Division staff to prepare and file a Notice of Determination with the County Clerk and State Office of Planning and Research.
  8. Direct the Clerk of the Board to publish a summary of the zoning changes within 15 days of the date of the hearing, along with the names of those Supervisors voting for and against the ordinance (Attachment 3) and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance.
  9. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's office, County Counsel, the Planning Division, and any other interested party.

#### SOURCE OF FUNDING:

The applicant is responsible for all costs related to processing of this application. There will be no effect on the General Fund.

#### DISCUSSION:

The subject application by Summit West Property Management, LLC, the property owner, is to rezone approximately 12.81 acres of land zoned Unclassified (U) to Agricultural General (AG). The Zone Reclassification includes a Special Building site combining zone specifying a minimum parcel size of ten (10) acres resulting in a zone and combining zone of AG-B-5(10). With the combining zone the zone reclassification is consistent with the General Plan designation of Residential Agricultural (RA 5-20).

The zone reclassification is requested in order to allow cannabis cultivation on the site. Cannabis cultivation is not allowed in a U zone (unless developed industrially). This property has not been industrially developed in its past and thus the U Zone at this location does not allow cannabis cultivation.

Reclassifying the subject parcel's zone to AG-B-5(10) is consistent with the General Plan designation of RA 5-20 when a combining zone is used to set density and minimum lot size designators. The implementation of the B-5(10) combining zone ensures consistency with the cited standard.

On April 5, 2018, the Planning Commission recommended approval of the Rezone with a vote of 5-1 with one abstention. Members of the Public expressed concern with having cannabis cultivation at this location due to concerns with safety and crime. The applicant spelled out their security plan. At the same meeting, the Planning Commission also conditionally approved an associated Special Permit to allow an indoor commercial cannabis cultivation operation to occur inside two existing non-residential structures, with a total cultivation area of 3,565 square feet that will become effective only after the zoning is changed to AG. The conditions of approval are in the Planning Commission staff report in Attachment 4 of this staff report.

Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve a Zone Reclassification. These findings are as follows: In accordance with County Code, this approval may be revoked or rescinded, in whole or in part, if certain grounds are found to exist.

1. The proposed change is in the public interest; and
2. The proposed change is consistent with the General Plan; and
3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

4. a. The project either is categorically or statutorily exempt; or
- b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
- c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

The Zone Reclassification is in the public interest and consistent with the General Plan because it will implement the Land Use Designation adopted in the General Plan and with the use of the combining zone will maintain the existing development pattern by establishing a density which will not allow this parcel to be further subdivided.

Further, the parcel was not a part of the Housing Element Residential Land Inventory utilized by HCD to determine compliance with Housing Element law and the rezoning will not reduce housing densities.

CEQA:

The subject property subject to the Zone Reclassification was evaluated as part of the change in land use designations for the recently adopted Humboldt County General Plan. Implementation Measure (GP-IM6) requires a county-wide rezoning effort to insure consistency with the General Plan. All lands zoned Unclassified or "U", described in Section 314-8.1 as areas not sufficiently studied to justify a precise zone classification, will be rezoned to be consistent with the General Plan as part of this implementation measure. An Addendum to the Programmatic Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017, was prepared in accordance with Section 15164 of the State CEQA Guidelines (Attachment 6) indicating that there are no new impacts not previously addressed in the EIR.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The cost of producing this report is less than \$2,000, and the applicant is responsible for paying all costs involved in the processing of the application.

The rezone supports the Board's Strategic Framework through its core role of encouraging new local enterprise.

OTHER AGENCY INVOLVEMENT:

The project was referred to various State and local agencies for comments and recommendations. The Planning Commission has recommended approval. The adopted resolution from the Planning Commission is included in Attachment 5 to this report.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to accept the Planning Commission recommendation to reclassify the zoning of this property. The Board of Supervisors could decide that an alternative Zoning District is preferred at this location. The choice of a residential zone would preclude cannabis cultivation at this location. In this circumstance a decision on the zoning of the property would be best considered as part of the General Plan Implementation Plan.

ATTACHMENTS:

The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

- Attachment 1: Draft Board Resolution
- Attachment 2: Ordinance No. \_\_, Exhibit A (Map), Exhibit B (Legal Description)
- Attachment 3: Summary of Ordinance, Map to be published (Exhibit A)
- Attachment 4: Planning Commission Staff Report and Public Comments Received
- Attachment 5: Planning Commission Resolution No. 18-35
- Attachment 6: Addendum to EIR prepared for 2017 General Plan Update
- Attachment 7: FEIR for General Plan available for review at:  
<https://humboldt.gov/273/General-Plan-Update>