

ATTACHMENT 11

Written Public Comments Received after the March 19, 2018 Public Hearing

Summary of Comments and Staff Responses

Committer and Date	Summary of Comments	Staff Response
John Stokes 3/20/18	<ul style="list-style-type: none"> • Don't permit more grows than the County can regulate. Opposes environmental destruction from cannabis cultivation in steep forested areas and the use of imported soil. Use cannabis tax for enforcement of environmental laws. 	<ul style="list-style-type: none"> • No specific ordinance changes are suggested, the comments are more general in nature. The CCLUO is aligned with these comments.
Josh Allen 3/21/18	<ul style="list-style-type: none"> • Delete the permit cap. Provides alternative language that applies the cap only to those cultivation sites that divert water from a stream. • Include language to speed up permit processing times. • Reduce setback from undeveloped property. • Remove bus stop setback. • Set school setbacks at 1,000 feet. • Delete 55.4.6.4.4 (j) - (m). • Delete 55.4.6.7. • Allow Cannabis Support Facilities in the FR Zone. • Make the setback for Flammable Manufacturing the same as other manufacturing. 	<ul style="list-style-type: none"> • Board discretion.
Robin Collins 3/24/18	<ul style="list-style-type: none"> • Time Frame of approval for standard projects is long. • Time frame for RRR's is longer. • Allow those in Compliance Agreements to enter into Ordinance 2.0 easily. 	<ul style="list-style-type: none"> • Changes to the CCLUO may be needed to allow those in Compliance Agreements under Version 1.0 to be processed under Version 2.0 standards.

Commenter and Date	Summary of Comments	Staff Response
Bob Zigler 3/26/18	<ul style="list-style-type: none"> • Opposes allowing waivers of the 600' school bus stop setback • Existing permittees should be required to apply anew under the newly proposed ordinances. 	These alternatives were considered by the Planning Commission and are part of the Board's deliberations.
Allan and Susan Wiegman 3/26/18	<ul style="list-style-type: none"> • Concerns about changing the 600' school bus stop setback. 	This item is part of the Board's deliberations.
Lindsey Lucas 3/26/18	<ul style="list-style-type: none"> • Concerns about changing the 600' school bus stop setback. 	Same as above.
Coastal Commission 3/28/18	<ul style="list-style-type: none"> • The staff report should evaluate how the coastal CCLUO conforms with and is adequate to carry out the certified Coastal Plans. 	The staff analysis is included in Attachment 2 - the resolution making the findings for approval of the costal CCLUO.
Ag Dynamix 3/28/18	<ul style="list-style-type: none"> • Delete "supplemental" from the definition of mixed light cultivation. • Align the maximum number of cultivation permits and maximum number of acres per parcel (four or eight). • Energy usage requirements are onerous and unrealistic. • Delete sunset date for pre-existing cultivation applications and RRR applications. • Expand the types of applications that can qualify for RRR program. • Delete 270' setback requirement for new cultivation from undeveloped properties. • Small cultivation sites should allow up to 5,000 sq. ft. of cultivation area. 	<ul style="list-style-type: none"> • This modification is not required, and may create as much or more confusion than leaving it as is. • Staff concurs. See discussion in the staff report. • Board discretion. Changes may require EIR modifications. • Board discretion. • Board discretion. • Board discretion. • Board discretion.

Committer and Date	Summary of Comments	Staff Response
Ag Dynamix 3/28/18	<ul style="list-style-type: none"> • Section 55.4.6.5.4 is confusing - when is a Special Permit required to cultivate on sites > 15%? • Allow provisional transportation permits and notify tax collector when approved. • Include indoor cultivation in permit cap. • Exempt Infusion activities from having to meet road standards. • Microbusinesses should be allowed on all parcels subject to limitations on farm-based retail sales. Their permit process should be streamlined. • Identify all application submittal requirements in the ordinance. • Category 4 equivalent road standard requirements for Cannabis Support Facilities are too restrictive. • The order of operations between obtaining the county permit and an LSA in Section 55.4.12.2 reads as confusing and possibly counter-productive. 	<ul style="list-style-type: none"> • To clarify the intent of the ordinance, with a Zoning Clearance certificate, pre-existing cultivation may be permitted on slopes between 15% and 30%. • Board discretion. • Staff concurs. • Board discretion. • Board discretion. • This is not practical. Each application is unique, and many have different application requirements. • Board discretion. • Board discretion.
Humboldt County Fish & Game Advisory Commission 3/28/18	<ul style="list-style-type: none"> • Fund the coordination and support of enhanced enforcement to protect fish and wildlife habitat on and adjacent to public lands. • Fund restoration and remediation of historic and future ecological damage done to public and private lands due to cannabis cultivation activities 	<ul style="list-style-type: none"> • Board discretion.

Commenter and Date	Summary of Comments	Staff Response
Friends of the Eel River 3/28/18	<ul style="list-style-type: none"> • Make the cap on cultivation permits more enforceable. • Set cap much lower. • Sediment impacts are about an order of magnitude more salient to the survival of fisheries in Eel River tributaries than are water diversions. • A cumulative watershed analysis is needed to set the appropriate cap. • Small cultivators should not be exempted from road standards. 	<ul style="list-style-type: none"> • See below detailed responses
Katherine Cenci 3/28/18	<ul style="list-style-type: none"> • Identifies ways the County can assist small cultivators. For example, the County can waive cannabis cultivation taxes for small farmers. • Impacts of indoor cultivation should be given the same weight as open-air activities. • Comments on specific provisions of the ordinance (6 pages). 	<ul style="list-style-type: none"> • Board discretion. • This comment seems to be related to the permit cap. Staff concurs, and has proposed a modification to the permit cap Resolution to treat indoor cultivation no differently than outdoor cultivation. • Board discretion.
Mariah Gregori 3/28/18	<ul style="list-style-type: none"> • Permit cap should also be distributed fairly among applicants so one person doesn't get all the permits in a watershed. 	<ul style="list-style-type: none"> • The permit cap in combination with the permit limit in the ordinance seems to address this point.
Samantha Lee 3/28/18	<ul style="list-style-type: none"> • Cease issuing cannabis permits on parcels in Fortuna's Sphere of Influence. 	<ul style="list-style-type: none"> • Board discretion.

Commenter and Date	Summary of Comments	Staff Response
Humboldt Cannabis Manufacturing Association 3/28/18	<ul style="list-style-type: none"> • Align the definitions and regulations concerning manufacturing with the state's. • Include language to speed up permit processing times. 	<ul style="list-style-type: none"> • Board discretion.
Joseph Bilandzija 3/28/18	<ul style="list-style-type: none"> • Treat Alderpoint no differently than Myers Flat. • Pro rate cannabis tax for 2017. 	<ul style="list-style-type: none"> • Board discretion.
David Joseph Montoya III, Esq. on behalf of the Bear River Band of the Rohnerville Rancheria 3/28/18	<ul style="list-style-type: none"> • Delete the setback requirement for School Bus Stops 	<ul style="list-style-type: none"> • Board discretion.
Judy Hodgson 3/29/18	<ul style="list-style-type: none"> • New cultivation applications that have not been approved at the time the CCLUO becomes effective should be required to comply with the new ordinance. 	<ul style="list-style-type: none"> • Board discretion.
Sarah Balstar 3/29/18	<ul style="list-style-type: none"> • Requests a delay in adoption for additional time to develop a cumulative watershed impact analysis and other standards. • Comments on specific provisions of the ordinance (5 pages). 	<ul style="list-style-type: none"> • Board discretion.
Elly Hoopes on behalf of the Yurok Tribal Council 4/2/18	<ul style="list-style-type: none"> • The Tribe should have permit authority in its ancestral territory. 	<ul style="list-style-type: none"> • Board discretion.
Hartwell Welsh 4/2/18	<ul style="list-style-type: none"> • Opposes environmental destruction from cannabis cultivation. Supports enforcement of environmental laws. 	<ul style="list-style-type: none"> • The intent of the CCLUO is aligned with the general suggestions made.
Holly Carter	<ul style="list-style-type: none"> • The language of 55.4.8.1.2 is odd; it seems to limit all indoor cultivation to 2,500 SF, or just the C2. • And in the support facilities, there is a duplicate on MB zoning (this indicates zoning clearance, then special permit). 	<ul style="list-style-type: none"> • The 2,500 sq. ft. limit on cultivation in this section applies only to Indoor Cultivation associated with a Microbusiness in the C-2 Zone. • The second occurrence of the MB zone in §55.4.7.1 should be deleted.

Detailed Responses to FOER's Comments

Comments from the Friends of the Eel River (FOER) organization received on March 19th and March 28th includes a critique of:

- the EIR's treatment of environmental baseline and watershed scale in the Cumulative Impact Analysis
- Compliance with California's Nondegradation policy applicable to North Coast streams and rivers
- Proposed Watershed Cap Alternatives
- Treatment of Rodenticide Use and potential effects on wildlife.
- The Ordinance and EIR's consistency with Goals, Policies, and Standards of General Plan concerning water resources and land use

The argument continues around their belief that a more detailed watershed assessment specifying details of existing roads and existing and new cannabis cultivation operations (locations, density, etc.) is required for an adequate analysis under CEQA. The Trush letter specifically requests a great level of detail on existing and future cannabis operations in the watersheds as part of such an analysis.

The FEIR and DEIR disclose existing dewatering and water quality issues (impaired waterways and the reason for their impaired designation) in County watersheds (see FEIR pages 2-4 through 2-8, DEIR pages 3.4-59, 3.8-17 through 3.8-21 and 3.8-23). The DEIR identifies that coho salmon is listed as "threatened" under the state and federal endangered species acts and steelhead trout is a state species of special concern (see DEIR page 3.4-38). The DEIR also identifies that the Eel River is designated critical habitat for both species (see DEIR page 3.4-47 and 3.4-49).

The proposed ordinance does not specifically entitle any existing or cannabis operation, so it is unknown how many would be located in specific watersheds, details of future operations (use of groundwater or surface water diversion), or their specific location in the watershed in relation to tributaries). However, the DEIR provides conservative estimates on future potential new cannabis operations and generally allocates them in the watersheds based on application data under the existing ordinance.

The DEIR surface water impact analysis estimates cannabis cultivation water demands of existing (proposing to be permitted under the existing ordinance) and new cultivation by watershed (assumes water supplies for all cultivation would be from surface water [no groundwater assumed]) and reports these results on DEIR pages 3.8-41 through 3.8-45.

Water quality impacts are addressed on DEIR pages 3.8-35 through 3.8-37. The Ordinance's impacts to watershed surface flows were identified as significant that would be mitigated for project and cumulative impacts through implementation of Mitigation Measure 3.8-5 that requires surface water and groundwater diversion restrictions and prohibition of any water diversions from April 1 to October 31 consistent with the State Water Board Cannabis Cultivation Policy.

These diversion requirements and the water quality requirements under the Cannabis Cultivation Policy were developed in consultation with California Department of Fish and Wildlife to ensure that the individual and cumulative effects of water diversions and discharges associated with cannabis cultivation do not affect instream flows necessary for fish spawning, migration, and rearing for endangered anadromous salmonids, and flows needed to maintain natural flow variability. The Policy was scientifically peer reviewed by four experts. The peer review determined that water quality, instream flow, and diversion requirements of the Policy were based on sound scientific knowledge, methods, and data (see Final EIR page 2-15).

The Final EIR page 2-15 identifies the following water quality control requirements that the CCLUO would apply to all cannabis cultivation activities, which are also provided in Attachment A of the State Water Board Cannabis Policy:

- Clean up, restoration, and mitigation of existing cultivation impacts;
- Water quality control features that include Nitrogen Management Plan, runoff/erosion control and treatment, fertilizer application limitations, and use of pesticides in a manner that will enter waterways;
- Standard setbacks from riparian areas and headwater streams and springs;
- Roadway and drainage design;
- Soil disposal and storage; and
- Winterization of sites.

Friends of the Eel River provide no technical analysis that counters the conclusions of the Draft and Final EIR or the State Water Board Policy.

CDFW information and Redwood Creek Discharge Monitoring Report (Klein 2018) provided by Friends of the Eel River all point to summer diversions during low flow conditions as a significant issue to fisheries (adequate flows in winter) and recommend forbearance during the summer months/low flow for existing diversions. Compliance with the water diversion restrictions in Mitigation Measure 3.8-5 which include forbearance requirements in the CCLUO avoid this impact to fisheries consistent with the Klein report's recommendations.

DEIR pages 4-1 through 4-3 describes the base conditions upon which the proposed ordinance's cumulative impact analysis was based that includes historic, existing, and future land use activities (development in the cities and unincorporated area [including water supply development for urban uses], agricultural activities, and timber production). DEIR Subsection 4.2.2, "Existing Cannabis Cultivation Operations in Humboldt County," specifically describes the historic and on-going extent of cannabis cultivation operations in the County and the associated environmental damage that has occurred; this was factored in the cumulative base conditions.

The EIR is a program EIR that covers a large-scale planning approval. This EIR is the first tier of environmental review for individual applications and will be used in the evaluation of subsequent applications that are subject to discretionary approval and review under CEQA. The EIR evaluates the physical environmental impacts of reasonably foreseeable compliance responses from implementation of the proposed ordinance consistent with the level of detail that can be known at this stage consistent with State CEQA Guidelines Section 15146. CEQA does not require a program EIR to evaluate site or area-specific analysis every possible location that future new cannabis cultivation may be located (Bay-Delta Programmatic EIR Supreme Court Decision 2008 - 43 Cal.4th 1143).

Friends of the Eel River also comment on CDFW's request for prohibition of new cannabis in certain watersheds and appear to refer to CCR Section 8216 regarding impaired waterways. Two permit cap alternatives would prohibit new cannabis cultivation in the watersheds identified as impacted by CDFW consistent with the requirements of requirements of CCR Section 8216.

Friends of the Eel River also brings up consistency with the State's Antidegradation Policy. The CCLUO includes requirements for compliance with the State Water Board water quality provisions.

Their comment on the State not implementing the Cannabis Policy provisions for forbearance in 2018 can be responded to by noting the County would still enforce the CCLUO's forbearance requirements as part of compliance with its ordinance.

Lastly, Friends of the Eel River bring up lighting, noise, and anticoagulant rodenticide impacts on northern spotted owl. Again the Draft EIR and Final EIR address this. Anticoagulant rodenticides are prohibited by the State.

The Trush letter appears to cite an older version of the ordinance and does not acknowledge how it and the EIR addresses forbearance or groundwater controls. The CCLUO allows the Board of Supervisors to limit groundwater use if watershed flows fall below the aquatic base flows that were established in the State Water Board Cannabis Policy.

Richardson, Michael

From: Ford, John
Sent: Thursday, March 29, 2018 10:42 AM
To: Richardson, Michael; Lazar, Steve; Ellinwood, Joseph
Subject: FW: weed



John H. Ford
Director
[Planning and Building Department](#)
707.268.3738

From: john stokes [<mailto:gadumma@msn.com>]
Sent: Tuesday, March 20, 2018 4:12 PM
To: Ford, John
Subject: weed

I have resided in Humboldt County for almost 70 years.
Please do not allow growers to continue to ruin our forests, our fisheries, etc.
Do not permit any more grows than you can regulate.
Our remote hillsides are not suitable for agriculture--any operation that needs to import and throw away truckloads of soil should not be permitted.
The tax on weed should be used to enforce the environmental laws

March 21, 2018

To: Humboldt County Board of Supervisors (HCBOS)
825 5th Street, Room 111
Eureka, CA 95501

From: Joshua Allen, MPA
CannaFarms Consulting, LLC
PO Box 272
Fields Landing, CA 95537

Subject: Comments Concerning the Proposed Commercial Cannabis Land Use Ordinance

Dear HCBOS,

Please accept this letter as formal comments concerning the Proposed Commercial Cannabis Land Use Ordinance (CCLUO). I am a resident of Fields Landing in District 1 and operate CannaFarms Consulting in Samoa in District 4. My background is in community and resource planning, local government management, and have a decade of experience as a public servant including working for Humboldt County Planning Department.

For just over a year now I have operated as a consultant in the private sector directly assisting business interests achieve a cannabis permit from the County. My experience is hand's on and had to adapt with the changes which have occurred during the permitting process. I'm also not a farmer, though I have grown both indoors and outside in the past, and understand some of the issues they are dealing with logistically. Therefore, my hope is that you take these comments with thoughtful consideration.

Permit Caps

I am strongly against the County artificially regulating the emerging legal cannabis industry through the limitation of permits. Humboldt County has a notorious history of nepotism and good 'ol boy politics which at least one of the HCBOS publicly without shame engages on a regular basis. During the last CCLUO permitting process a HCBOS seemed to use their power and influence to pick winners and losers, in closed departmental meetings and elsewhere, which gives the appearance that the process is not fair nor transparent.

Further, this County is not suited to regulating the economic market, especially when one looks across our communities and see decades long economic downturn. Much of this is due to stagnation created anti-development attitude within government and moneyed interests with political lackeys capturing gaining monopoly. The County should only regulate policy to which it has jurisdiction, ensure that the policy playing field is level for all players, and step back to allow the market to figure itself out.

Governmental intervention, especially in California, is a recipe doomed for disaster, high taxes, low incentives to be in business, and increased consumer costs

which eventually results in decreased tax revenues. With this County's history of nepotism, good 'ol boy politics, and monopoly interests such policy would become hijacked by special interests while displacing small family farms. Therefore, I am strongly against the County artificially regulating the cannabis industry through the limitation of permits.

Further, not all of Humboldt is ideal for a cannabis production, nor would be available for development. Equally dividing permits by the twelve (12) watersheds would not work. For instance, microclimates such as those closer to the coast require more energy inputs and mold prevention strategies due to damp weather, and many of these areas are on prime soils located next to unfavorable communities in the coastal area. Most of the northern portion of the County is closed off due to being in Tribal Reservations or have waters which flow through said jurisdiction which then trigger hunting and gathering rights to further limit potential operations.

