

McClenagan, Laura

Subject: FW: Benbow Re Zoning
Attachments: Screenshot_20231016_163707_Samsung Notes.jpg; Screenshot_20231019_124835_Drive.jpg; 20231017_081253.jpg

From: Mamalisa Nester <mamalisasnest@gmail.com>
Sent: Thursday, October 19, 2023 1:06 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: Benbow Re Zoning

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

To whom it my concern, We are Tony& Lisa Nester, we live in Benbow. We recieved the attached letter on Friday about the possible re zoning of many parcels in our neighborhood to agricultural land, for cannabis. We are extremely concerned about many things that will impact our home, and our neighbors homes. I've also attached a letter one of our neighbors have written. I've added a few names (with their permission) of neighbors who do not have wi fi or ability to email that would like to be included in this email. This sends to be an extreme endeavor for our little pristine place we call home. Thank You,
Tony & Lisa Nester
Leslie Sears
Sylvia Broderson
Jim Webb

Show quoted text

On Thursday, October 12th, some residents of Benbow received a Notice of Public Hearing occurring on October 24th, regarding a request for Zone Reclassification of 25 parcels in the Benbow Subdivision, totaling 33.46 acres. The Zone Reclassification will change the zoning of all 25 parcels from Residential Zoning (RL, RE and RS) to Agricultural General (AG). The parcels are located between Blue Rock Road near Meadowview Drive and Red Rock Road, with a small section continuing down to Benbow Drive.

A request for information regarding this project revealed the lot lines are being redrawn for the 25 parcels to change them into 11 parcels, stating this will "... allow historical use, eliminate unbuildable parcels, reduce water use, traffic and erosion." This reason then goes on to support the intent of the owner, which is stated as "The applicant also notes that the historic use of the lands was, until a 2018 County abatement action, primarily for cannabis grows, and seeks to allow agricultural operations again given lack of current production use of the lands as well as proximity to a cannabis dispensary nearby at the entrance to the Benbow Valley." All of this is stated to benefit the public interest.

There have been abatements on some of the parcels that appear both as active investigations and as closed cases.

There is also currently a second zoning reclassification being proposed for two lots on either side of Benbow Drive located in between Redwood Roots and the Benbow KOA (the proposed dispensary at the entrance of the Benbow Valley referred to above). This classification change is requesting a change from C-1-D to C-2-D, with the intended purpose being "... to establish a dispensary or dispensaries on these properties as he believes there is ample market for this type of business at this location." However, "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."

It appears this zoning reclassification is the first step leading to a dispensary located off Benbow Drive, with additional cannabis business beyond being *just* a dispensary, and that nearby there will be cultivation located between Blue Rock and Red Rock, in what is currently a residential neighborhood.

The argument that the land had historically been used primarily for cannabis grows - this being the grounds for applying to be a cannabis farm - is a slap in the face to anyone who has been abated. If a "historical" argument can be used to justify new business, why can it not be used to excuse past infractions? If individuals who were abated have their parcels' zoning reclassified, would this then excuse their fines, or better, have their paid fines be refunded? Will this action set precedent for other zoning reclassifications to our detriment going forward?

Noting that by reducing the number of parcels, there will be less impact to the land if the number of residences is restricted is misleading. Vacant, unbuildable lots do not use water, or have regular traffic typically. If the point of merging them is to build a cannabis farm then the argument can be made that the farm, and farming infrastructure would require more water, create more run off and more traffic than a residence. When will Del Oro be consulted as to water usage and storage limitations? When will notifications go out to surrounding neighbors not on Del Oro's system that may be affected by a change in our water table if there is a greater demand for use? A memo from the Land Use Division acknowledges the County roads in the area are deteriorating due to slope instability and the roads may need work to support this new development. Most people in our rural area will attest to the growth of a

farm bringing in greater traffic compared to a residence. How will this be addressed? For the benefit of the public interest, will the County bring our roads up to standard accessibility requirements for fire safety? How will the view be impacted? Will neighboring properties be compensated for an inferior view of hoop houses affecting their property values? What will be seen from Highway 101?

