

ATTACHMENT 4
VIOLATION MEMO

Ecoyard, Inc. 217-381-008 12452
Memo Re. Failure to Comply with County Code
Prepared by Keenan Hilton, Planner II
11/12/20

Narrative:

- The department has received a total of three complaints of water being trucked to the site.
- The applicant has been advised repeatedly that an onsite water source is necessary in order to operate under an Interim Permit.
- The applicant has been notified two times by planning staff and once by CEU that an additional instance of water being delivered for irrigation would result in revocation of the IP and recommendation of denial from planning staff.
- On 9-25-20, following all admonishments and warnings, CEU made contact with water truck driver delivering irrigation water to the site.

Although the question of water source is not addressed directly in the compliance agreement for the Interim Permit, Item 6 establishes that "The County reserves the right to request that the Applicant and Owner submit additional information as needed to find the Application in conformance with the Humboldt County Zoning Regulations..."

Pursuant to this part of the agreement, the County repeatedly requested evidence of an onsite water source to find the project in conformance with section 314.55.4.11(m) of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) which reads: "Water is to be sourced locally (on-site) and trucked water shall not be allowed, except for emergencies. For the purposes of this provision, 'emergency' is defined as: 'a sudden, unexpected occurrence demanding immediate action.'"

In fact, one year and twelve days passed between the initial admonishment that water must be sourced on-site and the date when CEU observed irrigation water being delivered by truck. This far exceeds any reasonable interpretation of emergency. The department repeatedly provided the applicant with the opportunity to correct this violation. The applicant failed to do so. Therefore, the assigned planner Keenan Hilton and CEU proposes staff recommendation of denial for the project.

You will find a timeline on the following pages:

Timeline:



7/20/2020

- Agent provides evidence that they've applied for new well on site, requests phone call between staff and Dave Fisch (well driller)

7/28/2020

- Staff phone call with Dave Fisch who explains his work backlog, installation of new well pump on existing well, fairly low production

7/30/2020

- Agent email stating there is 46,500 gallons of stored water on the site in hard tanks

9/1/2020

- Staff performs site inspection, finds very little water stored, no water in pond, well meter reading 26,330 (a fraction of water required for approximately 35,263 sf of cultivation)

9/15/2020

- Email from agent confirming trucked water would be used for fire response only, confirmed that any deliveries for irrigation would result in a staff recommendation of denial

9/16/2020

- Agent email confirming issued well permit
- Staff confirms that any credible report of water being trucked for irrigation would result in the revocation of the interim permit and a recommendation of denial for the annual permit.

9/25/20

- CEU Officer makes contact with water truck driver who confirms that they have delivered 3-4 truckloads of water to the site daily for irrigation for the previous 4.5 days.

10/16/20

- CEU revokes Interim Permit