

McClenagan, Laura

From: Mike Gordon <fibonaccimanagement707@gmail.com>
Sent: Thursday, August 05, 2021 4:53 PM
To: Planning Clerk
Subject: Re: CCLUO Updates

To: Planning Commission

From: Mike Gordon Fibonacci Management

Subject: CCLUO Amendments

Hello Planning Commission and Community,

My name is Mike Gordon from Fibonacci Management.

Working Safely at night is necessary and cannot be jeopardized.

1. Foliar spraying often takes place at night, to reduce the risk of phytotoxicity.
2. Labor Law suggests working at night or early morning, during the hottest times of the year, to reduce dehydration and exhaustion of employees.
3. And to maximize quality, harvesting often begins before sunrise to help preserve volatile compounds that begin to degrade as soon as the temperatures rise.
4. All of these activities require Cal-OSHAs Task Lighting which legally **cannot** be provided by head lamps alone.

As far as the 25% limit on Propagation Activities.

- a. On the State Level, an "**Immature Plant**" is defined as "a cannabis plant which is **NOT** flowering".
- b. A "**Mature plant**" means a cannabis plant that **IS** flowering.
- c. "**Flowering**" means that a cannabis plant has formed a mass of pistils measuring greater than one half inch wide at its widest point.
- d. And "**Canopy**" means the designated area(s) at a licensed premises, that will contain mature plants at any point in time,

1. The State does not allow for the Immature Plant Area to be shared with the Canopy Area, which creates a major problem as far as having enough space to prepare Immature Plants for Flowering.
2. Humboldt County has the shortest cultivation season in California, so every day that a plant has to grow to fill in the "Canopy" Area comprises net return.
3. To be effective an Immature Plant must be big enough so that it can transition into the "Canopy" Area to begin flowering without delay, or it could jeopardize full term harvest.

The impact related to taking clones is almost **nothing** and the impact associated with raising Immature Plants which only need to be nurtured for about 6-8 weeks of the year is **dramatically** less than the needs of the flowering canopy. **This disparity cannot be overlooked.**

Here is an example:

A 10,000sft Farm with a 25% Immature Plant Area = 2500sft

The Immature Plant Area utilized for 8 weeks of the year which is only 16% of the year, means the total additional impact is more closely related 16% of 25% which is 4.16% **not 25% of additional perceived impact.**

And remember that Immature Plants only require a fraction of the water needed by a flowering plant, which has already been budgeted in approved projects.

It is vital for cultivators to have control over their genetic stock helping to minimize clone costs and to maintain purity as well as to grow immature plants efficiently prior to transfer into the Canopy Area.

It is also Vital that our cultivators are not unfairly targeted by uninformed and irrational naysayers who do not know our industry or recognize the practices within.

I think it would be wise for this Commission to **NOT** codify a 25% limit in our regulations but instead to entitle Immature Plant Areas based on the specific characteristics of each project through discretionary action. But please realize that the 10% that is routinely granted is not nearly enough to allow our cultivators to operate effectively. And please do not codify language which requires a substitution of Immature Plant Space In lieu of Business Income and Tax Generating "Canopy" Space as this would not be in anyone's best interest, and would not make the slightest difference in mitigating assumed impacts.

Thank you as always.

On Tue, Jun 29, 2021 at 4:26 PM Mike Gordon <fibonaccimanagement707@gmail.com> wrote:

Hello Planning Commissioners,

This coming Thursday July 1st, The Planning Commission is going to discuss changes to CCLUO which, if approved, will place additional restrictions on Humboldt County cultivators further limiting our ability to compete in the State Arena. Below you will find the Proposed Changes to the CCLUO, current reality, and my opinions and recommendations. Every single change to our current ordinance must not go unnoticed and these changes, although small on the face, can have great implications to how we operate our businesses compliantly. Please feel free to email me at any time if you would like to discuss in greater detail.

