

To: Supervisors Bass, Bohn, Wilson, Madrone, Bushnell

October 24, 2022

From: Betsy Watson and Mark Thurmond, Co-Sponsors Humboldt Cannabis Reform Initiatives

Re: Acceptance of the Humboldt County Cannabis Reform Initiative

Dear Supervisors,

We are writing to urge the Board to accept the certified Humboldt Cannabis Reform Initiative as is, or to call for a special election for a vote of the people, rather than delay a vote of the people until March 2024.

Purpose of the Initiative

The purpose of the Initiative is to protect the County's residents and natural environment from harm caused by large-scale cannabis cultivation. Specifically, the initiative seeks to promote environmentally responsible cultivation practices and support watershed health for residents, property owners, and ecosystems affected by cannabis cultivation activities. This initiative accomplishes its purpose by limiting the number, type, and acreage of permits for commercial cannabis cultivation, ensuring greater public participation and official accountability in decision-making, improving permit enforcement and site inspections, reducing potential impacts to streams and watersheds, limiting generator usage, and facilitating active coordination with state and federal agencies.

Urgency of the Situation

We believe there is justifiable urgency in moving forward with the initiative as law, or at least, allowing the people the opportunity to vote without delay in a special election. After six years, we have yet to see an assessment or review of the cannabis program. In 2018, the Board passed Resolution 18-43, which promised public hearings for annual reviews to assess things like code enforcement, distribution and numbers of permits on watersheds, and reports from other local and state agencies and law enforcement. These reviews never took place.

Meanwhile, climate change has worsened, temperatures are increasing at an accelerated rate, and we learn we are in an historic 1200-year drought on top of our current four-year drought, all of which places our watersheds, including domestic water sources, under severe water stress. We witness the effects of water shortages in dried up river beds and dead fish. The County continues, however, to press for its goal of 3,500 permits, which represents an increase of over 2,000 permits, or a tripling, from our current number (about 1200), despite having no assessments or reviews of social and environmental impacts. Further expansion of large-scale cannabis cultivation that will draw even more water from streams and aquifers will only further exacerbate our environmental and social problems.

In our petition signature campaign, we spoke to thousands of residents who wanted to vent their frustrations and outrage over the County's cannabis problems. Put simply, citizens are angry and disgusted. Disbelief overcame many when they learned about the County's goal to add over 2,000 more operations, especially large-scale mega-grows. They cited the pollution, and smell, and glaring night lights, and the 24/7 generator noise. They tell us about their new water problems, their dried up springs or wells, after the County let big grows move in next door. Sadly, many rural citizens live in fear of nearby growers, where anyone who objects to lights, noise, or whatever may awaken to find their dog or a cow shot dead. They ask 'why is the County doing this to us?', and 'why can't

something be done?'. One grower, who would not sign the petition, may have the answer when he said "Dude, we own this county and there is nothing anyone can do about that."

The huge number of petition signatures (over 7,000) represents a clear mandate for immediate change, and for action to either accept the Initiative as is or call a special election that would allow the people to have their say about this issue as soon as possible, rather than to delay their voice for a year and a half at the March 2024 election.

Initiative Affect on Humboldt's Cannabis Market

Cannabis growers currently face difficult economic times due to the precipitous drop in cannabis prices associated with massive over supply. A lesson learned here is that over-production leads to an unhealthy market that is unsustainable, particularly for small farmers; only large scale operations with economies of scale and plenty of capital can sustain these market downturns. The reality of supply and demand economics dictates that it is illogical to continue pushing for more permits and more acres of cultivation resulting in even greater production in an effort to achieve the Boards goal of 3,500 permits, which will only exacerbate the already over-supplied market, especially for the 'Humboldt' brand. An unintended beneficial consequence of this Initiative, which is aimed at social and environmental impacts, is that in the long term the limitation of new permits and acreage to current levels will help suppress overproduction of 'Humboldt' cannabis that would otherwise take place if the number of permits were allowed to triple to 3,500. Holding firm on production levels will increase value and price, and serve to stabilize the Humboldt market.

