



COUNTY OF HUMBOLDT

Legislation Text

File #: 24-999, **Version:** 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:
Strombeck Zone Reclassification

RECOMMENDATION(S):
That the Board of Supervisors:

1. Introduce the attached ordinance (Attachment 1) amending section 311-7 of the Humboldt County Code by rezoning property in the McKinleyville area by title and waive further reading; and
2. Open the public hearing, receive, and consider the staff report, the Planning Commission's recommendation and accept public comment; and
3. Close the public hearing; and
4. Adopt the attached resolution (Attachment 2) to find the Zone Reclassification exempt from further environmental review pursuant to CEQA Guidelines section 15183 and making all required findings for approval of the Zone Reclassification (Attachment 5); and
5. Adopt the attached ordinance (Attachment 1) amending section 311-7 of the Humboldt County Code by reclassifying property within Assessor Parcel Number 511-491-021 currently zoned Agriculture General with a Special Building Site combining zone specifying a minimum lot size of 10 acres (AG-B-5(10)) to Agriculture General with a Special Building Site combining zone specifying a minimum lot size of 5 acres (AG B-5(5)); and
6. Direct the Clerk of the Board to publish a summary of the zoning changes withing 15 days of the date of the hearing (Attachment 2).

STRATEGIC PLAN:
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Housing for All
Strategic Plan Category: 4002 - Increase and prioritize housing development

DISCUSSION:
Executive Summary: The Board of Supervisors is being asked to approve an amendment to the Zoning on this property to allow a minimum parcel size of 5 acres rather than the current 10 acres minimum. The parcel is slightly below 15 acres and thus this zoning action would make it possible to create one additional parcel and up to three additional units. The parcel has a General Plan designation of Residential Agriculture specifying a density of 5-20 acres per unit (RA5-20). There has not been any opposition to this

application and the Planning Commission recommended approval with a 6-0 consent vote.

Background

The Board of Supervisors accepted an applicant-initiated Zone Reclassification Petition (PLN-2022-17943) for the subject parcel on May 2, 2023 (Attachment 3) to change the underlying zone classification from Agriculture General with Special Building Site combining zone specifying a 10-acre minimum size (AG-B-5(10)) to Agriculture General with Special Building Site combining zone specifying a 5-acre minimum size (AG-B-5(5)). The applicant sought the proposed change to be consistent with the Residential Agriculture 5-20 acres per unit (RA5-20) designation specified in the General Plan, and to allow for the subdivision of the parcel into two resulting parcels.

The Planning Commission approved a Parcel Map Subdivision of the subject parcel and recommended approval of the Zone Reclassification by the Board of Supervisors by a 6-0 consent vote on May 2, 2024 (Attachment 4). The Parcel Map Subdivision will create two parcels of 9.98 acres (Parcel 1) and 5.0 acres (Parcel 2). The parcel is currently developed with a six-bedroom single-family residence, a detached garage and a shop building that will all remain on Parcel 1. The applicant plans to construct a three-bedroom residence and an accessory dwelling unit on Parcel 2 in the future. The parcels are served with on-site water (well). An on-site wastewater treatment system exists on Parcel 1, and on-site wastewater treatment systems would be developed on Parcel 2 as part of future development. Approval of the Parcel Map Subdivision is contingent upon the Board of Supervisors approval of the proposed Zone Reclassification.

Zone Reclassification

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 the plan density specified in the General Plan. The subject parcel is in an area in McKinleyville that has agricultural zoning intermixed with timber production zoning. All other AG AG-zoned parcels in the area surrounding the subject parcel currently have a ten10-acre minimum parcel size, except for the neighboring parcel to the west that was approved for a ten10-year slide-out from Timberland Production Zone to AG-B-5(5) in December of 2022. There are also several parcels in the area zoned for a ten10-acre minimum parcel size that are approximately five 5 acres in size. The prior Framework Plan designation for the area was Agricultural Rural with a density of 10-acres per unit (AR(10ac)) which is reflected in the current zoning designation of (AG-B-5(10)). With the adoption of the 2017 General Plan, the designation was changed to RA5-20, allowing for a density of one unit per 5-20 acres. This proposed reclassification will bring the zoning into alignment with the current General Plan designation.

It is in the public interest to modify the zoning for the subject parcel. The rezoning of the subject parcel would allow a decrease in the minimum parcel size as allowed by the 2017 General Plan. This action would also allow the subdivision of the parcel, thereby creating a new housing opportunity. Expanding housing opportunities at all income levels is a Guiding Principle of the Humboldt County General Plan.

Consistent with the General Plan: The current General Plan land use designation for the subject parcel is 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.

Table 4-H of the General Plan (Land Use Element) shows the Agriculture General (AG) zone as compatible with the Residential Agriculture (RA) land use designation and requires that AG zones in the RA designation are consistent with the identified land use designation only when combining zone density/minimum lot size designators are consistent with General Plan policies and standards. This proposal would bring the parcel into conformance with this requirement.

Environmental Review: The project is consistent with the development density established by an existing general plan for which an

EIR was certified, and a determination that no further environmental review is required is being made pursuant to section 15183 of the State CEQA Guidelines. The Department has determined that further environmental review is not required as the project is consistent with a development density established under the 2002 McKinleyville Community Plan and the 2017 Humboldt County General Plan for which EIR's were certified. The residential density specified in the McKinleyville Community Plan was utilized for analysis conducted during development of the Environmental Impact Report prepared for the current Humboldt County General Plan, which includes all the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the plan in 2017. Section 15183 of the CEQA Guidelines discourages lead agencies from performing additional environmental review where an earlier EIR was prepared, unless there are environmental effects peculiar to the project or the parcel on which it is located, or in situations where the earlier EIR(s) did not include analysis of significant effects or where previously identified significant effects could become more severe. Neither of these circumstances apply to the proposal. Further discussion of the basis for this determination can be found in Section 2 of the Draft Resolution.

Record Number: PLN-2023-18708

Assessor Parcel Number: 511-491-021

Project Location:

The project is in the McKinleyville area, on the north side of Elizabeth Road, approximately 0.55 miles northwest from the intersection of Murray Road and Elizabeth Road, on the property known as 2427 Elizabeth Road.

Present General Plan Land Use Designation:

Residential Agriculture: (RA5-20), Density Range: 5 to 20 acres per unit; McKinleyville Community Plan (MCCP), 2017 General Plan, Slope Stability: Low Instability (1).

Present Zoning:

Agriculture General with Special Building Site combining zone specifying a 10-acre minimum size (AG-B-5(10)).

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major concerns:

None.

SOURCE OF FUNDING:

The Applicant has paid the fees associated with filing this project.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with comments or recommended approval or conditional approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could deny approval if unable to make all the required findings. Staff has concluded that the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

1. Ordinance No. ____
 - A. Ordinance No. ____ Exhibit B (map)

2. Summary of Ordinance
 - A. Summary of Ordinance, map to be published (Exhibit A)
3. Board of Supervisors Resolution 23-57
4. Planning Commission Resolution 24-021
5. Draft Zone Reclassification Resolution

Applicant

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PREVIOUS ACTION/REFERRAL:

Planning Commission Resolution No.: 24-021
Meeting of: May 2, 2024
File No.: 24-820 ~ PLN-2023-18708

Board of Supervisors Resolution No.: 23-57
Meeting of: May 2, 2023
File No.: 23-518 ~ PLN-2022-17943