



COUNTY OF HUMBOLDT

For the meeting of: 2/15/2022

File #: 22-187

To: The Humboldt County Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Humboldt's Own LLC appeal of the Planning Commission's addition of a condition requiring a second water source to an approved well as part of the conditional approval of a Special Permit to allow a 64,800 square feet of commercial cannabis cultivation.

RECOMMENDATION:

That the Board of Supervisors:

1. Open the public hearing and receive the staff report, testimony by the appellant (applicant), and testimony from the public on any of the additionally submitted information; and
2. Close the public hearing; and
3. Adopt the resolution (Resolution 21-__). (Attachment 1) which does the following:
 - a. Finds that the Board of Supervisors has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance that was prepared for the Humboldt's Own LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Appeal submitted by Humboldt's Own LLC; and
 - d. Approves the Special 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.

DISCUSSION:

Executive Summary

This is a continuation of a public hearing on an appeal of the Planning Commission's approval of a Commercial Cannabis cultivation entitlement for the Humboldt's Own LLC. The application is for a combination of Special Permits to allow for up to 64,800 square feet of commercial cannabis cultivation on the approximately 38-acre parcel in the Petrolia area. The appeal centers around the use

of a well to supply the 540,000 gallons of water needed annual for irrigation.

At the February 1, 2022 Board of Supervisor's hearing Supervisor's Madrone and Wilson both raised some questions relative to the potential of the well being hydraulically connected or otherwise impacting the underflow of the Mattole River. While a Certified Engineering Geologist had provided an analysis of the well, this analysis was not entirely clear on the connection or lack thereof with the Mattole River. The geologist was unavailable to answer questions at the February 1, 2022 hearing. The public hearing portion of the hearing was closed, and the hearing continued to February 15, 2022 to allow the project geologist to respond and be available for questions.

On February 9, 2022 the project geologist provided a letter specifically addressing the concern relative to the hydraulic connection to the Mattole River. The conclusion of this letter (Attachment 9) is that the well is drawing water primarily from the deep fractured Franciscan sandstone aquifer and not from the underflow of the Mattole River. Staff's recommendation from February 1, 2022 to approve the appeal and special permits has not changed.

FINANCIAL IMPACT:

There will be no additional effect on the General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by its support of the Goals and Policies of of stabilizing and supporting a successful cannabis industry.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to approve the appeal with condition to address the well and water source or the Board could deny the appeal and require the condition to provide an alternative water source or water storage required by the Planning Commission.

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
2. Appeal filed by Humboldt's Own LLC
3. Planning Commission Staff Report
4. Resolution of the Planning Commission, Resolution No. 21-167 and Revised COA
5. Well Completion Log
6. Letter dated October 1, 2021, from Lindberg Geologic Consulting
7. Public Comments submitted to the Planning Commission
8. Board Report for February 1, 2022
9. Letter from Lindberg Geologic Consulting dated February 9, 2022
10. Email from David Lindberg to Board of Supervisors dated February 8, 2022

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PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A