

TO: Humboldt County Board of Supervisors
FROM : Bonnie Blackberry
DATE: March 19, 2018
RE: Humboldt County Land Use Cannabis Ordinance

Dear Board Members,

I have had a difficult time trying to figure out what to say about the current proposed ordinance. Having all the documents available on Friday March 16th for a March 19th Monday morning 9a.m. Board of Supervisors meeting does not allow adequate time to review and formulate informed input. The public participation process has been centered in Eureka with minimal outreach to the unincorporated areas such as Southern Humboldt...

When all this started there was talk about the values of the small "mom and pop", live on the land model which represented the majority of grows before the green rush. Many wrongly believed the county would advance that model.

Unfortunately the county has went in the direction of the green rush go-for-it model. Accommodating and permitting the large grows instead of requiring them to downsize.

It appears there are very few small "mom and pop" grows, as well as grows under 5,000 square feet that are getting permitted, while large grows, including multi acre operations and greenhouse/hoop-house generator grows are dominating the permits.

Permitting new grows and large industrial grows, as well as giving permits to people and corporations from outside of Humboldt, outside California and outside of the USA is detrimental to the small growers who actually live here and have supported our local businesses and communities.

This big business, big grow model is in line with capitalistic values which brings wealth to a few, while creating serious hardships for a much larger number of people, and businesses through out the county.

The future is looking rather grim. The money the county gets from the new "cannabis industry" is going to be needed for services and assistance for the people and communities that were previously supported by the small growers.

I hope I am wrong and everything will work out to the benefit of Humboldt County, the people, our communities, our culture, as well as the environment and wildlife.

Respectfully submitted,
Bonnie Blackberry
In behalf of the Civil Liberties Monitoring Project
PO Box 544, Redway, CA 95560



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



Sent via first class mail and email

April 4, 2018

Board of Supervisors, Humboldt County
825 5th Street
Eureka, CA 95501

RE: Humboldt County Commercial Cannabis Cultivation Ordinance

Aiy-ye-kwee ' Board of Supervisors:

The Yurok Tribe ("Tribe") is the largest federally recognized tribe in California, with a reservation located on the Lower Klamath River in Humboldt and Del Norte Counties in Northern California. The Yurok Tribal Council has inherent sovereign governmental authority to safeguard and provide for the health, safety and welfare of Yurok Tribal members and other residents and visitors to the reservation and ancestral lands. The Yurok Tribe expects the Humboldt County Board of Supervisors ("Board") to seriously consider and weigh the concerns of the Tribe. The Tribe acknowledges that the Humboldt County Planning Commission ("Commission"), the Humboldt Planning and Building Department ("Department"), and their staff are working with the Tribe in the necessary and important effort to mitigate the harmful impacts cannabis cultivation has had on the Tribe's Ancestral Lands and Reservation.

As it stands, the Tribe, the Tribal membership, and members of the community continue to have strong concerns with the Commercial Cannabis Cultivation ("Ordinance"). In light of the impacts on the Yurok Cultural Landscape that cannot be mitigated and the Tribe's constitutional mandate to protect the health, safety and welfare of the Reservation and Ancestral Lands, the Tribe can only remain opposed to the County's legalization of cannabis cultivation, processing, manufacturing, distribution, testing, and sales as prescribed in the proposed Ordinance. The Tribe, respectfully, requests the Board consider the following recommendations for amendments to the Ordinance, and requests the Board to approve these modifications at this time.

The tribe is making the following specific requests for amendments to the ordinance, and a reconsideration of the Department's recommendation on the Caps. Below you will find the Ordinance section written as it is with the Tribe's recommendation for changes in **bold**:

I.

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(s)[Tribe(s) using the Ordinance definition].** The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS).

II

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

(e) In order to receive the benefits specified in Section 55.4.6.5.9 (c), the operator of a RRR Site shall prepare a plan for the full environmental remediation of the RRR Site, including removal of all cultivation related materials, equipment and improvements, regrading to preexisting contours, reseeding with native vegetation, reforestation, habitat restoration, and monitoring, as determined to be appropriate by the Planning Department. The plan shall be prepared and executed in accordance with the Performance Standard for Remediation Activities. The operator shall execute an agreement to complete the work specified in the remediation plan within twelve (12) months, and shall post a bond in a sufficient amount that will allow the County **and/or Tribe(s)** to contract to complete the work specified in the plan in the event that the operator of the RRR Site fails to do so. The operator or the property owner of record for the RRR Site shall record a covenant executed by the property owner not to commercially cultivate cannabis or disturb the remediation area on the subject property in perpetuity **in the name of the County and/or the Tribe(s)**, with an enforcement clause that in the event that the covenant is violated, the County of Humboldt, shall on motion in Superior Court, be entitled to an immediate lien on the property in the amount necessary to remediate the property, but in no event less than the sum of \$50,000.00. **The bond and covenant will include the Tribe(s) when the property owner applying for the RRR is on Tribal Lands, or in Ancestral Lands with cultural significance.** In the event that that the covenant is violated and the operator of the RRR Site retains any interest in the former RRR Site property, all permits for operation of the Relocation Site shall be terminated.