Commentary in the notice states the reclassification is exempt from environmental review "because it can be seen with certainty that the project does not have the potential to cause significant environmental impacts". The zoning classification aspect of the project may not cause a significant environmental impact, however, if it facilitates the approval of a cannabis farm, then water, nutrient run off, and road deterioration *will* all have an environmental impact. At what point do we start looking out for these issues and asking questions?

Being that the initial notice of a public hearing only referred to a zoning reclassification, it feels as if Benbow residents are being misled and informed discussion is being discouraged. This notice was not transparent, and the time allotted to submit documentation for the Board of Supervisors to review (noon on October 16), is excessively restrictive.

Is it possible that a dispensary could benefit Benbow Valley? Yes. Is Southern Humboldt in need of industry and job opportunities? Absolutely. Should residents be given sufficient information to review matters relating to adjacent parcels? Yes. Was the "Notice" received on October 12th severely lacking in information? Unequivocally, yes. If we unknowingly snowball a project, with far reaching impacts on our community, at what point will it be too late to start asking questions?

Anyone with an interest in exploring this project and how it will impact the Benbow Valley should contact Michelle Bushnell, and the Board of Supervisors and attend the meeting on October 24th at 9:00am, either via zoom or in person at the Courthouse.

Jamie Maguire
Benbow Valley Resident

PUBLIC NOTICE
HUMBOLDT COUNTY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING

On **Tuesday, October 24, 2023, at 9:00 a.m.**, or as soon thereafter as the matter can be heard, the Humboldt County Board of Supervisors will hold a public hearing in the Board of Supervisors' Chamber, Humboldt County Courthouse, 825 Fifth Street, Eureka, California, and virtually via Zoom to consider the matter listed below.

Zoom Meeting ID and Access:

Further instructions on how to access the Zoom meeting can be found when the agenda is posted on Friday, October 20, 2023, by using the following link:

<https://humboldt.legistar.com>

Email Public Comment:

To submit public comment to the Board please email cob@co.humboldt.ca.us, provide your name and the agenda item number(s) on which you wish to comment. All public comment submitted after the agenda has been published will be included with the administrative record after the fact.

Rock and Sky LLC; Benbow Area; Record Number PLN-2021-17209 (filed 05/6/2021); Assessor's Parcel Numbers: 033-101-011, 033-041-038, 033-091-025, 033-091-026, 033-091-027, 033-091-033, 033-091-034, 033-091-035, 033-101-001, 033-101-002, 033-101-003, 033-101-004, 033-101-005, 033-101-006, 033-101-007, 033-101-008, 033-101-010, 033-101-015, 033-101-021, 033-101-022, 033-101-028, 033-101-029, 033-101-031, 033-101-032, and 033-101-035. A General Plan Amendment (GPA) and Zoning Reclassification (ZR) of 25 parcels totaling 33.46 acres. The GPA is from Residential Low Density (RL) and Residential Estates (RE) to Residential Agriculture (RA). The Zone Reclassification is from Residential Single Family (R-1), Residential Multi-Family (R-3) and Residential Suburban (RS) to Agriculture General (AG).) The project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that the project does not have the potential to cause significant environmental impacts. The project is located in the Benbow area, generally on both sides of Fir Gate Court, at the intersection of Fir Gate Court and West Blue Rock Road, east of Highway 101 in the Garberville/Benbow area. Specific questions regarding this project can be directed to Cliff Johnson at 707-445-7541 or via email at cjohnson@co.humboldt.ca.us.

Consistent with instructions for public comment noted above, any person may appear and present testimony in regard to this matter at or before the hearing. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at, or prior to, the public hearing.

Documentation to be filed on this matter for the official record is to be submitted to the Clerk of the Board of Supervisors, by noon on **Monday, October 16, 2023**, for the documents to be placed in the Board's hearing packets. All public comment submitted after the agenda has been published will be included with the administrative record after the fact.

Humboldt County Board of Supervisors
Kathy Hayes, Clerk of the Board
October 10, 2023