Therefore, an artificial permit cap has the potential to cause concentration of operations which are easy to be captured by big business or politically connected cronies. If permits are to be limited, it should be for beneficial environmental reasons meant to protect the public good and interest with a hand's off approach by the County. I would recommend the following policy:

1. 55.4.6.8 Cap on Permits

Cannabis permits shall be limited on a watershed basis only for operations diverting and allocating a surface stream. This limit shall be determined by the California State Water Board (SWB) Department of Water Rights (DWR) in consultation with the California Department of Fish & Wildlife (DFW) during the Registration of Small Irrigation Use process. The SWB, DWR, or DFW shall formally notify the County when surface waters within a Hydrologic Unit Code Twelve (HUC 12) watershed have been fully allocated. The Planning Department shall deny any further permit applications and notify applicants either, (1) prior to applying for a CCLUO permit if the watershed is known to be allocated, or (2) during the application referral process if unknown to be allocated upon notification by the SWB, DWR, or DFW.

Applications Terms & Requirements

The last CCLUO permitting process seemed extremely unfair and not transparent. Some of the issues of the process have been effectively changed for the better by Director Ford who I understand is dealing with administrative change within an entrenched bureaucracy. There are many performance standards seemingly placed upon the public but government seems to be above having performance standards self-imposed for the benefit of the public.

The local economy, and thus revenues through taxes, are increased when government ensures that business growth is hastened in an orderly within minimal impacts to the public good. This is protected through the public review process which requires that the public be given a chance to comment in a timely manner. The public is given a limited amount of time to comment on actions agencies wish to implement. Though this same policy does not seem applicable to agencies commenting on private projects.

Private business interests go out on a limb to risk starting operations which ultimately benefit many in the community through jobs, a locally generated economy, reduce the black market, compliance with environmental protections, and general fund revenues. The County, specifically the Planning and Building Department, do not seem to understand the private sector, nor do they care, and at times actively work against what benefits them through revenues. Other times, it seems some business interests are given a greenlight pass by politically connections, and the level of review is minimal. Further, there are times that applications languish within the referral system, or dropped, with no clear information available concerning the application, or the review process.

Therefore, I offer the following polciy be inserted within the following:

1. 55.4.5.6 Application Terms and Requirements for Commercial Cannabis Clearances or Permits

A. 55.4.5.6.1 Submittal Requirements (MOVE 55.4.11 HERE)

The applicant shall submit a complete project application meeting all of the performance standards of the CCLUO with supporting documentation as required. Applications may be required to include any or all of the following information, depending on permit activities and location: Site Plan; Security Plan; Cultivation AND OPERATIONS Plan, Processing Plan; ~~Operations Plan~~; Irrigation Plan; CANNABIS WASTE MANAGEMENT PLAN; PESTICIDE ~~Materials~~ Management Plans; NITROGEN MANAGMENT PLAN; Hazardous Materials Site Assessments and Contingency Plans; Surveys for Biological Resources and Sensitive Habitat; Surveys for Archaeological, Tribal Cultural Resources, and Historical Resources; Assessments of project-related noise sources; Road System Assessments and Improvement Plans; Timberland Conversion Assessments; documentation of water use, source, and storage; will-serve letters from applicable providers of water and wastewater services; information concerning previously secured state and local permits for cannabis related infrastructure or activities; evidence of prior cultivation where seeking a permit as a pre-existing cultivation site; restoration and remediation plans where appropriate; plans for energy use; and details of current known violations related to commercial cannabis activities.

B. 55.4.5.6.2 Application Process

The Planning Department shall process a complete application in three (3) business days and update publicly accessible documents concerning the project within five (5) business days.

C. 55.4.5.6.3 Agency Comment Period

Public agencies shall be given a period of sixty (60) business days from date of notification to comment upon the application. If the Planning Department does not receive a statement within the comment period, then it shall be treated as no comment, and the application should proceed with default regulations which the County finds are applicable as Conditions of Use.

- D. 55.4.5.6.4 Transmittal for Decision
 Within five (5) business days upon receipt of a Staff Report Recommending Approval the Planning Department shall transmit the application for decision.
- 55.4.5.6.4.1 Planning Director
 Permits under the discretion of the Planning Director shall have a decision within ten (10) working days.
- 55.4.5.6.4.2 Planning Commission
 Permits under the discretion of the Planning Commission shall be placed upon the agenda of the next available public meeting by the Planning Commission Clerk within five (5) working days.
- E. Terms of Issuance
 Any Commercial Cannabis Activity Zoning Clearance Certificate, Special Permit, or Use Permit issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permitted site has been found to comply with all conditions of approval, applicable eligibility and siting criteria, and performance standards.

Setbacks

The following comments concern setbacks:

- A. I recommend that residential setbacks in outlying areas be at most one hundred fifty feet (150') from any residence and thirty feet (30') from undeveloped parcels. 55.4.6.4.4(b) known as Alternative 5b is realistically unfeasible and will in effect negate 55.4.6.4.4(a) and pretty much all cultivation area within the County. In order to meet the proposed residential setback and undeveloped setback as parcel would have to be over twenty acres (20ac) in size and may even may have issues meeting those standards.
- B. I concur with the removal of school bus stops from setback requirements. These stops are transient, temporary, and arbitrary. Further, such setbacks give too much power to school administrators with an axe to grind, or worse, divert precious school resources from educational purposes in order to respond to County requests for comment.
- C. I would recommend that School Setbacks be one thousand feet (1,000') to remain compliant with Drug-Free Zone (DFZ) laws. This is obvious as the County should not be allowing cannabis development within a DFZ and setting up business for potential failure. Further, development of such business is inappropriate use, and should be discouraged just like a liquor store.
- D. Don't approve Alternative 6 for Odor Mitigation. This is unnecessary regulation of agriculture which is not applied to other odor sources. No one cares for the smell of manure which permeates the air in the Eel River

valley, or wastewater facilities, or breweries, or any other source of nontoxic obnoxious smell. But we deal with it and eventually tune it out.

Generators

The following comment concerns 55.4.6.5.6 Energy Source:

- A. Specify the use of Tier 4 Generators with the requirement for a Permit to Operate obtained from the Local Air District and approved building permits.
- B. A better target for on-site renewable energy may be seventy percent (70%).

Alternative 9

I recommend not approving Alternative 9 as it has the problems of Alternative 5b. To retroactively go back upon a permit agreement is dangerous territory for government. It shows a lack of stability, to which, why would any business take a risk in the County if rules are going to be changed at a whims notice.

A six hundred-foot (600') setback is too far and unrealistic. Rather a three hundred-foot (300') setback seems more appropriate. The cost of compliance is already high with many farms wavering. Alternative 9 seems like heavy handed tactics and should be reduced to a setback that is realistically manageable.

Commercial or Industrial within Forestry Recreational

The CCLUO as written will not allow certain support activities to occur in a Forestry Recreational (FR) parcel which would be an appropriate use on commercial or industrial zoned parcels. In theory, this seems appropriate, except that all of Alderpoint is zoned FR with different uses developed over time including commercial and industrial. Not allowing commercial or industrial type use through blanket policy on FR will have the effect of not allowing support facilities to develop in that community. Therefore, I recommend the addition of language which allows such use on FR parcel should the underlying use or past development being industrial or commercial in nature.

55.4.8.2.1.2.1 Manufacturing Setbacks

Flammable extraction processes are safe when developed by commercial standards. The setback requirements for such business shall have the effect of severely limiting manufacturing siting as parcels for such activities are extremely rare within the County. Does the County require such setbacks for a gasoline station, or a propane station, or any other business requiring a hazardous business plan for combustibles? I recommend not approving increased manufacturing setbacks or at minimum reducing the residential setback to two hundred feet (200').

Roads and FEIR Mitigation

The issue with roads and environmental protections were significantly lacking, and in some instances, worked against a farm coming into compliance. The proposed policy concerning roads and FEIR mitigation measures are consistent with state law and are best management practices. My only concern is the need for Category 4 roads may cause more roadcuts within impacted watersheds, although, I am in favor of approving the entire section concerning roads and FEIR mitigation.

The remaining content of the proposed CLUO is appropriate and I concur with the policies. Please do not hesitate to contact me should you have questions or need clarification. Thank you for the opportunity to comment concerning the proposed CCLUO.

Sincerely,

Joshua Allen, MPA
CannaFarms Consulting
BS Natural Resources Planning, Humboldt
Master of Public Administration, Chico

From: Robin Collins <Robin@greenroadconsulting.com>

Sent: Saturday, March 24, 2018 12:00:59 PM

To: Sundberg, Ryan

Subject: County Regulatory Problems

Ryan,

Outlined below are some of the issues we are running into with the County Ordinance:

- Time Frame of approval for standard projects is long. We have many projects that have not even entered the referral process yet. With this large of a gap, we are unable to preemptively ascertain the additional needs a parcel may have in order to meet the county's requirements in a timely fashion.
- Time frame for RRR's is REALLY long. These projects are great for our county's environment. We would love to see these move more quickly to abate problems and move cultivation into environmentally superior areas.
- People in Compliance Agreements should be able to quickly enter into Ordinance 2.0 without any issues.
- No tax if not cultivating.
- Increase the Humboldt Artisanal Permitting to 10,000 square feet of canopy and offer financial subsidies/rewards to these small farmers.

Thanks in advance for any help,

Robin Collins P.E.
Green Road Consulting, Inc.
1650 Central Ave., Suite C
McKinleyville, CA 95519
707-630-5041 Office
707-479-5646 Cell



From: Bob Zigler [<mailto:bobzigler@suddenlink.net>]
Sent: Monday, March 26, 2018 4:52 PM
To: Fennell, Estelle; Ford, John
Cc: superintendent@hcoe.org; 'Hydesville Estates'
Subject: Cannabis 600' Setback

Estelle Fennell and John Ford [cc: Chris Hartley]

This letter is written to express my opposition to a provision allowing waivers of the 600' school bus stop setback being considered by the Board of Supervisors.

I am a resident of Hydesville Estates [Barber Creek Road, Hydesville], a subdivision subject to CC&R's that has been encroached by two cannabis growers in violation of our CC&R's that prohibit nonresidential land use. Our CC&R's were ignored by the county in approving the commercial cannabis applications [one still pending].

Though I appreciate that our CC&R's are a private matter, nonetheless it has resulted in litigation to enforce the CC&R's [Hydesville Estates Residents Organization vs. Wolfe, Logan, et al HCSC case No. DR170487] and has empowered the cannabis growers to challenge our CC&R's.

I strongly believe that there must be communities in Humboldt County that are cannabis cultivation-free protected zones for people that want to raise their families without fear of home invasions and similar intrusive behavior, as evidenced by vehicular burglaries of residents residing near the cannabis growing parcels a couple weeks ago. Another one of my neighbors sold their property in Dinsmore about three years ago and moved into our subdivision just to get away from the cannabis growers in Dinsmore.

The 600' school bus stop setback was one of the requirements that we had at our disposal to use in opposition to the invasion by cannabis growers in our subdivision. Though the bus stop is not currently being used, once a waiver is granted, it is unlikely that family-oriented residents would choose to live in our subdivision, thereby substantially changing the character and desirability of our neighborhood.

I oppose any provision that would allow a waiver of the 600' school bus stop setback under any circumstances. Please allow us to preserve family-friendly neighborhoods in the County of Humboldt.

I also oppose the "grandfather" clause being proposed given the manner in which the county allowed a cannabis grow in violation of our CC&R's and oppose the conditional use permit provision as an insignificant barrier to commercial cannabis operations. I believe the permittees should be required to apply anew under the newly proposed ordinances.

Bob Zigler
4420 Creek Side Place
Hydesville, CA 9547

Robert A. Zigler
Attorney at Law
677 Main Street
Fortuna, CA 95540
Tel: 707-725-6934
Fax: 707-725-4322

Richardson, Michael

From: Ford, John
Sent: Thursday, March 29, 2018 10:44 AM
To: Richardson, Michael; Lazar, Steve; Ellinwood, Joseph
Subject: FW: Bus Stop Setback



John H. Ford
Director
[Planning and Building Department](#)
707.268.3738

From: Allan & Susan Wiegman [<mailto:wiegman@suddenlink.net>]
Sent: Monday, March 26, 2018 8:33 AM
To: Bohn, Rex; Wilson, Mike; Bass, Virginia; Sundberg, Ryan
Cc: Fennell, Estelle; Ford, John
Subject: FW: Bus Stop Setback

Good morning,

I'm forwarding my concerns about changing the 600' school bus stop setback to all the supervisors to let everyone know there is support for the setback. In Dec of 2016 we had a community meeting in Hydesville in witch Estelle, John and others attended and everyone at that meeting supported the set back.

Estelle and John, I understand that Chris Hartley, Superintendent of Humboldt County Schools, and others sent a letter to the County Board of Supervisors in regards to this issue. Will you please forward me a copy of it?

Thank you,
Allan Wiegman

From: Allan & Susan Wiegman [<mailto:wiegman@suddenlink.net>]
Sent: Friday, March 23, 2018 4:47 PM
To: jford@co.humboldt.ca.us; 'efennell@co.humboldt.ca.us'
Cc: 'superintendent@hcoe.org'
Subject: Bus Stop Setback

John, Estelle and Chris:

Thank you for extending the comment period for the Humboldt County Commercial Cannabis Land Use Ordinance.

I do not think that getting rid of, or modifying, the 600-foot school bus stop setback is in the best interest of Humboldt County students. Isn't there already a provision that a waiver can be granted by the school district? If families in the area are not in favor of a cannabis operation near their bus stop, I think the cannabis operation should not be permitted. I think the County should let the school bus setback stand and leave it up to the school districts to listen to the parents of the students that use the bus stop that is in dispute.

At the meeting Virginia Bass commented that “There do seem to be several pop-up bus stops happening”. Local school districts are the ones that control the location of the bus stops which are determined on the students within their district. As students change so will the bus stop locations in order to best accommodate our students.

Being in a neighborhood with a cannabis operation I can tell you that I can smell the operation, that is *over* 600 feet away, on most days when I take my fitness walk. The smell has a very negative impact on me and most definitely negatively affects my quality of life in my neighborhood and Humboldt County.

The SAFETY, HEALTH AND WELFARE of our children should be the deciding factor on this decision. Do *not* sacrifice Humboldt County students in order to increase your tax revenue. By reducing or eliminating the school bus stop setback you are putting our children in harms way. Please take a stand and support our students. If you don't, who will?

Thank you for your time.

Concerned parents,

Allan & Susan Wiegman

Richardson, Michael

From: Ford, John
Sent: Monday, April 02, 2018 12:33 PM
To: Lazar, Steve; Richardson, Michael
Subject: FW: Bus stop set back



John H. Ford
Director
[Planning and Building Department](#)
707.268.3738

From: Lindsey Lucas [<mailto:lindzann31@att.net>]
Sent: Monday, March 26, 2018 2:54 PM
To: Ford, John
Subject: Bus stop set back

John Ford

I am writing you in hopes to get across to you the necessity to keep the 600ft distance from a bus stop to a grow as part of the specifications in obtaining a legal permit. As a parent and also as someone who has a commercial grow in our subdivision, this is something that I believe is very important for the school kids. I would never want my child to have to sit at a bus stop and have to observe and also put themselves at risk for what goes on at many of the grow sites and on the road to the grow.

We have a bus stop within the allotted distance and the county is considering permitting them. The type of people these growers employ are not what I want my children around. The smell is horrific, the traffic speeds by and the number of out of state cars is abundant driving by the bus stop. To clarify, we live in a subdivision where everyone has 5 acres. It is a small privately owned street with one way in and one way out. It is dangerous to say the least to have these grows that close to a bus stop.

Please consider all the children in this who still are pure and naive to the darkness that surrounds many of these permitted farms. I know the county is trying to get everyone compliant but many are not sticking with what they should actually be doing environmentally and also with who they are employing. The children's safety, health and welfare should absolutely come

first and the 600ft distance needs to stay in place! Thank you for taking the time to read this.

Lindsey Lucas
4465 Blufftop Pl, Hydesville
499-1670

Sent from my iPhone

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET • SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
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March 28, 2018

John Ford, Director
Humboldt County Planning and Building Dept.
3015 H Street
Eureka, CA 95501

RE: General comments for consideration prior to adoption of the County's proposed coastal Commercial Cannabis Land Use Ordinance (coastal CCLUO version 2.0)

Dear Mr. Ford:

Thank you for the opportunity to comment again on the proposed CCLUO. Although Commission staff has provided the County with preliminary comments on its proposed coastal CCLUO in letters dated February 2nd and March 16th, we want to reiterate that we are awaiting the County's analysis of how the proposed changes to the Coastal Zoning Regulations (CZR) conform with and are adequate to carry out each of the County's six coastal Land Use Plans (LUPs).¹ Until the County submits such an analysis, we are unable to complete a comprehensive review of the coastal CCLUO and provide the County with a complete list of comments and recommendations on the ordinance.

The basis for the Coastal Commission's certification of the proposed CZR changes will be whether the proposed ordinance conforms with and adequately carries out the policies of each of the County's six certified LUPs. Neither the Final Environmental Impact Report (FEIR) circulated in January 2018 nor the County's draft staff report findings published for the March 19, 2018 Board hearing include an evaluation of how the coastal CCLUO conforms with and is adequate to carry out the certified LUPs.² Further, while the FEIR circulated in January 2018 acknowledges that there is insufficient water supply in certain parts of the coastal zone, and implementation of the ordinance will result in significant unavoidable adverse environmental impacts related to water supply issues, neither the January 2018 FEIR nor the County's draft staff report findings address how the proposed ordinance will ensure that all cannabis-related development avoids and minimizes direct and cumulative impacts to wetlands, streams, and other coastal resources consistent with the requirements of the County's six LUPs.³ We therefore continue to urge the County to complete the necessary LUP conformity analysis prior to adoption of the ordinance to enable the County to more easily consider any changes to the ordinance that are needed to bring it into conformity with the six different LUPs. As mentioned in our March 16th letter, our preference would be to coordinate with County staff on all of the potential LUP and Coastal

¹ The County's Local Coastal Program (LCP) is comprised of a Land Use Plan (LUP) component along with the Coastal Zoning Regulations (CZR) and zoning district maps, which implement the LUP. The Commission effectively certified the County's LCP in 1986, after certification of each of the six LUPs between 1983 and 1985. The six different LUPs are the North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Humboldt Bay Area Plan, Eel River Area Plan, and South Coast Area Plan.