In response to Resolution Establishing a Cap on the Number Permits and Acres Which May Be Approved For Open Air Cannabis Cultivation:

The Tribe has reviewed the three alternatives proposing caps in sensitive watersheds and it is not clear how these numbers were derived. Neither are the criteria for these decisions delineated. The Tribe is concerned about the number and size of permitted operations anticipated and believes that many of the existing and proposed sites should never have been made operational under any circumstance. In addition, the cap on permits here, like the EIR, assumes that illegal cannabis operations need not be considered for a cumulative effect. Logically, this necessitates the assumption that all illegal grows will be shut down; yet, there is not any evidence that illegal operations are shut down or that there is reliable enforcement in the lower Klamath River area at this time, thus this assumption regarding impacts is not reliable.

The water allotment, as addressed indirectly by the proposed caps, is only one metric. Road construction, re-construction and re-purposing of historic logging roads for Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis diverts additional volumes of water. These activities reduce groundwater storage, increase peak flows during winter and reduce base flows during summer, with as yet unquantified impacts on these watersheds. Based on studies in the Pacific Northwest (e.g. Jones et al 2000), the estimated impact of these additional diversions is likely greater than the actual water allotment for cultivation. Additionally increased traffic on these roads results in erosion and sedimentation. Sedimentation has the effect of reducing surface flows by filling existing streambeds with gravel thereby increasing the occurrence of subsurface flows. These impacts directly affect the viability of watersheds and aquatic species, including those listed species discussed above. This constitutes a cumulative effect that is not addressed in the Environmental Impact Report nor accounted for in the proposed caps.

In the lower Klamath River, the Yurok Tribe has genuine concerns regarding cannabis grow operations because of the impacts these grows can have to sensitive species. These impacts include, but are not limited to: sediment introduction from grading and diversions and roads, water diversion that causes dewatering of cold water aquatic habitats, and the use and introduction of powerful pesticides including herbicides, fungicides, rodenticides; and very dangerous and even illegal pesticides that are frequently used in unapproved ways (i.e. next to waterways). We have found the evidence time and time again as we struggle to clean up abandoned grow sites on the Yurok Reservation.

The lower Klamath has several species of special concern not only to Yurok but as a public resource. Southern Oregon/Northern CA Coast Coho Salmon were listed as Threatened under the ESA in 1997, and then also listed under the CA ESA (CESA) in the early 2000's. In the Klamath, the lower Klamath tributaries not only provide spawning and rearing areas for local Coho, but our studies have shown that Coho from other parts of the Klamath further upriver, such as the Shasta River (approximately 160 miles upriver) also seek refuge from high winter flows and use the lower Klamath Tributaries.

The lower tributaries on the Klamath are also home to a sub-set of the fall-run Chinook known as the late fall run or locally as "Blue Creekers." This run is genetically distinct from the rest of the

Klamath fall run and comes in about a month later. DNA analysis shows that these fish are more closely related to Smith River Chinook than they are to the rest of the Klamath fall run. They return about a month later, are characterized by a high proportion of 4 and 5 year old fish (i.e. very large), and are an import. The Tribe has reviewed the allowable caps in sensitive watersheds and it is not clear how these numbers were derived. Neither are the criteria for these decisions delineated. The Tribe is concerned about the number and size of permits anticipated and believes that many of the existing and proposed grows should never have been made operational under any circumstance.

Lower Klamath tributaries including but not limited to Bluff Creek, Pine Creek, Cappell Creek, Tulley Creek Pecwan Creek and Blue Creek all provide important cold water refuge habitats when the mainstem Klamath exceeds about 22C (72F). When this occurs, large numbers of juvenile fish crowd into cold water areas where these tributaries enter the Klamath. Observations at Bluff, and Blue Creek performed by the Yurok Fisheries Program reveal that in some years over 100,000 juvenile salmonids can be found at the mouth of a single creek. Because cannabis grows affect both water resources and introduce toxic chemicals, growing on these creeks is a special concern. In particular, any toxic chemical introduced to the waterway is effectively delivered to thousands of juvenile salmonids with little chance for dispersion or dilution in the main river to occur before exposure to these fish. Please contact Yurok Tribal Fisheries for a complete list of sensitive tributaries; the above list was for illustrative purposes only.

