



COUNTY OF HUMBOLDT

Legislation Text

File #: 22-1123, Version: 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

SUBJECT:
Planning Commission Letter on Water Storage Requirements

RECOMMENDATION(S):
That the Board of Supervisors:

1. Consider the Letter Submitted by the Planning Commission; and
2. Provide Direction to the Planning Commission.

SOURCE OF FUNDING:
General Fund (1100)

DISCUSSION:
On July 8, 2022, the Planning Commission approved two cannabis permits using wells as their water source. The commission applied a condition to these permits requiring that 20% of the water come from rainwater catchment. This condition had not previously been applied to any cannabis project. As a result of the imposition of these conditions, the commission voted to send a letter to the Board of Supervisors asking for direction on whether the ordinance should be modified or whether formal policy should be developed to establish a requirement that rainwater catchment be a requirement of cannabis permit approvals. That letter is attached.

Requesting an ordinance change or policy development is the appropriate course of action when considering making changes to land use requirements. The drought, climate change concerns, and the number of cannabis applications have all heightened the concern with water use, and particularly groundwater use. Cannabis applicants, most of whom have been in the process for 6 years are working through constant changes. Initially people were encouraged to move from surface diversions to wells, now applications with wells need a geologic report, many are having those completed, but since there seems to only be one geologist in the county working on these applications, application are backlogged for up to 6 months.

Sometimes change is necessary to address conditions and that cannot be avoided. The benefit of the change should always be considered in relation to the cost of making the change. Adding the cost of

rainwater catchment is a new cost that has not been calculated into the expenses for many of these farmers and is a new and unexpected expense. At a time when the cannabis industry is struggling, adding expenses should be given consideration relative to the benefit.

Staff is putting together a study area to give some better information, but this is not ready yet. Currently the only regulatory requirement of the ordinances is that wells not draw from the underflow of surface water. This is in line with the State Waterboard Regulations.

It may be good to use rainwater catchment as an incentive. This would require some policy development and consideration as to how this would work and be a benefit. Water storage and forbearance are also ideas that should be equally considered. This would allow withdrawal of groundwater when recharge is occurring and forebear during the dry season.

The struggle any time policy changes are considered is whether to start applying ad hoc measures, stop processing permits or to maintain course until alternative policies are developed. Currently with the requirements for well analysis, staff is having trouble finding projects ready to move forward to hearing. This would be an additional impediment to particularly existing smaller cultivators obtaining permits.

FINANCIAL IMPACT:

Development of new policy will require the Planning and Building Department to allocate staff and perhaps consultant time to address an appropriate policy for rainwater catchment. If your Board directs the Planning and Building Department to develop new policy for implementation in the County Code, the Long-Range Planning budget unit (1100282) will be used. Funding was not included in the Fiscal Year 2022-23 budget; therefore, additional funding will need to be identified and a supplemental budget presented should your Board direct staff to develop new policy.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by advancing local interests in natural resource discussions

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

No Alternatives are Recommended

ATTACHMENTS:

Attachment 1: Planning Commission Letter

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A