




COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-19

Hearing Date: May 23, 2017

To: Board of Supervisors

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

Subject: Robert Weiner and Michael Martin Zone Reclassification Petition
Application Number 10460, Case Number ZRP-16-001
Assessor Parcel Number 214-181-017
Phillipsville Area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Adopt the attached resolution (Attachment 1) to accept the zoning map amendment petition based on the findings in the staff report and testimony received about the project.
2. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

Prepared by Michael Richardson CAO Approval 
Michael Richardson, Supervising Planner

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 Sundberg
Seconded by Supervisor Fennell

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

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

Dated: May 23, 2017

By: 
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 seeks to change the zoning classification for a single parcel of land known as Assessor Parcel Number (APN) 214-181-017 from Highway Service Commercial (CH) to Community Commercial (C-2). The Zone Reclassification will facilitate use of the site for commercial cannabis activities presently not allowed in the CH zone. The petition was filed by the property owner and includes information meeting the requirements Zoning Ordinance Section 312-50.5.

The project site is in Humboldt County in the Phillipsville area, on the east side of State Highway 254, at the southern terminus of State Highway 254 and U.S. Highway 101, on the property known as 77 and 281 State Highway 254.

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 CH-D-Q zone that presently applies to the site allows many of the same uses allowed in the proposed C-2-D-Q zone, as depicted in the Zoning Comparison Table (Attachment 4). One notable exception is the recently adopted Commercial Medical Marijuana Land Use Ordinance (CMMLUO), which allows commercial cannabis activities in the C-2 zone, but not in the CH zone. As shown on the aerial map in Attachment 3, the subject property is on the east side of Highway 101 in Phillipsville, but it is isolated by highway right of way on all four sides.

It is arguably in the public interest to modify the zoning to allow commercial cannabis activities on the subject property because it has frontage on existing paved roads that provide immediate access to Highway 101 in both directions. The zoning change could provide additional commercial development potential in the Phillipsville area with minimal impacts to county roads or other neighboring land uses because the access would lead directly from the property to the highway. As shown on the aerial map attached to the staff report, the distance from the existing driveway to the northbound Highway 101 on ramp and the southbound Highway 101 on ramp is less than 200 feet.

Consistent with the General Plan

Table 2-10 of the General Plan (Volume I, Framework) shows the CR - Commercial Recreation Plan Designation that applies to the subject property is compatible with both the CH and C-2 zones, so the proposed C-2-D-Q zone is consistent with 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. 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 SB 18, 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 Approving the Zone Reclassification Petition
- Attachment 2: Copy of Petition for Rezoning Petition submitted by the applicant.
- Attachment 3: Aerial zoning map/Location Map/Land Use Map/Assessor Parcel Map.
- Attachment 4: Zoning Comparison Table (CH and C-2 Zones)
- Attachment 5: Site Plan

Attachment 1

Resolution Approving the Zone Reclassification Petition

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of May 23, 2017

RESOLUTION NO. 17-46

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
APPROVING THE ZONE RECLASSIFICATION PETITION APPLICATION FOR FILE
NUMBER APN 214-181-017; CASE NUMBER ZRP-16-001**

WHEREAS, Section 312-50.2 of the Humboldt County Code) allows the Board of Supervisors to initiate, grant, deny, or modify proposed amendments to Zoning Regulations; and

WHEREAS, Section 312-50.4 HCC allows a property owner to petition the Board of Supervisors to initiate a zone reclassification; and

WHEREAS, Section 312-50.5.2 Humboldt County Code requires that the petition demonstrate that the change will be in the public interest and consistent with the General Plan; and

WHEREAS, the 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.

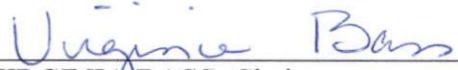
NOW, THEREFORE, BE IT RESOLVED by the Humboldt County Board of Supervisors that the following findings are hereby made:

1. There is factual evidence in support of the petition for zone reclassification; and
2. The petition is preliminarily determined to be in the public interest and is sufficiently consistent with the General Plan to warrant further processing by staff for submission to a public hearing before the Planning Commission for its report and recommendation, before final action by the Board of Supervisors.

BE IT FURTHER RESOLVED that based on the above findings, the findings in the staff report, evidence in the file for the project, and any public testimony that may have been received on the project, the Board of Supervisors accepts the Wiener/Martin Zone Reclassification Petition as recommended by the Planning and Building Department, Case No. ZR-16-001.

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to provide notice of this decision to all interested parties.