The lower Klamath is also home to a run of Green Sturgeon. Green Sturgeon only spawn in three west coast rivers: the Sacramento, the Klamath and the Rogue Rivers. This prehistoric fish was proposed for listing, but only the southern DPS (Distinct Population Segment) was actually listed, which is the Sacramento River run. These long-lived fish are important to the Yurok Tribe, but in fact are an important fishery in Willapa Bay, Grays Harbor, the lower Columbia River and various Oregon bays and estuaries. These sturgeon are an incredibly important part of Tribal culture and history and the Tribe has taken steps to encourage the conservation of this fish by limiting its harvest as well as initiating long-term biotelemetry studies to determine spawning periodicity and migration habits of these fish. These fish hold in the lower Klamath in large pools, and thus are vulnerable to deleterious water quality conditions in the middle of summer.

Finally, the lower Klamath is also home to several terrestrial listed species including the Humboldt Marten, the Northern Fisher, the Northern Spotted Owl and several other sensitive species such as Bald Eagles. All of these species are affected by cannabis cultivation, and numerous cases of direct mortality of these species resulting from grow operations have been observed. The Yurok Tribe wants to make it clear, the Tribe values ALL species, not merely those that are on the brink of extinction. Bears, deer, and important prey species such as wood rats have all be directly killed by these operations and each one is important in its own way to the Tribe individually, and collectively.

For this reasons the Yurok Tribe, wherein the lower Klamath River runs, requests that it be managed such that permits for new open air cultivation activities or expansion of pre-existing sites shall be temporarily prohibited within these subwatersheds, until all known pre-existing cultivation sites (established or in operation prior to January 1, 2016) have either been suspended, permitted, or remediated pursuant to the Retirement, Remediation, and Relocation provisions of the

Commercial Cannabis Land Use Ordinance, found in section 314-55.4 of Division 1, Title III of Humboldt County Code. As shown in ATTACHMENT 7B Resolution Establishing a Cap on the Number Permits and Acres Which May Be Approved For Open Air Cannabis Cultivation Alternative 2 - No permits for new or expanded cultivation within impacted and refuge subwatersheds.

As stated in our March 16 letter, the Tribe looks forward to continuing to work collaboratively with the Department to address these issues and establish a long-term plan and process. With the changes recommended here, the Tribe hopes that working together as laid out in the MOU the Tribe has provided to the County in draft format, the Ordinance can create a basis to protect these delicate habitats in the Tribal Lands, Ancestral Lands, and the Tribe's interests, while allowing for responsible cannabis management. The Tribe is committed to working in good faith to further develop an MOU and to assist the County in its attempts to regulate cannabis cultivation through this modified version of the proposed Ordinance.

Respectfully,

A handwritten signature in blue ink, appearing to read "T. P. O'Rourke, Sr.", with a stylized flourish at the end.

Thomas P. O'Rourke, Sr.
Chairman

cc: Clerk of the Humboldt Board Supervisors, Kathy Hayes: KHayes@co.humboldt.ca.us

LADYBUG HERBAL SANCTUARY CO-OP INC.

326 I STREET #123, EUREKA, CA 95501



Dear Board of Supervisors,

Humboldt County is on the forefront of setting the standard for the development of 21st century Agriculture, which celebrates sustainable family farms. The Boards timely implementation of the CCLUO Ordinance 2.0 has the potential to continue Humboldt's statewide leadership. The commitment of Director Ford in finding working solutions to the approval of permits is maximizing our Licensing opportunities. As we approach the July statewide full licensing implementation, we have an opportunity to ensure that our heritage farmers can compete and thrive in the regulated marketplace. My suggestions will assist our small family-farms maximize their ability to compete in the regulated marketplace.

55.4.3.12


Ministerial permits shall be granted for site development activities including but not limited to grading or building permits which may be related to any Commercial Cannabis Activity in advance of issuance of the Zoning Clearance Certificate, Special Permit, or Use Permit required under this section provided that:

- a. The Ministerial permit must be in compliance with all Humboldt County Zoning Regulations, and;
- b. Applicant signs an Affidavit stating that the approval of the Ministerial permit does not guarantee that the Commercial Cannabis Permit will be approved, and;
- c. Applicant shall refrain from conducting any Cannabis related activity on the subject area of the Ministerial permit until approval of Commercial Cannabis Permit, under penalty of forfeiture of Commercial Cannabis Permit and Code Enforcement penalty for Cannabis activity, and;
- d. Planning Director has the sole discretion to approve or deny the Applicants right to receive a Ministerial permit, based on the site specific totality of evidence provided.