What the Initiative will do:

1. Reduce future impacts on rivers and rural neighborhoods, especially impacts caused by large-scale operations, while supporting small farmers by
 - a. capping the total number of cultivation permits and acreage at about the current level (~1,200 permits), rather than triple the number to meet the County goal of 3500
 - b. limiting size of new or expanded permits to $\leq 10,000$ sq ft
 - c. allowing new permits if permit numbers and acreage are below the watershed cap
 - d. limiting cultivation for new permits to Outdoor, Tier 1 mixed light, or nursery
2. Encourage individuals to start small operations by limiting new cultivation permits to people and parcels without a previous permit
3. Improve fire safety access and mitigate risk of fuel spills and stream damage by bringing roads for new permits or expanded cultivation up to Category 4 standards (or same practical effect)
4. Reduce illegal taking of water (hauling or diversions) by requiring sufficient water storage in tanks or ponds
5. Mitigate water deprivation impacts on neighbors and watersheds, and reduce reliance on well and stream diversions by
 - a. requiring that new wells show no hydrological connectivity to springs, streams, or other wells
 - b. expanding by one month the forbearance period, when water cannot be diverted from streams, to March 1 through November 15
6. Ensure compliance with existing regulations, including those protecting against water, air, noise, and night light pollution, as well as illegal use of water, by
 - a. an annual on-site inspection by the County
 - b. annual renewal of permits that are in compliance with regulations
 - c. County investigation of all complaints
7. Foster public input and citizen involvement by
 - a. notifying residents in affected neighborhoods of permit applications

- b. allowing public hearings for permits that could impact resident health, safety, and welfare, as well as the local environment
- 8. Promote improved efficiency in reducing social and environmental impact through County collaboration and cooperation with state and federal agencies
- 9. Recognize that a framework for cannabis land use in the General Plan will benefit from subsequent prescriptive description by noting the Board can provide interpretive clarification and specific process through ordinances, resolutions, and guidelines, as necessary to further the Initiative's purpose (7(F))

Initiative Flexibility:

The Initiative provides a general framework for land use in the General Plan, and, as such avoids addressing specific applications. Growers have expressed concern about how specific situations not described in the Initiative will be handled. Will they be prevented from installing water tanks or solar arrays; 'will I lose my permit if a complaint is presented with only a few days remaining during my renewal period?'. There are legitimate issues and processes that will need to be addressed in ordinances or guidelines. Section 7 (F) notes the Board can implement ordinances, resolutions, guidelines, and other regulations, as necessary to provide interpretive clarity and specific processes, to further the purpose of the Initiative. Thus, this provision offers a mechanism to provide specific direction and guidance.

Claims have been made that the Initiative cannot be changed except by another initiative approved by the people. It is true this is one avenue to change an initiative. An Initiative also can be changed by a measure put to a vote of the people, after presentation by a Board in a public hearing. Additionally, the Initiative provides other provisions for change and clarification: a) definitions can be changed by the Board without a vote of the people to align with definitions in state cannabis regulations (4.9.3), b) the caps that limit number of permits and acreage can be reduced further by resolution of the Board of Supervisors, without a vote of the people (CC-P1(f); and c) the forbearance period can be increased in accordance with state law (CC-P11). In addition, as noted above, the Section 7(F) provision adds mechanisms for the Board to develop further detailed procedural language as necessary to further the purposes of the Initiative.

We thank you for attention to this matter, and, again, urge acceptance of the Initiative or a special election to allow citizens to vote on the Initiative without delay.

Sincerely,

Betsy Watson, Co-Sponsor, 7653 Kneeland Road, Kneeland

Mark Thurmond, Co-Sponsor, 7654 Kneeland Road, Kneeland

October 24, 2022

Re: Board of Supervisor Meeting

10/25/22

Item: I (5). Certification of Petition, Large-Scale Commercial Cannabis Cultivation Restrictions Amending Humboldt County General Plan, Local Coastal Plans and County Code Amendments Initiative.

Dear Supervisors,

Since you have such a full agenda tomorrow and I imagine you will be addressing this agenda item later in the day I wanted to take advantage of sending a quick email now because I will not be able to stay late in the day to offer public comments.

