



COUNTY OF HUMBOLDT

Legislation Text

File #: 23-1542, Version: 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Cooper General Plan Amendment and Zone Reclassification Petition
APN: 405-211-001
Case No.: PLN-2022-17694

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the attached resolution (Attachment 1) to accept the application for a General Plan Amendment and Zone Reclassification; 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:

The Humboldt County Planning and Building Department received a petition requesting the Board accept an applicant-initiated General Plan Amendment and Zone Reclassification (Attachment 2) for processing. The property owner seeks to change the underlying General Plan designation and Zone classification on a single parcel of approximately 2.3 acres in the Freshwater area. The General Plan designation would change from Residential Agriculture (RA5-20) to Residential Low Density (RL). The zoning would change from Agriculture General (AG) to Residential One-Family (R-1-B-4). The applicant seeks the proposed changes, "...to be consistent with adjacent zoning to the west". There exists a nonconformity regarding the number of legal residences on the subject parcel. Following this, the applicant will be proposing to subdivide the parcel into two resulting parcels, which would resolve the nonconformity issue. Additionally, the petition includes a request to remove policy FWCP-P8 from the Freshwater Community Plan because it is outdated since conditions have changed and there is now water system capacity.

The project site is in the Freshwater area, on the South side of Freshwater Road, approximately 0.05 miles Southeast from the intersection of Freshwater Road and Grange Road, on the property known as

2314 Freshwater Road.

The current General Plan land use designations for the subject property are: Residential Agriculture: (RA5-20), Density Range: 5 to 20 acres per unit; Freshwater Community Plan (FWCP), 2017 General Plan, Slope Stability: Relatively Stable (0).

The current zoning on the subject properties is: Agriculture General (AG), Special Building Site (B-5 (5))

The petition was filed by the property owner and includes information meeting the requirements of Section 312-50.5 which specifies that petitions for zoning map amendments shall be 1) in the public interest, and 2) consistent with the General Plan. Section 312-50.6 specifies that a petition for amendment of the text or the zoning maps of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan amendment. 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.”*

Public Interest

The subject property is currently zoned for agriculture (AG), allowing for differing types of general agriculture uses and some residential uses. The applicant notes that the rezoning would make the subject parcel consistent with adjacent zoning to the West. The subject parcel is in an area in Freshwater that has centralized residential zoning surrounded by agricultural uses and timber harvesting. The rezoning of the subject parcel would further characterize this area as a central residential and commercial area for the Freshwater community.

It is arguably in the public interest to modify the General Plan land use designation and zoning for the subject property to allow for residential uses that are otherwise nonconforming under existing General Plan and zoning classifications. The proposed Residential One-Family (R-1-B-4) zone would allow for single-family residential and accessory dwelling units as principally permitted uses. The subject parcel is currently developed with three residences, although the current zoning has a density requirement of 5 acres per unit. The proposed rezoning would make this parcel legally conforming since the density requirement would be reduced to one acre per unit. Attachment 5 - Figure 4 shows that the lands being considered for this land use and zone change were not included in the 2019 Regional Housing Needs Assessment (RHNA) Vacant Land Inventory. A table comparing permitted and conditionally permitted uses of the existing Agriculture General zone to the proposed Residential One-Family zone is attached to this report.

The plan amendment and zone reclassification would result in resolving a non-conformity regarding the number of legal residences and enable additional housing opportunities within an area of Freshwater that has existing residential character. The amendment and reclassification would also result in an increase in the consistency of coverage of the RL designation and R-1 zoning relative to

similar adjacent designation, zoning, and residential uses. The amendment and reclassification would also be consistent with the identification of APN 405-211-002 to the east as part of the 2019 adopted housing element inventory.

Resolving the non-conformity will also allow the landowner to access traditional financing sources to maintain and improve the existing residential units. Removing barriers to financing for maintenance and improvements will prevent the residential units from decaying into substandard housing or blight, which is a public benefit.

Ideally this petition would also include the adjacent 0.24-acre parcel to the northwest, APN 405-205-006 because it too is residential in character and would extend the continuity of the RL designation and R-1 zone that is proposed. The property owner of this parcel was approached by the applicant to participate in this petition but ultimately declined. Staff believes it is still in the public interest to approve this petition without the additional adjacent parcel. The Board may want to consider updating the designation and zoning of 405-205-006 in a future general plan update.

Consistent with the General Plan

The current General Plan land use designations for the subject properties are as follows, with a description of the designation from the Land Use Element:

Residential Agriculture (RA)

This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA5-20 and RA20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. RA40, RA60, and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.

The proposed General Plan land use designation for the subject properties is RL, described below:

Residential Low Density (RL)

The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types including townhouses and common-wall clustered units.

The RL designation has a residential range of 1-8 acres/unit.

Table 4-H of the General Plan (Land Use Element) shows the proposed RL - Residential Low Density land use designation would be compatible with the proposed R-1 - Residential One-Family zone. Adjoining lands to the North and West of the subject properties are also designated R-1.

The Freshwater Community Plan (Page C-6 Appendix C of the General Plan) policy FWCP-P8 for

land use in Wrangletown states:

The area shown on the Freshwater Community Plan Land Use Map in the central Wrangletown area is designated as Residential Low Density (RL) with a density of no more than one unit per acre. No new parcels shall be created in this area because although it is currently served by the Freshwater Water Service, the water system has no capacity to expand and serve additional development.

This policy is very outdated. Humboldt Community Services District (HCSD) has been serving this area since 1992. Referral and consultation with HCSD resulting in a recommendation of approval of this project and confirmation that there is water system capacity to support the proposed project (Attachment 7). Therefore, the petition includes removing policy FWCP-P8.

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 review and consideration, more in-depth analysis will be performed assessing whether the proposed General Plan amendment and zoning change is both in the public interest and consistent with the General Plan.

A preliminary analysis of a concept site plan (Attachment 6) provided by applicant by staff concludes that the property could be subdivided resulting in one 1.01-acre parcel containing two existing residences and a 1.29-acre parcel containing one existing residence.

A petition to accept an application for a general plan amendment and 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 enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

The project was referred to 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 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: Copy of Application
- Attachment 3: Location Map
- Attachment 4: Zoning Comparison Table (R-1 and AG Zones)
- Attachment 5: Slopes, Stability, Seismic Safety, and Housing Inventory Maps
- Attachment 6: Concept site plan of possible parcel line
- Attachment 7: HCSD Consultation

PREVIOUS ACTION/REFERRAL:

Board Order No.: [Click or tap here to enter text.](#)

Meeting of: [Click or tap here to enter text.](#)

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