



# COUNTY OF HUMBOLDT

## Legislation Details (With Text)

**File #:** 20-1162      **Version:** 1      **Name:**  
**Type:** Zoning Item      **Status:** Passed  
**File created:** 9/9/2020      **In control:** Planning and Building  
**On agenda:** 9/29/2020      **Final action:** 9/29/2020  
**Title:** Benbow Zone Reclassification Petition  
APN: 033-160-002, 033-041-036 (por.)  
Case No.: PLN-2020-16217

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Attachment 1 - Resolution.pdf, 3. Attachment 2 - Petition for Rezoning.pdf, 4. Attachment 3 - Maps.pdf, 5. Attachment 4 - Zoning Comparison Table.pdf, 6. Resolution 20-89

Date	Ver.	Action By	Action	Result
9/29/2020	1	Board of Supervisors	approved	Pass

**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Consent

### SUBJECT:

Benbow Zone Reclassification Petition  
APN: 033-160-002, 033-041-036 (por.)  
Case No.: PLN-2020-16217

### RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the attached resolution (Attachment 1) to adopt findings required to support acceptance of the petition and accept the petition for the Benbow Zone Reclassification; and
2. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

### SOURCE OF FUNDING:

Applicant fees.

### DISCUSSION:

The Humboldt County Planning and Building Department, Planning Division received a petition requesting the Board accept an applicant-initiated Zone Reclassification (Attachment 2) for processing. The owner seeks to change the zoning classification for one parcel and a portion of another parcel of

land known as Assessor Parcel Numbers (APNs) 033-160-002 and a portion of 033-041-036 from Neighborhood Commercial (C-1) to Community Commercial (C-2). The Design Review (D) combining zone will remain. The Zone Reclassification will facilitate use of the site as a potential commercial cannabis distribution center presently not allowed in the C-1 zone. The petition was filed by the property owner and includes information meeting the requirements per Section 312-50.5.

The project site is located in the Benbow area on both sides of Benbow Drive, with one site on the east side and one on the west side, at the intersection of Benbow Drive and Lake Benbow Drive, on the properties known as 6767 and 6908 Benbow Drive.

Section 312-50.5 of Humboldt County Code specifies that petitions for zoning map amendments shall be 1) in the public interest, and 2) consistent with the General Plan.

#### *Public Interest*

The C-1 zone that presently applies to the site allows many of the same uses allowed in the proposed C-2 zone, as depicted in the Zoning Comparison Table (Attachment 4). One notable exception is the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), which allows commercial cannabis activities in the C-2 zone, but not in the C-1 zone. As shown on the aerial map in Attachment 3, the subject property is on the east side of Highway 101. It is 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.

It is arguably in the public interest to modify the zoning to 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.

#### *Consistent with the General Plan*

Table 4-H of the General Plan shows the CR - Commercial Recreation Plan Designation that applies to the subject property is compatible with both the C1 and C-2 zones, so the proposed C-2 zone is consistent with the General Plan.

The decision to be made at this time is whether the Board will accept the proposed application for processing, review and consideration. If accepted for review and consideration, more in-depth analysis will be performed assessing whether the proposed zoning change is both in the public interest and consistent with the General Plan.

A petition to accept an application for zone reclassification is not a project as defined in Section 21065 of the Public Resources Code and is not subject to California Environmental Quality Act (CEQA).

#### FINANCIAL IMPACT:

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

involved in the processing of the application.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by supporting business, workforce development and creation of private-sector jobs type in or leave blank.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by County Counsel, which has not expressed concern with the proposed petition. Should the petition be accepted, responsible and trustee state and local agencies will be involved in the referral process of the Reclassification, including Native American Consultation pursuant to AB 52, and as part of the environmental review for the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could reject the petition if it believes the required findings cannot be made. Staff believes the necessary findings may be made, so staff does not recommend further consideration of this alternative.

ATTACHMENTS:

Attachment 1: Resolution No. \_\_\_\_\_  
Attachment 2: Copy of Petition for Rezoning submitted by the applicant February 10, 2020  
Attachment 3: Location Map/Aerial Map/Assessor Parcel Map/Zoning Map/Land Use Map  
Attachment 4: Zoning Comparison Table (C-1 and C-2 Zones)

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A  
Meeting of: N/A  
File No.: N/A