² See [Exhibit A of Attachment 2](#) (Proposed Resolution Zoning Ordinance Amendments) and the March 19th [staff report](#) for "required findings for approval of an amendment to the Coastal Zoning Regulations."

³ Related to this issue, the County's March 19th draft staff report did not include any discussion of or findings addressing how the cultivation caps proposed in the coastal CCLUO for each of the six LUPs conform with and are adequate to carry out the applicable LUP policies requiring the protection of habitat, water, visual and other coastal resources within each of the six planning areas.

Act conformance issues that are raised prior to Board adoption of the ordinance for implementation in the coastal zone, when the County can more easily consider making suggested changes. However, if the County does adopt the coastal CCLUO at its upcoming April hearing, Coastal Commission staff will continue to work with County staff on any suggested modifications of the ordinance we recommend to our Commission. In any case, we appreciate the County's consideration of our preliminary comments to date and look forward to further review and collaboration with the County on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa B. Kraemer". The signature is fluid and cursive, with the first name "Melissa" being the most prominent part.

MELISSA B. KRAEMER
Supervising Analyst

Ag Dynamix

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John H. Ford

Director of Planning and Building Department

County of Humboldt

3015 H Street

Eureka, CA 95501

Dear Director Ford,

We appreciate this opportunity to review the most recent version of the draft land use ordinance, and are grateful for your invitation to submit written comments.

From Proposed Humboldt County Ordinance:

“Mixed-Light” means cultivation using a combination of natural and supplemental artificial lighting.

From CDFA Cannabis Cultivation regulation:

(s) “Mixed-light cultivation” means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models described below: (1) “Mixed-light Tier 1” the use of artificial light at a rate of six watts per square foot or less; (2) “Mixed-light Tier 2” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

From Document found here:

<https://cannabis.ca.gov/wp-content/uploads/sites/13/2017/09/Medical-Cannabis-Cultivation-Regulations-Draft-Comment-Summary.pdf>

comes this discussion of definitions (emphasis added):

Indoor, Outdoor and Mixed-light cultivation: The Department received significant input on the proposed definition of ‘mixed-light,’ as well as the proposed definitions for ‘outdoor’ and ‘indoor’ cultivation. Stakeholders suggested that light deprivation practices should be permitted in the outdoor category. Recommendations were also made to reduce the watts per square foot threshold and clearly differentiate the use of supplemental light preventing plants from flowering from the use of high intensity lighting supporting flower production. **Stakeholders suggested a separate tier license for light deprivation. It is clear to the Department that the cultivation category definitions will require further refinement.**

AgD comment: It's clear that there is agreement, coming even from within CalCannabis, that the state definition of "mixed light" is problematic and due for revision / improvement. We appreciate Humboldt County's proposed definition as significantly closer to target. That said, we would request considering a strikethrough of the word "supplemental" as unnecessary and possibly confounding.

Determination of cap / limit

55.4.5.4 Permit Limits and Permit Counting

55.4.5.4.1 No more than four acres of Commercial Cannabis cultivation permits may be issued to a single Person. For purposes of this limitation, any natural person who owns or controls any interest, directly or indirectly, in a firm, partnership, joint venture, association, cooperative, collective, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person with those entities.

Conflicts with:

55.4.6.1.2 Minimum Parcel Size and allowed Cultivation Area

c) On parcels 320 acres or larger in size, up to 43,560 sq. ft. of Cultivation Area per 100 acre increment can be permitted subject to approval of a Use Permit, up to a maximum of eight (8) acres can be permitted.

AgD comment: Board of Supervisors deliberation and the public comments of several have shed light on a need to better refine the form and measure of limits to any one individual's permissible cultivation area. Conflicting language such as the example immediately above require addressing / reconciling.

55.4.6.3 Eligibility Criteria – All Areas

55.4.6.3.1 Energy Source

Electricity must be exclusively provided by a Renewable Energy Source, meeting the Performance Standard for Energy Use.

Along with:

55.4.6.5.6 Energy Source for Ancillary Propagation Facility or Mixed-Light Cultivation

In TPZ zones and U zones (with a Land Use Designation of Timberland) the use of generators and Mixed-Light cultivation is prohibited. Where grid power is not available, Pre-Existing cultivation sites located within other eligible zoning districts may utilize onsite generators to supply energy for mixed light and propagation activities. The permit application shall include an energy budget detailing all monthly cultivation-related energy use as well as on-site renewable energy generation and storage capacity. All generator use must comply with the Performance Standards for Generator Noise.

- a) Use of on-site generators to supply up to 20 percent of cannabis cultivation related energy demand may occur as a principally permitted use.
- b) Use of on-site generators to supply greater than 20 percent of cannabis cultivation related energy demand shall be subject to a Special Permit. The application must demonstrate why it is not technically or financially feasible to secure grid power or comply with the renewable energy standard. Approval may be subject to any and all of the following additional measures:
 1. Keeping of ancillary mother plants off-site at an approved location such as a Community Propagation Center, Nursery, or similar facility with access to grid power.
 2. Restricting use of artificial lighting to between March thru August (deprivation season and end of season restocking post-harvest)
 3. Developing a plan to secure grid power or develop on-site renewable energy infrastructure capable of supplying 80 percent or more of cannabis-related electrical demand. Permit approval may be provisional subject to achieving grid power or 80 percent renewable target.

And also:

55.4.12.5 Performance Standards for Energy Use

All electricity sources utilized by Commercial Cannabis Cultivation, Manufacturing, or Processing activities shall conform to one or more of the following standards:

55.4.12.5.1 grid power supplied from 100% renewable source

55.4.12.5.2 on-site renewable energy system with twenty percent net non-renewable energy use

55.4.12.5.3 grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

AgD comment: While we have low expectations that these energy requirement provisions will be re-opened for consideration, we're compelled to raise objection here, finding these expectations for energy usage to be onerous and unrealistic.

55.4.6.5 Accommodations for Pre-Existing Cultivation Sites

Permit applications for Pre-Existing Cultivation Sites shall provide dated satellite imagery or other evidence satisfactory to the Planning and Building Department establishing the existence and area of cultivation between January 1, 2006 and December 31, 2015.

Applications for Pre-Existing Cultivation Sites submitted before December 31, 2018 may be permitted at one hundred percent of the documented pre-existing cultivation area and applications for pre-existing cultivation submitted between January 1, 2019 and December 31, 2019 shall not be approved for more than fifty percent of the documented existing cultivation area. No new applications for Pre-Existing Cultivation Sites shall be accepted after December 31, 2019.

Taken in consideration with:

55.4.6.5.9 Retirement, Remediation, and Relocation of Pre-Existing Cultivation Sites

a) Cultivation Sites eligible for Retirement, Remediation, and Relocation incentives (RRR Sites) shall be those that were in operation at any time between January 1, 2006 and January 1, 2016 and are located in TPZ, RA, U, AG, FR or AE zones with a source of irrigation water from surface water diversion without DWR water right or permit or DFW streambed alteration permit, or served by roads which do not conform with one or more access performance standards specified under Section 55.4.12, or with slopes in excess of 15%, or where the cultivation area location does not comply with the required setbacks. All applications for RRR sites on Tribal Land shall be referred to the appropriate Tribe for comment prior to approval.

b) Sites eligible for relocation of RRR Sites (Relocation Sites) shall be those meeting the eligibility criteria specified in Section 55.4.6.1 or 55.4.6.2 and the siting criteria specified in Section 55.4.6.4 through 55.4.6.8, as well as all applicable performance standards specified in Section 55.4.12. In addition, RRR Sites shall not be located within any Special Areas listed within section 55.4.5.1.4. Applications for RRR Sites shall not be accepted after December 31, 2018.

AgD comment: While we can appreciate that making known date-certain phase-outs and sunseting of the RRR provision and Pre-Existing Cultivation recognition may serve to motivate folks who sat out 1.0 to now decide to engage in the 2.0 permitting process, it is our opinion that greater service and good would come from keeping both of those provisions in place with no proposed sunset date at this time.

The requirement that RRR applicants have only surface water diversions without permit or right is too restrictive. There are any number of other reasons which would render a site a good RRR candidate apart from the legal status of the water source.

We disagree with the proposal to recognize only 50% of cultivation area for Pre-existing cultivators applying during 2019, after which recognition of pre-existing status disappears altogether. It is too early to remove both the RRR and Pre-Existing Accommodations incentives.

55.4.6.4.4 Setbacks

Standard Setbacks

Cultivation Site(s) must observe all of the following setbacks:

- a) Property Lines - Thirty (30') feet from any property line; *Alternative 5b - November 16 meeting*
- b) Residences and undeveloped parcels - Three hundred feet (300') from any residence on an adjacent separately owned parcel, and two hundred seventy feet (270') from any adjacent undeveloped separately owned parcel.

AgD comment: It makes no sense that what is otherwise given to be a 30' property line setback turns into a 270' setback for undeveloped parcels. This gives preferential treatment over land uses that do not and may never exist over uses that do, or which are proposed.

In addition, the language here does not make clear that these setback provisions are not more broadly applicable than intended.

55.4.6.5.1 Small Cultivation Sites

On Parcels 5 acres or larger in size, up to 3,000 square feet of Outdoor or Mixed-Light Cultivation, or any combination thereof, may be permitted with a Zoning Clearance Certificate, subject to the following additional requirements and allowances:

AgD comment: We would suggest 5,000 square feet to be more appropriate

- e) The existing area of cultivation may be located on Slopes greater than 15 percent, but less than 30 percent with a Zoning Clearance Certificate

conflicts with:

55.4.6.5.4 A Cultivation Site located on Slopes greater than 15 percent but not exceeding 30 percent may be permitted with a Special Permit.

AgD comment: Upon multiple readings, it is still not clear if the two items above are in true conflict, or if just a bit of clarification needs to be added (presumably to 55.4.6.5.4), but the almost immediately adjacent provisions for sites with slopes between 15% and 30% and associating them with different permit types (ZCC vs SP) is at a minimum very confusing.

55.4.6.5.7 Provisional Permitting

An application for a Pre-Existing Cultivation Site may be provisionally approved, subject to a written approved compliance agreement, signed by the applicant and the relevant enforcement agency or agencies.

AgD comment: We would like to see language included that issuance of provisional permit to clearly include provisional transportation permitting as well to allow successful applicants to begin moving their product without delay.

Similarly, we would like to see language that includes a process whereby issuance of provisional permit triggers notification to the tax collector to issue necessary business licenses that the applicant is awaiting.

55.4.6.8 Cap on Permits

The total number of permits issued for open air cultivation activities, (including Outdoor and Mixed-Light cultivation and Nurseries) shall be equally distributed among each of the twelve (12) discrete planning watersheds of Humboldt County as directed by the Board of Supervisors by Resolution.

AgD comment: Please consider inclusion of indoor / enclosed cultivation within the Cap on Permits section

55.4.8.2.3 Infusion

a) Manufacturing activities involving Infusion may be principally permitted subject to issuance of a Zoning Clearance Certificate within the CH, C-2, C-3, MB, ML, and MH zones, as well as the U zoning district, when accompanied by a Commercial or Industrial land use designation, or where previously developed for a lawful industrial or commercial use.

b) Manufacturing activities which exclusively involve Infusion may be principally permitted in all zones which permit Cottage Industry activities, when in compliance with all performance standards found within 45.1.3, or with a Special Permit pursuant to 45.1.4.

c) *Locational Criteria*

Manufacturing activities shall be located on roads that are paved with centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a Use Permit.

AgD comment: Please consider adding an exception for infusion-only activity to c) Locational Criteria above; A home-based infusion only operation would not impact traffic in any significant degree. In addition and generally, the Use Permit path required for considering exceptions is overly demanding.

55.4.10.2 **Farm-Based Retail Sales.** In addition to the zones in which cannabis retail facilities may be permitted pursuant to Humboldt County Code Section 314-55.3, et seq. applicable to Medical Cannabis Dispensaries, retail sales of cannabis products limited to those produced on the same Parcel(s) or Premises where the cannabis was cultivated, may occur as follows be authorized with a Conditional Use Permit, provided that the cultivator also obtains a state cannabis retail sale license, if necessary. Sales of any cannabis products not cultivated on the same parcel is prohibited, unless pursuant to a Microbusiness license.

55.4.10.3 **Microbusiness.** Microbusiness activities are a permitted use, subject to a Special Permit, in any of the zones in which authorized cannabis activities is a permitted use (except on parcels zoned FP or TPZ).

AgD comment: Provisions for Microbusiness should be significantly less zone restrictive. Microbusiness should be allowed on all parcels subject to limitations on farm-based retail sales.

We also suggest that this section expand to include building a transition solution for current applicants and permit holders to obtain microbusiness permitting on a streamlined track, and that additional provision would be considered a modification within a minor deviation.

55.4.11 APPLICATION REQUIREMENTS FOR CLEARANCES OR PERMITS

Applications may be required to include any or all of the following information, depending on permit activities and location: Site Plan; Security Plan; Cultivation Plan, Processing Plan; Operations Plan; Irrigation Plan; Materials Management Plans; Hazardous Materials Site Assessments and Contingency Plans; Surveys for Biological Resources and Sensitive Habitat; Surveys for Archaeological, Tribal Cultural Resources, and Historical Resources; Assessments of project-related noise sources; Road System Assessments and Improvement Plans; Timberland Conversion Assessments; documentation of water use, source, and storage; will-serve letters from applicable providers of water and wastewater services; information concerning previously secured state and local permits for cannabis related infrastructure or activities; evidence of prior cultivation where seeking a permit as a pre-existing cultivation site; restoration and remediation plans where appropriate; plans for energy use; and details of current known violations related to commercial cannabis activities.

The County may request additional information prior to application intake, or during application processing, where deemed necessary to perform environmental review pursuant to the California Environmental Quality Act (CEQA). All required plans and reports shall be designed to demonstrate compliance with relevant eligibility and siting requirements, and applicable

performance standards, while conforming to relevant checklists and guidance documents maintained and supplied by the County. All Technical Reports and Plans are subject to final review and approval by the County.

AgD comment: It's no disservice to spell out the full scope of documentation that *may* be required depending upon any one applicant's or project site's unique characteristics. However, far more helpful would be a list of precisely what *is* required to apply.

55.4.7 CANNABIS SUPPORT FACILITIES

Cannabis Support Facilities include facilities for Distribution, Off-Site Processing, Enclosed Nurseries, Community Propagation Centers and Cannabis Testing and Research Laboratories. All Cannabis Support Facilities must meet or exceed the setbacks from Sensitive Receptors and Tribal Ceremonial Sites specified under 55.4.6.4.4(c) and (d), unless waived or reduced pursuant to 55.4.6.4.4(f).

AgD comment: Category 4 equivalent road standard requirements for Cannabis Support Facilities are too restrictive. For a geographically isolated CSF that serves neighboring cultivators exclusively, this requirement would be onerous and serve no measurable benefit. A distinction between CSFs that are there for neighborhood / immediate local support and those open to general public service (where category 4 standards do make more sense) would be helpful.

55.4.12.2 Performance Standards for Commercial Cannabis Cultivation Activities 55.4.12.2.3 All terms of any applicable Streambed Alteration Permit obtained from the Department of Fish & Wildlife. Where no prior agreement has been secured for prior work within areas of DFW jurisdiction, entering an agreement pursuant to 1602 of the Fish and Game Code shall not be completed until the County permit has finished.

AgD comment: this order of operations between obtaining the county permit and an LSA reads as confusing and possibly counter-productive.

Once again, thank you for this opportunity. We recognize and we appreciate the hard work that has been applied here and which will no doubt continue.

Teisha M. Mechetti
CEO/Founder for AgDynamix

Teisha Mechetti

HUMBOLDT COUNTY FISH & GAME ADVISORY COMMISSION

Contact Person: Nancy Kaytis-Slocum | nkaytis4@gmail.com

March 28, 2018

Humboldt County Board of Supervisors
Eureka, CA

Esteemed Humboldt County Board of Supervisors:

The creation and adoption of commercial cannabis regulations provides much opportunity to improve, protect, and restore the diverse and fish and wildlife habitats provided within the boundaries of Humboldt County. With this opportunity we advise you to take action to imbed within the body of the commercial cannabis land use ordinance processes that do the following:

- Fund the coordination and support of enhanced enforcement to protect fish and wildlife habitat on and adjacent to public lands.
- Fund restoration and remediation of historic and future ecological damage done to public and private lands due to cannabis cultivation activities. Such restoration and remediation activities will include, but not be limited to: onsite and downstream clean-up of poisons, fuels, and agrochemicals that have entered the environment; repair or retirement of poorly created roads; conversion of disturbed habitat to a native state.

Sincerely,

Humboldt County Fish & Game Advisory Commission



FRIENDS OF THE EEL RIVER

Working for the recovery of our Wild & Scenic River, its fisheries and communities.

Wednesday, March 28, 2018

Humboldt County Board of Supervisors
via email to SLazar@co.humboldt.ca.us

Re: Commercial Cannabis Land Use Ordinance and FEIR

Dear Supervisors;

Friends of the Eel River ("FOER") submits the following comments to supplement our previous comments, particularly with respect to County staff's proposed alternatives regarding "watershed caps" and restrictions on permitting new commercial operations in watersheds identified as critically important to imperiled fisheries.

As we noted in oral comments to the Board March 18, great weed can be grown almost anywhere in California, often far more cheaply and with many fewer environmental impacts than in Humboldt County. Humboldt's streams and creeks are, however, the only places where our native coho salmon and steelhead can recover and thrive again.

The proposal to limit permits in identified critical fishery watersheds to existing operations is an important step toward establishing a more sustainable commercial cannabis industry in Humboldt County. However, the implementation of a very similar restriction under the County's 2015 Medical Marijuana Land Use Ordinance (MMLUO) has left many unresolved questions around whether, and how, the County has in fact limited its permitting to operations that did in fact previously exist.

