



COUNTY OF HUMBOLDT

For the meeting of: 11/28/2023

File #: 23-1487

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

Rock and Sky, LLC, General Plan Amendment and Zone Reclassification

Assessor Parcel Numbers (APNs) 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

Record No.: PLN-2021-17209

Garberville/Benbow Area

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the resolution (Attachment 1) which does the following:
 - a. Makes the required findings for approval; and
 - b. Approves the General Plan Amendment and Zone Reclassification;
2. Adopt Ordinance No. __ Amending Section 311-7 of the Humboldt County Code by Rezoning Property in the Benbow Area (Attachment 2).

SOURCE OF FUNDING:

General Fund - Current Planning (1100277)

DISCUSSION:

On Oct. 24, 2023, your Board considered a proposal for 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). Concern was raised by members of the Board and members of the public regarding the potential of development in this location to disrupt the scenic character of the Benbow area and for the zone reclassification to facilitate potential cannabis activities with no requirement for subsequent public notice. Your Board voted unanimously to continue the project to allow staff to develop a Qualified "Q" zone to these properties to address these concerns.

The draft ordinance attached to this staff report would address these concerns in two ways. First through an additional use restriction to require that all commercial cannabis activities be conditionally permitted. With this restriction, all cannabis applications would be subject to a discretionary permit which would require notification of the public prior to a decision.

The draft ordinance would also add restrictions on any development of the property to protect the character of the community. New development will be required to be subordinate to the existing topography and vegetation. Existing topography and vegetation will be required to be retained to the maximum extent feasible. And lastly, exterior lighting will be required to be shielded and directed downward and to not spill off-premises.

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 enforcing laws and regulations to protect residents

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 a Cultural Resources Survey was prepared. The study found that there were no archaeological or cultural resources in the project area.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors could elect not to approve the project. This alternative should be implemented if the Board is unable to make all 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
 - A. Public Works Referral
5. Constraints Exhibits
6. Planning Commission Resolution
7. Post Adoption Summary
8. Public Comment

Applicant and Owner

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Agent

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