COUNTY OF HUMBOLDT

Legislation Details (With Text)

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Type:	Resolution			**Status:**	Passed
File created:	11/7/2018			**In control:**	Planning and Building
On agenda:	12/4/2018			**Final action:**	12/4/2018
Title:	Henry Combs General Plan Amendment and Zone Reclassification Petition				
Sponsors:					
Indexes:	DELETE New Initiatives - Provide community-appropriate levels of service				
Code sections:					
Attachments:	1. Staff Report, 2. Resolution 18-120.pdf, 3. Copy of Petitition for Rezoning.pdf, 4. Maps.pdf				

Date	Ver.	Action By	Action	Result
12/4/2018	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Planning and Building Department

SUBJECT:
Henry Combs General Plan Amendment and Zone Reclassification Petition

RECOMMENDATION(S):
That the Board of Supervisors consider the proposed project as part of the consent item agenda; accept the petition by approving the attached resolution (Attachment 1) based on the findings in the staff report and testimony about the proposed project; and 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:
Petition

The Humboldt County Planning and Building Department has received a petition requesting that the Board accept for processing an applicant-initiated General Plan Amendment and Zone Reclassification (Attachment 2). The petition seeks to change the General Plan designation for a single parcel of land known as Assessor's Parcel Number (APN) 510-133-016 from Commercial Services (CS) to Medium Density Residential with a density of 7-30 units per acre (RM). The petition also requests to change the zoning classification from Community Commercial (C-2) to Residential Two-Family (R-2). The proposed General Plan Amendment and Zone Reclassification would allow the continued use of the site with two (2) attached residential units.

Summary

The parcel is located in Humboldt County, in the McKinleyville area, on the south side of Hiller Road, approximately 500 feet east from the intersection of McKinleyville Avenue and Hiller Road, on the property known as 1260 Hiller Road.

The applicant currently owns the parcel which is developed with two (2) residential units and a garage/shop accessory structure. The intent of this request is to clear up the zoning code violation for residential use on a commercially-zoned parcel and continue the residential use. The parcel is bordered on three sides by lands which are planned and zoned for multifamily residential use.

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If approved, the General Plan Amendment designating the subject parcel as RM would necessitate a Zone Reclassification to R-2 as the current C-2 zone is not consistent with the RM designation. R-2 would not increase the overall density of the parcel.

Issues

Should the General Plan and Zone Reclassification Petition be accepted, potential issues would be more thoroughly analyzed during the General Plan Amendment and Zone Reclassification application review process. There are no apparent issues with the proposed zone and plan change and the compatibility of the surrounding neighborhood. Environmental review pursuant to the California Environmental Quality Act (CEQA) would be conducted.

REQUIRED FINDINGS:

Policy G-P8 of the Humboldt County General Plan specifies that a petition for amendment of this 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 the revision is not appropriate for the next scheduled update.

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.

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.

Staff Recommendation

Planning Division staff believes that findings for the approval of the General Plan Amendment Petition may be made on the basis of maintaining established uses otherwise consistent with a comprehensive view of the Plan.

Planning Division staff believes that the findings for the approval of the Zone Reclassification Petition may be made for the following reasons:

Public Interest

The C-2 Zone that presently applies to the site would not allow the existing residential uses and would not be consistent with the proposed change of General Plan Designation to RM.

It is arguably in the public interest to change the designation and zoning to allow the continued residential uses. The zoning change would align with the existing residential uses on the property as well with the surrounding residential uses.

Consistent with the General Plan

Section 312-50.6 of Humboldt County Code specifies that petitions for amendment of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan Amendment. This report speaks to the conjoined petitions for both a Zone Reclassification and General Plan amendment.

Table 4-H of the General Plan shows that the RM designation under consideration for the subject parcel is not compatible with the C-2 zone, but is compatible with the R-2 zone. Accordingly, if the General Plan amendment is approved the Zone Reclassification to R-2 would be 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.

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A petition to accept an application for 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 the California Environmental Quality Act (CEQA).

FINANCIAL IMPACT:
There will be no impact on the General Fund. The applicant is responsible for paying all costs involved in the processing of the application. The source of funding is applicant fees deposited into Planning and Building Department Current Planning Revenue Account (1100-277-608000).

The recommended action supports your Board's Strategic Framework by providing community-appropriate levels of service.

OTHER AGENCY INVOLVEMENT:
The project was reviewed by County Counsel which did not respond with any concerns 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:
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. Resolution No. ____

2. Copy of Petition for Rezoning submitted by the applicant dated January 18, 2018

3. Location Map/Assessor Parcel Map/Zoning Map/Aerial Map

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