For such a restriction to be meaningful in the CEQA context as a limit on additional impacts, and for citizens to be able to rely on it as a matter of policy, it must be made enforceable. The Board could do this by including the restriction in its findings. Absent such formal incorporation, the experience of the MMLUO only reinforces our understanding that unenforceable restrictions may, in fact, go unenforced by the County. Bitter experience has taught us that the County only follows the rules it wishes to follow or can be made to follow.

While the move to restrict permits to existing operations in critical fisheries watersheds is important, the number of permits being proposed are still far too high

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even in the most conservative proposal, which would provide for 3,000 additional permits across the County. Some 1600 of these 3000 permits would be issued in tributaries to the Eel River. Absent the meaningful analysis of cumulative watershed impacts we have repeatedly requested be conducted before additional cultivation permits are issued, it is impossible to support the County's implicit assertion that watersheds like Salmon Creek and Redwood Creek will be able to support critical public trust resources like clean water and viable fisheries habitat – and avoid take of listed species – with the proposed level of permitting.

Again, we would respectfully emphasize that while it is true that, as County staff write in describing “CCLUO Permit Cap Alternatives,” that “(c)ertain subwatersheds are considered **impacted by low streamflows** due to high concentrations of cannabis cultivation activities,” (emphasis added) low streamflows are not the sole – or even the most significant – category of cumulative watershed impact relevant to understanding the impacts of commercial cannabis cultivation activities on watersheds and fisheries.

Water diversions and associated low streamflows are an acute impact to be sure, deadly to fisheries in the same way that a heart attack can be deadly to an untreated human. But sediment impacts are a chronic problem, deadly to watersheds and fisheries in the same inexorable way that cancer affects our bodies. And sediment impacts are about an order of magnitude more salient to the survival of fisheries in Eel River tributaries than are water diversions.

That we are still attempting to explain this basic fact reflects on the complete failure of the FEIR to address sediment impacts as an element of cumulative watershed impacts. Because the FEIR fails to adequately characterize baseline conditions, it cannot serve as the basis for meaningful and enforceable measures to reduce impacts which already rise to the level of causing take of listed species.

Nor do these proposed permitting levels reflect careful consideration of the information available to the County about the development of California's domestic pot market. Issuing a large number of additional permits to operations which have no realistic prospect of competing economically in a market facing massive oversupply and declining prices will neither benefit Humboldt's economy nor protect our environment. Operations that go bankrupt are unlikely to implement BMPs, but very likely to leave messes in their wake.

The County's fundamental challenge remains that it does not want to deal with the vast majority of the black market cultivators across its landscape. In a ham-handed effort at misdirection, members of the Board have repeatedly demanded state agencies clean up the mess the County has allowed to develop by failing to effectively

regulate land use. But it is the County's responsibility to establish land uses consistent with California law and to enforce those restrictions.

To date, the County has found it convenient to decline to enforce land use regulations and to reap the benefits of an enormously profitable black market marijuana industry. Unfortunately for the County, it is now very difficult to effect meaningful reductions in the often significant environmental impacts of this industry without shutting down the thousands of operations it has allowed to become established. It is understandable that the County would prefer not to be the bad guy at this moment of economic transition. But California law provides no exceptions for counties that would prefer not to abide.

As part of our most recent comments, submitted on March 18, 2018, we provided a basic summary of a GIS analysis of Redwood Creek, tributary to the South Fork Eel River. This analysis shows a very high level of road density (at least 6 miles of road per square mile), counts miles of road in close proximity to watercourses (riparian roads), counts watercrossings, and provides an preliminary accounting of the magnitude of grading operations in the watershed. Various methods of assessing cumulative watershed effects have been established, reflecting the differing priorities of different kinds of land managers. All will use this kind of data.

For example, the US Forest Service uses a method that combines road mileage and graded area into an Equivalent Roaded Area metric, which it then compares to standards (thresholds) the agency has established to ensure that it will avoid causing irreversible cumulative watershed impacts in any given area by its management actions. (See, e.g., USFS 2000 South Fork Trinity Watershed Analysis¹ at pp. 6-2 et. seq; USFS 2005 Upper Trinity River Watershed Analysis² at pp. 38 et. seq.) The County has neither collected nor considered such data, nor sought to establish meaningful thresholds of any sort for watershed impacts.

The Board clearly wishes to provide some degree of security or assurance to smaller cultivators. We understand why the Board would wish to do so. The problem arises when smaller cultivators are exempted from relevant environmental analyses and/or protections, but the County makes no meaningful effort to document, analyze or to mitigate the potentially significant impacts that may be entailed in such operations. Such impacts might be present even with small operations because of their location (e.g. on unstable features) or relatively high-impact access roads.

¹ available at https://drive.google.com/file/d/1hiwQTe8c3LC2sZ__CqE6ZILVrecVQUbG/view?usp=sharing

² available at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm9_008541.pdf

This is also a problem with the County's proposal to limit the overall acres covered by permits: simply put, not all acres are remotely comparable in terms of their watershed impacts.

We remain concerned that the County is allowing commercial cannabis cultivation permits to become, effectively, entitlements. At the Board's March 18 hearing, Planning Director Ford noted that permits will not expire unless licensees refuse to allow annual inspections. It cannot be the case that this Board can bind a future Board in permitting land uses which may in the future be shown to be inconsistent with the requirements of law, or even of wise public policy. The County must retain the authority to reduce, condition, or otherwise modify any permits issued under this ordinance if it is to ensure that public trust resources will be protected.

As we have previously explained in detail, the DEIR is inadequate, must be withdrawn, and must be supplemented; even if it is not, the FEIR must be recirculated.

Thank you for your attention to these vexing questions.

Sincerely,

/s/

Scott Greacen
Conservation Director

Commenter: Katherine Cenci, member of the public, Petrolia-area resident

Comments pertaining to:

Ordinance No. _____, amending sections 314-55.4, 314-55.3.11.7, 314-55.3.7 and 314-55.3.15 of Chapter 4 of Division 1 of Title III of the County Code (CCLUO for the Areas Outside the Coastal Zone)

General Comments

Hello. Thank you for the opportunity to comment. Please see my specific comments referring to numbered sections of the proposed ordinance below. In general, I commend Humboldt County's effort to allow for cannabis cultivation in a manner that protects environmental and public health resources. Humboldt County, however, has not offered protections for our heritage or economic resources, the current backbone of which is the small farmer.

There is no mistake about it: Humboldt County is losing its edge in the cannabis marketplace because Humboldt County is losing some of the best craft cultivators it has. The county needs to be doing everything it can to help these farmers become compliant, and not only enter the legal market, but *thrive* in the legal market.

Action is required now, here, today. Not in 6 months or a year when a program assessment might be done. It's not just about saving Humboldt County's cannabis heritage, it's also about saving our economy. So many small businesses have flourished here because consumers have had expendable income. I have yet to see any sort of economic impact assessment completed by Humboldt County. How much capital is floating around in our county that is or was generated or made possible because of the cannabis industry? What does our economy stand to lose?

If the County does not provide special privileges to small cultivators, it is highly unlikely that these individuals will be recruited into compliance, resulting in a loss of revenue to the county and state. Furthermore, many of these small cultivators will likely continue to cultivate cannabis, thus selling it on the illegal market and undermining the current proposed legal marketplace.

To counter this with the use of enforcement alone is a grave folly. Enforcement did not curtail the exponential cannabis boom of the preceding 10 years. Enforcement did not prevent cannabis from being grown in the isolated hills and valleys of this County for the past 40+ years. Enforcement alone has not and will not work. There must be incentives. Simply "granting" cannabis cultivators the opportunity to become legal is not enough. The barriers to entry are too great, especially for the small and cottage cultivators. A small cultivator, who has always been a small cultivator, will not be able to afford all the necessary surveys and assessments required complete the application process (55.4.11, 55.4.12.1.10), let alone complete the process.

Requiring someone who cultivates 2,000 ft² to have comply with the same regulations as someone cultivating 20,000 ft² or 2 acres is ridiculous. There is no tiered regulatory approach. There is no recognition that these 3 scales of cultivation will have vastly different environmental and public impacts.

I do, however, realize that the County can only do so much, and in some cases their hands are tied when it comes to what regulations and standards are required. The regulations put forth by state agencies are strict enough on their own. Humboldt County, however, does not need to make it *more difficult* for its farmers. Instead, the Board of Supervisors and the Planning Department need to be asking the question of how Humboldt can *help* its small farmers. What assistance can the county provide? Some suggestions are below:

- 1) Forgo cultivation tax until a final permit is received
- 2) Extend the application acceptance deadline for existing cultivation sites by at least 1 year
- 3) Make all applications for existing cultivation sites eligible for interim permitting
- 4) Issue an interim permit to small and cottage cultivators as quickly as possible after a basic application is received (acknowledging that a basic application may not have all necessary pieces required for a final permit)
- 5) Foster a permitting environment that mimics the one created by the North Coast Regional Water Quality Control Board where the regulatory agency takes on a supportive, assistive, and understanding role with the applicant
- 6) Create a specific monetary assistance program (funds generated from cannabis tax revenue) that is earmarked for small loans or grants to small and cottage cultivators to help them cover the costs of compliance (e.g. water storage, road assessments and/or upgrades, biological surveys, initial permitting fees, Track & Trace equipment, building permitting, cannabis cooperative association dues, etc.)

In addition, I feel the County glosses over the environmental impact that indoor cannabis can have. Water for indoor gardens is sourced from Humboldt County's rivers and aquifers, the same places that water for open air cultivation activities is sourced. Indoor cultivation activities have a much larger carbon footprint. Why aren't the impacts of indoor gardens given the same weight as open-air activities?

Comments on specific provisions

55.4.3.1 "Applications for Commercial Cannabis Activity land use permits filed on or before December 31, 2016 shall be governed by the regulations in effect at the time of their submittal, except as otherwise prescribed herein."

It seems necessary to add clarification to the extent that if a condition, limitation, standard, or other regulation in Ordinance 2.0 is less strict than Ordinance 1.0, those commercial cannabis activities with permit applications submitted on or before December 31, 2016 may comply with such less strict (or more favorable) standards set for in Ordinance 2.0 without affecting the other applicable provisions of Ordinance 1.0. This is specifically in regard to added language regarding permitting for Adult Use and/or Medical Use, deleted language regarding school bus setbacks, and added language regarding 1:1 RRR transfer.

55.4.3.12

It should not be of significance that land and/or infrastructure improvements and site development activities may at some point be used for cannabis, so long as those development activities are executed in accordance with the other Humboldt County Zoning regulations not specific to cannabis. I.e. If a landowner desires to put an agricultural pond on their property, and receives proper approval from relevant state agencies (State Water Resources Control Board, DWR, etc.), and the activities is approved for their zoning designation *regardless* of whether the pond will be used to irrigate cannabis or not, then the county should allow that site development activity to take place independently of the cannabis permit application process.

In simpler terms, if a site development activity is allowed on a particular parcel by the underlying zoning, then that activity should be approved, following the proper permitting channels independent of cannabis permitting. All over the county, farmers are stuck in the predicament of needing to complete water storage infrastructure, or other buildings infrastructure in order to expedite coming completely into compliance and to minimize environmental impacts as quickly as possible. They are not able to do so, however, without incurring financial penalty or application revocation. There is the potential that the timeline of permit review and approval of the Planning Department in combination with this section of Ordinance 2.0 could actually inadvertently causing negative environmental impacts by preventing farmers from taking necessary compliance steps as soon as possible.

55.4.4

“Cultivation Area”

This definition is confusing. It would be much simpler to keep it as, “Cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown to maturity on the premises.” It is confusing and contradictory to include terms such as “all area(s) that will contain plants at any point in time” and “all the space within the boundary.” I.e. an ancillary nursery would meet some of these conditions, but not all, as it does not grow plants to maturity. Furthermore, because of the tax structure, by including all space within the boundary,

it promotes intensive, mono-cropping agriculture, with no room for crop rotation or proper agronomic spacing for integrated pest management (IPM) and/or water conservation.

If more specificity is needed beyond “anticipated extent” of vegetative growth, then the county should be specific without ambiguity. For example, I do believe the Planning Department has clarified with some current permit holders that cultivate using above-ground pots what this actually means: 4 times the area of the pot is the anticipated vegetative growth (or something of that nature). For plants in raised beds, it should be the area of the bed, or some other standard calculation thereof. For plants in rows, there should be specific language stating that aisle ways are not included, so long as they are kept completely clear of vegetative growth.

“Forbearance Period”

To avoid any possible confusion, this should be changed to April 1 – October 31 of each year to make it consistent with State Water Resources Control Board *Cannabis Cultivation Policy* (Attachment A to Order WQ 2017-0023-DWQ), with language including any exceptions or alterations as determined by the water board.

“Mixed Light”

Please define this with regard to wattage.

“Outdoor”

It is my understanding that outdoor could consist of plants grown from clones purchased from a licensed nursery or from seed plants that are “flashed” to prevent flowering. Please specify wattage limitations to be qualified as outdoor.

55.4.5.4

While I do not directly oppose a limit of 4 acres per person, there should be a distinction with regard to cost of someone who has 10,000 ft² and 4 acres. Perhaps an annual permit fee structure that proportionately increases the cost for those persons obtaining multiple *cultivation* permits. E.g. a 1-acre permit costs \$X amount per year, but a second 1-acre permit issued to the same person costs 1.25 x \$X amount, the third 1-acre permit costs 1.5 x \$X and so on.

55.4.6.1.2.c

What is the environmental impact or general plan reasoning for this provision? This provision seems rather hollow, as I could not find any language that addresses *why* this is allowed. Under the current language, an average of 1 acre of cultivation area per 106.67 acres of land is allowed, with a minimum parcel size of 320. This allotment should be standard without the minimum parcel size requirement, allowing for any properly zoned parcel ≥ 100 acres to cultivate a

proportionate amount. E.g. 180-acre parcel could cultivate 1.8 acres. The current language dubiously favors those farmers with the means to own large tracts of land, while offering no benefit to farmers that steward between 10 and 319 acres.

55.4.6.4.3

What is the environmental impact or general plan reasoning for this provision? Isn't agricultural soil exactly where we want cannabis to be grown? While I do understand not wanting to supplant our local food economy, I do believe a 20% limitation is far too stringent. If a limitation is relevant due to food production issues, then there needs to be some sort of baseline analysis done to determine what current percentage of prime ag soil is in food production and what percent is unused. The percent of prime ag soil allowed for cannabis cultivation could then be determined using these baselines as a scientific basis to ensure we sustainably maximize the resource value (prime ag soil) while not causing harm to our local food economy and supply.

Furthermore, can you explain the reasoning to put the 20% limitation on parcels that offer the ideal location for cultivation, while cultivation elsewhere falls under no such restriction, even though it would potentially have a greater environmental impact (high likelihood of imported soil and greater land disturbance activities). In addition, for those cultivation activities occurring on parcels that contain both prime ag and non-prime ag soils where the size of the cultivation area surpasses 20% of prime ag soils, it would make more sense to completely utilize the prime ag soil in its entirety before needing to move to non-prime soils. It environmentally and economically makes more sense to cultivate in soils intended for cultivation, rather than "saving" 80% of those for some other use that likely isn't going to happen if it isn't happening already.

55.4.6.4.4.b

The language here, in many cases, actually allows for a greater setback from undeveloped parcels than developed ones, and it is confusing. For example, a cultivation operation could be 30' from the property line, which is then 270' from a neighboring residence, which actually allows for the cultivation operation to be closer (30') to the property line than it would be if the neighboring parcel were unoccupied (270'). Is this the intention of this provision? If not, it seems like the 30' setback would serve fine for unoccupied neighboring parcels. "Residence" should also be defined in this provision in regard to permitted or unpermitted structure/s.

55.4.6.5

It is highly recommended that the dates for accepting applications for pre-existing sites be extended by 1 year each. I.e. Dec 31, 2019 for 100% and Dec 31, 2020 for 50%. Give people time to make this very important decision. Give it time for the market or enforcement to sway people into compliance. Extending these dates by 1 year should not have an increased adverse

environmental impact, would potentially result in increased economic benefits to the county, and far more reasonable for applicants, especially in light of the current application processing times in the Planning Department.

55.4.6.5.1

a) While I agree with the residency requirement, if cannabis is not to be processed or stored in the residence, then that residence should be afforded the same “blind-eye” benefits that other, larger cannabis cultivators are granted. I.e. if the residence is not permitted, it should not be a requirement of the cultivation permit. By requiring the residence to be permitted, this provision has exactly the opposite effect of incentivizing many small cultivators to come into compliance. Making this revision would be an important step to incentivize compliance, especially for those individuals who often have the least means possible (\$) to become compliant.

b) There should be a minimum parcel size (e.g. 80 acres) that allows for multiple permits of these types to be issued. This would be an important step to incentivize compliance and would create an avenue to compliance for many small farmers who are the foundation of Humboldt’s cannabis heritage.

e) This provision conflicts with 55.4.6.5.5. Perhaps the latter is the one needing more clarification in regard to parcel size?

55.4.6.5.9

a) Consider allowing those sites where cultivation occurred between Jan 01, 2016 and Dec 31, 2016 to also be eligible for RRR privileges. This would provide incentive to bring more cultivators into compliance, with an additional benefit of the means to remediate inappropriately located cultivation sites that would otherwise potentially go untreated.

b) Consider extending the RRR application deadline by 1 year to December 31, 2019. See previous comments for reasons.

d) Reconsider the 20% prime ag limitation. See previous comments for reasons.

e) Needs clarification in regard to “...not to commercially cultivate cannabis or disturb the remediation area...” It is my understanding from conversations with Planning Department staff that the cultivation area may be repurposed for non-cannabis uses (orchard, food crops, etc.) The likely would cause “disturbance.” Furthermore, please add clarification whether or not non-commercial cannabis activities (personal Adult Use or personal Medical use) would be allowed on the site.

55.4.6.6

There needs to be a grace period (e.g. 2 years) associated between termination of commercial cultivation activities and site restoration. This would allow for an operator to not cultivate for a year or give time for a property to sell.

55.4.6.8

There needs to be more transparency on how this cap is determined in regard to the ultimate number. What is the scientific basis for determining the final number and for distribution among the 12 planning watersheds? Equal distribution does not seem appropriate as the 12 watersheds are vastly different in drainage area, amount of privately owned land, and amount of private land appropriately zoned for cannabis cultivation, as well as current baseline water quality and quantity parameters.

