

September 21, 2017

Humboldt County Planning Commissioners and Planning Director John Ford,

These comments are submitted on behalf of the Humboldt County Growers Alliance (HCGA). Our mission is to *preserve, protect and enhance Humboldt County's world-renowned cannabis industry*. We are a membership-based, trade association with more than 50 members. Our members are those who have applied for permits and will be seeking state licensure in 2018.

HCGA appreciates the opportunity to provide comments and feedback on the Commercial Cannabis Land Use Ordinance. Based on our initial read of the ordinance, appendices and environmental impact report we are pleased by the level of work that was put into the development of planning documents that incorporated public input and concern.

Specific areas where HCGA has questions or concerns, and would appreciate further "teasing out" by the Commission and Planning Department are:

1. Changing "permit limits" to number of acres
2. Allow cannabis support facilities where on-grid power is available
3. Distinguish between volatile and non-volatile manufacturing
4. Indoor Cultivation and Manufacturing should be two separate sections
5. Road Performance Standards allow for Same Practical Effect, and feasible implementation timelines
6. Ensure definitions within the ordinance are consistent with the final state regulations e.g. outdoor and mixed light

Specific Suggestions are provided below:

55.4.3.1

"In effect at time of submission (delete "approval") and replace with submission.

This prevents changing the rules mid-stream for permittees, otherwise as written, after Ordinance 2.0 is approved and in effect; permittees from Ordinance 1.0 would be then subjected to 2.0.

55.4.4 Definitions:

"Category 4 Roads" What other equivalent road standard could be used? What are the minimums for design, safety, turn-arounds, widths and surfaces? Replace with "Same Practical Effect." Allow discretion from Planning Department.



"Manufacturing" expand on the definition to include volatile (combustion) and non-volatile manufacturing, (physical process that creates rosins and/or ice-hash).

55.4.5.4 Permit Limits

Current: "No more than **four Commercial Cannabis Activity permits** may be issued to a single person, as defined herein."

Change to: "No more than **four acres of Commercial Cannabis** may be issued per the state's 'ownership' definition."

This would be consistent with the draft regulations from CDFA section, 8204, that read, "The Department shall not restrict the total number of cultivation licenses a person is authorized to hold at any point in time, provided the person's total licensed canopy does not exceed 4 acres."

55.4.6.2 –Commercial and Industrial Areas

55.4.6.2.1 **Allow commercial cannabis activity on areas zoned C-2** when accompanied be a Commercial or Industrial General Plan land use designation, with a Special Permit.

55.4.6.3 Eligibility Criteria—All Areas

55.4.6.4.2 Conversion of Timberland Prohibited

Change to: No new cultivation shall be allowed on TPZ. Existing Cultivation on TPZ (in existence prior to January 1, 2016), may be allowed to reconfigure sites with a Special Permit, **and recommendation by Water Board and/or DFW**, and following 55.4.12.111(c).

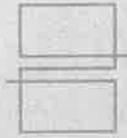
55.4.7 Cannabis Support Facilities

"Roads providing access to Cannabis Support Facilities must comply with Road System Performance Standards for functional capacity (all segments must either be paved with center stripe, or paved meeting Category 4 standard). **DELETE EXEMPTIONS ARE PROHIBITED. Replace with Same Practical Effect.**

We believe the better way to limit the environmental impacts of Cannabis Support Facilities would be to couple the facilities to grid power (not road systems).

55.4.7.1 Distribution, Off-site Processing, etc...

Add: "If not meeting all Eligibility and Siting Criteria specified, **a Special Permit or a Use Permit may be considered.**



55.4.8 Indoor Cultivation and Manufacturing

These need to be three separate sections, not lumped into a single category. It seems they were placed into one category because they are thought to all be high-energy dependent processes; however some activities within non-volatile manufacturing e.g. ice hash production and rosin-pressing do not require significant energy use. These non-volatile manufacturing processes can be run using 100% renewable, off-grid systems e.g. solar power and should be considered with a special permit.

1. Indoor (AG, AE, Industrial)
2. Non-volatile manufacturing: **should be allowed anywhere outdoor and mixed light cultivation is allowed, with a special permit, no use of generators, and/or where on-grid power is available or 100% renewable e.g. solar power.**
3. Volatile manufacturing (industrial zones)

55.4.10.2 Farm-based retail sales

Delete: "Farm based retail sales are not permitted on any parcel zoned TPZ. (Nothing that didn't exist prior to Jan. 1, 2016)." No generators. Must be able to use on-grid power, and/or 100% off-grid renewable.

55.4.10.3 Microbusiness

Delete: Microbusinesses are not permitted on any parcel zoned TPZ. (Nothing that didn't exist prior to Jan. 1, 2016)." No generators. Must be able to use on-grid power, and/or 100% off-grid renewable.

**Anywhere it reads, "Exemptions are prohibited"
Replace with, "OR SAME PRACTICAL EFFECT"**

Performance Standards--Road Systems

- Develop an implementation timeline of 3-10 years
- Is there an alternative to Category 4 road standards that can be developed? Site-specific alternatives
- Provide the option for Same Practical Effect must be considered

Performance Standards for Public Accommodation

- Allow on RA and TPZ with Special Permit.

Thank you for your time and consideration. Should you have any questions please don't hesitate to reach out.

Terra Carver, Executive Director