55.4.13 Humboldt Artisanal Branding

- a. Cultivation area of 10,000 square feet or less subject to conditions in 55.4.6.5.1
- c. Grown with natural light including depravation techniques with a limit of 2 harvests per year and using supplemental lights under 6 watts per square foot for vegetative purposes only.
- e. Creation of an Artisanal Development Fund administered by the Agricultural Commissioner to provide capital loans for the purpose of permit compliance and development at a fixed rate of 1% above the prime rate.

Very Truly Yours,



Nathan Whittington
President, Ladybug Herbal Sanctuary Co-op inc.



Humboldt County Board of Supervisors
3050 H Street
Eureka, CA 95501

RE: Cannabis Ordinance 1.0 New Cultivation/RRR and Sunsetting of CDFA Temporary Licenses

To the Supervisors,

We at Green Road Consulting are excited about the upcoming Cannabis Ordinance, or Ordinance 2.0 as we have come to call it. On the eve of its implementation, we would like to address the following items for consideration moving forward: the currently unpermitted applicants from the original Cannabis Ordinance, or Ordinance 1.0 and the sunset of the California Department of Food and Agriculture's temporary cultivation permits.

Unpermitted New Cultivation and RRR Projects from Ordinance 1.0

Now that the majority of existing farms have received an interim permit and now a temporary state license, we have many new cultivation applications, along with many RRR projects, that still require permitting in order to even begin construction so that they could at some point begin cultivating.

New cultivation applicants have spent thousands on permitting through the Humboldt County Planning and Building Department, the State Water Resources Control Board, California Department of Fish and Wildlife and on hiring consultants and service providers to address the requirements of each agency. This money has been spent without any return because they have not been able to cultivate. Now that existing cultivators have received their interim permits, we should not continue to de-prioritize new cultivation projects. There is great concern amongst our new cultivation application clients that the processing of their projects will continue to be placed on a slower track. We share this concern.

The RRR project cultivators are in a similar, if not more precarious situation. These cultivators have shut down their Remediation sites, sites that have a negative impact on our environment and our watersheds, in the anticipation they would be able to relocate to a more sustainable location. For most, we are pushing into year two of having no income and extensive costs, only to have their permit applications pushed out further.

We are deeply concerned that many of the applicants for these projects will not be able to continue with the process if they are required to forgo yet another cultivation season.

The RRR program is something we feel is a vital component to the health of our county's environment, and we are hopeful these projects, along with standard new cultivation projects, will start seeing the same processing timelines as all other projects moving forward.

CDFA's Agriculture's Intention of Sunsetting Temporary Cultivation Permits

The California Department of Food and Agriculture (CDFA) has issued a statement that they intend to sunset the temporary cultivation licenses they are currently issuing at the end of 2018. Please see the attached email for their full statement.

We view this as an issue for our new cultivation and RRR projects under Ordinance 1.0 as well as the upcoming applicants to Ordinance 2.0. By only being able to apply for an annual state license, Applicant's face the potential of being required to shut down while their annual state application is pending. Since we do not know how quickly the state processing will be completed, this could remove applicants from a cultivation year.

We would like to suggest that Interim Cultivation Licenses be issued to existing cultivators who come in to Ordinance 2.0 on the receipt of a complete application. We also believe this is another reason to not de-prioritize standard new cultivation and RRR applications from Ordinance 1.0.

We thank you for your time and we appreciate all of your hard work along with the Humboldt County Planning Department during Humboldt County's transition into the legal cannabis market.

Sincerely,



Robin Collins
Principle Civil Engineer
Green Road Consulting, Inc.
1650 Central Avenue, Ste. C
McKinleyville, CA 95519
(707) 630-5041



Kaylie Saxon
Senior Environmental Planner
Green Road Consulting, Inc.
1650 Central Avenue, Ste. C
McKinleyville, CA 95519
(707) 630-5041

Kaylie Saxon

From: Ariel Kittredge
Sent: Monday, April 9, 2018 5:07 PM
To: Kaylie Saxon
Subject: FW: deadline to apply

From: Dante Hamm
Sent: Monday, April 9, 2018 1:11 PM
To: Ariel Kittredge <ariel@greenroadconsulting.com>
Subject: FW: deadline to apply

From: CDFA CalCannabis Cultivation Licensing@CDFA <CDFA.CalCannabis@cdfa.ca.gov>
Sent: Friday, April 6, 2018 4:57 PM
To: Dante Hamm <dante@greenroadconsulting.com>
Subject: RE: deadline to apply

Hello Dante Hamm,

Thank you for contacting the California Department of Food and Agriculture's CalCannabis Cultivation Licensing Division.

