

10/18/2023

To: The Humboldt County Board of Supervisors,

On Thursday, October 12th, some residents of Benbow received a Notice of Public Hearing occurring on October 24<sup>th</sup>, 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 24<sup>th</sup> at 9:00am, either via zoom or in person at the Courthouse.

A handwritten signature in blue ink, appearing to read 'Jamie Maguire', with a long horizontal flourish extending to the right.

Jamie Maguire  
Benbow Valley Resident