It is not surprising that a voter initiative to curb cannabis development has been successful in gathering signatures to qualify for the ballot. I understand the proponents concerns and motivations. I also see the legitimate concern that cannabis farmers have with provisions in the initiative.

Hopefully we can take this time between now and March 2024 to find a less divisive process to address the public's concerns.

The 1.0 & 2.0 ordinances need to be adjusted/amended. Perhaps this is an opportunity to work together to bring about needed changes in the permit process that would benefit small farmers AND protect our watershed's health and our neighborhoods.

Thank you,
Robie Tenorio

Hayes, Kathy

From: Ann Alter <annalterfilm@gmail.com>
Sent: Monday, October 24, 2022 7:24 PM
To: Wilson, Mike; Madrone, Steve; Bass, Virginia; Bohn, Rex; Bushnell, Michelle; COB
Subject: Cannabis Reform Initiative Letter from Ann Alter
Attachments: Cannabis Reform Initiative Letter from Ann Alter 10-24-2022.pdf

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Humboldt County Board of Supervisors,

Please see the attached letter regarding the Cannabis Reform Initiative to be discussed at the October 25, 2022 County of Humboldt Board of Supervisors meeting.

Sincerely,

Ann Alter

I-5

Damico, Tracy

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Ann Alter

Ann Alter

~~XXXXXXXXXXXXXXXXXXXX~~
Kneeland, CA 95549
Annalterfilm@gmail.com

October 24, 2022

Mike.Wilson@co.humboldt.ca.us
smadrone@co.humboldt.ca.us
Vbass@co.humboldt.ca.us
RBohn@co.humboldt.ca.us
mbushnell@co.humboldt.ca.us
cob@co.humboldt.ca.us

Dear Humboldt County Board of Supervisors,

Over a five-month period, I volunteered my time to talk with several thousand people while collecting signatures for the Cannabis Reform Initiative. These conversations happened at places and events throughout the county including:

Farmer's Markets;
Cal Poly Humboldt;
Kinetic Sculpture Race in Ferndale;
Redwood Acres Fair;
Folklife Festival Concerts in Blue Lake;
Fortuna Rodeo;
Abbey of the Redwoods Market in McKinleyville;
Eureka Friday Night Markets;
Eureka Arts Alive;
Woofstock in Eureka;
Humboldt County Fair in Ferndale; and more.

Cannabis is an important subject to people for different reasons. I learned a lot as I listened to people's ideas, perspectives, anger and exhaustion. One thing that I heard repeatedly was: "*I need to know more before I sign this initiative.*" While this response made signature collecting a long process, it also demonstrated that Humboldt County residents want to make an informed decision before signing a ballot initiative about cannabis.

Here are some of the comments that I heard over and over:

"I've read the initiative. I'm ready to sign!"

"I've read the initiative and talked with my friends in the industry. I'm here to sign."

"I'm in the business. 10,000 square feet meets my needs and is fair."

"I support the initiative, but am fearful of my neighbor / family member / county supervisor."

"The initiative doesn't go far enough. It's too little too late."

"These limits should have been done in the beginning."

"I support marijuana but this industrialization is out of control."

I witnessed fear of retribution, stories of harassment and many descriptions of the negative impacts on people's homes and neighborhoods over the past five years. Creeks and water sources dried up. Unsafe roads from overuse, heavy truck traffic, and dangerous seasonal drivers. Loss of dark night skies. Pervasive odors. Threats. I heard outrage at how cannabis is "controlling the county" and disappointment with supervisors and Planning Department officials.

The strongest support for the initiative often came from Southern Humboldt: Fortuna, Ferndale, Redway, Whitethorn/Briceland, and Petrolia. This region was also where people felt most threatened and fearful of signing.

I personally experienced harassment from some cannabis growers who vehemently oppose the initiative and tried to deny my legal right to talk with citizens. A few physically obstructed my movement. Some yelled at me and at people signing the initiative. Some harassed event organizers. And some, engaged me in polite conversation as they shared their perspectives and explained what they need to complete with larger farms elsewhere in the state.