Your question was if there is a deadline to apply for a California State Cultivation License.

The Temporary License Application program will sunset at the end of this year. The Annual License Application program is currently running. There are no deadlines for applying, however if a cultivator is operating using a Temporary License, that license does have an expiration date. The cultivator would need to obtain an Annual License or an extension on their Temporary License before the expiration date in order to continue operations.

All commercial cannabis cultivation businesses currently operating within the State are legally required to have a Temporary License.

Here are some helpful links regarding our Application process:

CalCannabis began accepting applications and issuing licenses for cultivation on January 1, 2018. Please visit our website for more information, <http://cannabis.cdfa.ca.gov/>. **The RESOURCES table on the right side of the page includes many links with useful information.**

Please check with your local jurisdiction to learn about their current ordinance in relation to commercial cannabis cultivation. **All applicants are required to comply with their local ordinance to obtain a license.** Concerns regarding an ordinance in a specific local jurisdiction should be directed to the office that oversees this ordinance in your local area.

This may be the city planning department, the office of the County Agricultural Commissioner, the Public Works Department for your city or county or something similar.

Detailed information regarding licensing, fees and required documents are included in the emergency regulations, [https://static.cdfa.ca.gov/MCCP/document/Proposed%20Emergency%20Regulations%20Final 12.12.17.pdf](https://static.cdfa.ca.gov/MCCP/document/Proposed%20Emergency%20Regulations%20Final%2012.12.17.pdf)

A summary of the emergency regulations is also available, [https://static.cdfa.ca.gov/MCCP/document/Industry%20Fact%20Sheet 11.16.17.pdf](https://static.cdfa.ca.gov/MCCP/document/Industry%20Fact%20Sheet%2011.16.17.pdf)

Our Step-by-Step Training Video provides information on requirements, the application, and the application process, <https://www.cdfa.ca.gov/calcannabis/training/>

Find our brochure with Temporary License application information at [https://static.cdfa.ca.gov/MCCP/document/TemporaryLicenseAppInfo 10.12.17.pdf](https://static.cdfa.ca.gov/MCCP/document/TemporaryLicenseAppInfo%2010.12.17.pdf).

Keep up-to-date with CalCannabis by signing-up for our email list, <https://www.cdfa.ca.gov/calcannabis/subscribe.html>.

To access temporary and annual applications, please visit <https://aca6.accela.com/calcannabis/Welcome.aspx>.

Please let us know if you have any further questions!

Thank you for your inquiry,



Stay Connected



CalCannabis Cultivation Licensing
California Department of Food and Agriculture
(916) 263-0801
calcannabis@cdfa.ca.gov

From: Dante Hamm [<mailto:dante@greenroadconsulting.com>]
Sent: Friday, April 6, 2018 3:38 PM
To: CDFA CalCannabis Cultivation Licensing@CDFA <CDFA.CalCannabis@cdfa.ca.gov>
Subject: deadline to apply

Hello,

I was wondering if there was a deadline to apply for a california state cultivation license.

Thanks,
Dante Hamm
Environmental Planner
(707) 630-5041 – Office
1650 Central Avenue, Suite C
McKinleyville, CA 95519

F3

Hayes, Kathy

From: Sundberg, Ryan
Sent: Saturday, April 7, 2018 9:07 AM
To: Hayes, Kathy; Russell, Robert
Subject: Fwd: Bus stops

Public comment for ordinance

Get [Outlook for iOS](#)

From: ivdrig <ivdrig@aol.com>
Sent: Saturday, April 7, 2018 9:03:53 AM
To: Sundberg, Ryan
Subject: Bus stops

Hello Ryan, I was recently told about trying to remove a law or code allowing marijuana to be grown within 600 feet of a school bus stop. If this is the case, I don't think this is a good idea for towns like McKinleyville and other towns that have a somewhat larger population. If we are going to try to make marijuana a commercial business let's put it in areas where other commercial companies do business not in our neighborhoods where families are trying to raise children.

Ivan Driggs

Sent from my Verizon, Samsung Galaxy smartphone

F-3

Issue:

Revise the Draft Ordinance to allow outdoor cultivation, indoor cultivation, nursery, community processing, manufacturing and distribution to occur at a single site on large (320+ acres) parcels zoned AE, AG, FR and U.

