



# COUNTY OF HUMBOLDT

## Legislation Text

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**File #:** 18-1646, **Version:** 1

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**SUBJECT:**

Thompson Zone Reclassification, ZR-16-007, Assessor Parcel Number 522-272-006, Willow Creek area (4/5 Vote Required)

**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 recommendation and accept public comments;
3. Close the public hearing;
4. Consider the Addendum to the General Plan Update Programmatic Environmental Impact Report (PEIR) (Attachment 6);
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 the Humboldt County Code by reclassifying approximately 10 acres in the Willow Creek area from Agricultural General (AG) to Community Commercial (C-2) and Flood Plain (FP);
6. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after the adoption of the Ordinance;
7. 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
8. Direct Planning Division staff to prepare and file a Notice of Determination pursuant to the California Environmental Quality Act (CEQA).

**SOURCE OF FUNDING:**

Applicant fees.

**DISCUSSION:**

An application has been made by Tyler Thompson, the property owner, to rezone an approximately 10 acre parcel (APN 522-272-006) from Agricultural General (AG) to Community Commercial (C-2) and Flood Plain (FP), consistent with the General Plan designation of Commercial Services (CS) and Conservation Floodway (CF). Reclassifying the subject parcel's zone as C-2 and FP is consistent with

the updated General Plan designation of CS and CF, respectively, and is consistent with the proposed use of the property for a commercial business. Currently, a drive-through coffee shop is planned for the property.

Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve a Zone Reclassification. These findings are as follows:

1. The proposed change is in the public interest; and
2. The proposed change is consistent with the 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 (HCD) in determining compliance with housing element law.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

4. a. The project either is categorically or statutorily exempt; or
- b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
- c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

*Planning Commission Recommendation:* Based on the information contained in the Planning Commission staff report and public testimony received (Attachment 4), the Planning Commission recommended that the required findings be made and that the proposed Zone Reclassification be approved. Specifically, the Planning Commission found:

- The Zone Reclassification is in the public interest, is consistent with a comprehensive view of the General Plan, and does not reduce the residential density below that utilized by the HCD in determining compliance with housing element law; and
- That there is no substantial evidence that the proposed project will have a significant effect on the environment.

#### CEQA:

A Zone Reclassification is a “project” for the purposes of the California Environmental Quality Act (CEQA). The property which is the subject of the Zone Reclassification was evaluated as part of the change in land use designations for the recently adopted Humboldt County General Plan. Implementation Measure (GP-IM6) requires a county-wide rezoning effort to insure consistency with the General Plan. All lands with incompatible land use designations will be rezoned to be consistent

with the General Plan as part of this implementation measure. As lead agency, the Department prepared an 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, in accordance with Section 15164 of the State CEQA Guidelines.

The required findings can be made for the Zone Reclassification. It is in the public interest and will correct an incompatible zone classification. The amendment is consistent with both the Commercial Services and Conservation Floodway land use designations, other General Plan policies and with the development capabilities of the property. Further, the parcel is listed on the Humboldt County Housing Inventory as contributing one housing unit to meet the unincorporated County's moderate and above moderate income households housing needs for this Housing Element planning period. The General Plan designation of the parcel at the time of the Housing Inventory was AS, however, the recent adoption of the General Plan changed the designation to CS, a commercial designation. While the commercial designation no longer allows residential use as a principal use, it does allow residential uses accessory to established commercial uses. Nonetheless, the County is obligated to accommodate its Regional Housing Need Allocation of 512 moderate and above moderate income households this Housing Element planning period (Humboldt County General Plan Table 8-5, Projected Fair Share Housing Needs, Humboldt County Unincorporated Areas, 2014 - 2019). The Housing Element indicates that the County has an inventory of 1,566 units to meet the moderate and above moderate need. Therefore, with the loss of this one unit to a non-residential land use, the County would still have a surplus inventory available to meet the projected housing need. The loss of this parcel from the Housing Inventory will not reduce the residential density below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.

Based on the onsite 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 October 18, 2018, when they adopted Resolution No. 18-77 (Attachment 5) 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. This action is consistent with the Board's Strategic Framework through the Board's core roles of encouraging new local enterprise.

#### **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 5 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 5), 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:**

1. Resolution No. \_\_\_\_\_
2. Ordinance No. \_\_\_\_\_, Exhibit A (map), Exhibit B (legal description)
3. Post-Adoption Summary of Ordinance
4. Copy of the Planning Commission Staff Report of June 21, 2018
5. Planning Commission Resolution No. 18-48
6. Addendum to PEIR

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A.

Meeting of: N/A.