COUNTY OF HUMBOLDT

For the meeting of: 8/13/2024

File #: 24-1102

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

Vote Requirement: Majority

SUBJECT:
Twinkle Acres General Plan Amendment and Zoning Reclassification Petition
PLN-2024-18952

RECOMMENDATION(S):
That the Board of Supervisors:

1. Take public comment; and
2. Adopt the attached resolution (Attachment 1) to find the petition is not in the public interest and deny the petition; and
3. Direct staff to initiate work on an ordinance addressing rural visitor serving uses and glamping to be completed by the end of Fiscal Year 24-25.
4. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

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

Area of Focus: A Diverse, Equitable & Robust Economy
Strategic Plan Category: 2002 - Promote a robust tourism economy

DISCUSSION:
Executive Summary:

The Board is being asked to approve a petition for a General Plan Amendment and Zone Reclassification on a 70-acre parcel in the Blocksburg area. The land use designation would be changed from Agricultural Grazing (AG) to Rural Residential Agriculture and the zone classification from Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) to Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)). The change is requested to allow future development of a resort-type use with a variety of accommodations and services for guests including approximately 11 units for lodging and various recreational facilities including a pool, gym, athletic courts, and art studio.

A Use Permit would be processed (PLN-2020-16773 SoHum Ranch, LLC) to authorize 1-acre of commercial cannabis cultivation with cannabis tourism including the resort facility and on-site sales and consumption.

Staff is not recommending the Board authorize the General Plan Amendment and Rezone Petition. It is not good practice to commit spot zoning on resource lands to allow a use that is otherwise not permitted. If the Board finds that it would be beneficial to allow

resort types of uses within the AE and other resource zones, then the Board should direct staff to pursue such an ordinance. There is growing desire to permit "glamping" facilities in the resource lands. An alternative action has been provided to direct staff to develop an ordinance addressing visitor serving and glamping in rural areas of the county.

Location
The property is located approximately 2.5 miles north of Central Blocksburg, east of Alderpoint Road and west of Mountain Creek.

Current Land Use & Zoning
General Plan land use designation:
Agriculture General (AG) Density: 20 to 160 acres per dwelling unit

Zoning:
Agriculture Exclusive (AE-B-5(160) 160-acre minimum parcel size

Petition
The petition requests to change the General Plan land use designation from Agriculture General (AG) to Residential Agriculture (RA40: Density 40 acres per unit). Changing the zoning from Agriculture Exclusive (AE) to Forestry Recreation (FR) is also proposed, to remain consistent with the new General Plan Designation. The purpose of these changes is to enable permitting a cannabis wellness retreat in the Blocksburg area.

Farm stays related to cannabis cultivation may be permitted within agricultural zones, but they are limited in size based upon the number of permitted units on a property. More elaborate operations offering comprehensive "resort-type" accommodations are not customarily found in agricultural settings and lie beyond what can be allowed under the farm stay concept.

Attachment 2 includes the petition submitted by the property owner and Attachment 3 includes conceptual plans showing potential future development on the property.

The decision confronting the Board is whether to accept the proposed application for processing, review, and consideration. If accepted for processing, further review and more in-depth analysis will be performed by staff prior to next presenting the matter to the Board for consideration. The Zoning Ordinance and General Plan have findings which must be made to accept the petition.

Requirements for Accepting the Petition:
To accept a petition for amendment of the General Plan Land Use Designation and Zoning of a property, the Board of Supervisors must be able to make 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.

F. Additionally, the proposed zoning changes must be shown to be in the public interest.

   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."*

Discussion of Findings:

B. Community values and assumptions have changed

The property owner wishes to develop a commercial cannabis farm as a resort-type destination for visitors interested in comfortably experiencing cannabis cultivation and consumption in an authentic rural setting. A variety of recreational experiences are also planned to be offered to guests together with food and spa services. Currently, the General Plan and Inland Zoning Regulations do not provide many pathways for proposals of this scale and type. Canna-Tourism has been discussed as an important component to the cannabis industry and there is more potential there than exists within Humboldt County's existing regulatory framework. On the other hand, a value that has not changed is related to protecting resource lands for production of crops, grazing and timber to name a few. Rezoning property out of Agriculture Exclusive may not be a good precedent to accomplish cannabis industry goals.