On such properties, the Draft Ordinance already allows outdoor, mixed-light, on-site and off-site processing, nurseries (open and enclosed), distribution, and community propagation centers on such parcels. The Draft Ordinance also already allows indoor cultivation up to 5,000 s/f in structures that were in existence prior to January 1, 2016. Finally, the Draft Ordinance already allows for non-flammable extraction subject to a special permit (55.4.8.2.2(c)).

The changes below integrate into the existing ordinance structure, and allow indoor cultivation up to 10,000 s/f, without the pre-existing structure requirement, as well as flammable and infusion manufacturing, so long as all other siting and eligibility criteria are met.

Suggested Text Changes:

1. **New Section 55.4.8.1.1.1 (Indoor Cultivation):** On parcels 320 acres or larger in size, within those zones specified under 55.4.6.1.1 (AE, AG, FR, and U), up to 10,000 square feet of Indoor Cultivation may be permitted with a Zoning Clearance Certificate, but may only be conducted within a non-residential structure. The structure may be used in conjunction with other permitted activities.
2. **New Subsection 55.4.8.2.1(c) (Flammable Extraction):** Manufacturing activities involving Flammable Extraction may also be permitted with a Conditional Use Permit in the AE, AG, FR and U zones on parcels 320 acres or larger in size, when conducted within a non-residential structure. The structure may be used in conjunction with other permitted activities.

[Change existing subsection 55.4.8.2.1(c) to subsection (d).]

3. **New Subsection 55.4.8.2.3(b) (Infusion):** Manufacturing activities involving Infusion may be principally permitted subject to issuance of a Zoning Clearance Certificate within the AE, AG, FR, and U zones on parcels 320 acres or larger in size, when conducted within a non-residential structure. The structure may be used in conjunction with other permitted activities.

[Change existing subsection 55.4.8.2.3(b) to subsection (c).]

[Change existing subsection 55.4.8.2.3(c) to subsection (d).]

Hayes, Kathy

From: Ryan Sundberg <super5humco@me.com>
Sent: Tuesday, April 10, 2018 8:51 AM
To: Hayes, Kathy; Ford, John
Subject: School Bus Stops

Can you print out this email?

Ryan Sundberg
Please excuse typos (small buttons)

Begin forwarded message:

From: Chris Hartley <superintendent@HCOE.org>
Date: April 10, 2018 at 8:23:57 AM PDT
To: Ryan Sundberg <super5humco@me.com>
Subject: RE: attachment_faedc6a7-2d56-42c2-aa13-c82219dc1ede_e6aa5c059e4392eca024ca3d8843e389

Thanks for sending so quickly and for having staff make recommendations; I appreciate the process you all are following.

I think the idea of having a 600' set back with an appeal process that is public and handled by the planning department is the better option.

Thanks again for the information.
Chris

From: Ryan Sundberg <super5humco@me.com>
Sent: Monday, April 09, 2018 4:47 PM
To: Chris Hartley <superintendent@HCOE.org>
Subject: attachment_faedc6a7-2d56-42c2-aa13-c82219dc1ede_e6aa5c059e4392eca024ca3d8843e389

Here is is, I believe it's on page 2. Let me know. Ryan

Sent from my iPad

Written Public Comments Received After the CCLUO Staff Report Was Prepared

Summary of Comments and Staff Responses

Commenter and Date	Summary of Comments	Staff Response
Alex Moore 3/26/18	<ul style="list-style-type: none"> • Don't limit cultivation to 4 acres per company. 	<ul style="list-style-type: none"> • Board discretion
Tim & James Meade 3/26/18	<ul style="list-style-type: none"> • Permit holders for "pre-existing" cultivation sites that have not been developed with permanent structures prior to the passage of this ordinance and that are within 300' of a residence on an adjacent parcel, should abide by the new 300' proposed standard called out in §55.4.6.4.4 	<ul style="list-style-type: none"> • Board discretion
Virginia Fox 3/28/18	<ul style="list-style-type: none"> • Retain the minimum setback of 600 feet from schools and school bus stops. • Make the 1,000 foot buffer from the sphere of influence of the cities and tribal lands absolute - no grows/manufacturing/selling/anything-else-you-can-think-of related to cannabis within 1,000 feet. 	<ul style="list-style-type: none"> • Board discretion
Yurok Tribe 4/9/18 (letter addressed to the Board of Supervisors dated June 20, 2017)	<ul style="list-style-type: none"> • Yurok Tribal Council requests the County "halt any further issuance or action regarding cannabis permits throughout the Yurok Ancestral Territory in Humboldt County." 	<ul style="list-style-type: none"> • Board discretion



HONEYDEW FARMS
HUMBOLDT CA.
WWW.HONEYDEWFARMS.COM

Monday, March 26, 2018

Humboldt County Board of Supervisors

RE: Commercial Cannabis Land Use Ordinance

These comments are submitted on behalf of Honeydew Farms. We are a single- family owned, State- Licensed Farm. We were locally permitted in 2016 and currently have received 30 State licenses for our company. We would like to thank the Board of Supervisors, Planning Commission, Building, and Planning Departments for the work you have done to have made this possible.

