



# COUNTY OF HUMBOLDT

For the meeting of: 7/20/2023

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File #: 23-1031

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**To:** Planning Commission  
**From:** Planning and Building Department  
**Agenda Section:** Consent

**SUBJECT:**

Benbow Properties, Inc. Zone Reclassification  
Assessor Parcel Numbers (APNs) 033-041-039 (formerly 033-041-036) and 033-160-002  
Record No.: PLN-2021-17037  
Garberville/Benbow Area

A Zoning Reclassification (ZR) of two parcels totaling 11.21 acres from the Neighborhood Commercial Zone (C-1) to Community Commercial Zone (C-2).

**RECOMMENDATION(S):**

That the Planning Commission:

1. Adopt the resolution (Resolution 23-\_\_\_). (Attachment 1) to recommend the Board of Supervisors take the following actions:
  - a) Find the rezone of 11.2 acres of Neighborhood Commercial Zoned property to Community Commercial exempt from further CEQA Review
  - b) Make the required findings for approval; and
  - c) Approve the Zone Reclassification.

**DISCUSSION:**

The applicant initially requested a Zone Reclassification to rezone all of one parcel and a portion of another from Neighborhood Commercial (C-1) to Community Commercial (C-2). The properties are in close proximity to each other and separated by Benbow Drive. The larger of the two parcels which would be partially rezoned was originally 15.11 acres and formerly known as APN 033-041-036. Subsequent to zone reclassification application submittal, a lot line adjustment was completed on the larger parcel that resulted in a smaller parcel with a new Assessor's Parcel Number (APN). The APNs and parcel sizes currently before the commission for consideration of zone reclassification are:

APN 033-041-039 on the east side of Benbow Drive with approximately 3.0 acres, and  
APN 033-160-002 on the west side of Benbow Drive with 2.7 acres.

*The total acreage of requested zone reclassification is approximately 5.7 acres.*

On September 29, 2020 the Board of Supervisors adopted Resolution No. 20-89 pertaining to a zone reclassification petition, authorizing the applicant to submit an application for the reclassification of these properties.

The C-1 Districts on both properties also have a combining designation of Design Control (D). The purpose of the Design Control combining designation is to provide controls and safeguards to preserve and enhance areas of historical, scenic, civic or cultural values to the County, or of architectural and recreational aspects of an area. The application does not include a request to remove the existing Design Control combining designation, and staff believes it should be retained.

Both the C-1 and C-2 zone designations allow for a broad range of retail, professional services, and residential type uses as principally permitted, by special permit, and with a use permit. There is very little distinction except that the C-2 Zone can allow for a number of intensive or larger uses by use permit, which include vehicle and boat sales and repair, private institutions, and a maximum building height of 75 feet instead of 45 feet (HCC §314-2.1). Additionally, under HCC §314-55.4.7.1, distribution, off-site processing, enclosed nurseries, and community propagation centers are all principally permitted uses in the C-2 Zone with a zoning clearance certificate, but not in the C-1 Zone.

The applicant's stated desire for the reclassification is to establish a dispensary or dispensaries on these properties as he believes there is ample market for this type of business at this location.

The subject properties are on the east side of Highway 101 and separated from Highway 101 by a golf course. Both involved parcels have frontage on Benbow Drive, with access to Highway 101 in both directions, north and south. Modifying the zoning would allow a commercial cannabis distribution center on the subject property because it has frontage on an existing paved county road with immediate access to Highway 101 in both directions. The zoning change could provide additional commercial development potential in the Benbow area with minimal impacts to county roads or other neighboring land uses because the distribution route would lead directly from the property to the highway. It should also be noted that the adjacent parcel at the intersection of Benbow Drive and Lake Benbow Drive (APN 033-160-001) recently went through a Zone Reclassification to change the zone to C-2.

After the proposed zone reclassification, if approved, both properties will be fully rezoned Community Commercial (C-2) with the Design Control designation. The rezone is in the public interest and is consistent with General Plan land use designation of Commercial Recreation (CR) and policies (Humboldt County General Plan, Table 4-H, Zoning Consistency Matrix). The rezone is consistent with the required findings for the zone reclassification, and retention of the Design Control combining designation will assure that future buildings will be compatible with the aesthetic values of the Benbow area.

Referral agencies have been contacted for their comments and all responding agencies have either recommended approval or provided no comment. Based on the on-site inspection, a review of Planning

Department reference sources, and comments from referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Zone Reclassification.

**Project Location:** This project is located in Humboldt County, in the Benbow area, on both sides of Benbow Drive, at the intersection of Benbow Drive and Lake Benbow Drive.

**Present General Plan Land Use Designation:** Commercial Recreation (CR)

**Present Zoning:** Neighborhood Commercial with Design Control Combining Designation (C-1-D)

**Environmental Review:** The project can be found exempt from CEQA pursuant to CEQA Guidelines Section 15183, the project is consistent with general plan policies for which an EIR was certified.

**State Appeal:** Project is not appealable to the California Coastal Commission.

**Major concerns:** None.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all but one responding agency have either recommended approval or provided no comment (Attachment 4). The Northwest Information Center recommended that a cultural resources survey (CRS) be conducted and that the application be referred to local tribes. The application was referred to local tribes and no response was received. Since no development is proposed at this time, it was determined that a CRS is not warranted.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to recommend approval of the project. This alternative should be implemented if the Commission is unable to make all of the required findings. Planning staff believes that the required findings can be made and does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Resolution
  - A. Conditions of Approval
2. Rezone Ordinance
3. Maps
4. Referral Agency Comments and Recommendations
5. BOS Resolution No. 20-89

Applicant and Owner  
Benbow Properties, Inc.

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**File #: 23-1031**

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