PROPOSED CHANGES TO CCLUO (changes in blue)

"**Outdoor**" means outdoor cultivation using no artificial lighting except artificial lighting that is shielded and directed to illuminate only the cultivation area using light bulbs requiring 60 watts of electricity or less per 100 square feet of canopy area used for employee safety and/or to maintain plants in a non-flowering vegetative state in the area approved for cultivation or propagation.

"**Mixed-light**" means cultivation using a combination of natural and supplemental artificial lighting that exceeds the 60 watt limit for artificial lighting allowed for Outdoor cultivation.

"**Propagation**" means cultivation of immature, non flowering cannabis plants. Areas used for propagation which are incidental, accessory, and subordinate to cultivation areas on the same parcel or premises may be excluded from the calculation of cultivation area at the discretion of the Planning Director or Hearing Officer provided the area used for Propagation does not exceed 25% of the cultivation area. See also "cultivation area."

CURRENT REALITY

State and County Regulations do NOT currently have a limit for square footage of Immature Plant Area or Propagation Areas

State and County Regulations do NOT limit the amount of light that can be used for Immature Plant Areas and Propagation Areas

OPINION

“60 watts of electricity or less per 100 square feet” is NOT sufficient to Propagate Clones or to “Harden Off” clones prior to planting outdoors in full sun.

Cal OSHA Requires MINIMUM thresholds of Task Lighting to be employed in all areas where night time or low light activities are being performed based on candle foot per square foot NOT Wattage per square foot. see link below

<https://www.dir.ca.gov/title8/3449.html>

RECOMMENDATIONS (strike outs with added language in red)

“Outdoor” means outdoor cultivation using no artificial lighting except artificial lighting that is shielded and directed to illuminate only the cultivation area using light bulbs requiring 60 watts of electricity or less per 100 square feet, up to 0.6 watts per square foot of electricity in canopy area used for employee safety and/or to maintain plants in a non-flowering vegetative state in the area approved for cultivation or propagation, as well as work lights needed to meet the minimum threshold of Cal-OSHA’s task lighting candle-foot requirements.

~~“Propagation”~~ **“Immature Plant Area”** means the area used for the cultivation of immature, non flowering cannabis plants, Areas used for propagation which are incidental, accessory, and subordinate to cultivation areas on the same parcel or premises **and** may be excluded from the calculation of cultivation area at the discretion of the Planning Director or Hearing Officer provided the area used for Propagation does not exceed 25% of the cultivation area. See also "cultivation area."

REASONING

“Outdoor” cultivators in Humboldt County need to be treated equitably. Mother Plants and Clones are an essential part of “Outdoor” cultivation businesses and this change would make it all but impossible to compliantly propagate clones, maintain mother plants or grow immature plants prior to full sun exposure. We should not compromise by limiting the number of watts necessary for propagation and/or immature plants, since State Law does not impose this limit. Codifying a LIMIT on the amount of light that is allowed for Propagation and Immature Plants is not in line with State Regulations and operational efficiencies will be negatively impacted. “Outdoor” Cultivators must be principally entitled to have mother plants and to propagate onsite to be able to maximize profit margins while maintaining control over genetic stock.

The definition of “Propagation” should be changed to “Immature Plant Area” to more closely align with State Regulations. Currently the County and State do not have a limit on Immature Plant Areas and Humboldt County would be remiss to limit the amount of Immature Plant Areas to 25%. This adjustment to county code would eliminate the ability of cultivators to be granted additional discretionary entitlements above this threshold. Considering the reduction of overall environmental impact due to the success of the “abatement program” and coupled with the relatively small size of most of Humboldt Counties Permitted Farms should be justification to allow up to 100% Immature Plant Areas at the discretion of the Planning Director or Hearing Officer. We can not afford to implement restrictive policy change at the same time other regions are currently permitting Massive Mega Farms.

Thank you for all the hard work you do and are prepared to do!

Mike Gordon

Fibonacci Management

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