



# COUNTY OF HUMBOLDT

For the meeting of: 5/21/2024

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File #: 24-850

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Consent

**Vote Requirement:** Majority

**SUBJECT:**

Stander-Green Diamond General Plan Amendment and Zoning Reclassification Petition  
PLN-2024-18909

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt the attached resolution (Attachment 1) to do the following:
  - a. Make the findings required to accept the petition.
  - b. Accept the petitions; 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:**

*Executive Summary:* A petition requesting the Board accept for processing an applicant-initiated General Plan Amendment and Zone Reclassification. The amendments are needed to enable a Lot Line Adjustment in the Fickle Hill area between APN 500-081-002, owned by the Green Diamond Resource Company, and APN 500-071-012, owned by Nielen and Elicia Stander. The Lot Line Adjustment seeks to adjust the boundary of the Stander property to incorporate development inadvertently built on the Green Diamond property, but accessory to the residential uses of the Stander property. Changes to land use and zoning are only requested on an approximately 0.2-acre portion of the Green Diamond property (APN 500-081-002).

*Location*

The project site is located approximately 2 miles east of Arcata in the Fickle Hill area, on the north side of Fickle Hill Road, approximately 450 feet southeast of the intersection of Fickle Hill Road and Simmons Lane, on the property known as 3100 Fickle Hill Road.

*Current Land Use & Zoning*

General Plan land use designations:

APN 500-071-012 Residential Estates (RE) Density: 1 to 5 acres per dwelling unit

APN 500-081-002 Timberland: (T)

*Zoning:*

APN 500-071-012 Agriculture General (AG)

APN 500-081-002 Timberland Production Zone (TPZ) and Agriculture Exclusive (AE)

*Petition*

To help the existing development pattern better conform with requirements of the Zoning Regulations and General Plan, a petition has been submitted by a property owner requesting to change the General Plan land use designation from Timberland (T) to Residential Estates (RE: Density 2.5-5 acres per unit) and changing the zoning from Timber Production Zone (TPZ) to Agriculture General (AG). The purpose of these changes is to allow a Lot Line Adjustment to place structures inadvertently built on the Green Diamond property. As confirmed by local surveyor Mike O'Hern, this includes a garage, fence, and driveway area. Attachment 2 includes a petition submitted by the Applicant's Agent. The attachment also includes a letter from Green Diamond supporting the Lot Line Adjustment, a map showing the accessory development at issue, and an exhibit detailing the proposed Lot Line Adjustment and 0.2-acre area targeted where the General Plan Amendment and Zone Reclassification are proposed.

The decision to be made at this time is whether the Board will accept the proposed application for processing, review, and consideration. If accepted for processing, further review and more in-depth analysis will be performed by staff prior to next presenting the matter to the Planning Commission and Board for consideration.

**Requirements for Accepting the Petition:**

To accept a petition for amendment of the General Plan Land Use Designation and Zoning of a property, the Board of Supervisors must be able to make one or more of the following findings:

- A. Base information or physical conditions have changed; or
- B. Community values and assumptions have changed; or
- C. There is an error in the plan; or
- D. To maintain established uses otherwise consistent with a comprehensive view of the plan; or
- E. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan.
- F. Additionally, the proposed zoning changes must be shown to be in the public interest.

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."*

The following information supports the findings above:

- C/D. According to Humboldt County Assessor records, residential development first appeared on the Stander property in 1962. At the time of the last General Plan update in 2017, the land use pattern in this area was not fully understood as a portion of the Green Diamond property was already occupied with accessory residential development unwittingly extended onto the property from the Stander parcel. The established land use pattern warrants modification of the property boundaries, zone boundary and land use boundary.
- E/F. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan as it is in the public interest to correct minor discrepancies between actual development patterns and the land use called for by the General Plan.

**Consistency with the General Plan:**

If supported, the redesignation of the parcel from T to RE2.5-5 will cause to be consistent the rezoning of the parcel from TPZ to AG. Table 4-H of the General Plan (Land Use Element) shows the proposed RE2.5-5 (Residential Estates) land use designation would be compatible with the proposed AG (Agriculture General) zone. Adjoining lands to the North, South, and West of the subject property are also planned RE2.5-5 and zoned AG.

**Consistency with the Zoning Regulations:**

*Rezoning from Timberland Production to a Different Zone.* Rezoning the land from Timberland Production Zone (TPZ) to another zoning district generally requires demonstration of conformance with the requirements of the Forest Taxation Reform Act of 1976, in addition to the requirements of Humboldt County Zoning Regulations. Notwithstanding those requirements, precedent exists where

the redesignation of less than three acres of TPZ can be supported without going through the required 10-year period of review otherwise required to rezone TPZ to other designations. Examples include the following projects previously approved by the Board: PLN-2022-17598 (Alto, Suchanek/Green Diamond), PLN-2020-16327 (Martin/Humboldt Redwood Company), PLN-2019-15634 (Lucchesi) and PLN-14387-LLA (Carolan). In this case, the applicant plans to rezone 0.2 acres of the property from TPZ to AG.

Approximately 37.02 acres of the property is zoned TPZ, and an approximately 2.98-acre area is zoned AE. The proposed zone reclassification would result in an area of 37 acres of TPZ zoned property, and 2.98 acres of AE zoned property. The Green Diamond Property is connected to an additional 232 acres of Green Diamond-owned TPZ to the south. The zone reclassification would not disconnect the Green Diamond Property from the contiguous TPZ area.

***Staff Recommendation:***

The County Planning and Building Department believes there is sufficient evidence to enable the required findings to be made and recommends that the Board accept the petition. The request is in the public's interest because the change will maintain established uses otherwise consistent with a comprehensive view of the plan, and the amendment will correct a discrepancy between actual land use and the land use called for by the General Plan.

Should the General Plan and Zone Reclassification Petition be accepted, certain matters will be more thoroughly analyzed during processing and review of the General Plan Amendment and Zone Reclassification application. This includes the loss of timberlands, uses and development enabled by the proposed zone and plan change, and compatibility with neighboring development. Environmental review pursuant to the California Environmental Quality Act (CEQA) will also be conducted.

**Not appropriate for next scheduled update:**

The uses established on the parcel are already established and it is more appropriate for the general plan amendment and Zone Reclassification to be processed as soon as possible to resolve the discrepancy rather than wait for the next formally scheduled update, which is slated to occur in 2027.

**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 the following areas of your Board's Strategic Framework.

Core Roles: Enforce laws and regulations to protect residents

New Initiatives: N/A

Strategic Plan: N/A

**OTHER AGENCY INVOLVEMENT:**

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 for accepting the petition may be made, so staff does not recommend further consideration of this alternative.

**ATTACHMENTS:**

Attachment 1: Resolution No. \_\_\_\_

Attachment 2: Petition for General Plan Amendment and Zone Reclassification

Attachment 3: Location Map

Attachment 4: Zoning Consistency Matrix

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**PREVIOUS ACTION/REFERRAL:**

Board Order No.: [N/A](#)

Meeting of: [N/A](#)

File No.: [N/A](#)