Dated: May 23, 2017



VIRGINIA BASS, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Sundberg, seconded by Supervisor Fennell, and the following vote:

AYES:	Supervisors	Sundberg, Fennell, Bass, Bohn, Wilson
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of May 23, 2017

RESOLUTION NO. 17-46

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 an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

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

Copy of Petition for Rezoning submitted by the applicant

Michael Martin
P.O. Box 212
Phillipsville, California 95559

Phone/Fax 707 943 1520

2-5 -16
Robert Wall,
Rwall@co.humboldt.ca.us



Regarding Ap # 214 -181-17, and 18 LUD , Zoning and process to this point.

Dear Mr wall,

this is to follow up on conversations and messages over the last few months , regarding The designation /Zoning of the above property's.

I understand that I received a requested "draft" designation of CH recently as part of the preliminary land use process still in motion.

This was in part a response to my letter of 8-13-15 which I sent to the various concerned entity's including the second district supervisor.

At the time the property was designated as preliminarily approved Ch from the CR designation proposed in the march 2015 'approved draft' credited to the planning commission.

The Cannabis uses matter hadn't yet come up and this is to follow up on various conversations recently with planning staff and various supervisors regarding rethinking the matter regarding permitting the property's as some sort of allowed cannabis mixed use facility [s]

The current LUD/ Zoning proposals include – MB-L-H- C2 and -C2.

In light of the current direction in allowing Cannabis related industries in delegated areas we propose and ask that the subject property's be considered as one or two of the above designations.

Being that there are two property;s It may be beneficial to have one for each. To that end we provide :the following background.

The first being- ap -18.

It is approximately 1.8 acres and is presently not built on, though it has plentiful water and available power including enough suitable land mass to support an adequate septic system for a good sized development.

The land has a very nice seasonal water course that travels through an impressive bit of second / third growth redwoods.

FILE COPY

It enjoys ready Access from North and south bound traffic and has a legal access as well.

The second - #17 is a property developed over the years starting in the mid fifties as a combination Tourist wood working and sales facility as well as a nursery.

The property has always during that time had a multi use direction including housing.

As previously pointed out there are no neighborhood issues to deal with and the property's are held by the same people, who are sympathetic to Cannabis as a legitimate industry.

The current uses are proposed and existing : office spaces , mixed housing , commercial nursery / processing facilities, all on over two acres of highway surrounded land.

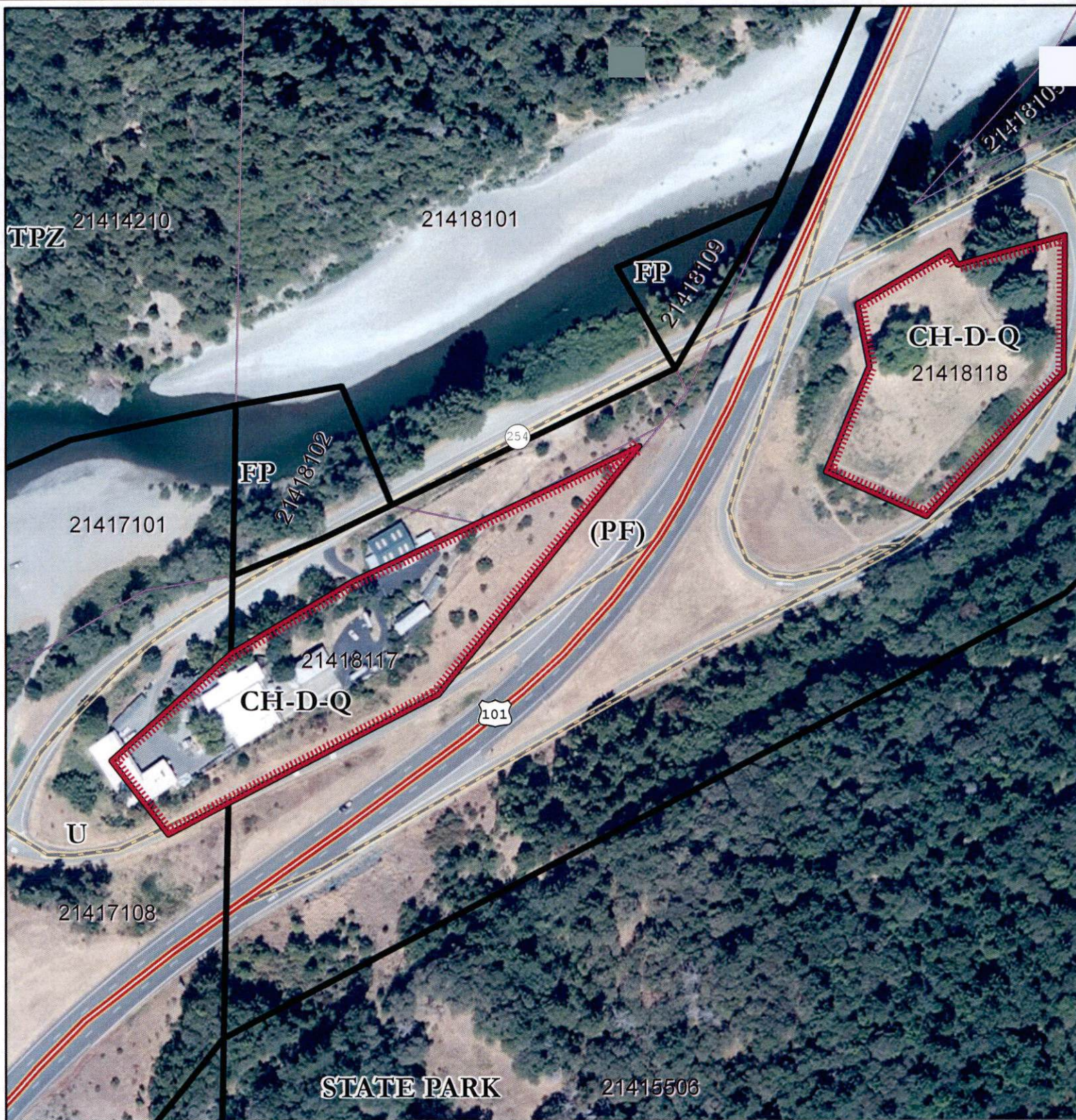
We ask that a suitable compatible designation be settled on after consultation with Planning and supervisorial approval as needed.

