

## Hayes, Kathy

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**From:** Luke Bruner/Wonderland Nursery <vekindustries@gmail.com>  
**Sent:** Monday, July 27, 2015 4:44 PM  
**To:** Bohn, Rex; Fennell, Estelle; Bass, Virginia; Sundberg, Ryan; Lovelace, Mark; Hayes, Kathy; Lazar, Steve; Will Kay; pwhite@manhard.com; Hamblin, Kevin  
**Subject:** Public Comment & Memo on Dispensary Ordinance (MMLUO),

Chair Fennell, Supervisors,

My name is Luke Bruner, Business Manager at Vek Industries (DBA Wonderland Nursery). CC'd on this comment are:

- A) Kathy Kayes, Clerk of the Board;
- B) Kevin Hambling, Director of Planning and Building;
- C) Steve Lazar, Senior Planner;
- D) Will Kay, Wonderland's attorney;
- E) Praj White, Wonderland's Land Use consultant.

Before Your Board is the MMLUO. As Staff lays out, there are 3 options besides simple passage. Modify, Not adopt, or Continue.

It is our recommendation that you continue to the matter for at least another meeting, to finish polishing and updating this 4-year-old draft, with the goal of passing the ordinance at that next meeting.

It may be worth introducing an RFQ process, similar to Eureka's. This would allow Your Board to release licenses/permits in waves. An initial # of applicants could be selected from the RFQ. When all of those applications are wrapped up (however long that may take), Your Board will be able to evaluate the community impact, and decide if another wave should be permitted.

A few matters for your consideration, and of public comment:

- 1) If a single cooperative wanted to engage in certain activities off-site, or also wanted to operate an off-site outdoor farm, since Humboldt County does not currently permit cannabis farms, does this ordinance allow the cooperative to do so as part of their conditional use permit?
- 2) What language, if any, prevents an out of area corporate interest from immediately applying for 10, 20, or more different CCDFs in Humboldt County? It is our understanding that the Planning Commission may not reject an application merely because of WHO the applicant is.
- 3) Cannabis is the scientific name for the plant in question. We request that the term Cannabis be used instead of Marijuana.
- 4) Previous discussions of CCDFs involved a clear discussion of a limitation on the # of licenses that would be issued for this activity. No such limitation appears within the MMLUO.
- 5) The matter of allowing CCDFs to contract with for-profit management companies is unaddressed.



6) The Discussion section of the Staff Report reads, "The proposed changes to the Zoning Ordinance would authorize, as a conditionally permitted use, the establishment of CCDF in the following Inland and Coastal Commercial and Industrial Zones (C-1, C-2, C-3, CN, CG, MB, ML, MH, and MG)."

However, 55.3.8.2 in the coastal zone section (313-55.3) only allows for CN, CG, MB, ML, and MG, whereas 55.3.8.2 in the general section (314-55.3) does include the full list included in the Staff Report, except for MG.

7) The State of California only requires a 600 foot setback from schools for cannabis operations, with no other setback requirements.

8) A clear mechanism is needed by which, after X number of years, a CUP no longer requires regular renewal. This creates a significant challenge of regulatory uncertainty.

9) 55.3.9.3 is followed immediately by 55.3.8.6, placing it out of order in the document.

10) 55.3.9.2.5 does not specify that cumulative impact evaluations will take into consideration permitted vs. unpermitted facilities. The active operation of an unpermitted facility should not serve as part of the cumulative impact evaluation for a facility that seeks permission, since by definition that unpermitted operation should not be there.

11) 55.3.6.13, under Operations Manual, reads, "Any other information as may be requested by the County, its employees, and/or by the Planning Commission[.]" Unless this is standard language for CUPs, this is too vague and ambiguous to be functional. Might it be possible for the county's experts to discuss matter, and clarify if this is standard language related to zoning and CUPs? If not, it would benefit from significant refinement.

12) 55.3.11.2, under "Operating Standards" reads, "Medical marijuana CCDF may not be operated by or employ any persons who have been convicted of a felony or who are currently on probation[.]"

On January 29th, 2013, the United States Department of Labor released Directive 306, addressed the matter of felony hiring prohibitions and restrictions:

""Title VII of the Civil Rights Act of 1964 makes it unlawful to discriminate in employment based on race, color, national origin, religion, or sex. This law does not prohibit an employer from requiring applicants to provide information about arrests, convictions or incarceration. But, employers may not treat people with the same criminal records differently because of their race, national origin or another protected characteristic. **In addition, unless required by federal law or regulation, employers may not automatically bar everyone with an arrest or conviction record from employment.** This is because an automatic bar to hiring everyone with a criminal record is likely to unjustifiably limit the employment opportunities of applicants or workers of certain racial or ethnic groups. ( <http://www.dol.gov/ofccp/regs/compliance/directives/dir306.htm> )

The proposed ordinance was drafted two years before this statement was released. Updating it to reflect current federal policy is requested.

13) 55.3.11.13, under "Operating Standards" reads, "The cultivation of marijuana by CCDF to the flowering stage is prohibited. However, CCDF may distribute pre-flowering live plants to their members only if allowed by an approved conditional use permit[.]"

Reasonable considerations or exceptions should be made for A) Strain testing and development of new genetics B) seed breeding C) very limited connoisseur production (e.g., long cycle land race sativa dominant strains whose flowering time is too long even for cultivation in Humboldt).

Additionally, this ties into the matter of a CCDF operating or otherwise permitting an off-site farm.

14) The ordinance is silent on matters related to processing, trimming, drying, or otherwise handling cannabis. It is our recommendation that CDDFs be expressly allowed to engage in processing, trimming, drying, or otherwise handling cannabis.