In the March 19, 2018 staff report, county staff did briefly explain some methodology for a proportional distribution of permits, however this allocation was not based on water quality or water quantity of the 12 watersheds, which seem to comprise the very basis of needing a cap. Indeed, the staff report itself states, "This cap is not intended to be an absolute cap but rather a check point requiring the Board of Supervisors to review the information available on water quality and quantity to make sure that the combination of the permitting and enforcement processes are adequately protecting the Humboldt County watersheds."

So how can a cap be determined without using data from the very thing the cap is intending to protect. How with efficacy be measured unless the county provides some means to establish a baseline of water quality and quantity in each watershed, and conduct rigorous scientific monitoring of such parameters every year? If a cap is not established in such a way as this, then it is arbitrary and unjust.

It seems unlikely the county can conduct such analysis, as the FEIR itself states in Master Response 5 (2.2.5). "A watershed analysis to establish cannabis cultivation caps for each watershed would be difficult for the County to conduct as it would require details on existing water users in each watershed and the extent that riparian water rights may be exercised....The County lacks the technical experience to collect this extent of data and determine what is the appropriate aquatic carrying capacity. Regional and state agencies that would have the appropriate technical information and experience to conduct a watershed analysis include State Water Board, North Coast Regional Water Quality Control Board, and California Department of Fish and Wildlife (CDFW). The County would be willing to participate in joint watershed evaluation studies with these agencies."

It also seems unlikely that the county *needs* to conduct such analyses, as much analysis has already been done by the State Water Resources Control Board, in consultation with CDFW. The results of this analysis have resulted in standards and restrictions set forth in current regulations (Order WQ 2017-0023-DWQ and the associated *Cannabis Cultivation Policy*). I am specifically

referring to forbearance periods, minimum base flows, bypass flows, runoff and sediment transport prevention and mitigation measures, etc. It is my understanding that these regulations are put in place to reduce cumulative impacts of cultivation. If they are not sufficient, then perhaps introducing stricter guidelines in impacted and refuge HUC 12 subwatersheds is more appropriate. By instituting a cap, it unfairly gives advantage to those cultivators holding more than one permit and ostracizing cultivators in particular watersheds that may now want to come into compliance (and may need to expand their existing operation in order to do so).

55.4.8.1.1

Consider waiving the “in existence prior to January 1, 2016” requirement for those structures that are primarily conducted to house Genetic Research Gardens or Ancillary Nurseries, and that may also contain a small amount of commercial cultivation space as a secondary use.

55.4.10.9

Clarify that Cannabis Research Gardens do not apply toward permit cultivation limit or any limitation on use of prime ag soils – they should not since no cannabis products from these areas enter the commercial market.

55.4.10.10

All pre-existing cultivation sites should be eligible for interim permitting, regardless if applications were submitted under Ordinance 1.0 or Ordinance 2.0. This is especially important for small-scale cultivators (10,000 ft² or less). It is presumptuous to expect any small farmer to be able to cease operations until a formal permit is received. How are these farmers supposed to pay for the compliance process? It is essential that the County assist small farmers into becoming compliant in any and all ways possible. This includes giving them the means to enter the legal market as quickly as possible. One way to do this would be to minimally vet applicants, perform a rapid site assessment or rudimentary application review. Such assessments could be based on a set of very basic guidelines that ensure the cannabis operation does not pose an *immediate* threat to public or environmental health. The County could then work with the cultivator time to establish an acceptable timeline to come into compliance, while also providing them (the cultivator) with an avenue (the legal marketplace) to generate the capital necessary for compliance. An additional benefit is it would keep cannabis products out of the illegal marketplace.

55.4.12.1.10

These surveys should be categorically exempt for pre-existing sites until a site assessment is performed by the Planning Department or CDFW personnel. For applications for small and cottage cultivation sites, the applicant should not be forced to bear the cost of such surveys until

sufficient reasoning (e.g. existing mapped habitat, as was provided in the case for the northern spotted owl) is provided. In other words, applicants should not be forcefully coerced into funding biological survey data that should otherwise be provided for by the state.

55.4.12.13

The referenced "Mitigation and Monitoring Plans" found within Humboldt County Code 314.61.1.18 fall under the "Streamside Management Area Ordinance" (which is Section 314.61.1 in its entirety). I would argue that the standard 5 years of monitoring mentioned in 61.1.18.1.6 is not necessary for those areas located outside of streamside management areas, and a shorter monitoring period (1-2 year) is appropriate.

55.4.13

This provision is a joke. How many applications were received and have been approved (I do believe 1-2) for 3,000 ft² or less? Again, the Board of Supervisors and Planning Department need to be asking the question of, "How do we get more cultivators of this size into compliance and into the legal market?" Furthermore, the option provided for in this section is not all that appealing when many people cultivating at this scale do not reside in a permitted structure. Losing the ability to live in your house – or having to fork over a lot of money to keep doing so – is daunting and scary. I do know the county is offering a Safe Homes Program right now that "reduces" the cost of permitting (i.e. the permit amount is the same as if it were a new construction, so there is no fine). It would be helpful to post more information about this program on the Building Inspection division website, rather than forcing someone to call in and basically admit a permit violation.

From: Mariah Gregori <mariah1977@gmail.com>
Subject: Public Comment on County Ordinance 2.0
Date: March 28, 2018 at 2:08:51 PM PDT
To: rbohn@co.humboldt.ca.us, efennell@co.humboldt.ca.us

Hello Rex and Estelle,

First of all I would like to thank you and Director Ford and all involved for all your hard work on this issue. This is not an easy job that you have taken on.

My comment is in reference to the resolution that would limit the number of permits given in each watershed.

I respect your continued commitment to the environment and would like to commend you for that. Although I have always felt that the environment should be our number one priority I am now feeling that we are also faced with a social justice issue of utmost importance. The people and culture in this area need to be preserved as well. I would not like to see our county dotted with ghost towns reminiscent of the logging industry boom.

Cannabis farmers and fish can coexist as we can see with the multitude of groups working toward the restoration of this area which have largely been made possible by donations of time and money by people in the industry. The support of these organizations is inherent in the small homestead farmers who are here to stay, not by large growers who for the most part don't live on their farms.

In order to protect our watersheds we need to limit the number of cultivation permits. However I am extremely concerned that these will not be divided evenly across each population. If there is going to be a cap on number of permits per watershed then there should be more stringent caps on how many permits each farmer can hold. Please consider the demographic that you are creating with these policies. If a watershed can only handle a certain number of square feet of cultivation then those square feet need to be more evenly distributed. I don't want to keep one neighbor (that has the equivalent square footage that could support 25 families) and loose 24 neighbors.

I respect the cap on no new grows since we don't need more NEW PEOPLE growing in areas that are already at capacity. However as Estelle mentioned at the last BOS meeting existing growers who did not make the first round of permitting should be allowed a chance to come into the fold especially in light of Humboldt County's heavy handed enforcement approach. If these people are allowed to come into the fold they will need NEW cultivation area to be competitive and make it worthwhile for them to permit. Many small farmers existing cultivation areas are not worth permitting and need greater square footage to be viable in the new regulated market place.

Please consider this carefully. I am envisioning a world where my community can stay relatively intact. It is my hope that we can preserve the environment and also continue to build on our unique culture of stewardship. These are hard times and small changes in policy can make a big difference.

Thank you for your thoughtful consideration.

Mariah Gregori
Clear Water Farms

From: Samantha Lee [<mailto:samanthachukker@yahoo.com>]

Sent: Wednesday, March 28, 2018 9:53 AM

To: Fennell, Estelle; Ford, John

Subject: Updated CMMLUO

Supervisor Fennell and Director Ford,

I am writing this letter as formal comment to be submitted for the record regarding the updated CMMLUO.

I live in Fortuna and am alarmed at the disproportionate issuance of marijuana grow permits along Fortuna city limits (**ie: Fortuna's SOI**). I echo and endorse the concerns and objections made by members of Fortuna's City Council Members at the most recent meeting regarding the CMMLUO.

Permit applicants for parcels in Fortuna's SOI MUST stop NOW.

Further, in MY opinion any issued to-date were issued in bad faith if not with a willful vindictiveness against the residents of Fortuna (for asserting) and its leadership (for acting on behalf of our views) regarding the growth, cultivation, harvest, and distribution of marijuana. The issuance of these permits within Fortuna's SOI was a deliberate smack down of a Humboldt city that didn't bow down to the insane green rushing, money grabbing, and MONOlithic economy (and land use)-embracing policy the county went all-in for, and as a VOTER I definitely noticed.

Samantha Lee
1242 Elizabeth Barcus Way
Fortuna, CA 95540
(707) 725-2572

March 28, 2018

To: Humboldt County Board of Supervisors
825 5th Street, Room 111
Eureka, CA 95501

From: Humboldt Cannabis Manufacturing
Association c/o CannaFarms Consulting
PO Box 272
Fields Landing, CA 95537

Subject: Comments Concerning the Proposed Commercial Cannabis Land Use Ordinance (CCLUO) and Manufacturing

Dear Humboldt County Board of Supervisors,

Please accept the following comment concerning the proposed CCLUO and manufacturing policy contained within as applicable to both the Coastal and In-land portions of the County. We are the Humboldt Cannabis Manufacturing Association, an impromptu interest group, who represent local experts in the industry, and have multiple cannabis manufacturing business applications with the county. Actions you take directly affect us and we wanted to make a concerted group effort to speak on our behalf.

The Humboldt Cannabis Manufacturing Association primary recommendation is that the County adopt regulations concerning manufacturing which are more in line with the State. Much of what is proposed will cause County-wide issues with economic market potential, extremely limit development potential, and licensing confusion with the State. We also believe that there are many uninformed opinions on the manufacturing sector, some rooted in past actions by unsafe and unpermitted operators, and would like to assist in the CCLUO process.

Manufactured cannabis products represent a huge market segment which the CCLUO as proposed shall make the County uncompetitive within the State. The concentrate market is an emerging market ranging from 17% in Oregon to 39% in Colorado with the highest growth within vape cartridges. As a random sample using BDS Analytics November 2017 the average cannabis sales in California retail dispensary were:

1. Flower & Pre-rolls: 55.8%
 - A. Flower: 50%
 - B. Pre-rolls: 5.8%
2. Concentrates: 29%
 - A. Live Resin: 1%
 - B. Oils: 2%
 - C. Shatter: 2%
 - D. Vape Carts: 22%
 - E. Wax: 2%
3. Edibles: 14%
4. Topicals: 1.2%

Granted this statistical information does not truly represent the market, which are from participating dispensaries, and from our experience the demand for flower versus concentrate is 70/30 in SoCal and 60/40 in the Bay Area. We've noticed demand for nonsolvent products represents about 10% of the concentrate market and demand of products such as hash, kief, and rosin are on decline. A growing demand for live resin over the last few years has made this product almost 25% of the concentrate market which we foresee becoming greater as consumers become more sophisticated.

Another trend we have noticed is the demand for flower outside of Humboldt which the proposed CCLUO would fail to meet. Currently 90%-95% demand within the State is for premium indoor and climatized mixed light grown cannabis due to a variety reasons which are consumer driven. Of those harvests approximately 80% of the cannabis goes directly to manufacturing for concentrates and only the premium product is sold for flower.

The future of the Humboldt cannabis market will not be outdoor full sun cannabis as it does not sell within the State. It is the least desirable form of cannabis by consumers outside of Humboldt. That is not to say that there is not a market for outdoor full sun grown cannabis because we manufacturers love it! Outdoor flower typically has a higher terpene content which produces a premium quality concentrate product with more demand and higher profit margin.

The future of the Humboldt cannabis market will be concentrates and secondary value-added products created with outdoor full sun cannabis. Only a very limited and select flower strains meeting the highest quality will be in demand. As written, the proposed CCLUO would substantially over supply product which is not in demand.

The majority of secondary value-added products will potentially be pre-rolls, pens, and edibles made utilizing concentrates. We foresee local manufacturers playing a huge part in the future Humboldt cannabis market. The reason being:

- Outdoor flower is least desirable by consumers and better suited for the production of concentrates by manufacturers.
- Production of concentrates, particularly live resin, reduces labor needed for harvest of whole plant material, which is then stored until converted into a concentrate.
- Concentrates have a longer shelf life over flower and a higher wholesale cost.
- Distillate is finding more use as base material for edibles due to consistency of cannabinoid content and lack of flavor.
- Kief and hash are being utilized more often in combination with distillate within pre-rolls.
- Low quality concentrate and/or whole plant material, including what may be considered contaminated for flower purposes, can be turned into a high value-added product when sent to a Type 7 manufacturer.

Our concern is to ensure that Humboldt County business are able to compete within the State cannabis extraction market. Manufacturing services are a vital necessity to the local cannabis economy. Artificial scarcity of services created through bad regulations administered by the County which force farmers to utilize manufacturing services outside of the area is not the answer. We have also experienced project delays,

increased costs, unclear application processes, and other problems with the County which makes business difficult to propose as well as limit County revenues. Further, the County should have regulations which are in line with the State and work to ensure a healthy competitive local economy.

For instance, the proposed definitions concerning extraction, i.e. "Non-Flammable" and Flammable" are inconsistent with State regulations. This effectively makes a Type 6 Manufacturer within the County impractical and nowhere within State regulations operations for processing are treated as manufacturing. Instead we recommend the County shape policy more in line with the California Department of Public Health as found under California Code of Regulations Title 17 Division 1 Chapter 13 Manufactured Cannabis Safety.

Therefore, Humboldt Cannabis Manufacturing Association recommends the County change the CCLUO Definitions as follows:

(Note: Text are as found within the proposed CCLUO, (1) capitalized and underlined are recommended changes, and (2) strike through text are recommended for removal.)

55.4.4 DEFINITIONS

"ALCOHOL" MEANS FOODGRADE ETHANOL WHICH SHALL BE USED FOR EXTRACTIONS OR FOR POST-EXTRACTION PROCESSING.

APPURTENANT OFF-SITE PROCESSING FACILITY MEANS THE LOCATION OR FACILITY BELONGING TO, UNDER THE CONTROL, AND FOR EXCLUSIVE USE OF A LICENSED CULTIVATOR WHERE CANNABIS IS DRIED, CURED, GRADED, TRIMMED, AND/OR PACKAGED WHEN CONDUCTED AT PREMISES SEPARATE FROM THE CULTIVATION SITE WHERE THE PROCESSED CANNABIS IS GROWN AND HARVESTED.

"COMMON-USE AREA" MEANS ANY AREA OF THE MANUFACTURER'S REGISTERED SHARED USE FACILITY, INCLUDING EQUIPMENT THAT IS AVAILABLE FOR USE BY MORE THAN ONE PERMIT, PROVIDED THAT THE USE OF A COMMON-USE AREA IS LIMITED TO ONE PERMIT AT A TIME.

"DESIGNATED AREA" MEANS THE AREA OF THE MANUFACTURER'S REGISTERED SHARED-USE FACILITY THAT IS DESIGNATED BY THE PRIMARY PERMIT FOR THE SOLE AND EXCLUSIVE USE OF A MANUFACTURE'S PERMIT, INCLUDING STORAGE OF THE PERMITTED MANUFACTURE'S CANNABIS, CANNABIS CONCENTRATES, AND CANNABIS PRODUCTS.

~~"Extraction, non-flammable" means the manufacture of cannabis products using cold water, heat press, lipid (butter, milk, oil) or other non-chemical extraction method make bubble hash, kief, rosin, cannabis-infused lipid, etc. Also included in this definition is supercritical fluid CO2 extraction to make cannabis concentrates/oils (closed loop only).~~

~~"Extraction, flammable" means using compressed and uncompressed liquid solvents such as pentane, hexane, butane, propane, ethanol, isopropyl alcohol, and the like to make cannabis concentrates/oil (closed loop only). Also included in this definition is~~

~~post-extraction refinement, which is taking previously extracted cannabis concentrates and further refining through processes such as chromatography, to make distillates.~~

~~“Infusion” means a process by which cannabis, cannabinoids, cannabis concentrates, or manufactured cannabis are directly incorporated into a product formulation (e.g. oil, milk, butter, other lipids) to produce a cannabis product including: edibles such as baked goods, tinctures, lotions and salves, soaps, vape pens, and the like.~~

“INFUSION” MEANS A PROCESS BY WHICH CANNABIS, CANNABINOIDS, OR CANNABIS CONCENTRATES ARE DIRECTLY INCORPORATED INTO A PRODUCT FORMULATION TO PRODUCE A CANNABIS PRODUCT.

“MECHANICAL EXTRACTION” MEANS CANNABIS PRODUCT MANUFACTURED BY MEANS OF SHIFTING, SCREENING, CENTRIFUGE, WATER, ICE, OR HEATED PNEUMATIC PRESS.

“MANUFACTURER” MEANS A BUSINESS WHICH CONDUCTS MECHANICAL EXTRACTION, NONVOLATILE EXTRACTION, PACKAGING, PROCESSING, VOLATILE EXTRACTION, OR ANY COMBINATION OF CANNABIS MANUFACTURING.

“MANUFACTURING” MEANS ALL ASPECTS OF THE EXTRACTION AND/OR INFUSION PROCESSES, INCLUDING PROCESSING, PREPARING, HOLDING, STORING, PACKAGING, OR LABELING OF CANNABIS PRODUCTS. MANUFACTURING ALSO INCLUDES ANY PROCESSING, PREPARING, HOLDING, OR STORING OF COMPONENTS AND INGREDIENTS.

“NONVOLATILE EXTRACTION” MEANS MANUFACTURING UTILIZING NONVOLATILE SOLVENTS OR MECHANICAL EXTRACTION.

“NONVOLATILE SOLVENT” MEANS ANY SOLVENT USED IN THE EXTRACTION PROCESS THAT IS NOT A VOLATILE SOLVENT. THIS INCLUDES CARBON DIOXIDE, ETHANOL, NONHYDROCARBON-BASED OIL, VEGETABLE GLYCERIN, VEGETABLE OILS, ANIMAL FATS, OR GLYCERIN.