Thank you,

Michael and Rhona Martin

Attachment 3

Aerial Zoning Map/Location Map/Land Use Map/Assessor Parcel Map



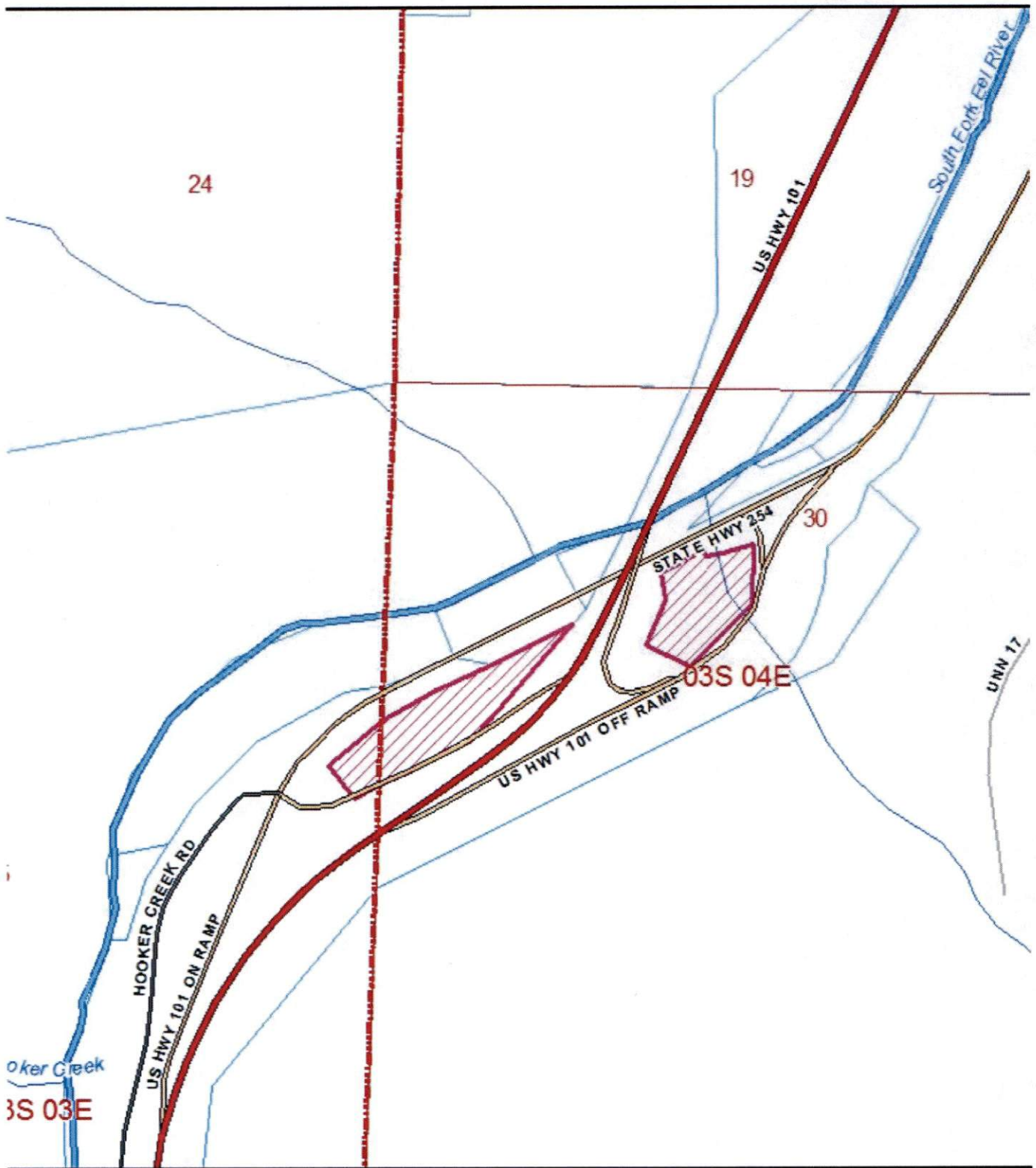
Project Area = 

**AERIAL ZONING MAP
PROPOSED WIENER & MARTIN
ZONE RECLASSIFICATION PETITION
PHILLIPSVILLE AREA
CASE NUMBERS ZRP-16-001
APN: 214-181-017, -018
TO3S R04E S30 HB&M (Miranda)**

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.
Martin ZRP 16-001 10460

May 23, 2017

MAP NOT TO SCALE
Page 11



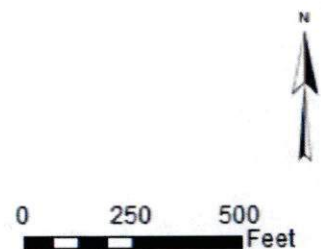
LOCATION MAP

PROPOSED WIENER & MARTIN
 ZONE RECLASSIFICATION PETITION
 PHILIPSVILLE AREA
 ZRP-16-001

APN: 214-181-017, -018
 T03S R04E S30 HB&M (Miranda)

Project Area = 

This map is intended for display purposes and
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**LAND USE MAP
PROPOSED WIENER & MARTIN
ZONE RECLASSIFICATION PETITION
PHILLIPSVILLE AREA
CASE NUMBERS ZRP-16-001
APN: 214-181-017, -018
TO3S R04E S30 HB&M (Miranda)**