This was my first experience collecting signatures for a ballot initiative. I approached everyone regardless of ethnicity, age, size, gender, clothing, tattoos, and etc. I talked with a lot of cannabis users, growers, and workers. I learned a lot about people and the importance of not prejudging how they may view the initiative.

Cannabis is a non-partisan issue that many people have an open mind to; however, Humboldt County residents are tired of how cannabis has taken over the community, impacted the environment, and decreased the quality of life in neighborhoods and rural areas.

The time to adopt the Cannabis Reform Initiative is now. The 7,000+ signatures demonstrates citizen support and the urgency needed to stop the industrialization of our rural communities. Realistic, sustainable, and environmentally wise limits on farm size, water use, and farming techniques are needed immediately.

Sincerely,

Ann Alter

H-5

Damico, Tracy

From: Susan Benzinger <sbenzin@att.net>
Sent: Sunday, October 23, 2022 11:54 AM
To: Bushnell, Michelle; Wilson, Mike; Bohn, Rex; Madrone, Steve; Bass, Virginia; COB
Subject: BOS Agenda Item 1390
Attachments: Humboldt Cannabis Reform Initiative Key Provisions (1).docx

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Weldon & Susan Benzinger
4673 Kneeland Road
Kneeland, California 95549

October 23, 2022

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

To the Board,

The Cannabis Reform Initiative before you today is the result of many months of hard work, thousands of hours of signature collection and public education, and represents over 7,000 concerned citizens who feel their county environmental resources have been misused and wasted, their desire for a peaceful, healthy, rural lifestyle ignored, and their county elected and appointed officials unwilling to enforce the codes and laws already on the books when it comes to commercial cannabis cultivation. In this time of critical drought, they have watched watersheds become dry due to overreaching and illegal water consumption from cannabis grows. They have been frustrated by limited notification processes for new commercial permits and lack of hydrological studies for water development for those grows.

As geologically diverse as this county is, it is laughable that the current cannabis regulations have been allowed to go forward with only one county wide EIR. Any reasoned person would expect that conservative planning in consideration of such diversity, protection of watershed resources and appropriate land use to ensure availability of those resources for the long term would be the priority of elected and appointed officials whose job it is to oversee this county's economy. For a more complete list of key elements of this initiative, and to get a better overview of public sentiment, please see the attached summary. It is our feeling that collectively we can be much better stewards.

To this end we urge you to adopt the Cannabis Reform Initiative without changes and without an election.

Respectfully,

Weldon and Susan Benzinger

Humboldt Cannabis Reform Initiative

<https://cannabisinitiative.org/>

Key Provisions For Commercial Cultivation

1. Cap number of cultivation permits (and acres) per watershed to near current total number (to~1,200 permits, not 3,500 per County Resolution 18-43)
2. No new or expanded permits >10,000 sq ft
3. Liquor license process for new permits ($\leq 10,000$ sq ft), if below cap
4. No multiple cultivation permits per person/corporation or per parcel; no other types of permits are considered.
5. Category 4 roads assessed by engineer, if new or expanded permit
6. Must store sufficient water, or cut back crop – add storage
7. Phase out generators, except one emergency 50 hp
8. Hydrologic study for new wells must prove no negative impacts
9. Water diversion from streams reduced by one month
10. Only Outdoor, Tier 1 mixed light, or nursery for new permits
11. At least one on-site, in-person inspection per year, ≤ 24 hrs notice
12. Limited one-year term of cultivation permit, renew annually
13. County to investigate all public complaints
14. Permit expires if requirements are not met within remaining renewal period
15. County must notify neighborhoods about cultivation permit applications
16. No waiver of public hearings
17. County to coordinate and collaborate with state agencies





The purpose of the Humboldt Cannabis Reform Initiative is to amend the Humboldt County General Plan in order to protect residents, land owners, and our beautiful natural environment from harm caused by large-scale industrial cannabis cultivation.