“Off-site Processing Facility” means the location or facility where cannabis is dried, cured, graded, trimmed, and/or packaged when conducted at premises separate from the cultivation site where the processed cannabis is grown and harvested WHICH IS UNDER THE CONTROL OF A LICENSED CULTIVATOR AS AN APPURTENANT OFF-SITE PROCESSING FACILITY, OR MULTIPLE LICENSED CULTIVATORS AS A SHARED-USE PACKAGING FACILITY, OR A MANUFACTURER.

“PACKAGE” OR “PACKAGING” MEANS ANY CONTAINER OR WRAPPER THAT MAY BE USED FOR ENCLOSING OR CONTAINING ANY CANNABIS PRODUCTS. THE TERM “PACKAGE” DOES NOT INCLUDE ANY SHIPPING CONTAINER OR OUTER WRAPPING USED SOLELY FOR THE TRANSPORTATION OF CANNABIS PRODUCTS IN BULK QUANTITY TO ANOTHER LICENSEE OR LICENSED PREMISES.

"PACKAGING FACILITY" MEANS THE LOCATION OR FACILITY WHERE A PACKAGING MANUFACTURER CONDUCTS PACKAGING OPERATIONS.

"PACKAGING MANUFACTURER" MEANS A MANUFACTURER THAT PROCESSES AND/OR ONLY PACKAGES OR REPACKAGES CANNABIS PRODUCTS OR LABELS OR RELABELS THE CANNABIS PRODUCT CONTAINER OR WRAPPER.

"SHARED-USE FACILITY" MEANS A MANUFACTURING FACILITY OPERATED BY A PERMITTED MANUFACTURER IN WHICH A SEPARATE ENTITY SHARES USE OF THE FACILITY AND CONDUCTS MANUFACTURING OPERATIONS.

"QUALIFIED INDIVIDUAL" MEANS A PERSON WHO HAS THE EDUCATION, TRAINING, OR EXPERIENCE (OR A COMBINATION THEREOF) NECESSARY TO MANUFACTURE QUALITY CANNABIS PRODUCTS AS APPROPRIATE TO THE INDIVIDUAL'S ASSIGNED DUTIES. A QUALIFIED INDIVIDUAL MAY BE, BUT IS NOT REQUIRED TO BE, AN EMPLOYEE OF THE LICENSEE.

"VOLATILE EXTRACTION" MEANS MANUFACTURING UTILIZING EXTRACTION METHODS WHICH USE VOLATILE SOLVENTS AND MAY CONDUCT OTHER MANUFACTURING ACTIVITIES USING NONVOLATILE OR MECHANICAL EXTRACTION METHODS.

"VOLATILE SOLVENT" MEANS ANY SOLVENT THAT IS OR PRODUCES A FLAMMABLE GAS OR VAPOR THAT, WHEN PRESENT IN THE AIR IN SUFFICIENT QUANTITIES, WILL CREATE EXPLOSIVE OR IGNITABLE MIXTURES. EXAMPLES OF VOLATILE SOLVENTS INCLUDE, BUT ARE NOT LIMITED TO, BUTANE, HEXANE, AND PROPANE.

The Humboldt Cannabis Manufacturing Association recommends that the County adopt our suggested definitions. We also recommend that manufacturing regulations more in line with the State and offer a solution. This includes shared use facilities and packaging in appropriate commercial and industrial areas. We are against areas being limited further out of fear and misguidance as recommended by the Planning Commission within the December 7th Modifications.

The regulations concerning manufacturing we recommend should be incorporated into the CCLOU are as follows:

55.4.5.6 APPLICATION TERMS AND REQUIREMENTS FOR COMMERCIAL CANNABIS CLEARANCES OR PERMITS

55.4.5.6.1 (MOVE 55.4.11 HERE) The applicant shall submit a complete project application meeting all of the performance standards of the CCLOU with supporting documentation as required. Applications may be required to include any or all of the following information, depending on permit activities and location: Site Plan; Security Plan; Cultivation AND OPERATIONS Plan, Processing Plan; ~~Operations Plan~~; Irrigation Plan; CANNABIS WASTE MANAGEMENT PLAN; PESTICIDE Materials Management Plans; NITROGEN MANAGMENT PLAN;

Hazardous Materials Site Assessments and Contingency Plans; Surveys for Biological Resources and Sensitive Habitat; Surveys for Archaeological, Tribal Cultural Resources, and Historical Resources; Assessments of project-related noise sources; Road System Assessments and Improvement Plans; Timberland Conversion Assessments; documentation of water use, source, and storage; will-serve letters from applicable providers of water and wastewater services; information concerning previously secured state and local permits for cannabis related infrastructure or activities; evidence of prior cultivation where seeking a permit as a pre-existing cultivation site; restoration and remediation plans where appropriate; plans for energy use; and details of current known violations related to commercial cannabis activities.

55.4.5.6.2 THE PLANNING DEPARTMENT SHALL PROCESS A COMPLETE APPLICATION IN THREE (3) BUSINESS DAYS AND UPDATE PUBLICLY ACCESSIBLE DOCUMENTS CONCERNING THE PROJECT WITHIN FIVE (5) BUSINESS DAYS.

55.4.5.6.3 PUBLIC AGENCIES SHALL BE GIVEN A PERIOD OF SIXTY (60) BUSINESS DAYS FROM DATE OF NOTIFICATION TO COMMENT UPON THE APPLICATION. IF THE PLANNING DEPARTMENT DOES NOT RECEIVE A STATEMENT WITHIN THE COMMENT PERIOD, THEN IT SHALL BE TREATED AS NO COMMENT, AND THE APPLICATION SHOULD PROCEED WITH DEFAULT REGULATIONS WHICH THE COUNTY FINDS ARE APPLICABLE AS USE CONDITIONS.

55.4.5.6.4 WITHIN FIVE (5) BUSINESS UPON RECEIPT OF A STAFF REPORT RECOMMENDING APPROVAL THE PLANNING DEPARTMENT SHALL TRANSMIT THE APPLICATION FOR DECISION.

55.4.5.6.4.1 PERMITS UNDER THE DISCRETION OF THE PLANNING DIRECTOR SHALL HAVE A DECISION WITHIN TEN (10) BUSINESS DAYS.

55.4.5.6.4.2 PERMITS UNDER THE DISCRETION OF THE PLANNING COMMISSION SHALL BE PLACED UPON THE AGENDA OF THE NEXT AVAILABLE PUBLIC MEETING BY THE PLANNING COMMISSION CLERK WITHIN FIVE (5) BUSINESS DAYS.

55.4.5.6.5 ANY COMMERCIAL CANNABIS ACTIVITY ZONING CLEARANCE CERTIFICATE, SPECIAL PERMIT, OR USE PERMIT ISSUED PURSUANT TO THIS SECTION SHALL EXPIRE AFTER ONE (1) YEAR AFTER DATE OF ISSUANCE, AND ON THE ANNIVERSARY DATE OF SUCH ISSUANCE EACH YEAR THEREAFTER, UNLESS AN ANNUAL COMPLIANCE INSPECTION HAS BEEN CONDUCTED AND THE PERMITTED SITE HAS BEEN FOUND TO COMPLY WITH ALL CONDITIONS OF APPROVAL, APPLICABLE ELIGIBILITY AND SITING CRITERIA, AND PERFORMANCE STANDARDS.

55.4.7 Cannabis Support Facilities

Cannabis Support Facilities include facilities for Distribution, APPURTENANT Off-Site Processing, Enclosed Nurseries, Community Propagation Centers and Cannabis Testing and Research Laboratories. All Cannabis Support Facilities must meet or exceed the setbacks from Sensitive Receptors and Tribal Ceremonial Sites specified under 55.4.6.4.4(c) and (d), unless waived or reduced pursuant to 55.4.6.4.4(f).

55.4.7.1 Distribution, APPURTENANT Off-Site Processing, Enclosed Nurseries, and Community Propagation Centers Within all zones specified in Sections 55.4.6.1.1 (AE, AG, FR, and U) and 55.4.6.2.1 (C-3, ML, MH, and U), as well as C-2 and MB zones, Distribution, APPURTENANT Off-Site Processing, Enclosed Nurseries, Community Propagation Centers shall be principally permitted with a Zoning Clearance Certificate when meeting all applicable Performance Standards, as well as the Eligibility Criteria in Sections 55.4.6.3.1 and 55.4.6.3.2 and the Siting Criteria specified in Sections 55.4.6.4.1, 55.4.6.4.2, and 55.4.6.4.3. Cannabis Support Facilities may also be permitted in CH and MB zones with a Special Permit, where meeting all applicable Performance Standards, as well as the Eligibility Criteria in Sections 55.4.6.3.1 and 55.4.6.3.2 and the Siting Criteria specified in Sections 55.4.6.4.1, 55.4.6.4.2, and 55.4.6.4.3.

55.4.8.2 Manufacturing

Manufacturing Sites must comply with all applicable performance standards, as well as meet the Eligibility Criteria specified in Section 55.4.6.3.1 and 55.4.6.3.2 as well as comply with the Siting Criteria specified in Sections 55.4.6.4.1, 55.4.6.4.2, 55.4.6.4.3, and 55.4.6.4.4 (c), (d) and (g). ALL MANUFACTURING ACTIVITIES MUST BE CONDUCTED WITHIN A COMMERCIAL STRUCTURE MEETING SANITARY FOODGRADE STANDARDS. Manufacturing activities may then be permitted as follows:

55.4.8.2.1 VOLATILE EXTRACTION FACILITIES Flammable-Extraction

55.4.8.2.1.1 Manufacturing activities involving VOLATILE EXTRACTION BY A QUALIFIED INDIVIDUAL ~~Flammable-Extraction~~ may be permitted with a Special Permit in the C-3 AND MH zones, as well as the U zoning district when accompanied by the Industrial General (IG) land use.

55.4.8.2.1.2 Manufacturing activities involving VOLATILE EXTRACTION BY A QUALIFIED INDIVIDUAL ~~Flammable-Extraction~~ may also be permitted with a Conditional Use Permit in the CH, C-2, C-3, and ML zones, as well as the FR AND U zoning district, WHERE PREVIOUSLY developed for a lawful industrial or commercial use.

55.4.8.2.1.3 SHARED USED OF A PERMITTED VOLATILE EXTRACTION FACILITY BY A QUALIFIED INDIVIDUAL, INCLUDING COMMON-USE AREAS AND DESIGNATED AREAS, MAY BE PERMITTED SUBJECT TO ISSUANCE OF A ZONING CLEARANCE CERTIFICATE. APPLICATIONS FOR A SHARED USE FACILITY SHALL IDENTIFY HOW OPERATIONS COMPLY WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH MANUFACTURED CANNABIS SAFETY STANDARDS. THE USE OF THE FACILITY, COMMONUSE

AREA, AND DESIGNATED AREA SHALL BE PROHIBITED UNTIL A LICENSE IS ISSUED BY THE STATE OF CALIFORNIA.

55.4.8.2.1.4 VOLATILE EXTRACTION MANUFACTURING ACTIVITIES SHALL BE LOCATED ON ROADS THAT ARE PAVED WITH CENTERLINE STRIPE OR PAVED MEETING THE CATEGORY 4 STANDARD.

55.4.8.2.1.5 VOLATILE EXTRACTION SHALL BE CONDUCTED IN A PROFESSIONAL CLOSED LOOP EXTRACTION SYSTEM. THE SYSTEM SHALL BE COMMERCIALY MANUFACTURED AND BEAR A PERMANENTLY AFFIXED AND VISIBLE SERIAL NUMBER. A CERTIFICATION DOCUMENT WITH THE SERIAL NUMBER OF THE EXTRACTION UNIT SHALL BE AFFIXED AND CONTAIN THE SIGNATURE AND STAMP OF A CALIFORNIA-LICENSED PROFESSIONAL ENGINEER THAT THE SYSTEM WAS COMMERCIALY MANUFACTURED, SAFE FOR ITS INTENDED USE, AND BUILT TO CODES OF RECOGNIZED AND GENERALLY ACCEPTED GOOD ENGINEERING PRACTICES, SUCH AS:

- (1) THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME);
- (2) AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI);
- (3) UNDERWRITERS LABORATORIES (UL); OR
- (4) THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM).

55.4.8.2.1.6 A VOLATILE EXTRACTION FACILITY SHALL HAVE NO MORE THAN THREE HUNDRED FIFTY POUNDS (350LB) OF VOLATILE SOLVENT IN AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) APPROVED TANK(S) AT ANY TIME WHICH SHALL BE SETBACK A MINIMUM OF TWENTY-FIVE FEET (25') FROM THE PARCEL BOUNDARY AND ANY STRUCTURE.

55.4.8.2.1.7 PROFESSIONAL CLOSED LOOP SYSTEMS, OTHER EQUIPMENT USED, THE EXTRACTION OPERATION, AND FACILITIES MUST BE APPROVED FOR USE BY THE LOCAL FIRE CODE OFFICIAL AND COMPLY WITH ANY REQUIRED FIRE, SAFETY, AND BUILDING CODE REQUIREMENTS RELATED TO THE PROCESSING, HANDLING AND STORAGE OF THE APPLICABLE SOLVENT OR GAS.

55.4.8.2.1.8 VOLATILE FACILITIES MUST MEET OR EXCEED SETBACKS OF SIX HUNDRED (600') FROM ANY SCHOOL AND THREE HUNDRED FEET (300') FROM THE BOUNDARY OF ANY RESIDENTIALLY ZONED AREA, OR RESIDENCE, OR COMMUNITY PLANNING AREA BOUNDARY SPECIFIED WITHIN SECTION 55.4.5.1.

55.4.8.2.2 NONVOLATILE EXTRACTION AND INFUSION FACILITIES

NonFlammable Extraction

55.4.8.2.2.1 Manufacturing activities involving MECHANICAL EXTRACTION NonFlammable Extraction may be principally permitted subject to issuance of a Zoning Clearance Certificate within the AE, AG, FR, CH, C-2, C-3, ML, and MH zones, as well as the U zoning district WITH A GENERAL PLAN, when accompanied by an Industrial land use designation OR WHERE PREVIOUSLY DEVELOPED FOR A LAWFUL INDUSTRIAL OR COMMERCIAL USE.

55.4.8.2.2.2 Manufacturing activities involving NONVOLATILE EXTRACTION BY A QUALIFIED INDIVIDUAL OR INFUSION Non-Flammable Extraction may also be permitted with a Special Permit within CH, C-2, C-3, MB, ML, and MH zones, as well as the U zoning district WITH A GENERAL PLAN, when accompanied by an Industrial land use designation OR WHERE PREVIOUSLY DEVELOPED FOR A LAWFUL INDUSTRIAL OR COMMERCIAL USE.

55.4.8.2.2.3 Manufacturing activities involving NONVOLATILE EXTRACTION BY A QUALIFIED INDIVIDUAL OR INFUSION Non-Flammable Extraction may be permitted with a CONDITIONAL USE PERMIT Special Permit within AE, AG, FR, AND U these zones specified under 55.4.6.1.1 (AE, AG, FR, and U).

55.4.8.2.2.4 SHARED USE OF A PERMITTED NONVOLATILE EXTRACTION FACILITY OR AN INFUSION FACILITY, INCLUDING COMMON-USE AREAS AND DESIGNATED AREAS, MAY BE PERMITTED SUBJECT TO ISSUANCE OF A ZONING CLEARANCE CERTIFICATE. APPLICATIONS FOR A SHARED USE FACILITY SHALL IDENTIFY HOW OPERATIONS COMPLY WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH MANUFACTURED CANNABIS SAFETY STANDARDS. THE USE OF THE FACILITY, COMMON USE AREA, AND DESIGNATED AREA SHALL BE PROHIBITED UNTIL A LICENSE IS ISSUED BY THE STATE OF CALIFORNIA.

55.4.8.2.2.5 NONVOLATILE EXTRACTION AND INFUSION MANUFACTURING ACTIVITIES SHALL BE LOCATED ON ROADS THAT ARE PAVED WITH CENTERLINE STRIPE, OR PAVED MEETING THE CATEGORY 4 STANDARD. EXCEPTIONS MAY BE CONSIDERED WITH APPLICATION OF A USE PERMIT PROVIDED WITH A WRITTEN REPORT BY A LICENSED ENGINEER OF THE LOCAL ROAD NETWORK AND RELEVANT SEGMENTS, WITH SUBSTANTIAL EVIDENCE TO SUPPORT A FINDING THAT STANDARDS CAN BE MET FOR THE PROTECTION OF PUBLIC HEALTH AND SAFETY, INCLUDING FIRE SAFE ROAD ACCESS, CAPACITY TO SUPPORT ANTICIPATED TRAFFIC VOLUMES, WATER QUALITY OBJECTIVES, AND PROTECTION OF HABITAT.

55.4.8.2.2.6 NONVOLATILE CARBON DIOXIDE EXTRACTION SHALL BE CONDUCTED IN A PROFESSIONAL CLOSED LOOP EXTRACTION SYSTEM. NONVOLATILE ALCOHOL EXTRACTION SHALL BE CONDUCTED IN A PROFESSIONAL ROTARY EVAPORATOR SYSTEM (ROTAVAP/ROTOVAP), SHORT PATH DISTILLATION SYSTEM, OR OTHER APPROVED FLAMELESS DISTILLATION SYSTEM UTILIZING FOODGRADE ETHANOL. A NONVOLATILE EXTRACTION SYSTEM SHALL BE COMMERCIALY MANUFACTURED AND BEAR A PERMANENTLY AFFIXED AND VISIBLE SERIAL NUMBER. A CERTIFICATION DOCUMENT WITH THE SERIAL NUMBER OF THE EXTRACTION UNIT SHALL BE AFFIXED AND CONTAIN THE SIGNATURE AND STAMP OF A CALIFORNIA-LICENSED PROFESSIONAL ENGINEER THAT THE SYSTEM WAS COMMERCIALY MANUFACTURED, SAFE FOR ITS INTENDED USE, AND BUILT TO CODES OF RECOGNIZED AND GENERALLY ACCEPTED GOOD ENGINEERING PRACTICES, SUCH AS:

- (1) THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME);
- (2) AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI);
- (3) UNDERWRITERS LABORATORIES (UL); OR
- (4) THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM).

