



COUNTY OF HUMBOLDT

Legislation Text

File #: 24-295, **Version:** 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Belknap General Plan Amendment and Zoning Reclassification Petition

RECOMMENDATION(S):

That the Board of Supervisors:

1. Accept the petition and adopt the attached resolution (Attachment 1) based on the findings in the staff report; 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:

This is a petition requesting the Board accept an applicant-initiated General Plan Amendment and Zone Reclassification (Attachment 2) on APN 404-101-013-000. The purpose of the amendments is to facilitate a lot line adjustment in the Jacoby Creek area between APN 404-101-046-000, known as the Belknap Property, and APN 404-101-013-000, known as the Barnum Property. This lot line adjustment requires a change in the underlying General Plan designation and zone classification on a one-acre portion of the existing Barnum property to conform with requirements of the Zoning Regulations. The General Plan designation would change from Timberland (T) to Residential Agriculture (RA5-20) and the zoning would change from Timber Production Zone (TPZ) to Residential Single Family with a Special Building Area combining zone (R-1-B-4).

The purpose of the GPA and ZR is to facilitate the lot line adjustment to incorporate development erroneously built on the Barnum property, but accessory to the residential uses of the Belknap property. A shed, fence, and other residential accessory uses associated with the Residential Use on the Belknap Property were developed on the Barnum Property. The petition is consistent with the General Plan's required findings and criteria for amendments. The applicant submitted a letter (Attachment 2) supporting the findings required to make an amendment to the General Plan.

The project site is located in the Jacoby Creek area, on both sides of Jacoby Creek Road, approximately 1,200 feet south of the intersection of Abbey Road and Jacoby Creek Road, on the property known as 5920 Jacoby Creek Road.

The current General Plan land use designations for the subject properties are:

APN 404-101-013-000 - Timberland: (T), Density Range: Unspecified, Jacoby Creek Community Plan (JCCP), 2017 General Plan, Slope Stability: High Instability (E3)

APN 404-101-046-000 - Residential Agriculture: (RA5-20), Density Range: 5 to 20 acres per unit; Jacoby Creek Community Plan

(JCCP), 2017 General Plan, Slope Stability: High Instability (E3)

The current zoning on the subject properties is:

APN 404-101-013-000 - Timberland Production Zone (TPZ)

APN 404-101-046-000 - Residential Single Family, Special Building Area combining zone (R-1-B-4), Unclassified (U)

Requirements for a Petition for General Plan Amendment:

The General Plan Amendment Petition is consistent with the General Plan's required findings and criteria for amendments. A petition for amendment of the Plan may be accepted for processing upon the Board of Supervisors making 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.

The Board must also determine whether the revision is not appropriate for the next scheduled update.

Finally, for approval of Plan Amendments, the Board must make the findings that the proposed revision is in the public interest and is consistent with the Guiding Principles in Section 1.4 and applicable goals of the Plan.

Criteria for Amendment:

The Applicant submitted a letter (Attachment 2) with the following arguments supporting the findings above:

A - Base information or physical conditions have changed - At the time of the General Plan update, the land use information on the Barnum property was not fully considered. A portion of the Barnum parcel was developed and occupied with residential accessory uses established by Belknap.

D - The amendment will maintain established uses otherwise consistent with a comprehensive view of the plan - Based on the established land use, the portion of the Barnum property occupied by the residential uses should not have been designated as T. The land use information was not known at the time of the General Plan update.

E - The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan - It is in the public interest to correct discrepancies between actual land use and the land use called for by the General Plan.

Not appropriate for next scheduled update:

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

Public Interest:

The applicant has provided factual evidence that the petition for general plan amendment and zone reclassification is in the public interest.

The applicant argues that it is in the public's interest to remedy the discrepancy between the General Plan designation, the Zoning classification, and the on-the-ground development. As the accessory residential development extends into a TPZ zoned area, the development does not reflect the prescribed General Plan and Zoning District designations. The applicant's property is designated RA5-20 and zoned Residential Single Family, and the adjacent property is designated T and zoned TPZ. The County Planning and Building Department supports the applicant's argument that the General Plan Amendment and the Zoning Reclassification are in the public 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.

The plan amendment and zone reclassification are valid because the development accessory to the existing residence on the Belknap property was unwittingly built on the adjacent property prior to the most recent general plan update. The first record of accessory development was recorded by the Assessor's Office in 1991, but the primary residence was constructed in 1954. No estimate of the accessory structure's age was made.

Additionally, both landowners are amenable to the proposed changes.

Requirements for a Petition for Zone Reclassification:

Amendments to this Division may be approved only if the following findings are made:

1. The amendment is in the public interest; and
2. The amendment is consistent with the county General Plan.
3. The proposed 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:
 - a. The reduction is consistent with the adopted general plan, including the housing element, and
 - b. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section 65584 of the Government Code, and
 - c. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

Public Interest:

Please see the evidence presented to argue the General Plan Amendment is in the public interest and consider the same to be true for the Zone Reclassification.

Consistent with the General Plan:

If supported, the redesignation of the parcel from T to RA5-20 will allow for the rezoning of the parcel from TPZ to Residential Single Family.

Table 4-H of the General Plan (Land Use Element) shows the proposed RA5-20 - Residential Agriculture land use designation would be compatible with the proposed R-1 - Residential One-Family zone. Adjoining lands to the North of the subject property are also designated R-1.

The current Timberland designation is consistent with the policies of the General Plan. According to section 2312 of the Jacoby Creek Community Plan, lands designated as Timberlands on the Land Use Map shall be retained in large parcels to protect the timber resource. Smaller parcels classified as Timber Sites I, II or III, and located adjacent to or surrounded by lands designated as Timberlands on the Land Use Map should be maintained as Timberlands. Notwithstanding the General Plan, precedent exists where less than three acres of T designated areas have been redesignated.

Consistent with the Humboldt County Code:

Rezoning from Timberland Production to a Different Zone. Rezoning the land from Timberland Production Zone (TPZ) to another zoning district generally needs to be in conformance with the requirements of the Forest Taxation Reform Act of 1976, in addition to the requirements of Humboldt County zoning regulations. These sections require a phase-out of the zoning over a ten-year period or that specific findings applicable to immediate TPZ rezone to be made. 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. This is due to the fact that any timber conversion of under three acres can occur without going through a timber conversion permit process by Cal-Fire and in this instance the area in question has already been converted, and likely never was classified as timberland under the provisions of the government code. In this case, the applicant plans to rezone 1 acre of the site from TPZ to R-1-B-4.

In its current configuration, the Barnum Property is a substandard TPZ parcel at seven acres. The minimum parcel size for a TPZ parcel is 160 acres or 40 acres if the provisions of Government Code Section 51119.5 are met. The Barnum Property is connected to an additional 8 acres of Barnum-owned TPZ to the south, which connects to an additional 480 acres of Barnum-owned TPZ beyond. The zone reclassification would not disconnect the Barnum Property from the contiguous TPZ area.

Residential Density:

The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development.

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 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 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:

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: Site Plan of Proposed Changes

Attachment 4: Image of Development

Attachment 5: Lot Line Adjustment Map

PREVIOUS ACTION/REFERRAL:

Meeting of: N/A

File No.: N/A