



# COUNTY OF HUMBOLDT

For the meeting of: 9/27/2022

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File #: 22-1272

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**To:** The Humboldt County Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**SUBJECT:**

Dyerville Farms, LLC appeal of the Planning Commission's approval of a Conditional Use Permit for 24,634 square feet of existing commercial cannabis cultivation consisting of 22,380 square feet of outdoor and 2,254 square feet of mixed light cultivation. The appeal relates specifically to the addition of Conditional of Approval A25 requiring 20% rainwater catchment within two years as well as staff recommended condition of approval A11 which requires capping of a second well.

**RECOMMENDATION:**

That the Board of Supervisors:

1. Open the public hearing and receive the staff report, testimony by appellant, and testimony from the public; and
2. Close the public hearing; and
3. Adopt the resolution (Resolution 22-\_\_). (Attachment 1) which does the following:
  - a. Finds that the Board of Supervisors has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the Dyerville Farms, LLC project); and
  - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
  - c. Sustain the Appeal submitted by Dyerville Farms LLC; and
  - d. Approves the Conditional Use Permit subject to the recommended conditions of approval.
4. Direct the Clerk of the Board to give notice of the decision to the Appellant, the Planning and Building Department, and any other interested party.

**SOURCE OF FUNDING:**

The Appellant has paid the fee associated with filing this appeal. (1100268-608420)

**DISCUSSION:**

***Executive Summary***

This is a supplemental staff report to the August 30, 2022, agenda item I.2 file # 22-1104. The appeal

of the Conditional Use Permit for Dyerville Farms, LLC, was continued to provide staff the opportunity to clarify the numerical calculations regarding elevation as presented in the May 3, 2022, Hydrologic Isolation of Existing Well from Surface Waters analysis prepared by a Certified Engineering Geologist.

The specific issue of concern resulting in the continuance was the elevation of the well described on page 2 of the analysis as 3,460 feet above sea level. The difference in elevation calculations of other water features stated in the analysis did not conform with the original elevation value. Upon investigation and consultation with the author of the analysis, it was determined that two numbers in the original elevation value were transposed resulting in a typographical error. The correct beginning elevation of the well is 3,640 feet above sea level, not 3,460. When the corrected value of 3,640 feet is used, the differences in elevation to other features stated in the analysis are correct.

Notwithstanding the typographical error, the conclusions of the well analysis are unchanged. The author, a qualified professional, concludes that the well identified for cannabis irrigation has a low potential of having any direct connection to surface waters and is likely isolated from nearby wells, surface waters, springs, or wetlands.

For the reasons stated in the original August 30, 2022, Board report, the Planning and Building Department is recommending the Board of Supervisors sustain the appeal by Dyerville Farms and approve the Conditional Use Permit as recommended and remove conditions of approval A25 and A11. Condition A25 should be removed because mitigation of the concerns raised by the Planning Commission were already addressed in the adoption of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) mitigation and monitoring program. Additionally, the CMMLUO does not require applicants to use a particular water source or combination of water sources. Condition A11 should be removed because there is no nexus between the condition and the cannabis permit. Although the additional existing well has high levels of manganese making it unsuitable for irrigation, it is still possible to use the well for domestic purposes such as filling fire suppression tanks.

FINANCIAL IMPACT:

The Appellant has paid the fee associated with filing this appeal (1100268-608420). There will be no additional impact on the General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework through its core roles to enforce laws and regulations to protect residents and encourage new local enterprise.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to deny the appeal and approve the project as revised by the Planning Commission on July 7, 2022. The Board could also choose to revise or add other conditions of approval. The Board could also choose to deny the Conditional Use Permit.

**ATTACHMENTS:**

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

1. Draft Board Resolution and Findings for Record No. PLN-2022-17845
  - a. Exhibit 1 - Cultivation Operation Plan
  - b. Exhibit 2 - Site Plan
2. August 30, 2022 Board of Supervisors Staff Report
3. Grounds for Appeal filed by Dyerville Farms, LLC
4. Planning Commission Staff Report
5. Resolution of the Planning Commission, Resolution No. 22-082
6. Hydrologic Report
  - a. Well Elevation and Distance Graph
  - b. Hydrologic Report Supplement

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A

File No.: N/A