55.4.8.2.2.7 A NONVOLITALE EXTRACTION FACILITY SHALL HAVE NO MORE THAN 200 CUBIC FEET OF CARBON DIOXIDE IN AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) APPROVED TANK(S) AT ANY TIME.

55.4.8.2.2.8 A NONVOLATILE EXTRACTION FACILITY OR INFUSION FACILITY SHALL HAVE NO MORE THAN FIFTY-FIVE GALLONS (55GAL) OF ETHANOL WITHIN CONTAINERS FIVE GALLONS (5GAL) OR LESS IN SIZE AT ANY TIME.

55.4.8.2.2.9 MECHANICAL EXTRACTION, NONVOLITALE EXTRACTION, AND INFUSIONS WHICH USE A NONVOLATILE SOLVENT SUCH AS WATER, ETHANOL, VEGETABLE GLYCERIN, VEGETABLE OILS, ANIMAL FATS, GLYCERIN, OR ANY OTHER NONHYDROCARBON-BASED SOLVENTS SHALL BE FOODGRADE.

55.4.8.2.2.10 PROFESSIONAL CLOSED LOOP SYSTEMS, PROFESSIONAL ROTARY EVAPORATOR, OTHER EQUIPMENT USED, THE EXTRACTION OPERATION, AND FACILITIES MUST BE APPROVED FOR USE BY THE LOCAL FIRE CODE OFFICIAL AND COMPLY WITH ANY REQUIRED FIRE, HEALTH, SAFETY, AND BUILDING CODE REQUIREMENTS RELATED TO THE PROCESSING, HANDLING AND STORAGE OF CARBON DIOXIDE, ETHANOL, AND OTHER NONVOLATILE SOLVENTS.

55.4.8.2.2.11 NONVOLATILE EXTRACTION FACILITIES MUST MEET OR EXCEED SETBACKS OF SIX HUNDRED (600') FROM ANY SCHOOL AND TWO FEET (200') FROM THE BOUNDARY OF ANY RESIDENTIALLY ZONED AREA, OR RESIDENCE, OR COMMUNITY PLANNING AREA BOUNDARY SPECIFIED WITHIN SECTION 55.4.5.1.

55.4.8.2.3 PACKAGING MANUFACTURER FACILITIES Infusion

~~55.4.8.2.3.1 Manufacturing activities involving Infusion may be principally permitted subject to issuance of a Zoning Clearance Certificate within the CH, C2, C-3, MB, ML, and MH zones, as well as the U zoning district, when accompanied by a Commercial or Industrial land use designation, or where previously developed for a lawful industrial or commercial use.~~

~~55.4.8.2.2.3 Manufacturing activities which exclusively involve Infusion may be principally permitted in all zones which permit Cottage Industry activities, when in compliance with all performance standards found within 45.1.3, or with a Special Permit pursuant to 45.1.4.~~

~~55.4.8.2.3 Locational Criteria:~~

~~Manufacturing activities shall be located on roads that are paved with centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a Use Permit. Where an exception is sought, the Use Permit application shall include an evaluation of the local road network and relevant~~

~~segments prepared by a licensed engineer. The engineers report shall include substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met.~~

55.4.8.2.3.1 MANUFACTURING ACTIVITIES INVOLVING PACKAGING AND REPACKAGING MAY BE PRINCIPALLY PERMITTED SUBJECT TO ISSUANCE OF A ZONING CLEARANCE CERTIFICATE IN THE C-3 AND MH ZONES, AS WELL AS THE U ZONING DISTRICT WHEN ACCOMPANIED BY THE INDUSTRIAL GENERAL (IG) LAND USE.

55.4.8.2.3.2 MANUFACTURING ACTIVITIES INVOLVING PACKAGING AND REPACKAGING MAY BE PERMITTED WITH A SPECIAL PERMIT WITHIN CH, C-2, MB, AND ML ZONES, AS WELL AS THE U ZONING DISTRICT WITH A GENERAL PLAN INDUSTRIAL LAND USE DESIGNATION OR WHERE PREVIOUSLY DEVELOPED FOR A LAWFUL INDUSTRIAL OR COMMERCIAL USE.

55.4.8.2.3.3 MANUFACTURING ACTIVITIES INVOLVING PACKAGING AND REPACKAGING MAY BE PERMITTED WITH A CONDITIONAL USE PERMIT WITHIN AE, AG, FR, AND U ZONES.

55.4.8.2.3.4 SHARED USE OF A PERMITTED NONVOLATILE EXTRACTION FACILITY OR AN INFUSION FACILITY OR DISTRIBUTION FACILITY OR PACKAGING FACILITY FOR PACKAGING AND REPACKAGING, INCLUDING COMMON-USE AREAS AND DESIGNATED AREAS, MAY BE PERMITTED SUBJECT TO ISSUANCE OF A ZONING CLEARANCE CERTIFICATE. APPLICATIONS FOR A SHARED USE FACILITY SHALL IDENTIFY HOW OPERATIONS COMPLY WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH MANUFACTURED CANNABIS SAFETY STANDARDS. THE USE OF THE FACILITY, COMMON-USE AREA, AND DESIGNATED AREA SHALL BE PROHIBITED UNTIL A LICENSE IS ISSUED BY THE STATE OF CALIFORNIA.

55.4.8.2.3.5 PACKAGING AND REPACKAGING MANUFACTURING ACTIVITIES SHALL BE LOCATED ON ROADS THAT ARE PAVED WITH CENTERLINE STRIPE, OR PAVED MEETING THE CATEGORY 4 STANDARD. EXCEPTIONS MAY BE CONSIDERED WITH APPLICATION OF A USE PERMIT PROVIDED WITH A WRITTEN REPORT BY A LICENSED ENGINEER OF THE LOCAL ROAD NETWORK AND RELEVANT SEGMENTS, WITH SUBSTANTIAL EVIDENCE TO SUPPORT A FINDING THAT STANDARDS CAN BE MET FOR THE PROTECTION OF PUBLIC HEALTH AND SAFETY, INCLUDING FIRE SAFE ROAD ACCESS, CAPACITY TO SUPPORT ANTICIPATED TRAFFIC VOLUMES, WATER QUALITY OBJECTIVES, AND PROTECTION OF HABITAT.

55.4.8.2.3.6 PACKAGING AND REPACKAGING FACILITIES MUST MEET OR EXCEED SETBACKS OF SIX HUNDRED (600') FROM ANY SCHOOL AND TWO FEET (200') FROM THE BOUNDARY OF ANY RESIDENTIALLY ZONED AREA, OR RESIDENCE, OR COMMUNITY PLANNING AREA BOUNDARY SPECIFIED WITHIN SECTION 55.4.5.1.

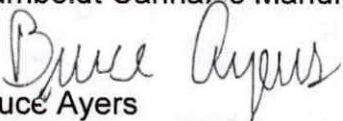
The Humboldt Cannabis Manufacturing Association highly recommends that the County adopt our proposed regulations concerning manufacturing which are in line with the State instead of what has been proposed by the Planning Commission. Our reasonable regulations would allow small Humboldt County cannabis business to remain competitive, while meeting market demand, and expand appropriate manufacturing opportunities. We feel that the proposed Planning Commission ordinance concerning manufacturing was an uninformed decision which is not in line with market demands or State regulations.


Specifically, we feel that cannabis manufacturing has been vilified, even though legal commercial cannabis manufacturing should be safe for the following reasons:


1. Closed loop extraction systems are stainless steel vessels engineered by licensed industrial tool manufacturers meeting all standards. The tool manufacturer also provides State approved Standard Operating Procedures and training specific to equipment purchased by the extractor. (Figure 1)
2. Rotary evaporative systems are Pyrex vessels which utilize digitally controlled hot baths for distillation purposes engineered by licensed industrial tool manufacturers meeting all standards. Absolutely at no time are flames used during any part of distillation. (Figure 2)
3. The closed loop system and rotary evaporative systems are installed either by the manufacturer or a licensed contractor within commercial food grade sanitary structures meeting H-2 or H-3 occupancy standards.
4. Setback requirements for residential propane tanks are less than those we are proposing. (Figure 3)
5. Volatile solvents, carbon dioxide, and ethanol are delivered by licensed commercial delivery providers and stored within ASME/ANSI/UL/ASTM approved containment.
6. Hazardous Materials Business Plans are required for the submission of an application and operation of extraction facilities.

The Humboldt Cannabis Manufacturing Association believes that cannabis manufacturing can be implemented orderly and safely with minimal impacts to our communities. We highly urge you to consider and incorporate our recommendations within the CCLUO. If you have any questions please don't hesitate to contact us. Thank you.

Sincerely,
Humboldt Cannabis Manufacturing Association


Bruce Ayers
Southern Humboldt Concentrates


Michael Sutter
The Humboldt Concentrates


Joe Bilandzija
The Humboldt Cure


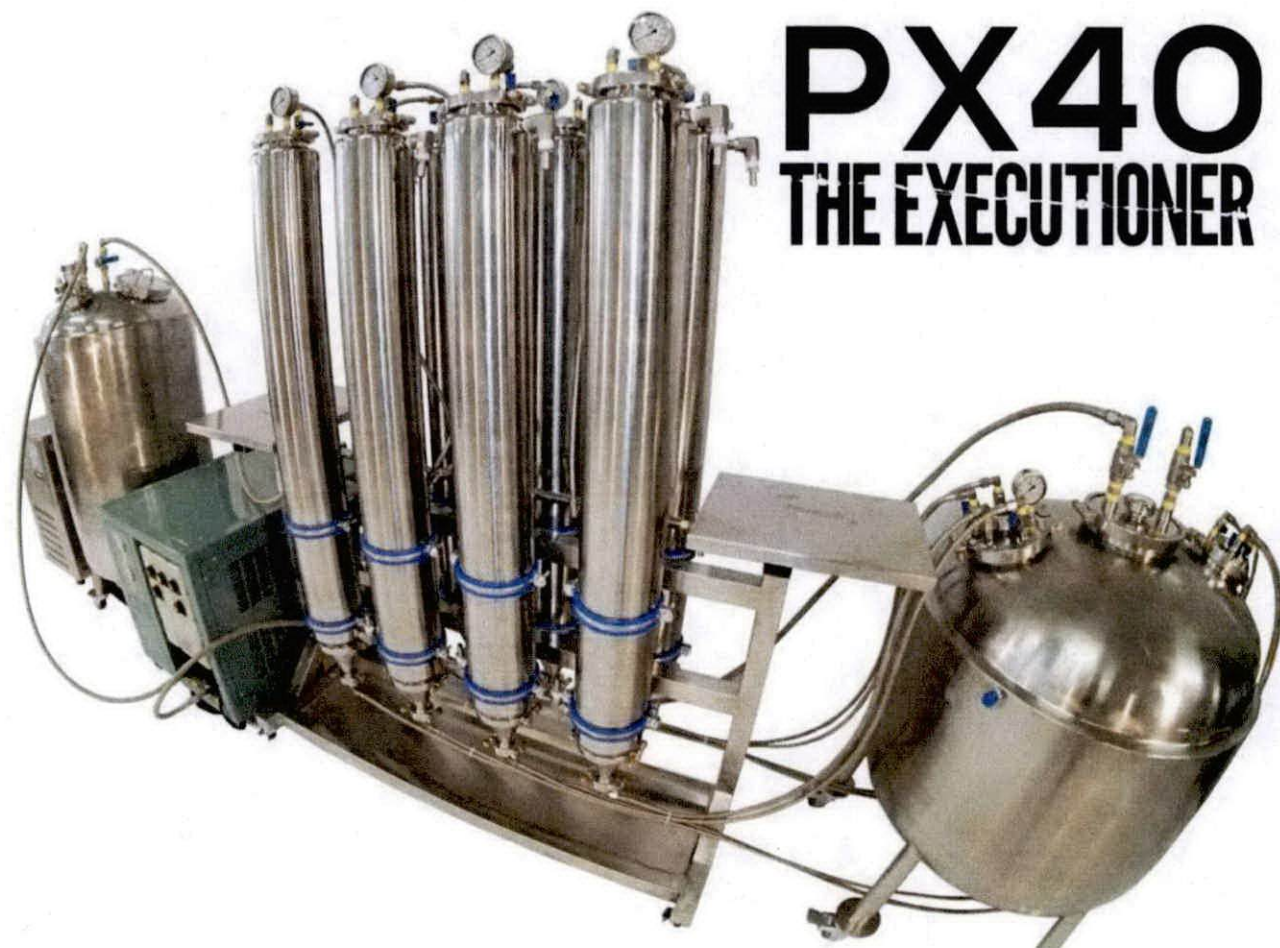

Joshua Allen, MPA
CannaFarms Consulting

Figure 1: Closed Loop Extraction System Example



PX40
THE EXECUTIONER

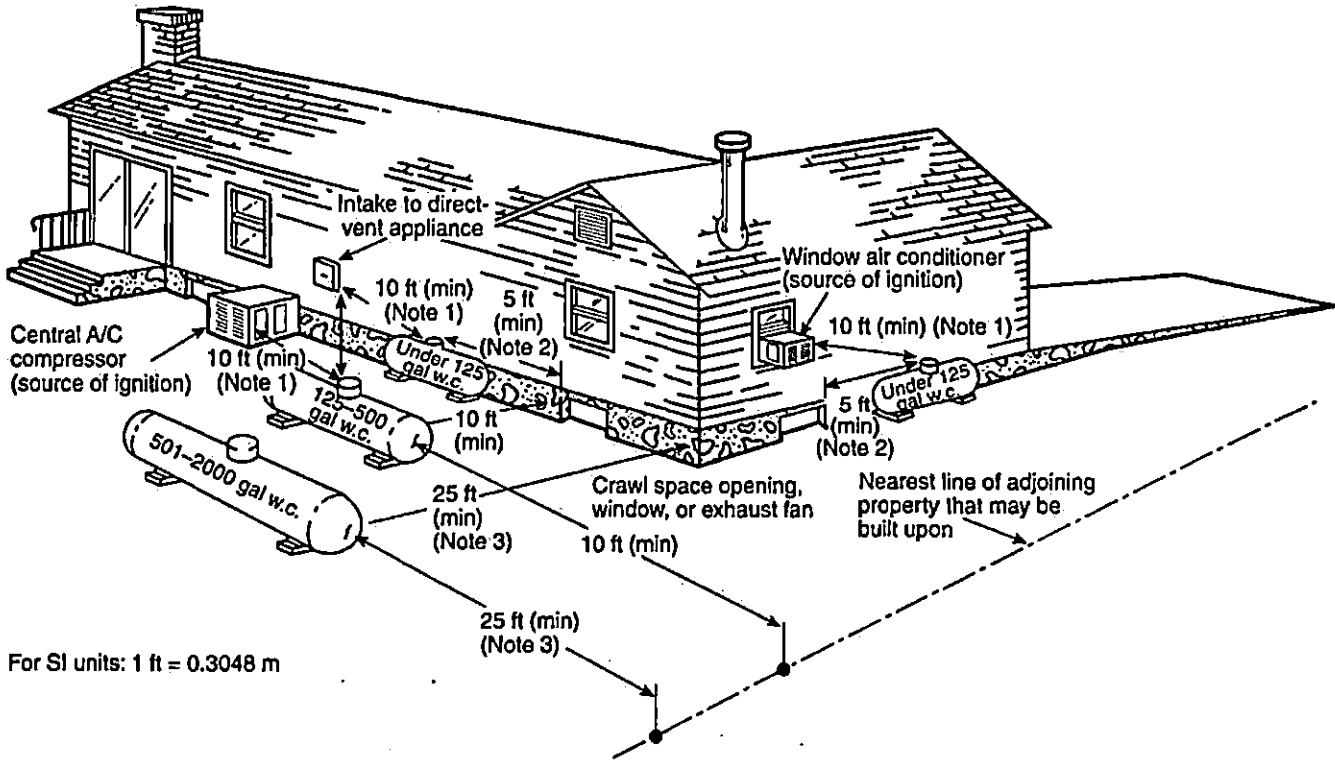
Source: <https://precisionextraction.com/botanical-extraction-equipment/>

Figure 2: Rotary Evaporator Example



Source:
<https://sc02.alicdn.com/kf/HTB1a9ydLXXXXaRapXXq6xXFXXe/200280134/HTB1a9ydLXXXXaRapXXq6xXFXXe.jpg>

Figure 3: Residential Propane ASME Tank Setback Example



Note 1: Regardless of its size, any ASME container filled on site must be located so that the filling connection and fixed maximum liquid level gauge are at least 10 ft from any external source of ignition (e.g., open flame, window A/C, compressor), intake to direct-vented gas appliance, or intake to a mechanical ventilation system. Refer to 3.2.2.2(d).

Note 2: Refer to 3.2.2.2(d)

Note 3: This distance may be reduced to no less than 10 ft for a single container of 1200 gal (4.5 m³) water capacity or less, provided such container is at least 25 ft from any other LP-Gas container of more than 125 gal (0.5 m³) water capacity. Refer to 3.2.2.2 Exception No. 2.

Source:
<https://propanedeal.com/sites/default/files/images/image14distancesaboveground.jpg>

From: coach@thehumboldtcur.com [<mailto:coach@thehumboldtcur.com>]

Sent: Wednesday, March 28, 2018 12:53 PM

To: Ford, John

Subject: Recommendations for the upcoming Cannabis Ordinance

Hello Director Ford,

I have some recommendations for the new ordinance. After speaking with some of the local residents and/or property owners of the Alderpoint Community area. We the people of Alderpoint respectfully request the Humboldt County board of Supervisors, to place Alderpoint under a community area plan much like Myers Flat. The Community has made its survived upon Commercial Cannabis activities for many years. Many of the local residents are small artisanal farmers that are located on FR zoned parcel, with a general plan of RCC. Most of these parcels are under 5 acres in size. As such, we would like to be included into CCLUO section 55.4.6.5.8 Myers Flat Community Area.