Honeydew Farms requests that the Board of Supervisor's consider the following changes to the proposed Commercial Cannabis Land Use Ordinance:

1. Section 55.4.5.4 Permit Limits and Permit Counting

- During the last discussion on ordinance 2.0, Honeydew Farms asked the County not to limit cultivation to 4 acres per company. We would again request the Board not to instate a cultivation cap. During the Board of Supervisors discussion, it was mentioned that not having a cultivation cap would potentially lead to a cultivation monopoly held by only a few companies. We respectfully disagree with this statement. We ask the Board what percentage of applications have been submitted that are for more than 4 acres of cultivation? We also ask, how many parcels are in Humboldt that even fit the strict requirements to have up to 8 acres on one parcel? And of that number, how many would even be able to build out a farm of that size? Our industry here in Humboldt is really made up of a majority of small farms. Large investment corporations are going in Southern California where they can harvest up to 5 times per year. We are seasonal farms here and we can only cultivate 1-2 harvests a year. If the goal is

to limit farms of a certain size, you have already done that through zoning. You could limit the amount of large farms to a number, but we ask that you please don't limit larger farms the ability to grow into a state-wide brand. We have attached a recent chart of temporary cultivation licenses throughout the State. As you can see, this is no longer a "local issue". Please support all farms equally-large and small- so that we all have the opportunity to compete at a state-wide level.

2. 55.4.8.1.1 Indoor Cultivation

We would again like to ask that the Board allow indoor cultivation not only in "structures in existence prior to January 1st, 2016", but in new structures as well. We have realized how important Indoor Cultivation is for our business to be able to keep cultivation employees working year-round, keep genetics going, basic nursery operations, and bringing in off-season revenue. Having all facets of our business able to be permitted on the same site would be helpful to the management of our company, rather than being spread out all over the County. If the Board would direct Staff to create a pathway through a C.U.P. on *Commercial Ag* parcels to allow for all-inclusive facilities with all the standard requirements for indoor cultivation, manufacturing, and processing, this would be beneficial to be a more efficient business.

3. 55.4.8.2 Manufacturing

- Currently manufacturing is too limited by only allowing it in a few industrial sites in limited zones throughout the County. We request that the Board considers allowing all manufacturing to occur in approved commercial processing facilities that meet all set-back criteria. It doesn't make sense to us to have to buy and develop a separate location to manufacture when we could have all aspects under one roof. This would also make regulation easier. The fact is, there is no limit on cultivation, so the market for outdoor flower will continue to drop. As stated by a speaker at the last meeting, we need more manufacturing. It makes sense to be able to do all processing and manufacturing in one spot in already permitted cannabis facilities that are zoned *Commercial Ag*. Once again, there are not a lot of properties that fit the requirements to allow "all in one" facilities, but there are a few.

In closing, we would like to thank the Board and Planning Staff again for listening to industry stakeholders and giving us the tools we need to be successful. There are serious problems with the roll-out of legalization here in California. The bottleneck is retail. Until we loosen up retail licensing, we will see farms dropping like flies. With unlimited cultivation and limited retail, we are in deep trouble. Until State regulators realize that the monopoly is being held by retail and allows cannabis to be sold on shelves everywhere tobacco and liquor are sold, sun grown flower will not be worth much. This is why manufacturing is so important. Please open it up.

Thank you for your time and your continued attention to our community.

Respectfully,

Alex Moore, owner Honeydew Farms

Richardson, Michael

From: Tim Meade <scipilot@sbcglobal.net>
Sent: Monday, March 26, 2018 8:37 PM
To: Ford, John; Fennell, Estelle; Bohn, Rex; Sundberg, Ryan; Bass, Virginia; Wilson, Mike; Planning Clerk
Cc: Hayes, Kathy; Lazar, Steve
Subject: Comments on proposed 2.0 Ordinance

March 26, 2018

RE: Comments on proposed 2.0 Ordinance

Dear Director John Ford and the Humboldt County Board of Supervisors:

Please accept this letter as an opportunity to voice our comments concerning the proposed Humboldt 2.0 CMMLUO.