While gathering 7000+ signatures, we found citizens feel overlooked, and there is the perception that it is all out of control, and that the deck is stacked against citizen participation. Residents do not understand why industrial level commercial activities have been permitted on land zoned agriculture and TPZ. Residents are simply fed up. Water resources are oversubscribed. Heavy truck traffic. Plastic waste dumped along rural roadways. Did I mention water?

After six years, it is past time for a re-evaluation that considers the health of our water resources, wildlife and neighborhoods. Resolution 18-43 anticipated this need but the required annual hearings have not taken place for the last 4 years.

There is urgency now due to deepening drought and the fact that the Planning Commission continues to permit expansions every month. This situation cannot wait until March 2024 to be addressed. While ranchers cut their herds in response to drought, the cannabis industry increased production. There are many reports of dry wells and dry type II streams due to the increase of wells and water diversions for cannabis farms.

The Cannabis Reform Initiative is forward looking and offers a vision for cannabis cultivation in the future. The market has crashed, as acknowledged in a recent Washington Post article, so now is the time to prepare for the next boom, perhaps when Federal prohibition is removed. Humboldt needs to protect its reputation, not try to compete with large, industrial cannabis production. Our ecosystem will not tolerate this level of production. Expansion just cannot continue.

There is real anger over a dry Eel, Freshwater Creek, and a reduced Redwood Creek. There are real stories about deprivation of water caused by grow wells and diversions, as well as issues with smell, noise, and night lights. Our water resources are oversubscribed and it is not all the fault of cannabis cultivation, but the rapid expansion has certainly provided the tipping point. Expansion just cannot continue.

Over 200 individuals were consulted in developing the initiative: ranchers, cannabis farmers, state agencies, environmental groups, neighborhood groups, and community organizations. As written, the initiative amends the County's General Plan and both the existing ordinances, to provide a path for sustainable cannabis farming in Humboldt County.

Why Humboldt County Needs This Cannabis Reform Initiative Now!

The purpose of the Humboldt Cannabis Reform Initiative is to amend the Humboldt County General Plan in order to protect residents, land owners, and our beautiful natural environment from harm caused by large-scale industrial cannabis cultivation.

The initiative adjusts commercial cannabis cultivation rules so all residents of Humboldt County are able to live with, and to support, cannabis farms.

- 7000+ signatures collected (15% of voters) mandate urgent change
- Residents do not understand why industrial level commercial activities have been permitted on land zoned agriculture and TPZ.
- Citizen anger about dry rivers and streams, overtaxed groundwater, smell, noise and lights at night.
- Our ecosystem and rural communities cannot tolerate this level of production.
- Cumulative impacts from years of illegal grows were not assessed and the carrying capacity of our ecosystem is stressed, as evidenced by dry rivers and creeks.
- Humboldt needs to protect its reputation, brand, and genetics and not try to compete with large, industrial cannabis production.
- Given continuing drought and increased temperatures from climate change, expansion must not continue.

The Initiative amends the County's General Plan and both the existing ordinances, to provide a path for sustainable cannabis farming in Humboldt County.

Initiative language can be changed or guided in the following ways:

1. By another initiative and vote of the people.
2. By the Board of Supervisors holding a public hearing on a measure to change elements of the Initiative; if approved it would go for a vote of the people.
3. The Board of Supervisors can change definitions, without a hearing or vote, in order to align with language of state cannabis-related document.
4. The Board of Supervisors can further reduce caps without a public hearing or vote.
5. The County determines which permit applications were complete before March 4, 2022.
6. The Board of Supervisors can without a vote of the people establish procedures for processing applications within the queue of those with completed applications for that watershed.
7. The Initiative not only allows, but encourages the Board of Supervisors to adopt ordinances, rules, guidelines, and/or regulations to further the purposes of the Initiative' (7,F) which are '--to support environmentally responsible cultivation practices and support watershed health for residents, property owners, and ecosystems affected by cannabis cultivation activities.' Because the Initiative gives a general framework for cannabis cultivation in the General Plan, it is anticipated that prescriptive guidelines would be needed to address specific or unique issues that may arise. The Initiative allows for that.

To: Supervisors Bass, Bohn, Wilson, Madrone, Bushnell

October 24, 2022

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