Project Area = 

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Martin ZRP 16-001 10460

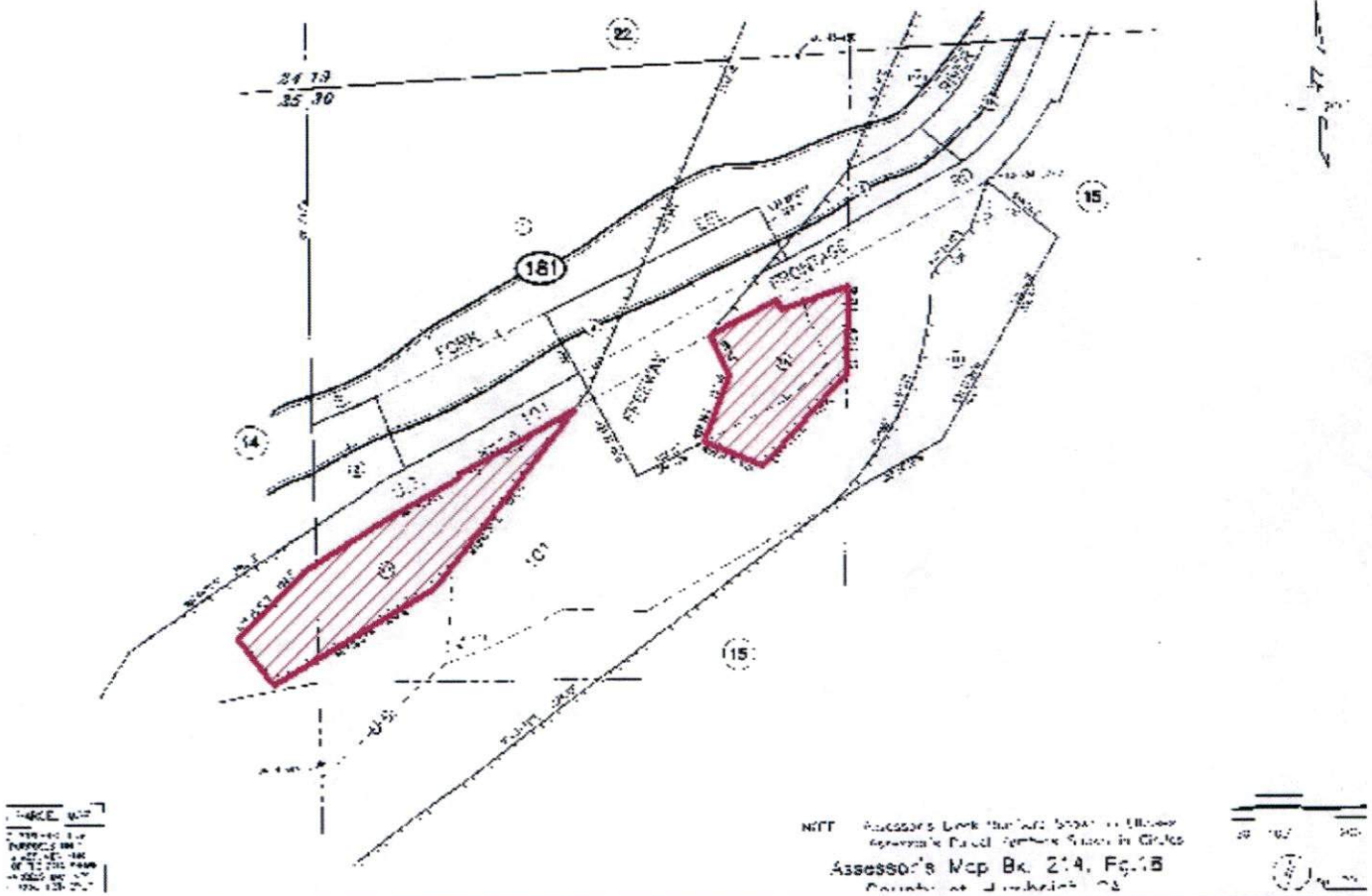
May 23, 2017

MAP NOT TO SCALE
Page 13




PTN SEC 25 T3S R3E & PTN SEC 30 T3S R4E H.B. & M.

214-11



ASSESSOR PARCEL MAP
PROPOSED WIENER & MARTIN
ZONE RECLASSIFICATION PETITION
PHILIPSVILLE AREA
ZRP-16-001
APN: 214-181-017, -018
T03S R04E S30 HB&M (Miranda)

Project Area = 

This map is intended for display purposes and
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 for accuracy.



MAP NOT TO SCALE

Attachment 4

Zoning Comparison Table

ZONING COMPARISON TABLE

Use Type/Description	CH Zone	C-2 Zone
Car washes	P	--
Retail nurseries and greenhouses (non-cannabis related)	P	--
Amusement parks and commercial recreational facilities	P	--
Social halls, fraternal and social organizations, and clubs	P	P
Professional and business offices and commercial instruction	P	P
Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries	P	P
Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use	P	P
Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses.	P	P
Within Housing Opportunity Zones multiple dwellings on the upper floors of multistory structures where below are commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-2 Zone Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use	P	P