In addition to the previous request. I feel that due to the economic burden of becoming compliant. The Board of Supervisors should take into consideration of pro-rating the tax for 2017 for commercial cannabis activities to the amount of days of which they held an interim license/permit of the year. The cost of meeting the requirements of upgrades needed to become compliant accompanied by other cost such as consultants, engineers, legal, and administrative fees are becoming rather impeding. That coupled with the prices of product dropping and difficulty finding legal outlets is becoming a hardship few can weather. In order for farms to come into full compliance this would go along way in helping farms meet the necessary requirements.

Very Truly Yours,
Joseph Bilandzija



Office of the Executive Director of Tribal Operations

March 28, 2018

Mr. John Ford
Planning & Building Dept. Director
Humboldt County
3015 H Street
Eureka, CA 95501

PUBLIC COMMENT: Commercial Cannabis Ordinance – Inland Areas

Mr. Ford –

I, David Montoya, the Executive Director of Tribal Government Operations and Attorney of the Bear River Band of the Rohnerville Rancheria, am writing this Public Comment in support of the recommended changes to the Humboldt County Commercial Cannabis Ordinance.

Bear River has worked closely with Humboldt County and our neighbors to ensure our cannabis licensing project is completed in accordance with all applicable ordinances of the local jurisdiction and with sensitivity. Unfortunately, the Tribe's legal attempt to attain a license for cultivation has been thwarted by an unused bus stop within the current 600' set back. The recommended changes to the ordinance eliminates this set back and allows the Tribe to continue its good faith effort to attain a cannabis cultivation license.

Bear River fully supports these recommended changes and looks forward to continuing its strong relationship with the Humboldt County Planning & Building Department and community at large.

Best,
David Joseph Montoya III, Esq.

Executive Director of Tribal Government Operations, Attorney
Bear River Band of the Rohnerville Rancheria
P: (707) 733-1900 x 156
C: (707) 572-7182
F: (707) 733-1723

From: hodgson@northcoastjournal.com [mailto:hodgson@northcoastjournal.com]
Sent: Thursday, March 29, 2018 3:51 PM
To: Ford, John
Cc: Fieldbrook Winery
Subject: Re Cannabis ordinance (corrected)

Mr. Ford:

I testified (and wrote) some months ago when I discovered my neighbor was trying to get a ZCC permit. He still had many hoops to go through. Frankly I did not think he would get the permit because we have direct, conflicting ag uses.

Our 42-year-old winery has a permitted tasting room across the fence from this proposed project. It has a kitchen, bath and doubles as a guest house when needed. At the county's request, the building has its own septic system. Also, our primary residence is well under 600 feet from this project.

When I visited the Planning Department some months ago, I was told to continue to give input as this ordinance was being developed. I was also told today that the Board of Supervisors is considering making changes that may/may not be retroactive. (I will attend and speak April 10.)

What is the status and is there anything else I can do? I will be asking that if a grow operation (greenhouse) is not already in existence, that it be required to comply with the final, new ordinance when adopted. In other words, make the 600-foot-setback retroactive due to the obvious conflict with our 75-year-old home and especially since it will financially damage an existing business due to conflict with odor. As I understand it today, the county cannot even require filtration.

I understand the property owner proceeded in good faith and has out-of-pocket expenses associated with his application. Perhaps the county would consider refunding those fees to these property owners because of the county's potential liability in the future should our business suffer financially.

Thank you,
Judy A. Hodgson
4241 Fieldbrook Road
Fieldbrook, CA 95519 707-845-8129

Public Comment on “Amendments to Humboldt County Code Regulating Commercial Cannabis Activities SCH# 2017042022”

Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

Humboldt County Managers,

I request that the ordinance and EIR await approval to allow for additional time to address the following concerns.....

- The inclusion of a limited cap on cultivation license is significant new information and should be included in the EIR.
- Watershed carrying capacity is significant new information that should be included in the EIR.
- The categorical exemption regarding existing conditions does not have enough baseline data to accurately establish the preexisting impacts.
- Remote sensing technology does not provide enough detailed resolution to determine agricultural practices on the ground. Onsite inspections have not been performed adequately to ensure compliance with the ordinances’ BMPS.
- Sustainability and organic standards are not adequately addressed by the ordinance.
- Hum Co Planning, Building and Code Enforcement department should be identifying land use as allowed per established zoning boundaries as identified in the recently updated General Plan. Any infrastructure or significant landuse changes should be the purview of the PB&CE department.
 - The agricultural practices need to be established by the Agricultural Commission
 - The erosion and sediment control by the Public Works according to Title II division 3 sections 331-12
- The expansion of the county’s code enforcement unit thru ord 2576 dated 6/27/2017 and prohibiting controlled substances in buildings...should mean outdoor only? Ref Title III Landuse and Development Division 5 Chapter 3 sections 353-1 thru 353-7.

Section by Section

55.4.3.8 Cultivation should be managed by the Humboldt county agriculture commission to ensure the integrity of Humboldt County Crops.

Upon approval of the EIR Humboldt County should maintain lead agency status. As enforcers of all land use activities. In the anticipation that the new CMMULO will require strict environmental standards, above and beyond the conditions required by either State or Federal guidelines, Hum Co should encourage the Environmental Appeals Board to manage the

inspection and BMPs of Humboldt County Lands. The legacy impacts from past state approved logging operations has left the county lands in poor environmental condition. And therefore should adopt its' own environmental regulations to abate the continued degradation to the watersheds. Item 4 on the planning and building report at the BOS meeting Nov 9, 1999 sought to "Modify Chapter 5 of Resolution No. 77-29 of County's local CEQA Guidelines to substitute the Board of Supervisors as Appeals Board for environmental matters subject to normal process for scheduling and hearing such matters." Ref Title III Division 8 Chapter 1 sections 381-1 thru 381-6

55.4.5.1.5 "*Area of Traditional Tribal Cultural Affiliation* means geographic areas of historic occupancy and traditional cultural use by local indigenous peoples (California Native American Tribes), as shown on the latest mapping prepared by the Planning & Building Department, created from geographic information supplied by the Tribes of Humboldt County."

Tribal resources must be acknowledged. Impacts to access to habitat types is a cultural resource. The conversion of lands for development must be reviewed by local tribal authorities. The setbacks are arbitrary. A culturally significant site maybe a habitat type. Thus increasing the need of low impact bio dynamic land management systems.

55.4.6.3.1 AND
55.4.6.5.64 AND
55.4.12.5

Grid power is not renewable; even with new additional infrastructure of wind, biomass and solar in the way future. Carbon offset is not an appropriate mitigation measure. This is pay to play. Title 24 should be reviewed in encourage energy conservation. Indoor cultivation of mature plants is not sustainable. The dark skies initiative should be followed.

Need time to review performance standard for energy use.

55.4.6.3.3 Access Road(s) Road systems providing access to the parcel(s) or premises hosting the Cultivation Site(s) must meet or exceed the Road Systems Performance Standard in Section AND

55.4.12.1.8 Performance Standard–Road Systems

a) the county needs to upgrade its roads to meet road standards.

This requirement should be reviewed by local fire departments

b) functional capacity for abandoned roads on the premises are also significant.

C) other manuals are also available and maybe more applicable. Technical and financial assistance to landowners for road condition stemming from previous land use activities (logging) should be available.

d) After 20 years of road association management, I can safely say this is creating a major "slope-opera". And the county should provide technical and financial assistance in the formation of RMA's. Many parcels have road association written into the deed, and do not require formal organization. Functional organization come from necessity.

More time is needed

55.4.6.4.3 Limitation on Use of Prime Soils The cumulative area of any Cannabis Cultivation Site(s) located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent

of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit. Where an exception is sought, the Use Permit application shall include evidence demonstrating that in the circumstances of the particular cultivation site, it is better to not plant within the native soils. An exception shall only be approved if it can be demonstrated that the native soil will not be impaired or damaged.

More time is needed to review this section. Organic agricultural practices include amending the soil (preferably with on site resources). Why is rocking and paving on ag soils allowed? There are many agricultural practices that reduce the amount of water needed; including but not limited to dry farming. **The way the crop is grown should matter more than the space it is taking up.**

55.4.6.4.4 Setbacks g) In all cases, structures must comply with the setback requirements and similar provisions of the principal zoning district(s) as well as those required by the Building Code, including lot coverage. The currant title 24 energy compliance does not adequately address agricultural buildings. All development should be under the authority of the planning and Building department.

55.4.6.5.1 Small Cultivation Sites

Is this change limiting cultivation to 20 acres or larger? And the planning commissions recommendation to kkeep the square footage at 3,000 should be upgraded to 5,000. Square footage should be determined by plant canopy to allow for integrated plantings.

55.4.6.6 Site Restoration upon Termination or Abandonment of Commercial Cannabis Cultivation Sites

Need more time to define “restore”. And time to develop assessment protocols for pre existing site conditions

55.4.6.8 Cap on Permits

AND

55.4.8.1 INDOOR CULTIVATION

Indoor cultivation has a much larger environmental impact than “open-air” and should be included! Once a building is in compliance with general building codes only small indoors made legal by prop 64 should be allowed outside commercial/industrial zones.

Are the 6 units are only applicable in the coastal zone?

Humboldt County should lead the environmental review process for watershed carrying capacity. This review will augment the baseline conditions addressed in CEQA. Again the BMP’s and the county’s ability to inspect are crucial.

More time is needed to review this new condition.

55.4.10.32 Microbusiness.

More time is needed to review what exactly a microbusiness is. And why it is not permitted in RA and AE. As cottage industry and agriculture is a principally permitted use.

A move in the right direction.

55.4.12.1.9

Burn permits allow burning of plant material. If organic standards are implemented then the risks of pyrolyzed materials entering the waterways are exterminated. In fact Bio Char is a standard biodynamic agricultural practice and is a soil saver. Research on the effects of fire on various pest species is needed. (i.e. botrytis)

<http://www.pacificbiomass.org/documents/TheFormationOfPolyaromaticHydrocarbonsAndDioxinsDuringPyrolysis.pdf>

55.4.12.1.10 Performance Standard – Biological Resource Protections

The state protections to biological resources is severely lacking. Historic relationships with industrial land managers has clouded the science of habitat and species protection. The industry delivers products to the market. The regulations allows mitigation to environmental harm/take. The restorationist are looking at measuring success by increased watershed function. The county has an opportunity to enhance the ESA and habitat protections above and beyond complying with State and Federal requirements.

If a pre existing site is in NSO habitat then the current land use activity enhanced the habitat. There are very few old growth (late seral) habitats left in the county. The majority of the parcels were logged --repeatedly. Basically a tree with a branch greater than 4" diameter is an indication of old growth depend species presence/absence. The "habitat" trees retained in even current THP's are few and far between, and do not indicate ecological integrity. The implantation sustainable agriculture potentiates watershed recovery. The abandoned roads, incised stream channels choked with logging debris, and disrupted habitat structure can be healed. Meadows reclaimed forest thinned and roads recontoured. If we are lucky this "new" industry will adopt the ways of the founders and improve habitat not degrade.

55.4.12.2 Performance Standards for Commercial Cannabis Cultivation Activities

Organic, biodynamic, sustainable!!!

55.4.12.2.4 here's a chance to assess the pre existing conditions and future impacts to the watersheds.

55.4.12.2.8 Nocturnal species may already be accustomed to noise. Include emergency measures for potential culvert failures and/or other potential environmental harmful events.

55.4.12.4 Performance Standard for Light Pollution Control Yes keep it dark and quiet, unless you are in a city which uses street lights 24/7. And what about security lights? Must all be on a motion sensor?

55.4.12.7 Performance Standards for Cannabis Irrigation. All of this data should be utilized in a watershed scale to determine cumulative impacts. Forbearanceperiod needs to be inspected on the ground.

55.4.12.8 Performance Standards for Water Storage

b) draining ponds should not become standard practice. Encouraging native species should help keep the system in balance. Bull frogs and other non native invasive species should be more tightly controlled than cannabis.

55.4.12.9 Performance Standard for Wells on Small Parcels .

All wells are hydrologically connected. We have no fossil water here on the northcoast. Ground water should be managed and allotted the same as riparian water. Metered water use in rural areas destroys the County's cultural values, but maybe necessary to track the trace amounts of fresh water available to it's residents.

55.4.12.10 Soils Management Performance Standard

This is where agricultural practices will be revealed. Again the way the soil, water and habitat is used has a much greater impact than the size. This is what farmers live for. And is used to assessing the years productivity, yields inputs and outputs. The process should not require expensive consultants and we should empower the ag commissioner to assist in annual farm plans.

55.4.12.11 Existing Site Reconfiguration

These plans should be accessible by the farmer through the ag office or local watershed group.

55.4.12.12 Performance Standard for Adaptive Reuse of Developed Industrial Site(s)

b) historic prior use to what standard? Must the space be able to process large volumes of fiber and pulp? Store toxic waste for processing. Interior upgrades will ensure the viability of our degraded infrastructure and failing economies.

55.4.4 DEFINITIONS

“Cultivation Area means the sum of the area(s) used for cannabis cultivation, calculated in square feet and measured using clearly identifiable boundaries around the perimeter of all area (s) that will contain plants at any point in time, including all the space within the boundary as shown on the approved plot plan. Cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown to maturity on the premises.”

This is beyond the purview of the planning and building department. Agricultural practices should be managed by the agriculture commission. In light of the voter approved GMO ordinance, the citizens wish for organic and biodynamic systems. The inclusion of crop rotations, permaculture design, avoidance of timberland conversion and seasonal variations of farming are critical to the long term viability of our agricultural lands. If the land zoned for this type of land use then the methods of farming are upto the land managers and should not be restricted by building codes.

“Timberland means land, which is growing or available for and capable of growing a crop of trees of any commercial species used to produce lumber and other forest products, as defined under section 4526 of the Public Resources Code.” The state code identifies that “Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.”

From: Elly Hoopes [<mailto:hhoopes@yuroktribe.nsn.us>]
Sent: Monday, April 02, 2018 2:07 PM
To: Duke, Natalie
Subject: FW: language for ordinance change
Importance: High

Hi Natalie:

After some discussion, the Tribe has agreed that the following changes are requested, changes are in **bold**:

55.4.5.1.5 Areas of Traditional Tribal Cultural Affiliation

The County shall engage with local Tribes before consenting to the issuance of any clearance or permit, if Commercial Cannabis Activities occur or are proposed within an Area of Traditional Tribal Cultural Affiliation. This process will include referral of the project to and engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe “government to government” consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS).

Should be amended to read:

55.4.5.1.5 Areas of Traditional Tribal Cultural Affiliation

The County shall engage with local Tribes before consenting to the issuance of any clearance or permit, if Commercial Cannabis Activities occur or are proposed within an Area of Traditional Tribal Cultural Affiliation. This process will include referral of the project to and engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe “government to government” consultation, through tribal and local government officials and their designees. During this process, the tribe may ~~request~~ **require** that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. **No permit shall be issued without the express written consent of the Tribe.** The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS).

Please let me know your thoughts.

Thanks,

Elly Hoopes | ASSOCIATE GENERAL COUNSEL
YUROK TRIBE OFFICE OF THE TRIBAL ATTORNEY
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KLAMATH, CA 95548
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NOT LICENSED IN CALIFORNIA. LICENSED IN COLORADO AND YUROK.

From: Welsh, Hartwell - FS <hwelsh@fs.fed.us>
Sent: Monday, April 2, 2018 4:46:51 PM
To: Ford, John
Cc: Wilson, Mari; Bourque, Ryan@Wildlife
Subject: regulating the golden goose

John and Mike:

I have lived and worked in Humboldt county since the early 1970's and during that time I have watched the cannabis industry grow from a benign but un-regulated cottage industry into a destructive juggernaut that is negatively impacting the well-being of this county at many levels. For example, I have seen horrific environmental damages to both the land and waterways, and similar detrimental impacts to the quality of human life from greed-driven growers who pollute the formerly peaceful watersheds of our county with constant noise from generators and light pollution 24/7 with no regard for their negative impacts on both human neighbors and the local wildlife. This in addition to their ignorant abuses of local streams that support our fisheries and our community water. Please, as you work up regulations that address these issues make sure that they have the teeth required to bring about changes to this kind of behavior through the pulling of permits and the imposing of substantial fines for these kinds of abuses. That is the only way we will ever see peace and sustainability return to the watersheds of this county.

Sincerely,



Hartwell H. Welsh, Ph.D.
Research Wildlife Biologist - Emeritus
Conservation of Biodiversity

Forest Service
Pacific Southwest Research Station

p: 707 825 2956
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Arcata, CA 95521
www.fs.fed.us



Caring for the land and serving people

Richardson, Michael

From: Holly Carter <holly@redwoodrootsfamily.com>
Sent: Monday, April 02, 2018 4:12 PM
To: Richardson, Michael
Subject: cclou 2.0

Hello Michael!

Im combing through the ccluo 2.0, and I realize it's too late for public comments, but I found a few things I wanted to clarify.

The language of 55.4.8.1.2 is odd; it seems to limit all indoor cultivation to 2,500 SF, or just the C2 (likely the intention, but the letter of the law.... curious)

And in the support facilities, there is a duplicate on MB zoning (this indicates zoning clearance, then special permit).

55.4.7.1 Distribution, Off-Site Processing, Enclosed Nurseries, and Community Propagation Centers
Within all zones specified in Sections 55.4.6.1.1 (AE, AG, FR, and U) and 55.4.6.2.1 (C-3, ML, MH, and U), as well as C-2 and MB zones, Distribution, Off-Site Processing, Enclosed Nurseries, Community Propagation Centers shall be principally permitted with a Zoning Clearance Certificate when meeting all applicable Performance Standards, as well as the Eligibility Criteria in Sections 55.4.6.3.1 and 55.4.6.3.2 and the Siting Criteria specified in Sections 55.4.6.4.1, 55.4.6.4.2, and 55.4.6.4.3. Cannabis Support Facilities may also be permitted in CH and MB zones with a Special Permit, where meeting all applicable Performance Standards, as well as the Eligibility Criteria in Sections 55.4.6.3.1 and 55.4.6.3.2 and the Siting Criteria specified in Sections 55.4.6.4.1, 55.4.6.4.2, and 55.4.6.4.3.

Thanks! Hope yr having a great week.
Holly

Redwood Roots
707-923-1236
Facebook-Instagram-Web: RedwoodRoots.Family

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