E/F. Potential for public benefit/consistency with Guiding Principles & applicable goals of the Plan

The proposed amendment has the potential for public benefit through job creation and helping support and showcase cannabis culture in this region. It is also consistent with the Guiding Principles and applicable goals of the Plan as it is in the public interest to facilitate agricultural tourism in cannabis growing regions. The question is whether it is a good policy decision to rezone property from AE to Forest Recreation, for a use that is recreational but not necessarily related to a forest environment. It may be good to allow these types of uses in support of agricultural uses, but rezoning property may not be the best option. It may be more appropriate to create provisions in the zoning ordinance to allow these types of uses under limited circumstances (not on prime soils, no conversion of timberland, adequate access, etc.)

F. One of the General Plan's Guiding Principles includes "*support (of) the County's economic development strategy and efforts to retain and create living-wage job opportunities."* The applicant anticipates that the project will create high-quality job and career opportunities related to management and operation of the proposed commercial cannabis operation and resort. Creation of jobs is in the public interest, but there is a question of how and where. It is in the public interest to protect agricultural lands for agricultural purposes. Rezoning a parcel in the middle of agricultural lands for the purpose of creating a destination resort may not be conducive to protecting the surrounding agricultural holdings. It is not a good practice to randomly rezone property to allow uses that are otherwise not allowed in the existing zoning district.

Conclusion:
The petition for the proposed amendments should not be approved as submitted for the following reasons:

1. The nature of the proposed mapping amendments would result in "spot zoning" (i.e. the creation of a single parcel with land use and zoning different from all adjoining lands) creating potential incompatibility with neighboring lands exclusively planned and zoned for agricultural uses. The closest nearby lands with matching land use and zoning (RA/FR) are part of the Larabee Creek Ranch, which lies on the west side of Alderpoint Road approximately ¾ of a mile west of the parcel targeted for rezoning. Most adjoining parcels lie within agricultural preserves under Williamson Act contracts for land conservation.
2. The proposal conflicts with 'No Net Loss' policies of the General Plan designed to discourage and prevent lands planned or zoned Agriculture Exclusive (AE) from being converted to non-agricultural uses. Under this policy, mitigation for loss of ag land is required and involves replanning of vacant agricultural lands currently planned for other uses or retirement of non-agricultural uses on lands planned for agriculture. It may be more feasible to achieve "No Net Loss" mitigation based on a project that taking to whole parcel out of the AE Zoning.

There is merit in considering whether to add provisions to allow this type of use within the zoning ordinance. An ordinance addressing this type of activity would apply to all situations and may not benefit this site and so the work on adding provisions to the ordinance is not equivalent to the applicant's petition. This should not be the responsibility of this petitioner. This is a use that should be addressed and related to another growing trend which is glamping. Glamping has been on the Planning and Building Department's work program. With the amount of growing interest it may be appropriate to accelerate these rural visitor serving accommodations and glamping with more urgency. This is included as part of the recommended Board actions.

Not appropriate for next scheduled update:
Staff believe it is appropriate to deny the current petition request at this time and not delay further action on the matter.

SOURCE OF FUNDING:

Applicant Fees

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. However, should your Board choose to pursue a modification to existing ordinances or new ordinances altogether, costs of staff time to develop those regulations will be borne by the General Fund.

OTHER AGENCY INVOLVEMENT:
The project was referred to County Counsel, which has not expressed concern with the proposed petition. Should a 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.

ATTACHMENTS:
Attachment 1: Draft Resolution - Denying the Zone Reclassification Petition

Attachment 2: Petition for General Plan Amendment and Zone Reclassification

Attachment 3: Conceptual Plans

Attachment 4: Location, Zoning, and General Plan Maps

Attachment 5: Zoning Consistency Matrix

PREVIOUS ACTION/REFERRAL:
Meeting of: N/A
File No.: N/A