Hotels and motels	P	CUP
Outside Housing Opportunity Zones, apartments on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the Zone, as well as emergency shelters outside areas mapped to specifically allow emergency shelters as a principally permitted use	SP	SP
Boarding and rooming houses and manufactured home parks	CUP	CUP
Dwellings, Manufactured homes	CUP	CUP
Small animal hospitals completely enclosed within a building	CUP	CUP
Small animal hospitals (not completely enclosed) and kennels.	CUP	--
Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair.	--	CUP
Special occupancy parks	CUP	--
Medical cannabis outdoor and mixed light cultivation,	--	CUP
Medical cannabis indoor cultivation (0-5,000 SF; 5,000 to 10,000 SF)	--	ZCC/CUP
Medical cannabis processing, manufacturing, and wholesale distribution facilities	--	SP
Medical cannabis retail nurseries	--	CUP

KEY:

P=Principally Permitted Use; SP=Special Permit; CUP=Conditional Use Permit; "--"=Not an Allowed Use; ZCC=Zoning Clearance Certificate

Attachment 5

Site Plan

North
SCALE: 1" = 70'

Site Plan
Page 1 of 2, See Detail
Martin Variance, Sylva, ND
Case No. VAR 01-03
APN 214-181-017
February 2002

Real Property Solution
Land Use Consultants
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Page 1 of 2, See Detail

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