



COUNTY OF HUMBOLDT

For the meeting of: 10/24/2023

File #: 23-1377

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

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

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the resolution (Resolution 23-___). (Attachment 1) which does the following:
 - a. Makes all of the required findings for approval based on evidence in the staff report and public testimony; and
 - b. Approve the Zone Reclassification.

SOURCE OF FUNDING:

Applicant fees. (1100277)

DISCUSSION:

A Zone Reclassification of approximately 5.7 acres from Neighborhood Commercial with a Design Control combining zone (C-1-D) to Community Commercial with a Design Control combining zone (C-2-D). 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. The applicant believes there is ample market for this type of business at this location.

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. This request is consistent

with a consistent application of zoning for the CR designated properties in this area.

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 rezone is in the public interest because it will facilitate the productive use of property planned for commercial uses that are more appropriate for the site. Specifically, the property is located in close proximity to Highway 101 and is therefore more appropriate for commercial uses that support the larger community as opposed to neighborhood commercial uses. The rezone is consistent with General Plan because the C-2 zone is more appropriate as an implementing zone for the Commercial Recreation land use designation than the existing C-1 district because the property is located immediately off of the major highway in Humboldt County and is one of the first commercially designated areas that tourists and visitors will encounter when entering the county from the south. The Commercial Recreation designation is intended for *“commercial recreation facilities and accommodations and recreation/tourist oriented sales and services geared towards local and visitor needs.* The existing Neighborhood Commercial district is less oriented towards visitors and tourists and more geared towards neighborhood services.

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.

FINANCIAL IMPACT:

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

STAFFING IMPACT:

Staff time related to implementation has been accomplished with current staff resources. The applicant is responsible for paying all actual costs of staff time.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework priority of encouraging new local enterprise.

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 however a Cultural Resources Survey was prepared, which found no archaeological or cultural resources at the project site.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Board of Supervisors could elect not to approve the project. This alternative should be implemented if the Board 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
2. Rezone Ordinance
3. Maps
4. Referral Agency Comments and Recommendations
5. Planning Commission Resolution
6. Post Adoption Summary
7. Public Comment

Applicant and Owner

Charles Benbow
40 East Branch Road
Garberville, CA 95542

Please contact Cliff Johnson at 707-445-7541 or via email at cjohnson@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.