We are asking that permit holders for "pre-existing" cultivation sites that have not been developed with permanent structures prior to the passage of this ordinance and that are within 300' of a residence on an adjacent parcel, should abide by the new 300' proposed standard called out in 55.4.6.4.4 **SETBACKS** in version 2.0.

These cultivators have had a sufficient timeframe to establish permanent structures on these sites.

To keep pandering to the cultivators' needs is simply unfair to the adjacent property homeowners. It is vital that we correct one of the more potent flaws in the original ordinance that deals with the setbacks.

My father and I commend Humboldt County for all the hard work you have done over the last year. We would also like to praise you for listening to the people on both sides. However, when a homeowner is faced with living within 300' of a cultivation, assuredly that homeowner is forced to fight for their beliefs and rights.

We both thank you for your consideration in this matter.

Tim and James Meade
400 Nob Hill
Fortuna, CA 95540

Richardson, Michael

From: Virginia Fox <ginnyfox@att.net>
Sent: Wednesday, March 28, 2018 10:42 AM
To: Fennell, Estelle; Ford, John; Planning Clerk; Mark Wheetley; Wilson, Mike; Bohn, Rex; Sundberg, Ryan; Bass, Virginia
Cc: Bill Thorington; Alan Fox
Subject: Comments on CMMLUO

Ladies and Gentlemen,

I am very concerned about two things on the most recent draft of the CMMLUO. First, we need to retain the minimum setback of 600 feet from schools and schoolbus stops. The lives and wellbeing of our children are of utmost importance and they need to be away from the grows. If it is inconvenient for the growers, that is less important than the wellbeing of our children. Please return that setback to the regulations.

The second issue I have is with the 1,000 foot buffer from the sphere of influence of the cities and tribal lands. As currently stated, permits can be issued within that buffer zone. Although it requires a public comment period, there is nothing to stop the planning commission from issuing a permit in spite of extreme public protest to the contrary. It also requires constant monitoring by the citizens and city to become aware that a permit is pending and show up to protest the application. I do not trust the planning commission staff to make a decision in favor of the neighbors and citizens. The best case in point is the fact that the permit for the Nelson Lane property was issued one day after the drilling permit was obtained. Thus, there was no water on the property at the time the permit was issued, in spite of the fact that the then-current regulations required that water be already on a site before a permit is issued. We need to absolutely protect our city and sphere of influence from grows. The 1,000 foot buffer is much smaller than many cities in California have required. Please make that buffer absolute - no grows/manufacturing/selling/anything-else-you-can-think-of related to cannabis within 1,000 feet.

Sincerely,
Virginia Fox



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



Via First Class Mail

June 20, 2017

Humboldt County Board of Supervisors
c/o Kathy Hayes, Clerk of the Board
825 5th Street, Room 111
Eureka, CA 95501

RE: Yurok Tribe Request for Consultation on Cannabis Permitting within Yurok Ancestral Territory

Aiy-ye-kwee' Chairperson Bass and Supervisors:

Yurok Tribe asserts jurisdiction throughout Yurok Territory, defined by Article I, Section 2 of the Yurok Constitution. In exercise of such jurisdiction, Yurok Tribal Council adopted Yurok Resolution 06-65, which declares a Zero Tolerance Policy within the exterior boundaries of the Yurok Reservation to, in part, protect the health and welfare of the Yurok membership and local community. No cannabis cultivation, regardless of its medical or recreational use, is permissible on the Yurok Reservation. For areas off-Reservation but within Yurok Ancestral Territory, Tribal Council adopted Yurok Resolution 17-24, proclaiming the Tribe's intent to protect the cultural resources of Yurok Ancestral Territory related to cannabis cultivation. Within the Yurok Ancestral Territory, the Yurok Tribe is working with State agencies to assert concurrent jurisdiction and adherence to Yurok Ordinances and polices.

The Yurok Tribal Council respectfully requests that Humboldt County halt any further issuance or action regarding cannabis permits throughout Yurok Ancestral Territory in Humboldt County. We are eager to work with you on a County policy that properly considers Yurok Tribal authority and jurisdiction. We look forward to a productive and cooperative conversation with you and your staff.

Please contact Executive Assistant Tara Ipina at tara@yuroktribe.nsn.us or 707-482-1350 to identify a date for a government-to-government consultation. The Yurok Tribe would be honored to host this meeting at either our Weitchpec or Klamath Tribal Offices.

Sincerely,

Thomas P. O'Rourke, Sr.
Chairperson