



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 20-1534 **Version:** 1 **Name:**
Type: Zoning Item **Status:** Passed
File created: 11/23/2020 **In control:** Planning and Building
On agenda: 12/15/2020 **Final action:** 12/15/2020
Title: Hooven Zone Reclassification (4/5 Vote Required)
Case Number ZR-17-008, Assessor Parcel Number 511-501-002
McKinleyville Area

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment 1 - Resolution.pdf, 3. Attachment 2 - Ordinance.pdf, 4. Attachment 3 - Cert of Rezone.pdf, 5. Attachment 4 - Post-adopt summary.pdf, 6. Attachment 5 - PC Staff Report.pdf, 7. Attachment 6 - PC Resolution.pdf, 8. Resolution 20-118.pdf, 9. Ordinance 2664.pdf, 10. Executed Cert. of Rezoning.pdf

Date	Ver.	Action By	Action	Result
12/15/2020	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Hooven Zone Reclassification (4/5 Vote Required)
Case Number ZR-17-008, Assessor Parcel Number 511-501-002
McKinleyville Area

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. ____ (Attachment 2) by title and waive further reading;
2. Open the public hearing, receive and consider the staff report, the Planning Commission's findings and accept public comments;
3. Close the public hearing;
4. Consider the Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017 pursuant to the California Environmental Quality Act;
5. Make the necessary findings approving the proposed zone reclassification and adopt by 4/5ths vote Resolution No. ____ (Attachment 1) and Ordinance No. ____ (Attachment 2), amending Section 311-7 of Humboldt County Code by reclassifying, through a ten-year non-renewal,

- approximately 20 acres of Timberland Production Zone (TPZ) into Agriculture General with a Special Building Site combining zone that specifies a 5-acre minimum parcel size (AG-B-5(5));
6. Direct the Clerk of the Board to record Certification of Rezoning (Notice of Timberland Production Zone Status) (Attachment 3) on the parcels pursuant to Sections 51117 and 51141 of the California Government Code, after attaching a copy of the fully executed Ordinance (Attachment 2);
 7. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after the adoption of the Ordinance;
 8. 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; and
 9. Direct Planning staff to prepare and file a Notice of Determination pursuant to the California Environmental Quality Act.

SOURCE OF FUNDING:

Applicant fees.

DISCUSSION:

The matter for consideration by your Board is a Zone Reclassification (ZR) to reclassify lands currently zoned TPZ totaling approximately 20 acres into Agriculture General with a Special Building Site combining zone that specifies a 5-acre minimum parcel size (AG-B-5(5)) through a ten-year non-renewal.

Summary

The Humboldt County Planning Commission considered the proposal and held a public hearing on the project at their meeting of March 19, 2020. In a 6-0 vote, the Planning Commission recommended the Board make the necessary findings and approve the zone reclassification.

The lands proposed to be rezoned were planned Residential Agriculture with a density of one dwelling unit per 5 - 20 acres (RA5-20) under the 2017 General Plan Update. Previous to the 2017 change, the lands were planned Agriculture Rural with a density of one unit per 10 acres (AR10) under the McKinleyville Community Plan in 2002. Per the Zoning Consistency Matrix of the Framework Plan, the proposed rezoning to AG-B-5(5) is consistent with the existing RA5-20 General Plan designation.

Rezones out of TPZ generally follow one of two paths, an immediate rezone or a 10-year non-renewal. An immediate rezone requires certain findings under California Government Code (§51130 - 51134). Specifically, §51134(b) states that "Immediate rezoning shall be considered if there is no proximate and suitable land which is not zoned as timberland production for the alternate use not permitted within a timberland production zone." Because there are proximate and suitable lands nearby, this requirement cannot be met, and a 10-year non-renewal is the only path to rezone the lands out of TPZ

Required Findings

To approve the project, the Board of Supervisors must determine that the applicants have submitted evidence in support of making **all** of the following required findings.

Per Section 312-50.3 of the Humboldt County Code Zoning Regulations, *Required Findings for All Amendments*, amendments may be approved only if the following findings are made:

1. The amendment is in the public interest;
2. The amendment is consistent with the County 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 in determining compliance with housing element law.

Planning Commission Recommendation: Based on the information contained in the Planning Commission staff report (Attachment 5), the Planning Commission recommended that the required findings be made and the proposed Zone Reclassification be approved. Specifically, the Planning Commission found:

- The Zone Reclassification is in the public interest, and is consistent with a comprehensive view of the General Plan; and
- That the Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017 pursuant to the California Environmental Quality Act, sufficiently analyzed the proposed project and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
- The findings necessary for approval of the project can be made as indicated in the Planning Commission staff report.

CEQA

A Zone Reclassification is a “project” for the purposes of the California Environmental Quality Act (CEQA). The County Planning Department, the lead agency prepared an Addendum to the Programmatic EIR (PEIR) for the adoption of the County General Plan (SCH# 2007012089) adopted by the County Board of Supervisors on October 23, 2017, where the Board of Supervisors certified the Final PEIR as complete and adequate in that it addresses all environmental effects of the proposed project and fully complies with all of the requirements of CEQA. The project site was included in discussions of the PEIR, as required by Section 15168 of the CEQA Guidelines, and finds there is no substantial evidence that the proposed project will have a significant effect on the environment.

Staff Recommendation

Planning staff supports the project because the required findings can be made. The Zone Reclassification is in the public interest and the lands to be rezoned currently are not consistent with the underlying General Plan designation. The amendment, as supported by planning staff, is consistent with Plan policies and with the development capabilities of the property.

Based on the site inspection, a review of Current Planning Division reference sources and comments

from all involved referral agencies, Current Planning Staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the project. The Humboldt County Planning Commission concurred at their meeting of May 7, 2020 when they adopted Resolution No. 20-22 (Attachment 6) unanimously recommending approval of the project.

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 enforcing laws and regulations to protect residents .

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 6 to this report.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to accept the Planning Commission recommendation of approval. As documented in the Planning Commission Resolution (Attachment 6), the Planning Commission believes that satisfactory evidence has been provided in the project record to support making the required findings. Accordingly, both the Planning Commission and planning staff do not recommend this alternative.

ATTACHMENTS:

- Attachment 1 Resolution No. _____
- Attachment 2 Ordinance No. _____, Exhibit A (legal description), Exhibit B (map)
- Attachment 3 Certificate of Rezoning (Notice of Timberland Production Status)
- Attachment 4 Post-Adoption Summary of Ordinance
- Attachment 5 Copy of Planning Commission Staff Report of March 19, 2020
- Attachment 6 Planning Commission Resolution No. 20-22

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.](#)